# Legislative Council

Wednesday, 28th November, 1956.

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

## QUESTIONS.

### WATER SUPPLIES.

*Position at Sandstone.*

Hon. C. H. SIMPSON asked the Chief Secretary:

(1) What is the present position regarding water supplies at Sandstone?

(2) Does the Government intend to take any action to assist in this regard?

The CHIEF SECRETARY replied:

(1) Sandstone is supplied from underground supplies, which are adequate for the requirements of the community.

(2) Maintenance work will shortly be carried out on behalf of the local water board for the purpose of reconditioning equipment.

### LAND AND INCOME TAX ASSESSMENT ACT.

*New Legislation.*

Hon. H. K. WATSON asked the Chief Secretary:

Since the Land and Income Tax Assessment Act, 1907, contains an inordinate amount of dead wood and confusion due to the fact that its income tax provisions were superseded by the Income Tax Assessment Act, 1937, and have since that year been inoperative, will the Government take steps during the present session to have that Act of 1907 repealed, and to introduce a Bill for a new Act dealing exclusively and comprehensively with land tax assessment?

The CHIEF SECRETARY replied:

The Land and Income Tax Assessment Act Amendment Bill now before another place, by Part II, proposes to delete all references in the principal Act to income tax and proposes, by Subclause (3) of Clause 1, that the principal Act as amended be cited as the Land Tax Assessment Act, 1907-1956.

### EDUCATION.

*(a) Boulder High School.*

Hon. C. H. SIMPSON (for Hon. J. M. A. Cunningham) asked the Chief Secretary:

Will he inform the House—

(1) What the curriculum for Boulder High School is to be in the new year?

(2) What subjects, taught at present, are to be dropped?

(3) The reason for their being discontinued?

(4) In view of the climatic conditions prevailing during hot summer months in Kalgoorlie, is any provision being made to ease the transport of students from one school to another for the various subjects?

The CHIEF SECRETARY replied:

(1) The last group of students from this school will be taking the commercial junior certificate in 1957. All other students in the school will be directed to the High School certificate course.

(2) None. However, from 1958 onwards students studying for the commercial junior certificate will attend the Eastern Goldfields High School in order to reduce travelling.

(3) Answered by No. (2).

(4) Partly answered by No. (2). The timetable is adjusted to fit existing transport.

*(b) Free School Books.*

Hon. J. McI. THOMSON asked the Chief Secretary:

In view of the estimated colossal sum of £100,000 to cover the supply of free school books, or the cost of 17s. 6d. per child during the 1957 school year—

(1) What free books does the amount cover per child attending—
  (a) The infants' schools;
  (b) the primary schools;
  (c) the secondary schools?

(2) Is this issue of free books considered sufficient to cover the full year's requirement of books?

(3) If the reply is in the negative—
  (a) What additional amount per child would have to be found?
  (b) What additional books would be covered by the amount?

The CHIEF SECRETARY replied:

(1) The issue of free books is confined to the under-mentioned items. Text books are not supplied and, with the exception of school papers, high school magazines and "My Word Book," the answers refer to stationery only.

School papers: monthly issue to each school child. Grades IV to VII inclusive.

High school magazine: terminal issue to each child in Year 1 to Year 3 inclusive.

"My Word Book:" 1 to each child. grades II to VII.

Writing cards: 1 per child.

Pads: To private schools' children. Average of 7 per child. (pads had previously been supplied free to Government schools only).

Cutting-out books: 1 to each child, grades I to III inclusive.

Exercise books:

1 to each child, grades I to III inclusive.

4 to each child, grades IV to VII inclusive.

10 to each student, year 1 to 3 inclusive.

12 to each student, year 4 and 5.

Special exercise books for such subjects as physics, chemistry, and maths. for secondary students as required.

Art paper: A supply to each child.

(2) For primary children: Yes.
For secondary students: No.

(3) (a) Secondary students will probably require additional books depending on grade and subject, probably an average of 5s. per student.

(b) Exercise books.

## MINING.

*Assistance to Prospectors.*

Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) What weekly payments and other assistance is given to mining prospectors?

(2) Will he give consideration to increasing these allowances?

The MINISTER replied:

(1) Prospecting ration orders, at the rate of £4 10s. per week per prospector, are issued in the Eastern Goldfields, and at the rate of £5 10s. in the North and North-Western Goldfields. Prospecting tools are loaned and explosives and rail warrants granted. Cartage subsidies on ore produced by the prospectors and carted to State batteries for treatment are also granted.

(2) It is regretted that consideration cannot be given, at this stage, to any increase in this assistance.

## TRAFFIC.

*Licence Fees.*

Hon. H. L. ROCHE asked the Chief Secretary:

(1) What licence fees on the undermentioned vehicles —
  (a) are payable under the present Traffic Act;
  (b) will be payable under the amending Bill now before Parliament?
    (i) Austin A30;
    Vauxhall;
    Velox;
    Customline Ford;
    Holden Standard;
    Humber Hawk;
    Super Snipe;
    Hillman Minx;
    Volkswagen;
    Chevrolet;
    Morris;
    Dodge;
    Ford Prefect; and
    Zephyr;
    (ii) Ford Mainline Utility;
    Holden Utility;
    Commer Utility;
    Austin Utility;
    International Utility;
    Dodge Utility;
    Chevrolet Utility;
    Volkswagen Commercial Vehicle;
    (iii) International 5-ton wagon;
    Austin 5-ton wagon;
    Ford 5-ton wagon;
    Leyland 5-ton wagon;
    Chevrolet 5-ton wagon?

(2) If there are any petrol-driven classes of semi-trailers will he give similar particulars in regard to known makes?

The CHIEF SECRETARY replied:

(1) (i)

| | Under Present Act £ s. d. | Under Amending Bill £ s. d. |
|---|---|---|
| Austin A. 30 | 2 10 0 | 4 12 0 |
| Vauxhall Velox | 6 0 0 | 9 4 0 |
| Ford Prefect | 3 0 0 | 4 16 0 |
| Ford Zephyr | 6 0 0 | 9 8 0 |
| Ford Customline S.V. | 9 0 0 | 12 4 0 |
| Ford Customline D.H.V. | 13 0 0 | 15 4 0 |
| Holden Standard | 5 0 0 | 8 4 0 |
| Humber Hawk | 6 0 0 | 8 0 0 |
| Humber Snipe | 10 0 0 | 11 4 0 |
| Hillman Minx | 4 0 0 | 5 12 0 |
| Chevrolet | 9 0 0 | 12 0 0 |
| Morris Oxford | 5 0 0 | 7 0 0 |
| Dodge | 10 0 0 | 11 12 0 |
| Volkswagen | 6 0 0 | 8 18 6 |

(ii)

| | | |
|---|---|---|
| Ford Mainline Utility | 8 0 0 | 18 18 0 |
| Holden Utility | 6 0 0 | 10 15 3 |
| Commer Utility | 5 10 0 | 7 12 3 |
| Austin Utility | 5 10 0 | 7 17 6 |
| International Utility | 9 0 0 | 19 10 0 |
| Dodge Utility | 9 0 0 | 18 0 0 |
| Chevrolet Utility | 9 0 0 | 18 0 0 |
| Volkswagen Utility | 6 0 0 | 8 18 6 |

(iii) The method of construction materially affects licence fees, as the weight of the vehicle is taken into consideration. Concrete examples are:—

| | Weight cwt. | Load cwt. | Licence Fee Present £ s. d. | Proposed £ s. d. |
|---|---|---|---|---|
| International 5 ton Wagon | 60 | 100 | 35 10 0 | 34 2 6 |
| Ford 5 ton Wagon | 78 | 100 | 44 5 0 | 54 0 0 |

(2) The method of construction also affects licence fees for prime movers and semi-trailer units. In the following examples two different semi-trailers have been paired with two different prime movers, petrol driven.

| | Weight cwt. | Load cwt. | Licence Fee Present £ s. d. | Proposed £ s. d. |
|---|---|---|---|---|
| Ford Prime Mover | 50 | — | 21 19 0 | 34 10 0 |
| Semi Trailer (1) | 60 | 160 | 52 0 0 | 78 0 0 |
| | | | £73 19 0 | £112 10 0 |
| Prime Mover (1) above | 50 | — | 21 19 0 | 34 10 0 |
| Semi Trailer (11) | 55 | 140 | 48 0 0 | 72 0 0 |
| | | | £69 19 0 | £106 10 0 |
| Chev. Prime Mover (11) | 45 | — | 19 5 0 | 22 15 0 |
| Semi Trailer (1) | 60 | 160 | 52 0 0 | 78 0 0 |
| | | | £71 5 0 | £100 15 0 |
| Prime Mover (11) above | 45 | — | 19 5 0 | 22 15 0 |
| Semi Trailer (11) | 55 | 140 | 48 0 0 | 72 0 0 |
| | | | £67 5 0 | £94 15 0 |

## LAND TAX.

*Tabling of Commissioner's Report, etc.*

Hon. H. K. WATSON asked the Chief Secretary:

(1) Since it appears that the last annual report of the State Commissioner of Taxation with respect to land tax was the 34th annual report tabled in this House on the 21st September, 1943, will the Government make arrangements for the tabling, without delay, of an up-to-date report?

(2) In respect to each city, municipality, or road board within the metropolitan area, what were the departmental unimproved land values for the purposes of State land tax or State vermin tax as at the 30th June, 1948, 1950, 1951, 1952, 1953, 1954 and 1955?

(3) What were such values in respect of each city, municipality, or road board in the country?

(4) What were such values in respect to:—

(a) St. George's Terrace between Pier and Milligan-sts.;
(b) Hay-st. between Pier and Milligan-sts.;
(c) Murray-st. between Pier and Milligan-sts.;
(d) Wellington-st between Pier and Milligan-sts.?

The CHIEF SECRETARY replied:

(1) With the introduction by the Commonwealth of uniform taxation in 1942, and the pegging of land values, the necessity for an annual report by the State Commissioner of Taxation disappeared. A report is not required under the Act.

(2), (3) and (4) The statistical data required in regard to these questions is not compiled annually; nor is it readily available. This information would take some considerable time and cost to obtain. Due to wartime economies all work of a statistical nature not considered essential was discontinued, and the necessity for the information has not arisen; nor is the cost of maintaining such data considered justified.

## BILLS (2)—FIRST READING.

1, Land Act Amendment (No. 3).
2, Traffic Act Amendment (No. 3).
Received from the Assembly.

## BILL—CITY OF PERTH ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

## BILL—STATE HOUSING ACT AMENDMENT.

*Third Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [4.50] in moving the third reading said: I promised Mr. Griffith that I would get certain information for him. That information is now available and it is as follows:—

> In the event of a lessee wishing to transfer his liability to another person under the circumstances mentioned by the hon. member, such transfer might only be agreed to subject to reappraisement of the land at the time of transfer.

This reappraisement is considered just and equitable for the reasons that since the original lessee secured his dwelling, land values may have appreciated considerably and the new purchaser could secure an advantage over other lessees in the same locality taking over newly-completed homes built on land appraised at a higher rate.

I move—

That the Bill be now read a third time.

Question put and passed.

Bill read a third time and *passed*.

## BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT (No. 2).

Read a third time and *passed*.

## BILL—DEATH DUTIES (TAXING) ACT AMENDMENT.

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [4.52] in moving the second reading said: This Bill sets down the rates which it is intended shall apply in the event of the Administration Act Amendment Bill becoming law. Probate duty is payable at present on estates where the final balance exceeds £200. This Bill proposes to increase the exemption up to and including an amount of £1,000. Before proceeding to quote the new rates and the new system, I will give members some information regarding the average duty per capita as paid in the six States of the Commonwealth of Australia and also the figure which is the average for Australia.

In New South Wales the average duty per capita is £2 7s. 1d. per annum; in Victoria it is £2 4s. 6d.; in Queensland £1 16s. 2d.; in South Australia £2 0s. 6d.; in Tasmania £1 10s.; and in Western Australia £1 7s. 10d. The average for all the States is £2 2s. 3d. I might also mention at this stage that the proposals in this Bill, and the measure following will do the things which I have already explained and will give, by way of additional income, approximately £100,000 during the current financial year and approximately an additional £170,000 in a full financial year. The proposed duties will be found on page 5 of the Bill.

From there on the concession which applies to widows and others in similar circumstances disappears and everybody comes under the same rates. That applies at present and will continue to apply on that principle under the proposed new system. The comparison in respect of others under the prevailing system and under the proposed new system, up to the maximum amount of £10,000 worth of estate on final balance would, by way of comparison, be as follows:—

| | PRESENT DUTY. | | PROPOSED DUTY. | |
|---|---|---|---|---|
| | Widow, etc. | Others. | Widow, etc. | Others. |
| £ £ | £ s. d. £ s. d. | £ s. d. £ s. d. | £ s. d. £ s. d. | £ s. d. £ s. d. |
| 0— 200 .... | *Nil* | *Nil* | *Nil* | *Nil* |
| 201— 500 .... | 1 0 0— 2 10 | 2 0 0— 5 0 0 | *Nil* | *Nil* |
| 501— 1,000 .... | 5 0 0— 10 0 0 | 10 0 0— 20 0 0 | *Nil* | *Nil* |
| 1,001— 5,000 .... | 15 0 0—125 0 0 | 30 0 0—250 0 0 | 0 0 9—150 0 0 | 0 1 6—300 0 0 |
| 5,001— 6,000 .... | 125 0 0—160 0 0 | 250 0 0—300 | 150 0 0—193 15 0 | 300 0 0—387 10 0 |
| 6,001— 8,000 .... | 240 0 0—341 6 8 | 360 0 0—512 0 0 | 258 6 8—375 0 0 | 387 10 0—562 10 0 |
| 8,001—10,000 .... | 396 0 0—510 0 0 | 528 0 0—680 0 0 | 421 17 6—553 2 6 | 562 10 0—737 10 0 |

| | PRESENT DUTY. | | PROPOSED DUTY. | |
|---|---|---|---|---|
| | Widows and Others. | | Widows and Others. | |
| | Minimum. | Maximum. | Minimum. | Maximum. |
| £ £ | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| 10,001—15,000 .... | 720 0 0 | 1,230 0 0 | 737 12 4 | 1,320 6 8 |
| 15,001—20,000 .... | 1,260 0 0 | 1,900 0 0 | 1,290 19 4 | 1,987 10 0 |
| 20,001—25,000 .... | 2,000 0 0 | 2,500 0 0 | 1,987 13 0 | 2,737 10 0 |
| 25,001—30,000 .... | 2,625 0 0 | 3,150 0 0 | 2,737 13 4 | 3,570 16 8 |
| 30,001—35,000 .... | 3,300 0 0 | 3,850 0 0 | 3,571 0 4 | 4,487 10 0 |
| 35,001—40,000 .... | 4,025 0 0 | 4,600 0 0 | 4,487 14 0 | 5,487 10 0 |
| 40,001—45,000 .... | 4,800 0 0 | 5,400 0 0 | 5,487 14 4 | 6,570 16 8 |
| 45,001—50,000 .... | 5,625 0 0 | 6,250 0 0 | 6,571 1 4 | 7,737 10 0 |
| 50,001—55,000 .... | 6,500 0 0 | 7,150 0 0 | 7,737 15 0 | 8,987 10 0 |
| 55,001—60,000 .... | 7,425 0 0 | 8,100 0 0 | 8,987 15 4 | 10,320 16 8 |
| 60,001—65,000 .... | 8,400 0 0 | 9,100 0 0 | 10,321 2 4 | 11,737 10 0 |
| 65,001—70,000 .... | 9,425 0 0 | 10,150 0 0 | 11,737 16 0 | 13,237 10 0 |
| 70,001—75,000 .... | 10,500 0 0 | 11,250 0 0 | 13,237 16 4 | 14,820 16 8 |
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| 100,000 .... .... | 18,000 0 0 | | 23,154 3 4 | |
| 120,000 .... .... | 24,000 0 0 | | 29,320 16 8 | |
| 200,000 .... .... | 40,000 0 0 | | 56,487 10 0 | |
| 300,000 .... .... | 60,000 0 0 | | 89,320 16 8 | |
| 500,000 .... .... | 100,000 0 0 | | 156,487 10 0 | |

That is a clear comparison of the rates which apply at present, and those which will apply under the proposed new set-up. It will be seen that on the lowest existing rates, total exemption is to be granted; and on the present lower existing scale, the proposed rates will be below the present rates in some instances. Then there is a gradual increase in the amounts that will be paid in future compared with what are paid now, followed by a steep increase in the payments made under the proposed new system compared with those that apply at present. I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

## BILL—ADMINISTRATION ACT AMENDMENT.

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [5.3] in moving the second reading said: This Bill and the related Bill—which I have just introduced and which seeks to amend the Death Duties (Taxing) Act—are Bills designed for the purpose of establishing a better system of application of death duties or probate duties in Western Australia.

For many years there has been widespread criticism of the present system of applying those duties. That system operates on a percentage basis and does have some very peculiar results in its application from which many anomalies and injustices have arisen. It is not suggested that the proposals in the two Bills will overcome totally the difficulties that have existed and still exist, but it is considered they will assist in that direction to a reasonable degree.

For many years the Grants Commission has consistently penalised Western Australia because our rates of collection of probate duties have been below the average rates applying in the standard Australian States. Because our rates have been below those of the standard States we have suffered penalties imposed by the Grants Commission.

The main alteration to be effected by the Bill that has preceded this one is the proposed abolition of the percentage system and the substitution for it of a system of charging so much in the £ for each complete £1 of income over and above £1,000. Members will realise from that, that the present exemption of £200 of the final balance in any estate would be increased by the Bill to £1,000.

The Bill I am now discussing would give the Treasurer the discretion to defer payment of the whole or any part of any duty which might be payable on any estate, the net value of which did not exceed £10,000 and the value of any house in the estate did not exceed £6,000, provided the widow was using the house for purposes of residence at the date of her husband's death. Payment of duties may be deferred until the widow's death. This amendment was finally decided upon only after a considerable amount of thought had been given to the proposal.

Hon. H. K. Watson: It does not go very far.

The CHIEF SECRETARY: At least it gives a widow some relief during her life. The Bill also restricts the benefits of Section 100 of the Act to the estates of persons dying before the proclamation of the proposed amending Act. This section permits the payment of half duty on that part of the estate left to husband or wife and children. The Bill also rewords a principal section of the Act in connection with concessions which are granted to widows and children of a deceased person where the children are under the age of 16 years at the date of death of the deceased person.

Rewording was required to enable the benefits in the Act in this direction to continue, and was made necessary by virtue of the proposed change from a percentage application of probate duty to the rate in the £ as will apply under the suggested new system. Broadly, those are the main provisions of the Bill, which is probably the less important measure of the two.

Hon. Sir Charles Latham: We will drop it then.

The CHIEF SECRETARY: The Bill which preceded this one is the more important because it sets out the amount in the £ which is to be applied and the progressive graduations in the value of estates on final balance.

Hon. Sir Charles Latham: It does not matter.

The CHIEF SECRETARY: Sometimes I do not hear the hon. member's interjections. I move—

That the Bill be now read a second time.

**HON. H. K. WATSON** (Metropolitan) [5.7]: This Bill and the Bill which the Chief Secretary moved a few minutes ago really do not permit of separate discussion; and with your permission, Mr. President, I will discuss both Bills in my address on the second reading of this Bill. I suggest that both contain ample food for thought which should be given before they are read a second time.

Hon. Sir Charles Latham: Didn't you adjourn the debate on the other one?

Hon. H. K. WATSON: Yes.

Hon. Sir Charles Latham: I don't know how you can discuss it now.

Hon. H. K. WATSON: It is incapable of separate discussion, so I am going ahead with it now. Whilst the death duty Bill does provide for a smoother rate of progression, and does iron out a few of the anomalies which occurred under the old system, the fact remains that it imposes high rates of duty. I question the advisability or necessity of imposing higher rates of duties; because, under the existing rates, which are pretty severe, we find that the State revenue has increased very materially from year to year without any increase in the rate of duty.

For example, in 1946, the dutiable value of estates was £4.7 million and they realised a duty of £238,000. In 1951, the dutiable value had increased to £8.1 million and the duty to £540,000. By 1956 the dutiable value had increased again to £14 million and the duty to £1,106,000. So that in 10 years, without any increase in the rate, the revenue from probate increased from £238,000 to £1,106,000; and I submit that it could well be that, within the next five years or the next decade, we will find the same increase in revenue without any increase in the rates of duty.

Therefore, I query the necessity for increasing the rates of duty; because, after all, it is indisputable that probate duty is a tax on capital. It is a tax on accumulated income, which has already been subject to income tax. It is the accumulated residue of income which has already been subject to income tax; and I think, too, that in considering the imposition of estate duties and the effect of estate duties, we have to remember that the estate of the citizen who dies is liable, not only to State estate duty, but also to Federal estate duty; it is a double-headed imposition.

We have on occasions been informed—and I have no doubt that during this debate we will be informed again—that because of the allegedly low rates of duty in Western Australia as compared with those in the Eastern States, we are penalised by the Grants Commission. The Chief Secretary, apparently in support of that proposition, told us the average figures per head of population and the average duty per head of population borne in the Eastern States as compared with Western Australia. On that point I desire to make two observations.

Firstly, I think I understood the Chief Secretary to say the Grants Commission maintained that in imposing the penalty that it did impose in respect of our alleged low death duties, when making our grants, it did take everything into consideration when comparing our duties with those of the Eastern States. I find it very difficult to accept that proposition, for the simple reason that I do not think it is possible to take all factors into consideration; and I would submit the proposition that in the Eastern States there is more comparative wealth per head than in Western Australia, and a mere comparison of per head capita payments of death duties paid in, say, Victoria or New South Wales, as against duties paid in Western Australia, is not a true criterion.

We do not find too many John Wrens in Western Australia; but in Melbourne or Sydney it is by no means an uncommon occurrence for a man to die worth anything from £1,000,000 to £2,000,000, and that has quite a bearing on the taxing yield per head of population. Anyhow, the position is that the penalties which the Grants Commission has imposed—in other words, the amount which it has deducted from the grant that would otherwise have been made to us—are not very substantial in the scheme of things.

For 1953-54, it was £104,000; for 1954-55, it was £128,000; and it has not yet been determined for 1955-56. That is not very much in a grant of £7,000,000 or £8,000,000; nor is it of much consequence in a State budget of £60,000,000. We are told that these new rates are estimated to produce an additional £100,000 during the current year, and £170,000 during a full financial year. I submit that that will not have very much effect on the State's finances and will not represent a really worth-while contribution towards balancing the budget of the State. But it will nevertheless represent a real burden on the people.

I will refer now to what I said the other evening—that when a spendthrift or impecunious Treasurer finds himself hard up against it, the proper solution of his problems is not to go out and impose, willy-nilly, extra taxes on this, that and the other, but to see if he cannot cut the expenditure down and balance the budget in that way; or, as I also said the other night, to resume the right to collect our own income tax and thereby retain in this State a much larger proportion of the income tax which is collected from this State.

If members will turn to the schedule at the back of the death duties measure, and also if they will turn to page 1964 of the current Hansard, they will get a pretty fair idea of the proposed increases in this duty. In giving a few illustrations I will start off at the high grade and deal with an estate worth £500,000. Speaking for myself—and I suppose for most members of this Chamber—an estate of that magnitude is one that we can discuss objectively and, I was almost about to say, academically.

On an estate of £500,000, the duty at the moment is £100,000; and the proposal is to increase that to £156,000, so that an estate worth £500,000 would, if the Bill is agreed to, have to pay £156,000, plus Federal death duties. While that particular amount may not interest any of us personally, I would be only too happy to see many of our citizens coming within that category as regards their estates.

If current reports are half as true as we are led to believe it could well be that Mr. Chase and some of his colleagues might come within the top bracket as regards this duty. On an estate worth £100,000, at present the duty is £18,000 and the proposal is to increase that to £23,000. On an estate valued at £50,000, the present duty is £6,500 and it is proposed to increase that to £7,700.

I would point out that when we are dealing with an estate of £50,000, £100,000 or £500,000, we are generally dealing with the estate of a man who is in business, either commercially, industrially, or as a farmer. When we reach an estate of that value, we are dealing with a business; and I would say that probably not in three cases out of 100 does such a man die with an estate of that value in cash.

These very large estates are generally represented either in farming property or in company shares; and in the latter case the assets of the company are represented by plant, machinery, stock and so on which are not readily realisable; and so we have to ensure that by the exaction of this duty we do not unduly cripple businesses, whether they are of a farming or industrial or commercial nature.

When a man has assets of £100,000, or anything between that and £500,000, we generally find that he has a bank overdraft, or a mortgage, or some other liability of a proportionately substantial amount. It is by no means unusual for a man with assets of £500,000 to have a mortgage on them of £250,000. That is the normal run of business; and instances have been known in this State where death duties have been such, and the material circumstances of the estate have been such, that the duties have inflicted great hardship in the realising of the assets and have caused the scrapping of the business in order to find the requisite sum.

So far as I can gather, the increases on the lower scales represent about 10 per cent. above the existing rates, and that is subject to a couple of remarks which I will now make. I wish to draw the attention of the House to the effect of this measure on widows. At the moment, a widow who is left an estate of £6,000 by her husband pays £150 duty, and the measure proposes to increase that to £193, an increase of £43 or nearly 33⅓ per cent. As regards the parents, children or husband of a deceased person the position is much more serious and onerous. At present there is a concession granted when an estate is of £10,000 or less and is left to the parent, child, husband or wife of the deceased. The duty is reduced to half the rate when the estate is under £6,000; two-thirds of the rate when the estate exceeds £6,000 and does not exceed £8,000; and three-quarters of the rate when the estate exceeds £8,000 but does not exceed £10,000.

The proposal contained in the Bill, however, is to eliminate the concession which has hitherto been granted to the parent or husband of the deceased person or to any child of that person over 16 years of age. In other words, it is proposed that the concession shall now be restricted to the wife and children of a deceased person, such children being under the age of 16 years. The effect of that is, that if the estate at present is left to the parent or husband, or children of the deceased over 16 years of age, the duty on a £6,000 estate is £150, while the proposed new duty is £387, an increase of £237.

I will certainly oppose that provision. Why restrict a concession which has lasted for so many years? Time was when we granted half rates to relatives—that is the husband, wife or children—regardless of the amount of the estate; but for many years there have been the restrictions I have indicated, and now it is proposed to restrict the concession to the widow and any children under the age of 16 years.

I would suggest that any children—perhaps a son or daughter of 21 years of age—are just as much entitled to the concession as are the children under 16 years of age. Indeed, I would say that in nine cases out of 10 they would be more entitled to the concession, because very often a son or daughter of 21 years of age is left with younger brothers and sisters and has the responsibility of looking after them.

Let us consider the case of a civilian widow who dies leaving children of 19 or 20 years of age and others of 14 or 15 years of age. Why should there be any discrimination between the children under 16 years of age and those above that age? Those over the age of 16 are, under this measure, to get no exemption at all. It is interesting to note that under Section 134 of the Administration Act, if any part of an estate is left to a hospital, medical fund or public body to provide voluntary aid to indigent persons, it is exempt from duty.

If an estate is exempt from duty under those circumstances, surely in the cases I have cited the children of a civilian widow should receive similar treatment! If she left the property to a hospital or institute for indigent persons it would be exempt; but because she leaves it—even though it may only be an interest in her own house and nothing more—to her own indigent children, it is liable for duty.

Further, if the estate is left to children over 16 it is going to be liable to full duty. In other words, an estate of only £6,000 is going to be liable to £387 as against £150 at present. I suggest that charity begins at home; and in a case such as I have cited, the concessions should not be disturbed but should, if anything, be eased; they should certainly not be increased.

I notice, too, that although the existing concession applies not only to the estates of person dying but also to settlements and other non-testamentary dispositions, the miserable exemption that is still left is to be confined simply to the estates of deceased persons. For some years, I have advocated in this House that the family home should be exempt from death duty; that in arriving at the taxable balance of the deceased person's estate, the value of the home should be excluded altogether from the calculation of death duty.

During previous sessions, when we have been debating this administration legislation, I pointed out that a man could die and leave his widow nothing but the house and furniture, with not a penny in the bank. She would be liable for a substantial amount of duty. The Chief Secretary may remind me that under this Bill it is proposed that the payment of duty shall be postponed. Why should it be merely postponed and then double duty collected from the children later?

In New Zealand, when the husband or the wife dies, the family home is exempt from duty; and I think it ought to be. If the Bill goes into Committee, I would like the Chief Secretary to give serious thought to accepting a suggestion that this legislation should contain a similar proposal. In Victoria, life insurance proceeds up to, I think, £2,000, are also exempt from death duty. That is another concession which I think the Parliament of Western Australia might also grant; namely, that from the final balance of the estate the proceeds of a life insurance policy up to the value of £2,000 should be exempt.

Another proposal in the Bill relates to the payment of duty on what are generally known as quick successions; that is, the payment of double duty arising through one person dying and leaving his estate to another person, and that second person dying not very long afterwards. In fact, there was a classic case in Western Australia—members will probably recall it—where a man died and left a very valuable estate—I think it was nearer £200,000 than £100,000—and the person to whom he left most of it died within three years and the person to whom the second deceased left the estate also died within three years.

It requires no amount of imagination whatsoever to realise the disastrous effect of double and treble duties resulting from quick succession. Some businesses have been ruined or lost because of it. At the moment the Act provides that where duty has been paid on an estate, it shall not be paid again if a person dies within two years of the first death. The Bill proposes to extend that term to three years. However, I feel that five years is little enough. I think there should be a straight-out five-year exemption to avoid the imposition of double duty arising from quick succession.

Hon. Sir Charles Latham: There are Federal duties to be paid also, are there not?

Hon. H. K. WATSON: Yes. I do not usually refer to a clause when discussing the second reading of a Bill, but I wish to do so on this occasion for one particular reason; namely, that I would like the Chief Secretary to discuss the clause with the Crown Law Department before we reach the Committee stage. I would like him to have a look at the last three lines of Clause 14 of the Bill, because, to my mind, they are ambiguous and could ever represent a straight-out error. I find difficulty in following the wording myself.

There is another provision in the Bill which has a rather curious effect, because it provides that where a person dies and leaves a portion of his estate to any of the exempted beneficiaries—that is, to a public hospital, the maintenance of a special ward, a public education institution or a medical service—that amount which he so leaves is not excluded from the taxable balance as I maintain it ought to be. It is to be included in arriving at his taxable balance, and then it is proposed to grant a rebate of the proportion of the total duty which the exempted gift bears to the total value of the estate.

That has this effect: Let us assume that a man dies with an estate of £20,000. The duty on that would be £1,987. If he bequeathed £5,000 to the university or the hospital fund, it would mean that £15,000 would be the effective balance of the estate; and the duty on that is £1,320. In other words, the duty is £667 less than it otherwise would have been. But if we follow the formula that is set forth in the Bill—that is, if we do not exclude the gift in arriving at the taxable balance, but include it and then rebate a proportion of the total duty on the balance—we get this result: Taking the same figures I have already quoted, on an estate of £20,000 the tax is £1,987; the gift is £5,000—which is a quarter of the total estate—and a quarter of £1,987 is £497, which gives us a final duty of £1,490. In other words, it really increases by £170 the duty which the recipients of the taxable balance of the estate have to pay.

I would suggest to the Chief Secretary that he have a look at that provision, too. The only sensible way to arrive at a taxable balance—if the duty on that taxable balance is on a sliding scale—is to exclude from the taxable balance any gift and also any part of the estate which is to be exempt by virtue of a quick succession; because this formula I have just mentioned applies not only to gifts, but also to the exclusion of that part of the estate which represents a quick succession.

The result is that what is declared to be exempt is, in fact, by a roundabout method, not exempt at all, or it does involve the payment of a higher duty than

could reasonably be expected. They are a few points which I would submit for the consideration of members before this Bill is passed through the second reading. As I have said, it seems to me, having regard to all the circumstances, an ill-considered proposal at this particular time.

On motion by Hon. E. M. Heenan, debate adjourned.

## BILL—LICENSING ACT AMENDMENT (No. 4).

*Second Reading.*

**HON. W. F. WILLESEE** (North) [5.43] in moving the second reading said: This Bill is really an additional measure to one which was introduced earlier this session. That Bill provided for additional sections to be inserted in the Licensing Act to allow the establishment of canteens in remote areas of Western Australia. As such, the amending Bill was accepted by both Houses of Parliament, but the amendments which were submitted were very restrictive and in my view established very little, in effect.

The provisions in that Bill covered only companies which were exploring, prospecting, or mining for oil. They did not cover companies which might be concerned with the production of oil in the future; nor did they cover companies which were engaged in activities apart from oil exploration which would call for the employment of a considerable number of men in outback areas of the State where development is progressing. For instance, Cockatoo Island, which adjoins the area already covered by the previous Bill, will be coming into production within the next two years. A considerable number of men will be engaged on it and the provision of a canteen on that island would be an ideal arrangement.

Australian Blue Asbestos will some day in the future be operating on areas several miles away from its present location. No doubt the use of canteen facilities and privileges would be appreciated by the staff of that company. It has been suggested that employees of Air Beef Ltd. should be equally entitled to canteen facilitites with employees of an oil exploration company. One must also consider companies that have been formed in the past, and that will be formed in the future for the purpose of mining for gold. There are also innumerable other possible fields of company exploration in Western Australia and any, or all of such companies deserve the right of application for canteen licence facilities. I refer to a company recently formed to produce ilmenite from beach sands. This company operates near Bunbury at Koombana Bay. One could also think of the possibility of ilmenite production being carried out along the shores of the 90-mile beach on the north-west coast. So it becomes obvious that a host of company propositions exist in the more remote areas of Western Australia which, although as yet not operative, might well become active within a very short period.

It is the purpose of these proposed amendments in the Bill to take care of such future developments if, and when, they occur. In the light of the experience of oil exploration companies and kindred developmental projects throughout the State, it should not be very long before other projects are established in those areas. It might be worthy of mention that an application of this nature must be dealt with by the Licensing Court, and it is treated on its merits. In the first instance, consideration is given to whether the licence is desirable and in the interests of the company concerned.

It will be fully appreciated that difficulty is experienced in obtaining suitable personnel to go to remote outback areas; and, therefore, staff amenities, comparable in some relative degree with those afforded to city employees, must surely be considered as in the better interests of the employer as well as of the employee.

The first part of this Bill deals with the provision to extend canteen facilities from oil exploration companies alone, to any company operating in Western Australia, to whom canteen facilities may prove to be of help and value to its enterprise. The second part deals with a proposal which gives a medium of protection to those who have already invested in hotels, wayside inns or publican's general licences.

Under the previous Bill, a canteen licence, once granted, could be removed from its application site to any other site, either within the licensing district concerned or another licensing district. There was no stipulation as to the distance that a canteen licence could be issued or transferred, having regard to the locality of business associated with the liquor trade.

For example, I know of one prospective oil boring site which is situated within eight miles of four hotels. Accordingly, if a company had received an original licence situated in some instances hundreds of miles from any hotel, it could by application have that licence transferred to the next boring site, resulting in the anomaly to which I have just referred.

Demands by the Licensing Court on some of the hotels in the North Province which are conducted in old residences have been very heavy and consistent in recent years. That was done mainly to cater for the travelling public. I feel that the previous amending Bill passed by Parliament was not meant to interfere with the trade of those establishments. A clause has therefore been inserted in the Bill before us as a safeguard. It can only have a beneficial effect, and will stabilise the situation.

These two points are the issues covered by the Bill. The remaining clauses are merely machinery conditions or delineations which are required to enable the Bill to be administered sensibly. There is a provision which can be dealt with in the Committee stage. It needs substitution in order to ensure effectively the purpose of the Bill. I do not intend to delay the House. I commend the Bill for the consideration of members. I have much pleasure in moving—

That the Bill be now read a second time.

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

## BILL—MEDICAL ACT AMENDMENT.

*In Committee.*

Hon. E. M. Davies in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 11 amended:

The CHIEF SECRETARY: During the second reading debate a point was raised by Dr. Hislop to which I replied. I have since received information which verifies the statement I made yesterday. This is the information given to me—

> It is not a function of the medical board to appoint resident medical officers to hospitals. This is the function of the hospital authorities. The Minister for Health is well aware of the need to provide sufficient posts to accommodate graduates up to the maximum capacity of suitable hospitals in the State.
>
> The numbers which will have to be dealt with are not known now, but the Bill makes adequate provision for special arrangements should the numbers exceed hospital capacity.
>
> This is provided for in Clause 2, subclause (1b) (a) (foot of page 5). This empowers the board to say that an applicant could practise as an apprentice, or with some general practitioner, or in an institution in lieu of hospital service.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

## BILL—CHILD WELFARE ACT AMENDMENT (No. 1).

*Second Reading.*

Debate resumed from the previous day.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [5.57]: I offer no objection to this Bill. Certain discussions have taken place over this proposed amendment to the Child Welfare Act, and the Bill seems reasonably satisfactory. I am not entirely happy with some of its provisions, because I am aware that a person could be caught up quite innocently with some phases mentioned in the Bill. At the same time I realise that the unfortunate person suffering damage caused by children has no redress unless the provision contained in the Bill is agreed to. There is a saving clause to allow the magistrate to use discretion in this regard. I do not know whether this provision can be improved in Committee. Generally I have no serious objection to the Bill and I intend to support the second reading.

**HON. F. R. H. LAVERY** (West) [5.58]: I support this measure and commend the mover for introducing it. I did have some doubt whether the proposed penalties which could be imposed on parents were not too excessive. Although there is a saving clause, I feel that the discretion to be given to the magistrate to award damages is not without some danger.

The PRESIDENT: Has the hon. member not already spoken on the second reading debate?

Hon. F. R. H. LAVERY: I have not.

The PRESIDENT: I have the hon. member's name marked.

Hon. F. R. H. LAVERY: There seems to be some mistake. I got the adjournment of the debate but did not speak when the debate was next resumed.

The PRESIDENT: I shall check up on the position.

Hon. L. A. Logan: I think I took Mr. Lavery's place when the debate was resumed.

The PRESIDENT: I cannot find in Hansard any reference to a speech by the hon. member.

Hon. F. R. H. LAVERY: I can give you an assurance, Sir, that I did not speak. I had notes prepared, but I have not yet used them.

The PRESIDENT: The hon. member may proceed.

Hon. F. R. H. LAVERY: The point I was making was that the magistrate who would have to decide these matters must be a person with a very wide knowledge of human nature and one able to judge the merits of any story put up to him. Because, no matter how old we are, we are all children when we are seeking to defend ourselves. We will try anything to get ourselves out of trouble. My fear is that there could be parents who would be penalised beyond their means by the decision of the magistrate.

Another point is that it has never yet been decided what constitutes a delinquent child. Not long ago I happened to be in the Children's Court giving testimony to a man's character, and I mentioned the words "delinquent children." Mr. Arney asked me what a delinquent child was; and before I had time to think of an

answer, he continued that, if I could tell him that, I would be the first one who had been able to do so, because no one had yet decided upon a definition. I mean no disrespect to Mr. Arney in anything I say. However, he is only human; and if something should happen and he passed on, another person could take his place who might not have the same sympathetic attitude towards children which he has demonstrated.

I know of cases of vandalism that have occurred even in the new district of Medina, and the children concerned have escaped with a caution, even though the vandalism was very severe. I feel that that is not right. Such children should not be let off with a caution.

Hon. A. F. Griffith: Do you think they should all be dealt with on the same lines?

Hon. F. R. H. LAVERY: No. I think that there are certain types of damage that are occasioned accidentally. Youngsters are having a scrap in the street and they toss a stone which goes through a car window, or the window of a house. That would not be deliberate vandalism, and some allowance should be made in those cases. But children who deliberately upset classrooms, and do considerable damage to public and private property, should not completely escape the consequences.

Hon. A. F. Griffith: Do you think the person whose window was damaged should pay for it himself?

Hon. F. R. H. LAVERY: I am referring to the children. I am of the opinion that there are parents who could and should pay for acts of vandalism by their children. I refer to those who do not exercise proper parental control—those who go out and leave children of tender years at home. Such children have been known to burn down their parents' houses. This Bill, which deals with delinquent children and vandalism, is one of the most important that has come before Parliament. It is one upon which I do not like to cast a silent vote, but I am still in doubt as to how far we should go with regard to penalties to be imposed on parents.

Reference has been made to the stealing of motorcars. In this connection, I would refer particularly to the Holden car, which is extremely easy to steal. I would liken the situation of a young person and a Holden motorcar to a string of sausages outside a butcher's shop, and a passing dog. One could not blame the dog for taking the sausages. In like manner, one could not blame a child for taking control of a car which is so easy to steal; or for removing goods from places like Cole's and Woolworth's where articles are placed on counters which, because of their low height, are easy of access by children. In this manner temptation is put in the way of youngsters.

Regarding damage done to cars, I suppose it could be argued that not every person has his car insured against theft and vandalism. I know a young man at Fremantle who stole a car from Rockingham and did £900-worth of damage to it before he reached Fremantle. He also put himself in hospital for eight months. All the punishment he was given for that offence was one month in gaol; and he had no money to pay for the damage done. Fortunately the car was insured against theft; but hundreds of cars are not so insured. As a matter of fact, a great number are not insured against anything. I would say that just as some members contended that a worker should insure himself against accident while going to and from his place of employment, so it is up to the motorist to see that his car is insured in cases of the kind to which I have been referring.

Once damage has been done, it is a matter for the Children's Court to decide the amount that shall be paid, and who shall pay it. With regard to Mr. Griffith's question of who should pay for a broken window, I think that any parent with any common decency would pay for the damage done by his child and castigate the child into the bargain. That would be his duty.

I did not hear Mr. Logan speak last night, but I read in the Press the report of his remarks. He made reference to places like Wandana flats producing delinquency. I think it would be found on inquiry that there are very few children in Wandana flats, because the policy of the Housing Commission is not to have young children there at all. They must be children of school age. I know of one child who is under school age; but the lady, who is a widow, takes it away with her every day.

Where delinquency is most likely to occur is in the temporary housing areas. I think that Mr. Griffith will agree that this would apply to places like Allawah Grove and Hilton Park East—in other words, Melville Camp. I would not say that it applied so much to Woodman's Point because most of the buildings there are separate from one another, except for about half-a-dozen. I think that it is in the provision of such housing accommodation, lacking the facilities available in the normal way to children, that our society breaks down.

Hon. Sir Charles Latham: Would you include Wandana flats in that?

Hon. F. R. H. LAVERY: No more than I would include the flats in St. George's Terrace and Lawson Flats.

Hon. A. F. Griffith: I did not know Wandana flats were so select!

Hon. F. R. H. LAVERY: The hon. member might be surprised to know how select they really are.

Hon. A. F. Griffith: I would not really be surprised.

Hon. F. R. H. LAVERY: If the hon. member had to pay 19s. for dinner there, I think he would realise that it was not the poorer type of person who lived there. I would not speak disrespectfully of any local authority, because I know that during the housing crisis local authorities did allow people to find accommodation which otherwise they would have lacked. Nevertheless I feel that both in the city and suburban areas much could be done by the local authorities to ensure that children were not reared in places which would tend to breed delinquency.

I am quite well aware that Mr. Davies, as chairman of the health committee of the local authority in the South Fremantle area, saw to it that people were allowed to stay in homes that normally would have been condemned; but when those homes were rendered vacant, no one else was permitted to enter them. There are hundreds of such places in the metropolitan area and it is up to the health authorities to see that some of them are cleaned up. I support the second reading, and I consider that the proposed amendment relating to those purporting to have control of children is worthy of acceptance.

**HON. N. E. BAXTER** (Central) [6.13]: I want to say a few words on the Bill and to commend those who were responsible for bringing it before Parliament. During the last 10 to 15 years child delinquency has increased to some degree in this State. There is no doubt about that when one observes the charges laid against children in the courts, and considers the offences committed. The sooner some deterrent is provided, the better it will be. Until somebody is made responsible for the damage done by children, this type of offence will increase further.

The Bill provides for penalties to be imposed on parents or guardians whose conduct has been conducive to the commission of offences by children because they have neglected to exercise proper control over those children. From what I have observed all over the State since the war, there is a large number of parents—I would not say the majority—who are adopting a "don't care" attitude. Quite often the mothers are not at home in the afternoon when their children return from school, and sometimes do not arrive until 8 or 9 o'clock at night. Children reared in such circumstances are more likely to become delinquent and to commit serious offences than those whose parents are home when they return from school and who are aware of what their children are doing.

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

Hon. N. E. BAXTER: I believe that parents who do not take proper care to see that their children are not getting into trouble should accept the responsibility involved. Before tea, I was dealing with parents—particularly wives and mothers—who did not return home after school had come out in the afternoon, but arrived late in the evening, and so did not know what their children had been doing in the interval, since they were left to their own resources. If parental control is not present, any child can get into trouble. He may get into the company of lads who will influence him into doing certain things.

When the whole thing is boiled down, a lot of the responsibility devolves on the parent who does not take care of the child. There are instances of children who like to do things out of devilment and out of sheer bravado. In these instances the only way to teach a lesson is to make the parents responsible; and when that is done, I am sure they will do their best to see that the children do not get into further trouble.

I speak as one who has reared a family of four children. Perhaps I have been fortunate in that at no time have they got into trouble of any kind. I put that down to the fact that they were taken care of and looked after at the stage when they needed parental control. When I was a child, the thought of what my father would do to me if I got into any of the trouble some of the youngsters today get into, certainly deterred me from doing anything that could be called a semi-criminal act—it could hardly be called a criminal act in the case of a child—in the way of stealing or possessing other persons' goods.

If parents do not want to exercise this control over their children, they will have to realise that they must pay a penalty of some sort; and I do not think the amount of £150, provided in the Bill, is too great. The Bill also provides that it can be paid in instalments; and I am certain that any parents who neglected their children and who had to pay that penalty, would take care that, in the future, their children did not get into trouble.

**HON. A. R. JONES** (Midland—in reply) [7.35]: I think the position has been fairly well covered, and I thank those members who have taken sufficient interest in the Bill to enter into the discussions and the others for their observance of the debate. While the Bill has been fairly well received, one or two members have criticised it, and I would like to answer their criticisms. It was my aim, when giving this matter consideration, to endeavour to reduce the number of misdemeanours that are being committed by young people today; and when I say "young people," I mean those who come within the ambit of the Child Welfare Act—persons under 18 years of age.

I believe that most thinking people, and the good citizens of the State, are concerned that something should be done; and it is just a matter of what can be done, and how it can be done. While I fully appreciate the work carried out by many people, including Mr. Davies—I do not for a moment condemn the work they are doing because I think it is laudable and necessary—I believe a start should be made in the home. To my mind there is only one way by which parents can serve the community at large, and that is to raise their families to the best of their ability upon sound principles, according to Christian upbringing. If they are going to do this, there must be a background of the church in their home lives and they, the parents, must have been brought up in that atmosphere themselves.

Where we have families raised in that atmosphere and the children are given guidance right through and encouraged to attend Sunday school and functions connected with the Church, then, when they reach the age that they leave Sunday school, they are encouraged by their parents to join other organisations, of which there are many, such as the Girl Guides, the Boy Scouts and the Y.M.C.A. It is the parents' duty to try to guide their children into something which will keep them occupied and their minds busy and away from thinking, as apparently some young people do, of committing acts of vandalism.

On the other hand, we have people who do not accept this responsibility. They marry in some instances not in the best atmosphere—and, right from the start, they do not take care of their children as they should do. Often the homes are dirty and slovenly, and no attempt is made to guide the children towards a Christian upbringing at all.

Hon. R. F. Hutchison: I have seen children from good homes—

Hon. A. R. JONES: I am coming to that point. In the instance I have just mentioned, the children have very little chance, because the parents are too preoccupied with their own pleasure to take the interest they should in their children. They do not encourage them to join any club or society, and in many cases those parents are extravagant. They do not exercise any disciplinary measures whatsoever, and therefore the children have not much opportunity of reaching the age of 18 years without their chances of becoming good citizens being lessened.

I admit that some children have been brought up in a most desirable atmosphere; but for some reason, unbeknown to their parents or to others who see them growing up, they commit some act which is altogether foreign to the family atmosphere in which they live. That is something which, I suppose, we cannot control. I venture to say, however, that the Bill will take care of these people; because it is left to the discretion of the judge, if he feels that these parents have done the best they can in the raising of the children, not to impose a penalty upon them.

It is reasonable to suggest that those who have done the right thing will find it easy to get people to go along to recommend them and speak for them. On the other hand, if the parents have not done the right thing, it will be much more difficult to get someone to testify to their good character and sense of responsibility. I feel the court will be influenced by the evidence given to it, and by the recommendations or otherwise made by those people willing to give evidence for or against the parties concerned.

The other night Mrs. Hutchison said that it may have been her good fortune to have raised a family without any trouble. I rather take the view that she came under the category of the good parent. If she still maintains that it was lucky for her to have good children without trouble I can only suggest that it was a trait from the father's side which was inherited by the children. But I prefer to give the hon. member the benefit of the doubt and say that it was a good mother who brought up those children, and she, by her declaration, defeats her own argument; because she proves to us that it is quite possible, and not outstanding, to bring children up well. So I ask the hon. member to reconsider her decision; because I feel the argument put up by members generally will show most definitely that, in some instances, we have people who have not taken the care they should.

The Bill aims to do what we cannot do in any other way, apparently; and that is, through the pockets of the parents, to try to force them to take a little more interest in their families, and to accept the responsibility for them. An amendment, which I think is quite a good one, has been placed on the notice paper. This will define more clearly who are the people who will be considered to be responsible.

During the debate, Dr. Hislop suggested that the full responsibility for damages should be that of the parents, and that it should not be left to the court to decide the amount of damages to be paid. In the first instance, when the Bill went before another place, this provision was included in it. After due consideration by members in another place, it was apparently decided that the court should have some discretion.

Another point made by Dr. Hislop was that the Bill contained no provision whereby the parents could be called to the court. Another Act gives power to every court to call any witnesses in any proceeding. That point is apparently covered, too.

There is one aspect I would like to mention. The Bill makes provision that the judge or magistrate shall determine in what proportions any amount of damage

shall be paid by the child, by the parent, or by both. I take it that if the court found a child guilty and, for the sake of argument, decided that the damages were £100, in his discretion the judge could say that on the evidence the parents were partly to blame and the child was partly to blame, and he could decide that the parent would pay £50 spread over a period which he thought fit—and the child would have to pay the other £50.

In such circumstances, the judge could defer the fine imposed upon the child until such time as the child began work. He could impose the fine and then decide the payment should be 2s. 6d. a week, or something like that, from the child's earnings. I think that this measure enables the court to use its discretion in a proper way; and as there is nothing else I wish to say at this stage, I conclude by expressing the hope that members will agree to the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. L. A. Logan in the Chair; Hon. A. R. Jones in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 137A added.

Hon. G. E. JEFFERY: I move an amendment—

> That the words, "or purporting to have control of the child" in lines 10 and 11, page 3, be struck out and the following inserted in lieu:—"control of the child for such period other than one which the court considers to be limited or temporary."

I move this amendment to protect those people who are looking after other people's children because of the illness of the mother, or for some other reason. This illness could last for some time; and quite often it is because a mother suffers a temporary mental illness. As a result, it could happen that a child or children would be left with a friend of the family for, say, six months. I have moved the amendment with the object of protecting such family friends.

On the 24th October a member of another place asked the Minister for Justice the following question:—

> Will he obtain for his own information a Crown Law interpretation of the term "purporting to have the control?"

The Minister replied as follows:—

> If, as I am informed, the question relates to a term used in the Child Welfare Act Amendment Bill, the Crown Law interpretation of the term is that it includes a person who is professing or pretending to have the control notwithstanding that some other person may have, or have, the legal right to the control.

Quite often a child, when left in the care of other people, for reasons best known to itself will commit a breach and a friend of the family looking after that child could find himself billed for £100 for damage that the child had done.

Hon. J. M. A. Cunningham: Will this absolve institutions?

Hon. A. R. JONES: I have no objection to the amendment, because it gives a clearer definition of who shall and who shall not be responsible. However, I was wondering if a better word than "limited" could be used. I think that, with that word in the legislation, a man could shirk his responsibilities. Perhaps Mr. Heenan could clear up the point for us.

Hon. F. R. H. LAVERY: In supporting the amendment, I agree with Mr. Jones that the word, "limited" is a little difficult to define. At present Section 137 of the Act uses this phrase—

> For the purposes of this section any person who in fact has the custody, care or control of any child shall be deemed to be a guardian of such child.

So I wonder whether the amendment is necessary.

Hon. E. M. HEENAN: If the amendment is adopted, this position will arise: Suppose a parent goes to Melbourne for six months and he leaves his child with a friend or relative. That person has gone away temporarily, and the friend or relative will have temporary control of the child. In my opinion one month, six months or even 12 months would come within the category of "temporary control." If the amendment is agreed to I would say that the relative or friend looking after a child while the parents were away could not be held liable under any circumstances; Mr. Jeffery's amendment would exonerate them from any responsibility.

Hon. A. R. Jones: That is what is wanted.

Hon. E. M. HEENAN: If that is so, it is all right. But I should say that any person who assumes control of a child for a temporary period has an obligation to look after it. If such a person goes out for the week-end and neglects a child that is left in his care, and the child gets into some mischief, is it right that that person should be absolved from all responsibility? Obviously the parents who are in Melbourne cannot be held responsible.

Hon. J. D. Teahan: If you did that, you would never get anybody to look after children.

Hon. E. M. HEENAN: I think so.

Hon. J. D. Teahan: Not for short periods.

Hon. E. M. HEENAN: Clause 2 says that a parent or guardian will be held liable only if he has conduced to the commission

of the offence by neglecting to exercise due care or control of the child. Anyone who has done his job properly would not be held responsible.

Hon. N. E. Baxter: Or if he had done it anywhere reasonably.

Hon. E. M. HEENAN: Anyone who does what he can to look after a child need not fear that clause. If I am away in England, and I leave my child with a friend, or someone assumes responsibility for it, and during the week-end that person leaves the child to its own devices and the child steals a motorcar or breaks someone's window, I think it is only fair that the person for the time being in control of the child should be held responsible. If Mr. Jeffery's amendment were agreed to, such a person would not under any circumstances be held liable.

Hon. J. M. A. CUNNINGHAM: This is a sticky one, but I think I can see what Mr. Jeffery is trying to do. Let us take the case of baby-sitting, where a person takes the responsibility, either for pay, or out of kindness, of looking after a child for a brief period. I think that in such a case a person agrees to baby-sit to see that the child does not come to any harm rather than to take the responsibility for any act the child may commit. If people take control of the child for a limited period of some months, as has been mentioned, I do not think it is fair to expect them, when they are looking after the child out of kindness, to take the responsibility for any waywardness that may be inherent in the child. If they are looking after the child for a short period it seems hard to expect them to be responsible for an act brought about by temporary negligence on the part of the child.

Hon. E. M. Heenan: They have to conduce to it.

Hon. J. M. A. CUNNINGHAM: That is so. It would be harsh on people who were helping the parents out, and who probably did not know the nature of the child. It should be the responsibility of the parents. The persons looking after the child do so in order to see that it comes to no harm; they do not usually know the past history of the child, and they should not be responsible for any damage it might do.

Hon. G. C. MacKINNON: When I first saw the amendment, I was in favour of it; but, on second thoughts, I do not think it is a good one. In the country areas we have district high schools; and very often in those towns there are boarding-houses maintained by widows and the like, who are trying to make a living by boarding children. The amendment exonerates all these people from responsibility; and yet, if parents are paying £3 or £4 a week for their children to be cared for, they are entitled to expect a certain amount of care and attention to be given to those children. Accordingly I disagree with the amendment.

Hon. A. F. GRIFFITH: At first I thought this amendment had merit; but after a second look, it struck me that the Bill intended to place the responsibility on somebody's shoulders, and if the amendment were accepted that principle of responsibility would break down. That would be undesirable in cases where parents went away for limited or temporary periods. For that reason I oppose the amendment.

Hon. A. R. JONES: If the responsibilty is to be lifted from anyone, it should be lifted from those who, through the kindness of their heart, take care of a child for a temporary period. I should think the onus would still be on the parents or the guardians, even though they might go to Melbourne or London; it would be their responsibility to make suitable arrangements for their child. I feel sure the court would rule that it should be the responsibility of the parents or guardians. I am not particular one way or the other about the amendment.

Hon. G. E. JEFFERY: At no time should the responsibility be placed on the people who look after somebody else's children, particularly if there is a case of illness involved. The court will decide whether the control of the child is temporary or for a limited period of time, and I think it should be left to the good sense of the court to try a case on its merits. Institutions are covered. In the case of a boy attending a college, it would not be reasonable for the college to be held responsible if he happened to break out and cause damage worth, say, about £150. The responsibility should be with the parent, and not with people looking after the child.

Hon. A. F. GRIFFITH: Scholars caught shoplifting are already provided for because the Act says that teachers shall not be liable in such cases. Let us consider the meaning of "limited" as distinct from "temporary." The word "limited" could mean two years, two weeks, or six or nine months. It would not be reasonable to assume that a parent who went away for nine months would be held responsible for the activities of the child while the former was away for that limited period. I do not agree with Mr. Jones that the parents would be held responsible for the action of the child while away.

For example, there may be a widower having to go to the Eastern States about a job. He employs a housekeeper; and it would mean suggesting that while he is away for the temporary period of six months, he is still in control of his child. That is not reasonable. How can a parent be responsible for the actions of a 12-year-old boy when the parent is in Melbourne and the boy is here? I would not

like to think that my father was completely responsible for me when I was 12 years old.

Hon J. M. A. CUNNINGHAM: I still think Mr. Jeffery is trying to better the clause. If the Bill already absolves teachers and institutions and the like, how can we be expected to charge a private person who, out of the goodness of his heart, may be looking after a child? After all, the school or institution has some control over the child and plays a part in the moulding of his character. One cannot expect friends to know exactly what a child is likely to do. If they control that child's action; and, in the ordinary course of a day's activities, look after its well-being and do their best for it, I think they are discharging the duties they have undertaken to do for the parent. If I agreed to allow a child of mine to stay with a relation or friend from one night to six months, and that child got into some sort of trouble, causing damage to someone else's property, I feel I would be responsible for the child. I would not expect the relative or the friend to be responsible. It would not be just.

The MINISTER FOR RAILWAYS: This subclause is apparently the most important clause in this Bill, because it defines who is responsible. I would like the sponsor of the Bill to explain to me the case of licensed foster-parents, because I understand they are paid to look after children. If they are receiving payment for doing so and the children commit some offence, should they be exempt?

Hon. Sir Charles Latham: There would not be a parent, would there?

The MINISTER FOR RAILWAYS: There could be a parent. They are taken away through the court and either put into an institution or placed with a foster parent who is paid. Seeing these people are to be absolved from all responsibility to meet any damages, can the parent, who may be in some other State, be held responsible?

Hon. E. M. HEENAN: The purpose of this Bill, whether we are for it or against it, is to make responsible a parent or guardian of a child who has conduced to the commission of the offence by neglecting to exercise due care or control of the child. That is pretty strong language; and in my opinion, those who in no way measure up to the responsibility which a normal person should stand up to can be held liable if they conduce to the offence by neglect to exercise due care or control of the child. Apparently the House has agreed to that proposition.

Hon. J. M. A. Cunningham: I am surprised it is there.

Hon. E. M. HEENAN: I think rightly so. If a parent conduces to an offence by flagrantly avoiding his responsibility as a parent, surely such a person should be held responsible for the consequences of the child's doings? If a person goes to hospital or goes away and leaves a child with his brother, sister, friend or someone who accepts payment, surely the person who, out of good motives or filial relationship, takes control of the child has an obligation similar to that of the parent?

I differ from Mr. Jeffery. He says a person such as a sister or a grandmother takes a child in order to do a good turn. I can assure the House that such a person would in no circumstances be held liable in any way if she stood up to her obligations. However, I can imagine circumstances where a person undertakes to look after a couple of children and does not come home at night or at week-ends, and the children are allowed to go out and break someone's window or commit some other offence. I think that person has let down not only the children, but also the parents and the community. I honestly cannot see any reason why these words should be taken out of the Bill, as these people will not be held liable unless their neglect has been flagrant.

Hon. R. F. HUTCHISON: I see no objection to the amendment, but I am not in favour of the Bill at all. We are meddling with something we do not understand. It is common now for parents to pay for damage done by their chlidren. However, there are some cases which appear before the courts where the parents are not in a position to pay. We need better educational facilities—something besides punitive methods.

Bills such as this make the lives of parents a horror and a misery, and I do not believe in them. We have a good Child Welfare Department which can suggest any necessary legislation. I have been associated with this type of work for many years and it goes much deeper than members here think. I know a woman who is at the moment looking after a family because the mother has a cancer. What would be the position if those children did something wrong? Are we going to hold the woman responsible? As the amendment is lifting the responsibility of those temporarily looking after children, I will support it on that point, but I do not agree with the Bill.

Amendment put and passed; the clause, as amended, agreed to.

Title—agreed to.

Bill reported with an amendment.

## BILL—TRUSTEES ACT AMENDMENT.

Received from the Assembly and read a first time.

## STANDING ORDERS COMMITTEE.

*Consideration of Report.*

Report of Standing Orders Committee further considered.

*In Committee.*

Resumed from the 17th October; Hon. W. R. Hall in the Chair.

The CHAIRMAN: Progress was reported after the following proposed amendments to Standing Order 34 had been partly considered:—

(i) Number the first three paragraphs as follows:—"(i)," "(ii)" and "(iii)."

(ii) Insert the following paragraphs after paragraph (iii):—

(iv) When the House is not in session and a vacancy occurs on a committee, the President, or, in his absence the Deputy President, may in consultation with the Leader of the House, appoint a member to fill the vacancy until an appointment can be made by the House.

(v) If a member fails to attend three consecutive meetings of a committee without leave of absence being granted by the committee, his seat on the committee shall be declared vacant.

(iii) Number the final paragraph—"(vi)."

The Standing Orders Committee's reason for the proposed amendments reads as follows:—

> These amendments are recommended so that vacancies on the Standing Committees can be filled when the House is not in session. It has frequently happened that a committee cannot meet because several vacancies have occurred and a quorum cannot be obtained.

Hon. E. M. DAVIES: I move—

> That the recommendations be agree to.

I think the explanation given is sufficient to allow members to understand why this amendment has been brought forward.

The CHIEF SECRETARY: The present procedure is for the Leader of the House to put forward the names suggested for a particular committee, having consulted the leaders of the various parties in this Chamber. That is done in order that each party may have representation on each committee, as nearly as possible. This proposal means that, should a vacancy occur while the Chamber is in recess, the President—or in his absence the Deputy President—in consultation with the Leader of the House would do what was necessary. I do not think the President should be involved, as the Leader of the House can answer any criticism on the floor of the House.

Hon. L. A. LOGAN: The appointment of the various committees at the beginning of a session could be done by ballot; but to save time, the Chief Secretary acts as mouthpiece of the Chamber in putting forward the names already submitted to him by party leaders. If a vacancy occurred during the recess, the Leader of the House would not know of it until the President informed him; and therefore I think the amendment should be agreed to.

Hon. A. F. GRIFFITH: I think the recommendation is a good one; because if a member of a committee died during the recess, the President could go to the Leader of the party to which that member had belonged, and ask him to nominate another member to fill the vacancy. We have had precedents in this House, such as when a senator died and was replaced by another member of the same political party, and in this instance the President is more likely to be on the spot than is the Leader of the House.

Question put and passed; the recommendations agreed to.

The CHAIRMAN: The next amendment is to Standing Order 62. It is as follows:—

> Delete the figures "10" in line 2 and substitute the figures "11".

Hon. E. M. DAVIES: The reason for the proposed amendment is—

> This amendment would allow new business to be taken until 11 p.m. and it is considered that on many occasions this arrangement would facilitate the business of the House.

I move—

> That the recommendation be agreed to.

As members know, at present our Standing Order precludes the introduction of new business after 10 p.m., and this amendment would allow new business to be taken until 11 p.m., which it is thought would expedite the business of this Chamber.

The CHIEF SECRETARY: I support this amendment, but would have liked to see the whole of the Standing Order struck out as, without any time limit, this Chamber could continue to sit as long as it wished to, and that would obviate the necessity for suspending Standing Orders for that purpose on certain occasions.

Hon. L. A. LOGAN: We discussed the possibility of removing the time limit altogether, but it was felt that that would not be wise. However, particularly in the early part of the session, it was thought that an extension of the time in which new business could be introduced to 11 p.m. would be in the interests of members.

Question put and passed; the recommendation agreed to.

Hon. E. M. DAVIES: In connection with Standing Order 394 the following are the recommendations of the Committee:—

(i) Delete the following words in lines 2 and 3—"or any member of such House."

(ii) Delete all words in the Standing Order after the word "statute" in line 3.

The reason for the proposed amendments is—

It was considered that this Standing Order was badly drawn inasmuch as it deals with members, the Houses of Parliament, and statutes. The amendment is intended to remove the reference to members and to generally clarify the Standing Order.

I move—

That the recommendations be agreed to.

The CHIEF SECRETARY: I suppose the objection to this Standing Order is that some of us can turn ourselves into Guy Fawkes.

Question put and passed; the recommendations agreed to.

The CHAIRMAN: The next Standing Order dealt with by the Committee relates to the inclusion of new Standing Order 394a.

Hon. E. M. DAVIES: The Committee recommended as follows:—

After Standing Order 394 insert a new Standing Order to stand as 394a as follows:—

No member shall use offensive or unbecoming words in reference to any member of either House, and all imputations of improper motives and personal reflections on members shall be considered highly disorderly, and words infringing this standing Order, when objected to, shall be withdrawn forthwith.

The reason for the proposed amendment is—

This is designed to replace the reference to members previously in Standing Order 394 and to make the Standing Orders dealing with offensive and unbecoming words more definite.

I move—

That the recommendation be agreed to.

Hon. A. F. GRIFFITH: I seek clarification of this amendment. I did not address myself to the deletion of words in Standing Order 394 because the same thing applies in adding this new Standing Order 394a. I have observed in this Chamber, when objection has been raised to a statement made by one member about another, that the member has been ordered by the President to withdraw his remarks. Subsequently, on reading the Hansard report of the debates, I have noticed that the words used have not been withdrawn, because they still appear in Hansard. What is the position?

If a member makes a remark against another and that member takes exception to it and asks for a withdrawal of the remark, is it to be deleted from Hansard? Or is it merely that the unbecoming words can be objected to, but they still remain on record—firstly to record the objection; and secondly as a record of the proceedings, showing that the President has asked the member to withdraw?

The CHAIRMAN: I would say that all words spoken in this Chamber should be truly recorded in Hansard.

Hon. A. F. GRIFFITH: Although I do not wish to deal with personalities, in this instance I appeal to members because I have heard statements made in this Chamber following which the President has demanded that the member who made them withdraw his remarks; and the offending member has said, "I will withdraw because the Standing Order says I must, but I have got my dig in anyway." I do not think our Standing Orders were meant to be interpreted in that manner. I think they were designed to conduce to the orderly business of this Chamber; and if a member objects to a statement made by another member, it should be withdrawn.

The CHAIRMAN: You mean erased from the record?

Hon. A. F. GRIFFITH: Yes, erased. The objection raised by any member does not mean that the member who has made the offending remark has only to apologise, but it means that he shall withdraw. I have a little feeling in regard to this matter. If the Standing Orders do not mean what I think they should mean, then the record of the proceedings in this House have not been worth the paper they have been written on.

The CHAIRMAN: I would say that the implication behind the offending remarks is withdrawn; but, on the other hand, a true record of the words used has to be made in Hansard.

Hon. F. R. H. LAVERY: Mr. Griffith and I are often at cross swords; but tonight I agree with him entirely, which will probably surprise him. Over a long period I have often thought, when I have listened to a broadcast of the debates in the Commonwealth Parliament and heard a member make a statement which he has been asked to withdraw, that such statement has become public property and remains on record in Hansard. However, I pay a tribute to the way the proceedings of this Chamber are conducted, because I know of no other in Australia where the decorum is so high. Although I have sometimes made some sharp statements and I have been shot at myself, I still agree with what Mr. Griffith has said; because if a member is asked to withdraw a statement, I consider it should be withdrawn.

Hon. Sir CHARLES LATHAM: In "The Concise Oxford Dictionary" the meaning of the word "withdraw" is said to be "demands that speaker shall unsay something as unparliamentary, etc.". When a member has made an unparliamentary remark, the fact is that he has said it, and it is not expunged from the records of the House. Such statements never have been removed. It merely shows that the words in question have been withdrawn by a member on the instruction of the President.

Hon. E. M. DAVIES: I quite understand the ideas expressed by Mr. Griffith and Mr. Lavery. At the same time, I agree with the interpretation placed on the Standing Order, inasmuch as, if a member uses words against another member, which are unparliamentary, and a withdrawal is asked for, the offending member says, "I withdraw;" and there must be some record of it.

People listen to the broadcasts of the Commonwealth Parliament; and, therefore, if a member uses unparliamentary language against another member and then, on request, he says, "I withdraw", the public knows that he has withdrawn that remark. That is analogous with the record made in Hansard. I can see no great argument adduced by the two members in question.

Hon. A. F. GRIFFITH: With respect to Mr. Davies, that is not an argument I have adduced. I merely seek clarification of this situation. I venture to say that there are few occasions when personalities are indulged in in this Chamber. There is a great difference in being personal to a member and being critical in debate.

Hon. H. K. Watson: And criticising his argument.

Hon. A. F. GRIFFITH: Yes. I have no doubt about that aspect. If any member in this Chamber thinks that I am wrong, I am subjected to criticism, and the argument I have put forward is also criticised. I was referring to those occasions when personalities do enter into debate. This has given me an opportunity to ventilate the feelings I have on this matter, and I think that, perhaps, in the future such incidents will not occur as frequently as they have in the past.

Hon. A. R. JONES: I take the view that everything that is said in this Chamber should be recorded and a copy of the record kept, because somebody could come into this Chamber at some time who might not be a very desirable character and could make capital of the fact that anything which he said and which was subsequently withdrawn would not be recorded; and, as a result, he would not be reported anywhere. For the sake of bravado, that person could then go outside and say to another, "I told so-and-so in the House today such-and-such, and I got away with it." Therefore, I believe that everything that is possible to be recorded by Hansard should be recorded.

Question put and passed; the recommendation agreed to.

Hon. Sir CHARLES LATHAM: Does that mean, Mr. Chairman, that Standing Order 394 is retained as well?

The CHAIRMAN: Yes. New Standing Order 394a is an addition. The next Standing Order that was considered by the Committee is 406.

The amendment to this Standing Order which has been recommended by the Committee reads as follows:—

> Delete the following words and figures in lines 7, 8 and 9—
>
> Nos. 64, 179, 209, 297, 355 and 415 (motions not open to debate).

The reason put forward for this proposed amendment is as follows:—

> These words are repeated and are considered unnecessary.

Hon. E. M. DAVIES: I move—

> That the recommendation be agreed to.

If members will consult their Standing Orders it will be seen that these words are repeated and it is not necessary for them to be duplicated.

Hon. C. H. SIMPSON: I merely ask: Is there anything to be gained by the deletion of this list? The Standing Orders are a sort of ready reference in case one wants information in a hurry on a particular point. This information is contained elsewhere, but it is listed in a very handy form in the Standing Orders if one wants to turn them up immediately.

Hon. H. K. Watson: It is still listed there.

Hon. C. H. SIMPSON: I see. I thought that list was to be deleted.

Question put and passed; the recommendation agreed to.

Hon. E. M. DAVIES: I ask for leave to deal with amendments to Standing Orders 409 and 411 together.

The CHAIRMAN: The hon. member may do that.

Hon. E. M. DAVIES: The amendment to Standing Order 409 is a follows:—

> Add the following words at the end of the Standing Order:—
>
> A motion for the adjournment of a debate need not be seconded.

The amendment to Standing Order 411 is as follows:—

> Delete the words "and seconding" in line 3.

The reason for the proposed amendments is that it is not the practice to call for a seconder on this motion, and these

amendments are intended to bring the Standing Orders into line with common usage. I move—

That the recommendations be agreed to.

Question put and passed; the recommendations agreed to.

Resolutions reported and the report adopted.

## BILL—PROFITEERING AND UNFAIR TRADING PREVENTION.

*Assembly's Message.*

Message from the Assembly received and read notifying that it no longer disagreed to amendments Nos. 2, 5, 11, 27, 28 and 33 insisted on by the Council; and did not insist on its further amendments to Nos. 8, 29 and 35 to which the Council had disagreed.

The PRESIDENT: Consequent on the Council not insisting on amendment No. 23 it will be necessary to delete from the Bill the words inserted by amendment No. 22. I have therefore authorised the Clerk, under Standing Order No. 211, to make the following correction in the reprinted Bill:—

In Clause 28 delete the words, "then subject to Subsection (2) of this section."

## BILL—CRIMINAL CODE AMENDMENT (No. 2).

*Second Reading.*

**HON. A. R. JONES** (Midland) [9.5] in moving the second reading said: This Bill seeks to do one or two things by way of an amendment to Section 663A. It is the practice and function under the existing legislation that where a person is charged, he cannot be convicted of theft unless it is proven that the person did so with the object of stealing from the owner for all time. If a person takes a motorcar and uses it, then, under the Traffic Act he is not charged with stealing the car. He is merely charged with unlawfully assuming control. Under the Criminal Code he would be liable under the same wording. This Bill has therefore been introduced to cover this position: When a person is convicted of an indictable offence under the Criminal Code, if in the course of committting that offence he unlawfully uses a motor-vehicle, he can be convicted of that offence also.

There is very little for me to explain. The amendments are clearly set out. The Bill provides that if a person is convicted of such an offence, and he is the holder of a licence to drive a motor-vehicle, the licence shall be cancelled for a period of six months to three years. If he is not the holder of a licence, or if he is under 17 years of age, the same restrictions shall apply, but only from the time he reaches 17 years of age or from the time he is released from prison or an institution. The time of cancellation shall be taken from when he reaches 17 years of age or when he is released from prison, whichever is the later.

Certain amendments to the Traffic Act were dealt with in another Chamber in the last two days, and they are tied up with the amendments contained in this Bill. They merely set out to provide that a court or judge may convict a person who, in the course of a theft, uses a motor-vehicle that has been stolen. That is to say, where a person assumes control of a car and uses it for the purposes of breaking into a bank, which is an indictable offence, he can be convicted under the Criminal Code of having assumed unlawful possession of the car. I commend the Bill to the House and move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. W. R. Hall in the Chair; Hon. A. R. Jones in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 663A added:

The CHIEF SECRETARY: I raise the point as to whether the Committee considers the period of not less than six months nor more than three years as being long enough or too long. I do not like legislation fixing a minimum period; this should be left to the court. It is dangerous to hamstring a court by providing a minimum penalty.

Hon. H. K. Watson: What about the minimum fine of £500 applying to potato growers?

The CHIEF SECRETARY: One can always make comparisons, but comparisons are odious. I would like to hear the comments of other members as to whether the minimum penalty of six months may be too severe.

Hon. F. R. H. LAVERY: In support of the contention of the Chief Secretary I might mention this case: A person stole a motorcar. He caused damage to the extent of £900, was injured and landed in hospital for six months. He received only one month's imprisonment for the offence. I know this person's family. The reason why he received that term of imprisonment was because the magistrate considered he had suffered so much bodily injury that one month's imprisonment would be a sufficient deterrent.

Hon. Sir CHARLES LATHAM: This clause deals with a person convicted of an indictable offence of which the use of a motor-vehicle is an element. It is intended to convey to the magistrate trying the case that the offender used the stolen car for the purpose of committing a

felony. Going back many years, if a person was found riding a stolen horse along the road he was charged with horse-stealing and not with unlawful possession. Nowadays when motorcars are in common use, and they are very much more expensive and dangerous than horses, offenders are charged with assuming control of such a vehicle when they have stolen it. Immediately I take possession of somebody else's goods without his permission, I am stealing. It is seldom that these cars are returned; they are dumped somewhere, often in the bush. We treat these cases too lightly. I would give such people up to five years.

The Chief Secretary: I am not worrying so much about the maximum.

Hon. Sir CHARLES LATHAM: What the Chief Secretary is thinking is that a lad might be caught with a motorcar and he could not be given less than six months.

The Chief Secretary: Yes; or just get a caution.

Hon. Sir CHARLES LATHAM: I know that we have some soft-hearted magistrates who do not award sufficient punishment. I believe that we should direct the judges to take a very serious view of this matter, because there are a great number of people killed or injured in accidents with stolen cars, and quite a number of these vehicles are used in connection with breaking and entering.

Hon. N. E. BAXTER: Mr. Jones has drawn my attention to some words in the clause that might affect an innocent person. They are "or in connection with which the convicted person has used a motor-vehicle." The section goes on to read, "whether as the driver of the motor-vehicle or not." A convicted person might have hired a taxi and taken it to a certain locality. Then away goes the taxi. The person commits a crime and then the taxi driver would lose his licence for a period of not less than six months. Again a person might drive a friend to a certain house, and the friend would have an argument with the occupant, subsequently being convicted for assault and battery. Under this provision the person who drove the man there would lose his licence. I move an amendment—

> That the words "or in connection with which the convicted person has used a motor vehicle" in lines 9 to 11, page 2, be struck out.

Hon. G. C. MacKINNON: I think that a second look at this clause, which must be read as a whole instead of a phrase being taken out and a meaning attached to it, will convince Mr. Baxter that an innocent person in the instances mentioned by him would in no way be held guilty at law.

Hon. A. R. JONES: I would like to draw attention to two positions that could arise. A man might be convicted of an indictable offence such as a theft in connection with which he used his motorcar or any motorcar or motor-vehicle to take away the loot. In that case the clause would be quite in order. But suppose I had a grudge against a person and decided on the spur of the moment to tick him off, and jumped in my car and went to another suburb and ticked him off in no uncertain manner. Suppose I finished up being taken to court under the Criminal Code and fined for an indictable offence.

As I had used the motorcar in connection with that occurrence, this clause could apply, and my licence could be cancelled for not less than six months or more than three years from the time I went to gaol or from the time the conviction was made. I think that would be a wrong application, and the removal of these words is therefore desirable. I might add that, after this clause had been agreed to in another place, this possibility was picked up and was mentioned to me, and it was thought advisable that the matter should be given consideration here.

Hon. L. A. LOGAN: I do not altogether agree with Mr. Jones that if he got in his car and went from one suburb to another and bashed a fellow, the use of the motor-vehicle in that case would be regarded as an element of the indictable offence. I do not see how that could possibly be so unless he used the motorcar to run over the fellow.

Hon. F. R. H. LAVERY: If the amendment is carried, the clause will not do what is intended—namely, to impose a penalty on a man who steals a car in order to commit a felony. A case has just been dealt with in the court, in which a man had been stealing one or two sheepskins a night over a period of six months. The total value of the skins stolen was £300. He pleaded guilty and made restitution of the money, was sentenced to six months' imprisonment and is serving the sentence. If the Bill is passed, when that man comes out he will have to wait for three years before he can have a licence to drive. To me, that seems a very vicious type of legislation. This man did not steal the motorcar to commit a felony.

Hon. G. C. MacKINNON: Before this takes effect, the person must be charged with an indictable offence and found guilty. He must then be charged under this amendment. From what members have said, it would appear that he would be charged conjointly, and one or two have given the impression that a man would be charged under this amendment before he was convicted. It must be clearly understood that a man must be convicted of an indictable offence before any action can be taken under the amendment. The man that Mr. Lavery referred to would have to be specifically charged under this amendment after having been found guilty of an indictable offence.

Progress reported.

## BILL—LICENSING ACT AMENDMENT (No. 5).

*Second Reading—Defeated.*

Debate resumed from the 31st October.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [9.34]: This small Bill seeks to make an amendment in the method of the calculation of the distance of 20 miles. As the mover mentioned, when he introduced the measure, it is for the purpose of allowing certain hotels that are not at present permitted to trade on a Sunday, to do so. I have not had an examination made of all the places that would come under the measure, but I think there are more than those mentioned by the hon. member. I do not consider it is desirable that there should be any extension of the Sunday trading by bringing in hotels that are nearer to the metropolitan area than those already included. I am not happy about extending this facility. I was not over-happy at the introduction of it, although I do not think I opposed it—at least not vigorously—but at the same time I did not applaud it very much. I think that many people throughout the country would like to see the 20 miles not extended in the manner suggested here, but to a greater mileage.

Hon. Sir Charles Latham: There is a great demand for closing hotels on Sundays.

The CHIEF SECRETARY: I know of one or two places which, if the Bill is carried, will be able to trade on Sundays, and I am not very happy to see them being able to trade. The measure deals with the distance of 20 miles, not as the crow flies but as the road goes, and it could bring in, at a rough guess, another six or seven hotels.

Hon. N. E. Baxter: Where?

The CHIEF SECRETARY: The hon. member has mentioned three.

Hon. N. E. Baxter: There is only one more.

The CHIEF SECRETARY: I can add another three, including Rottnest. I know of another two in my district and there could be extensions in other areas. I do not want any more in my district to come under this heading.

The idea behind the 20-mile limit, originally, was that people in the country areas should, for various reasons, have some advantage over those in the metropolitan area. If the alteration suggested is agreed to, it will bring in some hotels that are in the metropolitan area. My seat is classed as metropolitan—I am one of the metropolitan members—and there is already one hotel in my area which comes under this provision and, with the amendment before us, there could be three. I am prepared to allow the position to remain as it is. For these reasons I intend to oppose the Bill.

**HON. F. R. H. LAVERY** (West) [9.38]: I support the Chief Secretary. It seems that Mr. Baxter brings forward some contentious Bills in connection with the Licensing Act. No matter how one would like to support him, one definitely cannot do so on this occasion. This is an attempt, like many others, to whittle away an Act piece by piece. If the amendment is carried it will not be long before Ye Olde Narrogin Inne at Armadale, and another hotel in that town, as well as the one at Medina, could be brought under this provision.

I am most certainly opposed to reducing the distance to less than 20 miles. The present distance is quite short enough. It was all right in the days when we went to a hostelry and hired a horse and sulky, because 20 miles was far enough to take a horse and bring him back again, but today the same distance can be travelled in a car in 25 minutes. One big hotel in the area I represent—the Rockingham Hotel—

Hon. N. E. Baxter: Which is not 20 miles distant from the city.

Hon. F. R. H. LAVERY: The Rockingham Hotel is reasonably well conducted in every way, but in one hour—between 5 and 6 o'clock on a Sunday night—we can see a stream of cars piled up there. Only last Sunday night three little kiddies were left in cars there. I would not know whether the owners of the cars were in the hotel for the full hour, or for just 10 minutes or some other period, but there were kiddies in three cars. This comes back to the point that some parents do not seem to have a sense of responsibility towards their children. If drink is so important to them that they must have it, let them go away as far as they can to get it. I will not support anything under 20 miles, whether it be as the crow flies or any other devious way.

**HON. J. M. A. CUNNINGHAM** (South-East) [9.41]: I am in the rather strange position of being what some people call a wowser, yet supporting a liberalisation of drinking conditions. I am basing my remarks on actual practical experience—not of drinking, but of the conditions prevailing in a district which makes drinking a comparatively liberal pastime. Members representing the Goldfields have obtained a considerable liberalisation of these conditions. As Goldfields members we can point with pride to the fact that, per 100 of population, fewer offences are committed, that are directly attributed to drink, than elsewhere in the State, whether traffic offences or merely offences in regard to unpleasant drunkenness. Court statistics prove that such is the case.

It would be an easy matter for anyone to prove that in a country where the drinking habits are liberalised, or easy and

not restrictive, the same thing applies—there is a lessening of unpleasant happenings through drink. Again I think that by extending the distance from the metropolitan area the effect will be to put people on the road who have been indulging more than they should. People who live in the metropolitan area cannot get a drink and they go 20 miles for it now, and if the distance is extended to 40 miles the conditions will be worse and there will be a greater number of people on the road.

The last speaker mentioned the Rockingham Hotel where the cars were piled up, several deep. If there were hotels nearer the metropolitan area there would not be as many cars at the Rockingham Hotel. I do not advocate the application of this amendment to areas where members are perfectly happy about the present circumstances, but I express the opinion that the day we lift restrictive conditions on drinking is the day when we will have less trouble as a result of drinking. I feel I can, with justice, support the Bill.

**HON. A. F. GRIFFITH** (Suburban) [9.45]: I do not want to cast a silent vote on this Bill and I think Mr. Baxter's intentions in regard to it are well placed. But I do not like Sunday trading in any hotel in any circumstances whatever. I think we ought to be able to do our liquor consuming over a period of six days of the week, and that at least the hotels should remain closed on Sundays. By supporting Mr. Baxter's Bill, I would be doing just the opposite and I would be making it possible for more hotels to open on Sundays. I am of the opinion that that is not advantageous.

I have said before in this House that I think our licensing laws should be broadened; but that, to my mind, does not include hotels trading on Sundays. As I have those convictions I cannot find myself in the position of being able to support the Bill, and I certainly would not like to see hotels in the metropolitan area open on Sundays. If that were put forward as a suggestion to stop more people travelling, I would be very much opposed to it because I think it would be an undesirable state of affairs. I regret that I cannot see my way clear to support this Bill.

**HON. L. A. LOGAN** (Midland) [9.47]: I think it would be advisable if members realised Mr. Baxter's intention in introducing this Bill. He does not intend to increase beer drinking.

Hon. F. R. H. Lavery: It will mean the opening of more hotels.

Hon. L. A. LOGAN: The hon. member's purpose is to correct an anomaly. When we agreed to amend the Licensing Act to allow Sunday trading outside a radius of 20 miles of the Perth Town Hall, we did not believe it would create this anomaly. When we stipulated a radius we did not take into consideration the geophysical features of all the different areas. As a result this anomaly has been created and it is just as far to go by road to any of the three hotels mentioned by Mr. Baxter as it is to go to some hotels which at present are permitted to trade on Sundays because they are outside the radius.

The hon. member does not want to alter the radius or to bring in a large number of other hotels and so increase Sunday liquor trading. If members were to travel along the Northam road on Sunday afternoons and they were to see what goes on at Sawyer's Valley Hotel I am sure they would be only too happy to support an amendment which would rectify the position. There is always a terrific traffic jam there on Sunday afternoons and it is in the interests of the people that that traffic should be dispersed if possible. I am certain that one day there will be a bad accident outside the Sawyer's Valley Hotel because of the conglomeration of cars and trucks there. For that reason alone members should give some consideration to this Bill.

The Chief Secretary: I do not want to have that situation repeated or multiplied, I have seen it too often.

Hon. L. A. LOGAN: We can overcome the Chief Secretary's problem without any trouble. As far as I can see, only one hotel in his area will be affected.

The Chief Secretary: No, two.

Hon. L. A. LOGAN: One.

The Chief Secretary: Three, in fact.

Hon. L. A. LOGAN: Only one as far as I know.

The Chief Secretary: But you do not know.

Hon. L. A. LOGAN: The Rottnest Hotel might be affected. But I am not too sure whether or not, in the circumstances, it might not be better to have the two hourly sessions at Rottnest instead of the all-day bottle drinking that goes on. The only other one is the hotel at Rockingham and even there it might be better if, instead of all the trade going to Rockingham, some of it was taken by other hotels.

Hon. F. R. H. Lavery: It should not be going to any hotel on a Sunday.

Hon. L. A. LOGAN: All right. Let us introduce a Bill to cut out Sunday trading altogether. That is the right thing to do if the hon. member does not agree with Sunday trading.

Hon. Sir Charles Latham: You supported a Bill agreeing to Sunday trading.

Hon. L. A. LOGAN: I would probably support the same thing again. I am not objecting to it; the objection is coming from other members. Mr. Baxter, by the introduction of this measure, is trying to overcome an anomaly.

Hon. Sir Charles Latham: You will not overcome an anomaly by this Bill.

The Chief Secretary: This is one occasion where I support an anomaly.

Hon. L. A. LOGAN: I supported an anomaly when the previous legislation was introduced because, at that time, we did not appreciate that these anomalies would be created. Now that we know we have them I am quite happy to try to overcome them by supporting legislation such as this. I think Mr. Baxter should have some support from this House.

One of the hotels he mentioned is used as a tourist resort. But I know that if Sunday trading is not extended to this hotel it will be forced to close down in the near future and a very good tourist resort will be lost to the State. I have frequently heard Mr. Lavery talking about the need to increase our tourist trade, to improve our tourist hotels and that sort of thing. He has often used that theme, and I agree with him. We want more tourist hotels; but this hotel will close down in the near future if Sunday trading is not extended to it. There are a lot of aspects to be considered.

I make no secret of the fact that I am talking about the Mundaring Weir Hotel. At the moment the licensee is having a battle to make a living—as a matter of fact, is not making a living—and I should say that the Parkerville Hotel is in the same boat. If there is a trade to be shared in a centre such as that, surely those hotels should be allowed this concession. I support the second reading.

**HON. G. E. JEFFERY** (Suburban) [9.52]: As one who enjoys a convivial drink in the good company usually associated with it, I find myself in the strange position of having to oppose this Bill. I think the passing of this measure will only add another patch to what is already a patchwork quilt and it would probably create more anomalies than it would cure. It does not matter where the line is drawn, there is always somebody just outside it and somebody just within that radius. I think every member here knows that we have spent much more time this session discussing the liquor trade and its ramifications than it has justified, considering its importance in the social structure of this community.

I know there is a lot wrong with the Licensing Act and every member here, in the last few months, has expressed the same opinion. So I do not think any great hardship would be suffered if the Bill were defeated. I hope that the desires of this House will be agreed to and that a Royal Commission will be appointed to go into all the ramifications of the liquor trade.

Hon. N. E. Baxter: That should not stop this Bill from being agreed to now.

Hon. G. E. JEFFERY: In the light of the deliberations of that commission, members of this Chamber would be better informed than they are now and I think we would probably have a different approach to the whole problem. I had an experience of Sunday trading only last Sunday and I think that the Sunday trading with one hour at lunch time and one hour between five and six at night has all the bad features associated with drinking in the Eastern States when they had the mad rush for the trough at five o'clock.

I do not think members here should be concerned as to whether one hotel, or two or three hotels, would have to close down unless they were granted Sunday trading. We should wait until we have a clear picture given to us by a committee of inquiry. If the proprietor of a certain hotel is having a struggle to make ends meet he must be paying too much in rent, or something like that; and that is a matter for private negotiation between the lessee and the owner of the premises.

On this occasion I think it would be much better to defeat the Bill and await the deliberations of the body set up to inquire into all the ramifications of the liquor trade. We would then be in a much better position to give a sane opinion and give the whole question our considered views as to whether hotels should be open on Sundays or not. The case of whether one or two hotels should be permitted to open on Sundays should not enter into it at this stage. I oppose the Bill.

**HON. A. R. JONES** (Midland) [9.55]: Because members in this Chamber have discussed the liquor question on so many occasions, and because Mr Baxter has moved for the appointment of a select committee to inquire into the whole question—and it appears that there will be a joint select committee comprised of all parties or maybe a Royal Commission will be appointed thoroughly to investigate the whole liquor question in this State—I feel that this Bill should be opposed at this stage. I think that Mr. Baxter's intentions are commendable in this instance, because he is trying to relieve the congestion at the Sawyer's Valley hotel particularly, and also to assist the licensees of two or three hotels to maintain their premises in good condition and to cater for the tourist trade. But, as I said, in view of the fact that there will probably be an inquiry of some sort into the liquor trade, and as we will probably have a report from that body by this time next year, it would be rather foolish for us further to amend the Act now.

If this amendment were agreed to, it would probably obtain for a matter of only 12 months or so; therefore it would be better to get the whole picture before we did anything further to amend the

Act. When the deliberations of the committee of inquiry are made known, licensees of hotels, and everybody else, will know exactly where they stand and just what is to be recommended. As there is a strong possibility that this inquiry will take place, I feel I must oppose the second reading.

**HON. N. E. BAXTER** (Central—in reply) [9.58]: I would like members to give this matter a fair amount of consideration before they make a decision to vote against the Bill. I will put the position to them as clearly as I possibly can. When we agreed to Sunday trading in the first place we made a stab in the dark and decided that we would allow Sunday trading outside a radius of 20 miles from the Perth Town Hall. But in doing so we overlooked the fact that it would bring within the Sunday trading radius one hotel, particularly, that was well within 20 miles by road of the City of Fremantle.

Both the Chief Secretary and Mr. Lavery said, as regards the West Province, that there was one hotel which was within 20 miles of the City of Fremantle and which was permitted Sunday trading; yet they object to hotels in my area having Sunday trading, even though the distance is beyond 20 miles by road from the Perth Town Hall. I do not think their arguments are consistent.

If the members concerned do not want Sunday trading to be extended to the West Province the Bill could quite easily be amended to provide for that, and they need not have any trading at Rockingham or anywhere else; that is, if they are genuine in opposing my measure, which I consider will adjust an anomaly in the Central Province. Anybody can go to Sawyers Valley any time he likes on Sunday and see a line of traffic at 5 o'clock. The drinking conditions are not at all decent; the majority of the people have to stand up and drink. If this Bill were agreed to it would split that drinking and would take that excess traffic off the road.

The Chief Secretary: You hope.

Hon. N. E. BAXTER: It would. People would prefer to sit down in a hotel and drink, rather than stand up and drink as they are at present, on a Sunday. I can assure members that those people who want to drink from Mundaring Weir all go to Sawyers Valley. That is one section of the community who would not continue with that practice. It is very unfair for members who have trading conditions of a Sunday at Rockingham within a short distance of Fremantle to oppose similar conditions being instituted at a greater distance from Perth. The Chief Secretary said that the measure would bring several hotels under Sunday trading in the West Province. But as I have pointed out, we could quite easily deal with that.

If the Chief Secretary does not want Rottnest to be included we could take the words "sea route" out of the Bill. If the Chief Secretary does not want Naval Base included, or if he does not want Medina included, provision can be made to see that they are not. In any case, I doubt whether, under our Licensing Act, Medina would be allowed to trade on Sunday. They are not licensed under this Act but by a special resolution of Parliament. If the Chief Secretary looks at the Act, he will see that it states "subject to the provisions of this Act licences may be granted under this Act to the several descriptions following, that is to say, publican's general licence, hotel licence and wayside house licence."

Section 122 of the Act with which Clause 2 of the Bill deals says "subject to publican's general licence, hotel licence or a wayside licence" when referring to Sunday trading. Those are the licences issued under this Act, not by resolution of Parliament. The Chief Secretary should have no fear in that regard at all. If the Bill were left as it is, it would bring in one other hotel I have mentioned. The hotels that would be permitted to operate would be Parkerville, Mundaring, Mundaring Weir, Naval Base and Rottnest. If the Chief Secretary did not want Rottnest included, he could move an amendment in that direction. It has been included in the Bill as I understand the department in control desires it.

Hon. F. R. H. Lavery: What about the Narrogin Inn?

Hon. N. E. BAXTER: That is within 18 miles of Perth and cannot come under this Act. I can assure members that the only hotels that will be affected will be Naval Base, Rottnest, Parkerville, Mundaring and Mundaring Weir. It is most unreasonable for members to adopt the attitude of opposing this Bill because there is a possibility of a Royal Commission being appointed to inquire into the position. We have another Bill coming up which seeks to amend the Licensing Act. Are members going to adopt the same view on that measure? Did they take the same view when there was a move to increase the liquor tax? The arguments put forward are very poor and inconsistent.

This is to rectify something that was not done in the first place. Whether it is agreed to or not, people will still continue to drink on Sunday. They will still go to Sawyers Valley, Mt. Helena or Chidlow. If the distance is set at 50 miles the majority of people would continue to go to York or Northam or wherever else they could get a drink. It would create a hazard on the roads. I have often been told that the licensing business is a protected business. How protected have these people been?

One licensed house within a short distance of Perth was given the right to trade on Sunday, while the three I have mentioned were excluded. That particular

licensed house has by far the greater trade at any time and for many years has had a good Sunday trade. Before Sunday trading was instituted, it was operating to the limit under the bona fide clause; whereas these other places operated in a small manner under that clause. The Mundaring hotel could have operated under the bona fide clause prior to Sunday trading. If members wish to see these hotels go out of existence they will refuse to support the Bill.

The three premises to which I have referred are being well conducted. The one at Mundaring in particular has spent £8,000 in improvements over the last 18 months; and yet they are not to be permitted a little extra trade to try to recoup some of that money. The hotel at Mundaring Weir, where there is little trading except for visitors at the week-end, has little chance of carrying on unless something is done to help. If visitors go to that hotel on Sunday, all the licensee can do is to provide afternoon tea and a meal. There is not much money in that; and yet she is expected to pay enhanced road board rates and other charges.

It is unreasonable to expect these people to trade on a limited scale while others have extended trading hours. Members should grant concessions to these three hotels; they should be fair about this matter. If the people of the West Province do not want this extended facility we can make provision accordingly.

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

| | |
|---|---|
| Ayes .... .... .... | 14 |
| Noes .... .... .... | 15 |
| Majority against .... | 1 |

Ayes.

| | |
|---|---|
| Hon. N. E. Baxter | Hon. L. A. Logan |
| Hon. G. Bennetts | Hon. R. C. Mattiske |
| Hon. J. Cunningham | Hon. H. L. Roche |
| Hon. L. C. Diver | Hon. J. D. Teahan |
| Hon. J. J. Garrigan | Hon. J. McI. Thomson |
| Hon. E. M. Heenan | Hon. W. F. Willesee |
| Hon. J. G. Hislop | Hon. W. R. Hall |
| | *(Teller.)* |

Noes.

| | |
|---|---|
| Hon. E. M. Davies | Hon. J. Murray |
| Hon. G. Fraser | Hon. C. H. Simpson |
| Hon. A. F. Griffith | Hon. H. C. Strickland |
| Hon. R. F. Hutchison | Hon. H. K. Watson |
| Hon. G. E. Jeffery | Hon. F. D. Willmott |
| Hon. A. R. Jones | Hon. F. J. S. Wise |
| Hon. Sir Chas. Latham | Hon. G. MacKinnon |
| Hon. F. R. H. Lavery | *(Teller.)* |

Question thus negatived.

Bill defeated.

## BILL—BETTING CONTROL ACT AMENDMENT.

*Assembly's Message.*

Message from the Assembly received and read notifying that it disagreed to the amendments made by the Council.

*House adjourned at 10.13 p.m.*

# Legislative Assembly

Wednesday, 28th November, 1956.

CONTENTS.



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