391; because I do not think there is any doubt that some of the speakers have tended to cast a reflection on a previous vote of this House; and, indeed, as the Minister just interjected, on Parliament as a whole. If the argument is right, then we were remiss in passing the parent Act.

The Hon. L. A. Logan: And so have three lots of Crown Law officers been remiss, too.

The Hon. G. C. MacKINNON: Very, very remiss.

The Hon. L. A. Logan: Three separate Crown Law officers have dealt with this.

The Hon. G. C. MacKINNON: The Minister mentions Crown Law officers; and in this regard I do not think it is quite fair to use one set of advice from the Crown Law Department to prove that another piece of advice from the same department is wrong; in other words, I do not think it is fair to use one man's opinion, expressed last week or last year, to prove that the opinion he expressed this week or this year is wrong. It has been said tonight that because the Crown Law Department advised that a certain validating Act should be passed one year it automatically proves that its officer's advice on this Bill is wrong. I do not think that is quite logical.

But let us get back to the Bill itself. It specifically lays down that a tax shall be raised in a certain way; but the clause reads—

> Section 3 added.
> The principle Act is amended by adding after section 2 a section as follows:—

I cannot see anything wrong with that as it stands; but I can when it is put into the parent Act. It is not the Bill that is wrong; it is the parent Act that is wrong. —if either is wrong. It is a matter of law —a matter of opinion. Formidable authorities have been quoted, and I tremble at my impertinence in arguing against some of those authorities. I think the authority quoted by Mr. Watson, while proving the fundamental principle with which I have already dealt, had really no bearing on the point of constitutional law because it dealt with a different Constitution in which Constitution—namely the Federal—it is laid down in no uncertain manner how it shall be changed.

Some of the authorities quoted by Mr. Wise were in a very different character altogether; but, to my mind, the point on which the argument would rest is contained in section 73 of the Constitution Act, 1889, which appears on page 117 of our Standing Orders, and which reads—

> The Legislature of the Colony shall have full power and authority, from time to time, by any Act, to repeal . . .

From those words, Mr. Watson endeavoured to prove that the Constitution had to be specifically amended; but, of course, it does not say so. Mr. Wise went closer to proving this point with the help of the authorities he quoted, and raised some doubt on the question.

However, we come back again to the actual Bill with which we are dealing—the Metropolitan Region Improvement Tax Act Amendment Bill—which seeks to amend the parent Act. It seems to me that, of all the Acts, the legislation which has been under trial has been the parent Act and not this Bill.

If that is so, I consider there is no doubt that we should have been ruled out of order under the provisions of section 391; and we have only been able to continue as a result of your courtesy, Sir, in permitting the debate to proceed, because it would appear to be a reflection if members have, in fact, been putting the parent Act on trial and not this Bill, this measure being a simple one to amend the parent Act. For my part, up to this stage, I am not fully convinced the Bill is out of order.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

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

> That the House at its rising adjourn until 2.30 p.m. tomorrow (Thursday).

Question put and passed.

House adjourned at 11.3 p.m.

Legislative Assembly

Wednesday, the 18th October, 1961

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CONTENTS—*continued*

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

QUESTIONS ON NOTICE

"WANDANA" FLATS

Net Profit and Maintenance

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

   (1) After making provision for the various items and commitments as required under the Commonwealth-State Housing Agreement, what net profit has been made in respect of *Wandana* each year?

   (2) What is the total amount which has been set aside for maintenance?

   (3) What sum has been spent in respect of that item?

   Mr. ROSS HUTCHINSON replied:

   (1) On a capital investment of £596,000, the following are net profits shown in money and percentage for each year since construction:—

   1956-57— £9,278—1.6 per cent.
   1957-58—£10,952—1.8 per cent.
   1958-59— £8,508—1.4 per cent.
   1959-60— £8,499—1.4 per cent.
   1960-61— £7,466—1.3 per cent.

   (2) £28,550.

   (3) £5,921.

   Wandana is programmed for maintenance during 1961-62.

WHIPPING

Provisions in Police Act and Criminal Code

2. Mr. EVANS asked the Attorney-General:

   (1) Are the provisions of section 124 of the Police Act relative to whipping as to an extent of 36 strokes in the case of an offender under the age of 16 years, *ultra vires* the letter and/or the spirit of section 659 of the Criminal Code (the latter being a later enactment) relative to the extent of the number of strokes that can be inflicted on an offender under the age of 18 years?

   (2) If so, for the purpose of tidiness in legislation, will consideration be given to amending or repealing section 124 of the Police Act?

   Mr. WATTS replied:

   (1) In relation to children under 18 years of age, section 659 of the Code prevails over section 124 of the Police Act in cases not dealt with by a children's court pursuant to section 20 of the Child Welfare Act, 1947.

   The power of a children's court to order whipping was intended to be removed by Act No. 56 of 1941 —see 1941 *Hansard*, pp. 2410-11— but there seems to be a doubt in the matter.

   (2) Yes.

MARGARINE

Annual Quota and Amount Manufactured

3. Mr. KELLY asked the Minister for Agriculture:

(1) What is the permitted annual quota for margarine manufactured within Western Australia?

(2) What amount was manufactured in Western Australia in the years 1958-59, 1959-60, and 1960-61?

Imports

(3) What amount of margarine was imported into Western Australia in the years 1958-59, 1959-60, and 1960-61?

(4) In the interest of the dairying industry, has consideration been given to limiting the quantity imported into Western Australia annually?

Mr. NALDER replied:

(1) 800 tons of table margarine, of which licenses to manufacture 600 tons only have been issued; 200 tons remain unallotted. No cooking margarine licenses have been issued.

	Tons.
(2) Year ended the 31st December, 1958	379
Year ended the 31st December, 1959	601
Year ended the 31st December, 1960	601

(3)

	Table Margarine Tons	Cooking Margarine Tons
1958-59	1,216	770
1959-60	989	765
1960-61	1,262	793

(4) The Federal Constitution prevents interference with interstate trade.

4. *This question was postponed.*

WATER SCHEME FOR WALPOLE

Establishment

5. Mr. ROWBERRY asked the Minister for Water Supplies:

(1) Has the survey by the Water Supply Department engineers at Walpole been completed?

(2) If so, has he had, for consideration, a report on that survey?

(3) When will the necessary steps be taken to bring this water scheme into operation?

Mr. WILD replied:

(1) Yes.

(2) Yes.

(3) Completion is planned prior to the commencement of the 1962 winter.

NORTHCLIFFE SETTLEMENT FARMS

Number Vacant, Acreage, and Fire Hazard

6. Mr. ROWBERRY asked the Minister for Agriculture:

(1) How many vacant settlement farms are in the Northcliffe area?

(2) What is the total acreage of these farms?

(3) Are the farms contiguous to each other?

(4) What steps are contemplated to reduce, or prevent the fire hazard which could arise from these farms?

Mr. NALDER replied:

(1) Seven, including one in course of being sold.

(2) 1,688 acres, including 404 acres in the farm in course of sale.

(3) No.

(4) The normal precautions as laid down by the local authority and bush fires brigade.

RAILWAYS DEPARTMENT

Chief Finance and Executive Officer: Filling of Vacancy

7. Mr. DAVIES asked the Minister for Railways:

(1) Is it intended to make a further appointment to the position of Chief Finance and Executive Officer, W.A. Government Railways, when the present occupant retires shortly?

(2) If so, in what manner will the vacancy be filled?

Mr. COURT replied:

(1) and (2) The question of the senior appointments within the W.A. Government Railways is under consideration because of the changes that will be inevitable with the advent of standardisation.

However, it is not expected that a position bearing the title "Chief Finance and Executive Officer" will be retained when the present occupant of the office retires.

TRANSPORT BOARD

Experience with Mr. Norman Creed: Tabling of Papers

8. Mr. GRAHAM asked the Minister for Transport:

Will he lay on the Table of the House all papers relating to the experiences of the W.A. Transport Board with Mr. Norman Creed of Moora?

Mr. PERKINS replied:

Yes, for one week.

The papers were tabled.

Fees and Expenses Paid to Members

9. Mr. GRAHAM asked the Minister for Transport:

(1) What payments, fees and expenses are made to the present members of the W.A. Transport Board?

(2) What was the payment basis to their predecessors?

Mr. PERKINS replied:

(1) Board sitting fees:

£8 8s. per full-day meeting;
£4 4s. per half-day meeting.
Travelling allowance at Public Service rates.

(2) £500 per annum to each member irrespective of number of meetings, but usually one meeting each week.

Travelling allowance at Public Service rates.

10. *This question was postponed.*

SOUTH-WEST WOOLLEN AND TEXTILE MILLS

Closing of Textile Factory at Bunbury

11. Mr. HAWKE asked the Minister for Industrial Development:

(1) Has the textile factory, previously operated at Bunbury by the South-West Woollen and Textile Mills, closed down permanently?

(2) What is the reason for the close down, irrespective of whether it be permanent or temporary?

Mr. COURT replied:

(1) The directors of the company, by resolution of the 12th October, 1961, decided to discontinue trading operations as from the 12th October, 1961.

(2) The company was unable to raise additional capital necessary to carry on production.

The Government offered to match this amount of private capital on a 2 for 1 basis—that is, £2 of Government and £1 of private capital—to an agreed maximum by way of loan. In addition, extended credit was expected to be provided by the main suppliers of raw materials.

The company is already indebted to the Government.

INDETERMINATE SENTENCES BOARD

Members and Dates of Appointment

12. Mr. JAMIESON asked the Chief Secretary:

(1) Who are the present members of the Indeterminate Sentences Board?

(2) On what date was each of the members appointed to this board?

Mr. ROSS HUTCHINSON replied:

(1) There are three members of the Indeterminate Sentences Board. Their names are—

Mr. Glew—Chairman;

Brigadier Hewitt (Salvation Army);

Mr. Cant (Superintendent, Fremantle Prison).

(2) Mr. Glew was appointed on the 1st February, 1957.

Mr. Cant was appointed on the 6th January, 1958.

Brigadier Hewitt was appointed on the 1st February, 1960.

The three members were appointed or reappointed for three years from the 1st February, 1960.

HOUSING AT ALBANY

State Rental and Purchase Homes to be Built

13. Mr. HALL asked the Minister representing the Minister for Housing:

(1) How many State rental homes are to be built in Albany this financial year?

(2) How many State houses, to be sold as State purchase homes, will be built in Albany this financial year?

State Houses Sold and Realisation

(3) How many State houses were sold in Albany for the years 1957, 1958, 1959, 1960, 1961, and what were the assets to the State Housing Commission as a result of the sales?

Mr. ROSS HUTCHINSON replied:

(1) and (2) 10 houses. Numbers of houses sold and let will depend on applicants' requests.

(3) (a) Houses sold—

Year	Number
1957	1
1958	1
1959	2
1960	9
1961	13

(b) Deposits paid—

1957-58 Owner's land and only excess of contract price over loan paid.
1959 — £563.
1960 — £1,410.
1961 — £1,481.

(c) Repayments of Capital—

The amortisation period of the outstanding loans extends over 43 years.

RAILWAY CLOAKROOMS

Responsibility for Goods Deposited

14. Mr. HALL asked the Minister for Railways:

(1) Is the W.A. Government Railways responsible for goods deposited at cloakrooms?

(2) If so, what is the limit of its responsibilities in respect of lost or damaged goods?

Charges for and Insurance on Goods Deposited.

(3) What are the charges to cloak individual items, and what were the charges in the years 1957, 1958, 1959, 1960?

(4) Are goods deposited at cloakrooms insured against loss, damage, fire, and theft?

Mr. COURT replied:

(1) and (2) The responsibility of the W.A. Government Railways Commission for goods deposited in cloakrooms is laid down in the Coaching Rates Book as follows—

> The Commission shall not be liable for any article which is not fully addressed, deposited in the Cloak Room, nor for any sum in excess of fifteen pounds (£15) in respect of any article. At Perth Cloak Room articles valued in excess of £15 may be insured separately at the option of the depositor at the following scale—
>
> > An insurance charge of 6d. per £10 (or part thereof) on full value of article to be insured (maximum £300).
> >
> > Any article declared to be of a greater value than £300 shall be accepted at the risk of the Commission only by special arrangement with the Commercial Agent.

(3) Charges from the 1st September, 1960:

> For each article including bicycles, bath chairs, tricycles and baby conveyances: Up to midnight on day following lodgement, 9d.; each subsequent day or part thereof ending midnight, 6d.
>
> Motor bicycles: up to midnight on day following lodgement, 1s. 6d.; each subsequent day or part thereof ending midnight, 1s. 6d.
>
> Charges for years 1957, 1958, 1959 and up to the 31st August, 1960:
>
> For each article including bicycles, bath chairs, tricycles and baby conveyances: Up to midnight on day following lodgement, 6d.; each subsequent day or part thereof ending midnight, 4d.
>
> Motor bicycles: Up to midnight on day following lodgement, 1s.; each subsequent day or part thereof ending midnight, 1s.

(4) Yes, in accordance with Nos. (1) and (2).

15 and 16. *These questions were postponed.*

TOWN PLANNING

Reserves in Nedlands-Claremont

17. Mr. CROMMELIN asked the Minister representing the Minister for Town Planning:

(1) Are the following—

(a) Reserve 885, Victoria Avenue;
(b) Reserve 2025, Victoria Avenue;
(c) Reserve 8003, Gugeri Street;
(d) Reserve, Mitford Street;

included in the Nedlands-Claremont Public Open Space Regional Plan?

(2) If not, will he give the reason why?

Nedlands Planning District

(3) As, under the Nedlands Planning District, it is stated that the present population is 24,700 and the proposed population is 32,000, will he indicate when the new figure is likely to be reached and where the new housing development will take place?

Cottesloe Planning District

(4) As, under the Cottesloe Planning District, the present population is shown as 20,000 and the proposed 29,000, will he also give details as in the previous question?

Davies Road, Claremont

(5) When is Davies Road, Claremont, likely to become a major highway under the proposed road system?

(6) (a) Why is it not desirable to permit building development along the frontage of this road; and

(b) how would building of homes tend to prejudice the ultimate standard of that road, having regard to the fact that homes are already built along 80 per cent. of the road?

(7) Is it the policy of the town planning authority to prevent building development on all major roads?

Mr. PERKINS replied:

(1) (a), (b) and (c). Yes, as local open space.

(d) The Mitford Street reserve is included in the Cottesloe-Claremont area.

(2) Answered by (1).

(3) The proposed population is based upon a metropolitan region population of 1.4 millions. On present indications this figure is expected to be reached in the year 2000.

Increased population is expected from development of the relatively small number of vacant allotments, subdivision of large lots and more extensive flat building.

(4) As for (3).

(5) Not within 10 years.

(6) (a) Frontage development adjacent to the major open space and the junction with Cottesloe Crescent is not desirable for aesthetic and safety reasons.

(b) Every additional access on to the road reduces its efficiency.

(7) No.

WATER RATES

Subiaco Appeals

18. Mr. TONKIN asked the Minister for Water Supplies:

(1) Has he seen the circular letter over the name of Hugh Guthrie, member for Subiaco, which has been distributed advising recipients that "a streamlined procedure has been arranged to dispose of the Subiaco rating appeals" and that it has now been left to Mr. Guthrie to advise the appellants?

(2) Is the statement in the circular correct that the Taxation Department will supply Mr. Guthrie with a "written report on each property some five days before the hearing of each appeal"?

(3) If information concerning valuations is to be supplied as claimed, on whose authority is it to be done?

(4) Is it intended that the appellants will be in any way consulted by the Taxation Department before information concerning their properties will be supplied to the member for Subiaco?

Mr. WILD replied:

(1) I am aware that a circular letter has been distributed by the member for Subiaco to appellants whom he had undertaken to represent.

(2) Yes; but only for those appellants he is representing.

(3) This was a mutual arrangement between the department, the chief valuer of the Taxation Department, and the member for Subiaco and was for the purpose of facilitating appeal board proceedings.

(4) The customary reinspection following the lodgment of appeals is made by Taxation Department valuing officers and the information is supplied to Mr. Guthrie as the representative of the appellant.

CANTERBURY COURT

State's Financial Involvement

19. Mr. GRAHAM asked the Treasurer:

(1) To what extent is the State involved financially in respect of the Canterbury Court property?

(2) What is the present position of the Government in relation to the project?

Mr. BRAND replied:

(1) Contingent liabilities under Government guarantees, £300,146.

Advances by way of loan, £20,000. Payments made on behalf of the company on account of interest and principal repayments to the Prudential Assurance Company, £33,716.

(2) The present Government has been placed in the position of having to support the company as the result of commitments entered into by the previous Government.

RAILWAY SIGNALS

Lighting System

20. Mr. BRADY asked the Minister for Railways:

(1) Will he state the name of the system of lighting used for railway purposes in the metropolitan area?

(2) Will the proposed standard gauge railway embody a new system of signals?

(3) Will the searchlight system be extended in the metropolitan area in the near future?

Mr. COURT replied:

(1) Presumably the question relates to the system of lighting used for railway signals in the metropolitan area. These are illuminated mainly by kerosene lamps. A small proportion is illuminated electrically.

(2) The proposal is that more modern methods of signalling will be installed on the standard gauge railway.

(3) Proposals have already been approved to commence installation of automatic signalling, including searchlight-type signals, on the metropolitan system. Dependent on the availability of funds, the programme will progressively embrace the whole of the metropolitan system.

RAILWAY PROPERTY

Painting at Midland Junction and Perth

21. Mr. BRADY asked the Minister for Railways:

(1) Will the proposed painting on Government Railway property at Midland and Perth be carried out by railway employees or contractors?

(2) Will consideration be given to bringing painters transferred to the country to Perth for the proposed work?

Mr. COURT replied:

(1) To the extent that the normal railway painting staff will allow, the work will be done by employees. Present planning suggests that the painting requirements at Midland will be undertaken by departmental labour while the Perth station premises will probably be undertaken by contract.

(2) If the honourable member is referring to railway employees, the answer is that any rearrangement will be a matter for internal decision having regard for commitments in various localities.

If he is referring to non-railway employees, the answer is that additions to the staff are not proposed.

QUESTION WITHOUT NOTICE

WATER RATES

Subiaco Appeals

Mr. TONKIN: I would like to ask the Minister for Water Supplies a question with reference to the replies he gave this afternoon to questions on the notice paper. I have in my possession a letter which was sent by Mr. Guthrie to an appellant whom he is not representing. I desire to know whether the Taxation Department will make available to Mr. Guthrie information concerning valuations unless Mr. Guthrie is able to satisfy the department that he is, in effect, representing the appellant.

Mr. WILD: As this was an arrangement entered into between the department, the chief valuer, and the member for Subiaco, I could ascertain the position and let the member for Melville know, if he would put his question on the notice paper.

BILLS (3): INTRODUCTION AND FIRST READING

1. Superannuation and Family Benefits Act Amendment Bill.

Bill introduced, on motion by Mr. Brand (Treasurer), and read a first time.

2. Kwinana-Mundijong-Jarrahdale Railway Bill.

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

3. Industry (Advances) Act Amendment Bill.

Bill introduced, on motion by Mr. Court (Minister for Industrial Development), and read a first time.

BILLS (4): THIRD READING

1. State Housing Act Amendment Bill.

Bill read a third time, on motion by Mr. Ross Hutchinson (Chief Secretary), and transmitted to the Council.

2. Bulk Handling Act Amendment Bill.

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

3. Railway Standardisation Agreement Bill.

4. Railways (Standard Gauge) Construction Bill.

Bills read a third time, on motions by Mr. Brand (Premier), and transmitted to the Council.

PAINTERS' REGISTRATION BILL

Second Reading

Debate resumed from the 13th September.

MR. WILD (Dale—Minister for Works) [4.53 p.m.]: This Bill was introduced some two or three weeks ago by the member for East Perth and is an attempt to register master painters in Western Australia. As soon as it saw the light of day I was, to some degree, besieged by people, some wanting and some not wanting this legislation. In addition, I received communications from various authorities in the Eastern States. I made inquiries over there, and so far I have been unable to ascertain any permanent or firm move being made in the direction of registering a similar association in any of the other States of Australia. I understand that some move is being made in Queensland, and it is possible that legislation will be introduced this session.

As far as Western Australia is concerned, I would say that whilst there may be some merit for the introduction of this measure, it could have been much more worth while perhaps 12 or 14 years ago; not that even

then I would have given it my full blessing. However, with the upsurge in house building in Western Australia in the post-war years—years when the member for East Perth was Minister for Housing for six years, I being his predecessor prior to 1953—there was no move in this direction during that period.

That was the position, despite the fact that we were building in Western Australia many thousands of houses. If my memory serves me rightly, we were building somewhere in the order of 9,000 houses. As I said before, if there were any merit in this legislation at all the time for it was when that large number of houses was being erected and when there was a big influx of migrants coming into Western Australia and many hundreds of men—I do not think I am exaggerating—bought a tin of paint, and a brush, and advertised themselves as master painters.

Mr. May: They called themselves master painters.

Mr. WILD: And called themselves master painters, as the member for Collie has just said. In my view, there may have been some merit in introducing legislation such as this at that stage. However, the opportunity was missed. Those who control this association apparently did not think there was any need to approach either myself between 1950 and 1953 or the member for East Perth between 1953 and 1959 to introduce legislation.

But now, in 1961, when house building is at its lowest ebb for the last 14 or 15 years, we find that this legislation is requested. After deputations came to me following the introduction of this measure by the honourable member I could see some merit in having it on our statute book; and accordingly it is my intention to support the measure at the second reading. However, as the honourable member knows, the other day I placed upon the notice paper some amendments which rather drastically alter some of the principles in the Bill. I think the main amendment is one in regard to the composition of the board. The House was asked to agree that there should be three master painters on the board, with an independent chairman—somebody not engaged in the painting industry—and a member of the painters' union.

I cannot for the life of me see why, firstly, there should be a preponderance of master painters on a board such as this; and, secondly, why one of the representatives should be a member of the union. Admittedly, he is the man who does some of the painting, but I cannot see how he could in any way contribute to what this board is going to do: that is, determine whether a man is fit and qualified to be a master painter.

Therefore, I have placed an amendment on the notice paper to provide that the chairman will be the chairman for the time being of the Builders' Registration Board; a man who in my view would be a fit and proper person to look after an undertaking such as this. He would be a person constantly in touch with people in the trade.

Until last year that chairman was always the Principal Architect of the Public Works Department. However, this was altered by an amendment to our law; and Mr. Clare, the ex-Principal Architect, continued to be chairman. In any case, whether it is Mr. Clare, or we subsequently go back to the Principal Architect of the Public Works Department, we would have in the chair of this board a man who is constantly in touch with the building industry.

Then we have a nominee of the Master Painters' Association, with which I agree; and the third nominee is a representative of the Chamber of Manufacturers; and no doubt that chamber would nominate somebody from the paint manufacturing industry. I cannot think of anybody better to be on a board than a man who actually manufactures the paint.

From all I have heard, many of the complaints made to the association in the past have come from people about paint peeling off. It is probably the paint that gets the blame. I would not know whether it were good paint or bad paint. However, if the paint manufacturer gets the blame, the people, when asked whose paint it is, quote a certain make, although the fault might be due to inferior painting. Again I repeat I would not know. But I think that as they are people so vitally interested in the business of painting, then a representative of the manufacturers should be on the board.

Members will also notice that I have placed on the notice paper an amendment to reduce the fees. I am told that the number of master painters is not known. All sorts of figures have been thrown at me: Some say 400, some say 500, and some say more. But if we adhere to the figures that were given to us when this Bill was introduced, then it is £10 10s. to join the association and £3 3s. a year.

Mr. Graham: The other way round.

Mr. WILD: As the member for East Perth points out, it is the other way round: £3 3s. to join and £10 10s. a year. Roughly 15 times the number of painters there are and we are running into £4,000, £5,000, or £6,000 per year. I cannot see what they would do with such a large sum of money coming in annually, or near enough each year. I have therefore placed an amendment on the notice paper to bring these fees down considerably. I also feel that the secretary of this board should be the registrar of the Builders' Registration Board.

Here again, we have a man who is in touch with the building industry. He has an office; he has the set-up. I do not know exactly, but I would think that for £200 or £300 a year he would be quite happy to be secretary of this board; and for this reasonably small sum be able to do all that was required of the board which, I envisage, would not meet any more times than the Builders' Registration Board, which is about eight or 10 times a year.

Mr. May: What is your reason for excluding the Painters' Union?

Mr. WILD: I cannot for the life of me see, when this particular board is being set up to register master painters, how a member of the union can bring anything to the board.

Mr. Oldfield: Of course you can't! We don't expect you to see it.

Mr. WILD: I would ask the member for Mt. Lawley not to be silly. Do not be political! I am trying to be constructive. If we have the board as suggested, with a representative of the Master Painters' Association, the chairman of the Builders' Registration Board, and a representative of the paint manufacturers of Western Australia, we will have three people who will be suitable. They will give us reasoned opinions; and, in my view, will bring something to the industry we are looking for.

The further amendment I placed on the notice paper is in regard to confining this to the metropolitan area. When one thinks of the vastness of Western Australia, if we are going to bring Wyndham, Albany, and Kalgoorlie under this board, then we certainly would want the £4,000 or £5,000 a year, because we would require three or four inspectors in order to be able to do it.

I cannot, for the life of me, see why we should penalise the farmer or the man in the small outback town who wishes to do a bit of painting. I think that is stretching the long bow, and I am not prepared to agree to it.

However, apart from those observations I am quite prepared to agree to this Bill going into Committee, and I hope that the member for East Perth will agree to the amendments I have submitted. As I said earlier, I think there is some merit in this. I am not particularly married to it, but if the association wants an Act on the statute book, then I suggest this is the way to do it. Having got it on the statute book; by the time these three men have met they can come to the Government of the day next year, make their observations, and point out its faults and shortcomings; and the Government of the day, if it thinks fit, can make the necessary amendments. In order to put this Bill into Committee, I give it my support in the second reading.

MR. GRAHAM (East Perth) [5.5 p.m.]: I appreciate the fact that the Government is agreeing to the second reading of this measure; notwithstanding there is a difference of opinion between the Minister for Works and myself regarding the exact form the legislation will take. I do not intend at this stage to debate the points of difference, considering that they can better be resolved and more fully discussed at the Committee stage. I am anxious that some progress shall be made with this measure.

My only observation, therefore, is to express the hope to the Minister that he is not necessarily wedded in every particular to the details of his amendments. I indicated to the House, when introducing the measure, that I would be found reasonably resilient and would be prepared to give and take when compelled to give and take; and I am certain that if there is a spirit of compromise then the Minister and I, notwithstanding perhaps a few preliminary skirmishes, will be much closer together than might appear at the present moment. Anyhow, I trust it is in that spirit that the succeeding deliberations will take place.

Question put and passed.

Bill read a second time.

In Committee, etc.

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Graham in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Areas under Act—

Mr. WILD: I move an amendment—

> Page 3, lines 1 to 4—Delete all words after the word "within" down to and including the word "Cross", with a view to substituting the following:—
>
> the metropolitan area as defined in the Second Schedule of the Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1960.
>
> Provided that the Governor may from time to time by proclamation declare that this Act shall apply in any other place or places and thereupon the same shall apply accordingly.
>
> Provided that the Governor may by further proclamation revoke any such proclamation.

I feel it is asking too much to have this matter policed all over Western Australia. Under the Builders' Registration Act the farmer or the man in the country is able, if he so desires, to do his own painting, as he is allowed to do his own building; and I think it is fit and proper that for a start we should confine this measure to the metropolitan area.

Mr. GRAHAM: Before commenting on this amendment, let me comment on the statement made by the Minister. Nowhere in this Bill is it proposed that anybody anywhere shall be prevented from carrying out painting operations on his own buildings or structures, or anything else. I think that should be made perfectly clear.

With regard to the amendment, it seems, as the Minister pointed out, that as this is experimental legislation in Western Australia it should commence, by and large, in the metropolitan area in order to give it a go, if I might use that term; and if it operates smoothly and satisfactorily, and attains the objectives which prompted the introduction of the Bill, then the area encompassed by the legislation can be extended.

I think that as a starting point the Minister's proposal will be acceptable to the parties that are most interested. The metropolitan water supply, sewerage, and drainage area, as I understand it, falls within the boundaries roughly from the ocean on the west; somewhere south of Wanneroo in the north; the foot of the Darling Ranges in the east; and down to and including Rockingham in the south. I have no objection to what the Minister has submitted because I agree that in the country districts, or certain of the smaller centres, there could be difficulties, and perhaps there is considerable merit in legislating slowly.

Amendment put and passed.

Mr. WILD: I move an amendment—

Page 3, lines 1 to 4—Substitute the following words for the words deleted:—

the metropolitan area as defined in the Second Schedule of the Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1960.

Provided that the Governor may from time to time by proclamation declare that this Act shall apply in any other place or places and thereupon the same shall apply accordingly.

Provided that the Governor may by further proclamation revoke any such proclamation.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Prohibition against unregistered painters carrying on business—

Mr. WILD: I move an amendment—

Page 3, line 10—Delete the word "five" with a view to substituting the word "twenty".

I do this because I consider that £5 is much too low. These days one can barely buy a tin of paint and paint brush for £5. I have put in what I consider to be a more realistic figure. It is a question of values. I think the member for East Perth will agree with me that £5 is much too low and that £20 is much more realistic.

Mr. GRAHAM: In the spirit of compromise to which I made reference earlier, I am prepared to agree with the Minister to some extent. However, I do think that £20 is somewhat excessive. One of the principal purposes of the Bill is to provide protection for the public; to ensure that when a painter is hired to do a job, he will know his work and will carry it out satisfactorily. It would be possible to do out a whole room, with all the trimmings, for £20, and still have something to spare. I am doubtful about what the Minister proposes in view of his intention on paper, anyhow—respecting his second move. As the two matters are interrelated and pertain to the same clause, I think I should have an opportunity to say a few words in this respect.

The CHAIRMAN (Mr. Roberts): The Minister has not as yet moved his second amendment. The honourable member cannot discuss it at this stage.

Mr. GRAHAM: I hasten to point out that my attitude to the figure the Minister mentioned will be influenced by his attitude in respect of his second amendment; and *vice versa.*

Mr. Wild: If you agree to take the second part out, what figure would you agree to?

Mr. GRAHAM: I emphasise that if the second amendment is successful, the whole of the legislation can be defeated because of the floodgates being opened. I point out that there is provision for the Builders' Registration Board to meet the situation which I seek to cover by the Bill. I would like to hear the Minister's reaction to the sum of £10 being substituted for the £5 which is in the Bill. That would be a reasonable figure and would not allow anyone to do a complete job.

There are quite a number of handy-men who go about doing jobs that involve a number of different trades. The shape or size of a door might need to be altered, and a little paintwork might be necessary. It would be unreal to get in separate tradesmen and to call for separate quotes for such work. The Minister suggests that £5 is insufficient for a handy-man to put a couple of coats of paint on some louvre frames on the back verandah, and that sort of thing. If we allowed £10 worth of painting to be done, that would meet the position without allowing entire jobs to be done virtually in bits and pieces.

Mr. Wild: If the honourable member is prepared to agree to my suggestion of £20, I will agree to allow subclause (2) to remain.

Mr. Watts: Subject to the alteration of "five" to some other amount.

Mr. GRAHAM: At this stage I will raise no objection to the deletion of the word "five." I would like to hear the Minister comment on my remarks; and I hope he can keep the figure below £20, because I think that is excessive.

Amendment put and passed.

Mr. WILD: I must insist on adhering to the amount of £20; and provided members agree to that, I will be prepared to let subclause (2) remain in the measure. These days we can get very little done for our money. The Deputy Premier just mentioned to me that he recently had a room painted, and it cost him £11; and there was not very much done in the way of work. I had some painting done in my own home at a cost of £60, and I got practically nothing done. These days painters do not think in terms of £5 and £10, but in terms of around £50. It costs, as the honourable member knows, about £100 to paint a house. I think £20 is a realistic figure.

I agree with the member for East Perth that the association wants to get this legislation on the statute book. In a few months' time, the board may find that we have been unrealistic, and if we have and the figure of £20 is found to be wrong and it should be only £10 or £15, I have no doubt that, as we are human beings and not madmen, Parliament would agree to an amendment. This is the type of legislation that must be subject to give and take; and if the honourable member will allow the amount of £20 to be inserted, I will be quite prepared to leave subclause (2), which he says is vital, in the Bill. I move an amendment—

> Page 3, line 10—Substitute the word "twenty" for the word deleted.

Mr. GRAHAM: Needless to say, the glad tidings were contained in the Minister's message that he would not press for the deletion of the subclause which seeks to meet the position where a painter, in an endeavour to defeat the legislation, submits a contract, if the figure be £20, for £19, for this room, and £19 for the next room, and so on. On that basis he could paint the Adelphi Hotel.

So I appreciate what the Minister said; and I am so appreciative that I do not intend to contest the amount of £20 as strongly as I might otherwise have done. But I make this comment in regard to the Attorney-General: If he paid £11 for one room to be painted—which I do not doubt for a moment—I should say he wanted a guarantee that the job would be well and faithfully done. The Bill proposes that jobs shall be carried out by duly qualified persons both at the end of the brush, and also at the management end.

There is another aspect: Some people, particularly pensioners, find it impossible to completely repaint their homes. So, on account of economic circumstances, they must do it in bits and pieces. They do the sitting-room this year, and hope they will be able to do the bedroom next year, and so on. Some of these people, unfortunately, have been the victims of these fly-by-night, so-called painters. That process, of course, will continue.

I submit to the Minister that the increase should be somewhat less than £20. But I am not prepared to jeopardise the Bill on that account. As he has pointed out, some corrective action can subsequently be taken if the figure is found to be too big. I think £20 is excessive, but I press the matter no further. However, finally I ask the Minister whether he is prepared to go below that amount.

Mr. Wild: I think for the time being you should leave it at that.

Mr. GRAHAM: Then I must be realistic and accept the situation.

Amendment put and passed.

Mr. LEWIS: The clause provides for a penalty of £25 in respect of a first offence, and £100 in respect of any subsequent offence. I think the penalties are a little excessive, particularly as this is new legislation. I do not know how many unregistered painters there are in the metropolitan area, but of necessity there will be many who will be ignorant of this law for some time to come. I consider the penalty of £25 for a first offence is rather harsh. I move an amendment—

> Page 3, line 11—Delete the word "Twenty-five" with a view to substituting the word "Ten".

If I am successful with this amendment I shall move to delete the words "One hundred" in the next line and substitute the word "fifty".

Mr. GRAHAM: At first glance there may appear to be some merit in what the honourable member proposes, but we all know that the invariable practice of the courts is to impose a fine of about one-fifth of what is provided by law; so that when we provide for a penalty of £25, the fine could well be only £5. I point out that if the penalty were small, it would not be a deterrent to a painting contractor.

An unregistered man might undertake a job which would show him a profit of £20 or £30. What would a fine of £2—one-fifth of £10—mean to him? Having done so well, he might decide to have another go. If he suffered a second conviction, under the honourable member's proposal he would, perhaps, be fined only £10. Under the Marketing of Potatoes Act, a person can be practically thrown into prison, and hung, drawn, and quartered,

for selling a few pounds of potatoes that had not passed through the right channels. So this provision is very moderate. As a matter of fact, it has been watered down from the original conception. I do not think the penalties are savage in any way, and I would prefer that they be not interfered with. I intend to vote against the amendment.

Amendment (to delete word) put and passed.

The CHAIRMAN (Mr. Roberts): Order! I must ask the persons in the gallery to be as quiet as possible, because members cannot hear what is going on.

Mr. LEWIS: I move an amendment—

Page 3, line 11—Substitute the word "Ten" for the word deleted.

Mr. GRAHAM: This proposition is completely unreal. Offhand, I cannot recall every piece of legislation which provides for similar penalties; but I am familiar with the Traffic Act, for instance. Under that Act there is power to make regulations and to prescribe penalties for offences such as those committed by persons who jaywalk across a street which, are not, for one moment, considered by Parliament to be serious offences. In this case, however, attempts could be made to defy the law because to do so the person concerned would obtain some gain as a result. In a serious matter such as this where everyone engaged in the trade, whether master or servant, is aware of the regulations, to suggest that a penalty of £2 be prescribed would tend to create a situation of a person committing an unlawful act for the purpose of gain.

I admit that the amendment prescribes a penalty of £10. But it is stated that the practice of the court is generally to impose one-fifth of the penalty prescribed. In this instance there would be an inducement for a man to break the law because, in so doing, he might be able to obtain large contracts with greater reward to himself, and this insignificant fine of £2 would be no deterrent to him.

I seek your guidance, Mr. Chairman. At the time the vote was taken on the previous amendment there were some understandable noises in the gallery; and, as a result, perhaps a little confusion followed. Would it be possible for me, if the member for Moore persists with his amendment to insert the word "ten" to have it defeated with a view to my inserting the word "twenty"?

The CHAIRMAN (Mr. Roberts): The member for Moore has moved that the word "ten" be inserted in lieu of the words struck out. If the Committee votes against that amendment the honourable member can then move another amendment to increase the amount.

Mr. GRAHAM: I appeal to the Committee to vote against the amendment; and if it does so, I will move to insert the word "twenty". Such a penalty would not be excessive because, in the case of a first offender, he would be fined only £4 in practice. If we have a reasonable regard for the penalty prescribed it may act as a deterrent. Even the sum of £25 in the Bill as printed is little enough in the light of the circumstances I have outlined. I hope, therefore, that the member for Moore will concede he has won a token victory and so will agree to my amendment to increase the penalty to £20.

Mr. O'NEIL: I think I can be excused for not fully comprehending the technicalities of this debate on account of the noise in the gallery. Quite frankly, having heard the latter part of the discussion between the member for Moore and the member for East Perth, it amazes me to hear about a state of affairs where any reduction of penalty proposed is opposed by the member for East Perth. It has to be borne in mind that this penalty is to be imposed on the unregistered painter if the Bill becomes law, and therefore it could be imposed on one of the workers of East Perth who will have to pay it.

I feel, contrary to what I normally feel in regard to any proposition put forward by the member for East Perth, that this penalty, in fact, is too high; and I agree with the amount proposed by the member for Moore.

Mr. Graham: Which, in fact, is only £2.

Mr. O'NEIL: That argument can be used both ways. The maximum penalty prescribed is to be £10 which is a fair fine for committing a breach against what is normally the prerogative of the registered painter. The proposition put forward from this side of the Chamber is to reduce the penalty that is to be imposed on a worker; yet the member for East Perth wishes to increase the amount to £20 as against £10. I am still open to any suggestion that any member of the Opposition can put forward. At the moment, however, I think the penalty of £20 is far too high, and the Committee should agree to the amendment.

Amendment put and passed.

The CHAIRMAN (Mr. Roberts): I must ask those present in the gallery not to demonstrate or create too much noise, because it is impossible for members to hear any speaker who is addressing the Committee.

Mr. GRAHAM: Before the member for Moore proceeds with the latter part of his amendment, can I make an appeal to him? He has stated that a first offender may have been unaware of the circumstances, particularly as this is new legislation and, accordingly, he has reduced the fine, in the first instance, to a very small one.

Mr. O'Neil: A reasonable one.

Mr. GRAHAM: A small one, shall we say, in comparison with the penalty that was originally proposed. I hope the member for Canning will not persist in making this a party-political matter, because there is nothing party-political in the Bill, and I have endeavoured to keep it on a reasonable plane. I appeal to the member for Moore, having had success in that respect, to meet me halfway by not persisting with the second amendment, of which he has given notice. He has scored a point that the first offender shall be treated leniently. If he persists in defying the law he will probably be fined £20 on the second occasion or, the fine could be stepped up accordingly.

I therefore appeal to the member for Moore to allow me to put in the legislation some teeth, so that if there is this wilful defiance it will be possible for the court to award a lower penalty in the first instance, but in an aggravated case it could impose a penalty that would be fitting to act as a deterrent against this wilful defiance of the law.

Mr. LEWIS: I am a reasonable man, and I am prepared to accede to the wishes of the member for East Perth.

Mr. WILD: Mr. Chairman, have I your permission to withdraw the amendment I have on the notice paper in view of the amendments that have already been agreed to by the Committee?

The CHAIRMAN (Mr. Roberts): There is no need for it, because the Minister has not moved the amendment.

Mr. WILD: Very well.

The clause was further amended, on motions by Mr. Wild (Minister for Works), as follows:—

Page 3, line 29—Delete the word "five" and substitute the word "twenty".

Page 3, line 33—Delete the word "five" and substitute the word "twenty".

Page 3, line 35—Delete the word "five" and substitute the word "twenty".

Clause, as amended, put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Constitution of Board—

Mr. WILD: I move an amendment—

Page 4, lines 6 to 10—Delete all words after the word "Chairman" down to and including the word "Governor" and substitute the following words:—"who shall be the Chairman for the time being of the Builders' Registration Board of Western Australia".

Mr. GRAHAM: I have no objection to the amendment. Under the provisions of the Bill, as printed, the chairman was to be a person not pecuniarily interested in the business or trade of painting. The amendment will mean that the chairman of the Builders' Registration Board will also be chairman of the Painters' Registration Board. The Builders' Registration Act provides that the chairman of the board shall be a registered architect, and therefore a man who should know something about building and the standard of work. As long as the builders' registration legislation continues in its present form we will be assured that such a person will preside over the board.

Amendment put and passed.

Mr. GRAHAM: The next amendment of the Minister on the notice paper seeks to delete paragraphs (b) and (c). I will ask him to deal with his amendment in two parts and to move for the deletion of each paragraph separately. The Bill provides for two representatives to be nominated by the Master Painters' Association and for another registered painter to be appointed by the Minister. In addition, there is to be a representative of the Painters' Union on the board. Under the proposed amendment of the Minister the board will consist of an architect as chairman, one master painter nominated by the Master Painters' Association, and a representative nominated by the Chamber of Manufacturers.

The Minister has made a great mistake in his approach to the membership of the board. This Bill does not seek to manage or control the paint industry; its purpose is to exercise control over the operatives who apply the paint to buildings. Whilst the quality of the paints used will be taken into consideration, that matter is really beside the point.

During the second reading the Minister said there was something fundamentally wrong with my concept, because the proposed board would be composed predominantly of master painters, in addition to which there is to be a representative nominated by the Painters' Union. I would point out to him that my approach to the composition of the board is modelled, to some extent, on the composition of the Builders' Registration Board on which the workers in the building trade have a representative. In addition, two members of that board are nominated by the Builders' Guild and by the Master Builders' Association. This board is predominantly controlled by persons associated with and having a direct interest in the industry.

Regarding the Architects' Board, six of the nine members are architects, and there may be more. Every single member of the Legal Pracitioners' Board is a legal practitioner. The seven members of the Chemists' Board are all elected by the pharmaceutical chemists. Three members out of the five

members of the Chiropodists' Board are chiropodists. Six out of the seven members of the Dental Board are dentists. Four out of the nine members of the Licensed Surveyors' Board are surveyors. Six out of the seven members of the Medical Board are medical practitioners. Finally, six out of the seven members of the Optometrists' Board are optometrists. I wonder how many non-accountants there are on the board of the institute of accountants.

Mr. Court: That is our own private body, not a Government body.

Mr. GRAHAM: The board under consideration is also a private body. This Bill is being introduced by a private member.

Mr. Court: It is to be a statutory board.

Mr. GRAHAM: Of course it is! The proposed board will cover the registration of painters to ensure that the operatives possess certain qualifications and are capable of performing a reasonable job for the public. It is to cover persons who are interested and who are specialists in the trade.

Mr. O'Neil: Who are the other representatives of the boards you have mentioned? Take the case of the Chiropodists' Board.

Mr. GRAHAM: Three out of the five members are chiropodists. The other two members are the Commissioner of Public Health or a medical practitioner nominated by him, and a medical practitioner appointed by the Governor. Of the seven members of the Dental Board, four are elected by the dentists, two more dentists are nominated by the Governor, and the remaining member is a medical practitioner.

Mr. O'Neil: There are no consumers' representatives on those boards.

Mr. GRAHAM: That is true. The Minister has a wrong conception of the functions of the painters' board. There is no intention that it will be concerned with the quality of the paint that is sold to the public, or whether one manufacturer produces a better paint than another. No doubt the nominee of the Chamber of Manufactures will be a member of a paint manufacturing or distributing firm, but the popular brands of paint are not manufactured in Western Australia. The paint firms in Western Australia are either mixers or distributors of paint. The analytical chemists and those with technical knowledge of paint manufacturing are retained at the headquarters of the paint manufacturers in the Eastern States.

I ask the Minister to pay some heed to what Parliament has done over the years. In the original conception of the board a safeguard was provided in having an independent person as chairman. Under the proposed amendment of the Minister that will still apply. In my conception of the composition of the board, two of the five members are to be nominated by the Master Painters' Association, so it will not have a majority on the board. I also consider there should be another master painter on the board, to be nominated by the Minister. The same practice is adopted in the Egg Board.

In my proposal there is to be a representative of the union on the board, and that is put forward for a very good reason. It is the aspiration of the operatives in the painting industry to launch out on their own account some time in the future. By having a board such as this they will have a body to safeguard the industry, and they will not have to approach the Commonwealth Employment Service for work, should unemployment in the painting industry come about as a result of unqualified people—who possess a paint brush and a tin of paint—undertaking painting work. Painters who have the qualifications and who have served apprenticeship should have first right to the jobs offering in the future.

In not one instance has Parliament over the years set up a board and given those whom it designed to protect a one-third representation on the board. I appeal to the Minister to go part of the way with my proposal. Although I do not agree with the inclusion of a representative of the Chamber of Manufactures on the board, I concede the Minister's desire in this respect. However, I am asking for two nominees of the Master Painters' Association and one nominee of the Painters' Union to be on the board.

Mr. WILD: I am prepared to go part of the way. I cannot see what useful purpose will be served in having a union representative on a board such as this. This is really a board of the master painters, and the board members should comprise master painters or paint manufacturers. However, I am prepared to agree to the inclusion of the union representative on the board. That means there will be four members on the board, one being the chairman, one the representative of the master painters, one the representative of the Chamber of Manufactures, and the remaining one the representative of the Painters' Union.

Mr. GRAHAM: I appreciate the gesture which the Minister has made. I have been advocating greater representation of the people who are directly affected by such a board; they are the master painters. The proposal of the Minister makes the position far worse, by giving the master painters only one representative on a board of four. I ask the Minister to have another look at the position. The point which I made initially becomes ludicrous if a board to conduct the affairs of the master painters, is set up wherein the master painters have only 25 per cent. representation. I ask the Minister to go

one step further and agree to two representatives from the Master Painters' Association. There would then be a board of five members, with two representatives from the master painters, and they would have a greater voice on the board. I do not think there would be any unbalance about that.

Mr. WILD: I will accede to the request of the member for East Perth. The smaller the board the better, I feel. However, I can see that it would be loaded to some degree against the master painters and at least they should have two representatives out of the five.

Mr. O'NEIL: With respect to the union's representative on this board, I disagree with the Minister and the member for East Perth. When the member for East Perth was introducing this legislation, I asked him by way of interjection whether all journeymen painters would be required to belong to the union and be registered as painters. His reply was as follows:—

> No. Perhaps I should have stressed that point. I draw attention to clause 4 where the operative words are "otherwise than as a *bona fide* employee." In other words, employees as such are exempted.

We have a board set up to register master painters, and yet one member of the board is not himself to be a master painter although perhaps he is entitled to be one. I still fail to see any reason why there should be a journeyman painter unionist as a member of a board to register master painters.

Mr. Tonkin: This could be a case of where Jack is as good as his master.

Mr. GRAHAM: With regard to the remarks just made by the member for Canning I would refer him to the Builders' Registration Board. The same situation applies with regard to it, and therefore this is no new departure.

Mr. O'Neil: It might not be new, but I still do not see the point of it.

Mr. WILD: I move an amendment—

> Page 4, lines 11 to 19—Delete paragraph (b) and substitute the following:—
>
> (b) three members, two of whom shall be appointed by the Governor on the recommendation of the Association and who shall be members of the Association, and the other a representative nominated by the West Australian Chamber of Manufactures Incorporated.

Amendment put and passed.

Mr. GRAHAM: The personnel of the board has been attended to. It is now necessary to make an amendment to subclause (2).

Mr. WILD: Yes; I can see that. I therefore move an amendment—

> Page 4, line 23—Delete the word "either" and substitute the words, "the said West Australian Chamber of Manufactures Incorporated."

Amendment put and passed.

Clause, as amended, put and passed.

Clause 8 put and passed.

Clause 9: Appointment of officers—

Mr. WILD: I move an amendment—

> Page 5, line 22—Insert after the word "Board", the words, "who shall be the Registrar for the time being of the Builders' Registration Board of Western Australia."

I indicated earlier that this person would be an admirable officer to act as the registrar of this board because he already has his office, and for a matter of £200 or £300 a year I am sure he would be prepared to act as registrar.

Mr. GRAHAM: I would prefer that the board should attend to its own affairs, choosing its own secretary or registrar. Could the Minister indicate how we could meet this situation? It could be that an individual or a firm which does secretarial or accountancy work would be prepared to accept the responsibility of acting as a registrar for a fee of, as suggested by the Minister, £200. If the registrar of the Builders' Registration Board is appointed as registrar of the board under this legislation he could demand £1,000 per annum and there would be no appeal.

I concede there could be certain advantages in quite a number of these organisations being set up under the one roof. On the other hand there would probably be no great damage done, if, as they would be operating under separate statutes, they operated under separate roofs. The Painters' Registration Board should have the opportunity of appointing its own registrar.

Mr. WILD: We must stick to the amendments because we will certainly save money if we do. After all, under subclause (2) of this clause the remuneration of the registrar and the other officers and servants of the board is to be paid out of the funds of the board. Therefore the board has the sole say as to what it shall pay. If in operation this amendment proves unsatisfactory, the legislation can be amended next year. I am quite sure that the Registrar of the Builders' Registration Board (Mr. Gratwick) would be quite happy to accept £200 a year for the extra work which would probably only involve about eight or nine meetings a year.

Mr. GRAHAM: If the Minister is adamant—and incidentally I feel it is a bad principle to pass legislation which ensures that a certain person is to receive an additional emolument—would he agree to

add the words "for a fee or payment to be approved by the Minister" or words to that effect? That would leave it to the Minister to ensure that justice is done.

Mr. Watts: Perhaps during the tea suspension we could tidy up an amendment along those lines.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. WILD: Just before tea the member for East Perth mentioned that the fee for the registrar could be anything up to £1,000 guineas; and subsequently, in accordance with his wishes, and because I agree with him, I intend to move to have a new subclause (3) added which will read—

> The remuneration of the registrar shall be approved by the Minister.

Amendment put and passed.

Mr. WILD: I move an amendment—

> Page 5—Insert after subclause (2) in lines 26 to 28 the following new subclause:—
>
> (3) The remuneration of the registrar shall be approved by the Minister.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 19 put and passed.

Clause 20: Fees payable on registration and annual fee—

Mr. WILD: I move an amendment—

> Page 10, lines 29 and 30—Delete the words "three pounds three shillings" and substitute the words "two pounds two shillings."

Amendment put and passed.

Mr. GRAHAM: Members will see from the amendments that the Minister for Works has on the notice paper that he is seeking to reduce the annual fee, which in the Bill is £10 10s., to a figure of £2 2s. a year. In my view the latter amount is wholly inadequate to meet the situation. I will concede that in drafting the legislation it was somewhat of a matter of guesswork as to what might properly be the prescribed fee in order to give the board sufficient revenue to carry out its work and activities.

The original conception was to cover the South-West Land Division of the State, and that would have involved a great deal of travelling, which will be avoided in the initial concept of this Bill as we have already agreed to it. At the same time, as it has limited application, there will be a lesser number of painters who will be registered in this reduced area. I am not desirous of imposing any stipulated fee but merely of ensuring that the board has a reasonable sufficiency of funds to enable it to carry out its work. For that reason I have submitted an amendment which would have the effect of making the clause read that the annual registration fee shall be an amount approved by the Minister, but not exceeding £10 10s. a year.

I have endeavoured to rough out my own estimation of what the cost to the board might be. We have been told that there are some 300 painters in the metropolitan area who are listed in the *Telephone Directory*. As for the balance, it is not known how many there are, but an expert guess suggests there might be another 100; in other words, there would be a possibility of 400 painters being registered under this legislation. The nomination fee, which we have now decided shall be £2 2s., will provide, if the guess of members is correct, approximately £800. That will enable certain establishment costs to be met, and we are therefore concerned with the recurring or annual costs of administration.

In order to get a supervisor or inspector —I have consulted the latest Public Service List because supervisors and inspectors are employed by the State Housing Commission—it would be necessary to pay a salary of approximately £1,500 a year, to which I think we should add £100 to meet long-service leave, workers' compensation, and so forth, and perhaps £750 for travelling—that is, expenses in connection with his car, etc.—making a total of £2,350. I do not know what the registrar will be paid, but I have put down a figure of £250; for sundries, £400; and for payment to members of the board, £500, making a grand total of £3,500.

There may be some differences, but that is as close as I can get. There may be additional costs involved in taking certain cases to the court where master painters have infringed and refused to make good the shoddy work; or a process of some sort might be necessary in order to recover where the work has been made good by the board. However, I think my rough estimate of £3,500 would be somewhere near the mark.

Therefore, if my assumption be correct, the Minister could fix a sum of £8 8s. initially and then watch it closely. If it were necessary he would have a margin to increase it; but if it were found that this sum of money was not required the figure could be reduced to £7 7s., £6 6s., or whatever was appropriate to the occasion.

If Parliament agrees on the necessity for a board of this nature then, without being over-generous, we should ensure that the board has sufficient resources to enable it to carry out the functions which Parliament intended. Perhaps before moving in that direction it would be helpful if we had the Minister's reaction. For the benefit of members I intend to move, on page 11, to delete the words "ten pounds ten shillings" and insert the words "the prescribed fee." I then propose to move, in line 8, which is the last line in subclause (3), after the word "of", to insert the

words, "an amount approved by the Minister but not exceeding." The first amendment is to cover a proportional arrangement where a person comes in during the year; and I have already explained the second amendment.

Mr. Wild: That is acceptable.

Mr. GRAHAM: Thank you. I move an amendment—

Page 11, line 3—Delete the words "ten pounds ten shillings" and substitute the words "the prescribed fee."

Amendment put and passed.

Mr. GRAHAM: I move an amendment—

Page 11, line 8—Insert after the word "of" the words "an amount approved by the Minister but not exceeding".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 21 and 22 put and passed.

Clause 23: Power to make regulations—

Mr. GRAHAM: I would like to submit a question to the Minister in respect of the deletion of subclause (9). In view of the fact that there is now to be a representative of the Chamber of Manufactures, which he has suggested; and no doubt it was the intention that there should be a representative of the paint manufacturers, does the Minister consider it necessary to delete subclause (9)?

Mr. Wild: Leave it in.

Mr. GRAHAM: Thank you.

Clause put and passed.

Clauses 24 to 26 put and passed.

Title put and passed.

Bill reported with amendments.

BILLS (2): RETURNED

1. Public Moneys Investment Bill.
2. Fisheries Act Amendment Bill.

Bills returned from the Council without amendment.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 2)

Second Reading

MR. TONKIN (Melville—Deputy Leader of the Opposition) [7.51 p.m.]: I move—

That the Bill be now read a second time.

Like many Bills brought before this House this is a simple Bill, but nevertheless it is important. It contains three principles which can be very briefly stated: Firstly, that the law should be tightened up in order to prevent credit betting, which the Government did not previously like and which Parliament decided against; secondly, that the Auditor-General should have the right to inspect the books and the accounts and, if directed by the Minister, order that the accounts be kept in a certain way; thirdly, that a prescribed closing time should be fixed in order to ensure that a greater proportion of the money now being held by the board is placed on the totalisator on the racecourse.

Those are the only three principles in the Bill, and I shall seek to justify the legislation for these principles as I proceed. The most important one is that dealing with credit betting. If we look at section 33 of the Totalisator Agency Board Betting Act we find, in paragraph (b) of that section the following:—

> The board or any of its officers, agents or employees shall not accept any bet that is made by letter or by telegram or telephone message on any horse race unless—
>
> (i) the person making the bet has before the beginning of the race meeting at which the horse race is to be held established with the board in accordance with this Act a credit account sufficient to pay the amount of the bet, and has maintained the account up to the time of making the bet and the bet is charged against that account; or
>
> (ii) alternatively in the case of a bet made by letter or telegram the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with this Act.

Section 34 sets out how this credit account may be established and it reads—

> A credit account may be established with the board for any amount of not less than one pound and may in accordance with this Act be maintained by the payments of further moneys or the credit of winnings to that account.

There was a very special reason for having the legislation brought in in that way; it was for the express purpose of preventing credit betting in the way it used to be carried on before the Government nationalised the bookmaking industry.

When it was carried on under private enterprise it was possible for the investor to ring up the bookmaker, make a bet on credit, and then settle his bets on the settling day following. Then the Government nationalised the bookmaking business, and set up a public authority to act as a bookmaker; and that is what it is doing now. The Government said at the

time that one of its objectives was to prevent that type of credit betting which was prevailing, and to ensure that the only type of credit betting which could be carried on under the new arrangements was where the investor before the race started actually put his cash in; and then he could only continue to bet on credit if he maintained himself in credit either by making further payments in cash during the day, or by being credited with his winnings.

Every member knows that is what the House was told at the time; and the legislation was designed to ensure that. Now let us have a look at the Victorian Legislation upon which our legislation was based.

Mr. Perkins: I do not accept the statement that we based our legislation on the Victorian legislation.

Mr. TONKIN: Our legislation was certainly based on the Victorian legislation. There are a lot of statements which the Minister will not accept, but they can be proved just the same. I will leave this to the judgment of members. The Victorian Act was passed before our Act. I would now like to quote from section 116 (2) of No. 6619 of Victoria, which is an Act to amend part V of the Racing Act, 1959, to provide for off-course betting on racecourse totalisators and for other purposes. This is what the section says—

> No bet shall be accepted by the board or by any of its officers or agents or any of their employees unless made—
>
> (i) By the deposit of the amount of the bet in cash at an office or agency of the board in accordance with this division of the rules of the board, or by letter sent through the post, or by telegram or telephone message received at an office or agency of the board in accordance with the division of the rules of the board. No bet made by letter or by telegram or telephone message shall be accepted by the board or by any of its officers or agents or any of its employees in any event unless the person making the bet has before the beginning of the race meeting at which the fund is held, established with the board in accordance with the rules of the board a credit account sufficient to pay the amount of the bet and has maintained that account up to the time of making the bet and the bet is charged against that account.

That is word for word similar to the Western Australian Act. So if our Act is not based on that, then all I can say is that it is a most remarkable coincidence that the draftsman in Victoria and the draftsman in Western Australia could draft a clause and be word-perfect.

Mr. Perkins: I think you will agree there are a lot of variations between the two sets of legislation.

Mr. TONKIN: There is no variation in that wording—it is word for word.

Mr. Watts: I think a true statement of the fact is that the Victorian legislation was in the hands of the draftsman at the time the Western Australian legislation was being drafted; and when it was found the Victorian wording was suitable for Western Australian purposes, it was adopted by the Government.

Mr. TONKIN: That was probably it; but it goes to show the wording in our Act was deliberately made the same as the Victorian Act.

Mr. Watts: In that particular section.

Mr. TONKIN: That is the section I am dealing with. The section in the Victorian Act was designed to make it impossible for anybody to bet by credit with the totalisator unless that person had first of all lodged a cash credit with the totalisator and maintained that credit throughout.

Mr. Perkins: Do you think there is much credit betting going on with the T.A.B.?

Mr. TONKIN: I did not hear what the Minister said. And I think it might be preferable to let me proceed; and if the Minister has any questions I will be glad to answer them. The Minister had very strong views about this; and I quote from *Hansard* of 1960, page 1615. The Minister had this to say about credit betting—

> The community, as a whole, will benefit by a reduction in the total volume of off-course betting, and many of the evils associated with huge credit betting will disappear.

He then went on to say—

> I think it can be fairly claimed that this legislation, if it is accepted by Parliament, will bring about a measure of social reform in that the existing incentive to promote off-course betting under the present law will largely disappear; and the substitution of betting against deposits held by the T.A.B. for credit betting at present made possible by legislation of this Parliament in off-course betting shops sited to tempt wage-earners within their doors will, I hope, result in money required for providing essential family needs being spent for such purposes and not for payment of losing credit bets.

I have no doubt the Minister had in mind that if a person had to put his cash in beforehand he would not be faced with the necessity of having to find money to

pay losing credit bets subsequently. There is no room for doubt with regard to that. The Minister then went on to state—

> A substantial drop in turnover through the off-course totalisator as compared with off-course betting shops has been allowed for, because credit betting off course in totalisator regions will no longer be legal, and bets will be possible only in cash or against cash deposits or winnings held by the T.A.B.

That was the declaration which the Minister made to Parliament. So far as he was concerned, this legislation was designed to make credit betting of the type which previously flourished quite illegal; and that would only be possible if cash deposits were lodged with the T.A.B.

Therefore, the Minister could not have approved of any system under which an agent for the T.A.B. told the bettor he would lend him the money he required so that he could bet on credit during the day and the bettor could settle up for it afterwards. That could not possibly be read into the declaration. So we are in no doubt as to what was intended.

Mr. Perkins: I think you will agree there has been a big reduction in credit betting since the T.A.B. has taken over.

Mr. TONKIN: I think there has; but it looks as if the T.A.B. is trying to play it up again by demanding the names of those who previously bet on credit.

The next reference comes from page 1827 of *Hansard*, 1960, where I was speaking on the Bill. I was referring to the fact that agents would be appointed on commission and that they would go out after business. They would encourage people to bet. The Minister interjected that they would not be able to encourage betting on credit. That is the very point I want to emphasise, and I propose to read the following from *Hansard*:—

> Its solvency, or otherwise, will completely depend upon the margin which exists between the revenue and the cost of getting it. How is it proposed to pay the agents in the country? Are they to be encouraged to tout for business? Are they to be paid on a commission basis? If so, they are going out to tout for business—the very thing the Minister says is undesirable.
>
> One of the Minister's aims is to reduce the volume of off-course betting. Can anyone tell me that any agent engaged in the country on a commission basis is not going to encourage people to invest money? Is that the way to reduce the volume of off-course betting?

The Minister interjected—

> He won't be able to encourage credit betting.

That is the statement I want honourable members to keep in mind. The Minister firmly said that agents would not be able to encourage credit betting.

The T.A.B. was established and it set out to carry on its work in connection with cash betting and betting on deposits previously lodged. I have before me the first report of the T.A.B. for the year ended the 31st July, and this shows that the total amount of money lodged with the T.A.B. by way of deposit for purposes of credit betting was £1,495. That is a smaller amount than the unclaimed dividends which remain with the board because some investors have lost their tickets.

The actual amount lodged with the T.A.B. by way of deposit to enable investors to bet on credit was £1,495; and the amount which the board holds as unclaimed dividends is £1,638. That very small figure shows that this method of credit betting was not popular. So the board, in my opinion, set out to do something about it and build up its credit betting. The first step was to ask Parker & Parker for a legal opinion on the section of the Act which I have read. Although I have not seen that legal opinion—and the Minister refused to table it—I have been told that it was read over to a number of bookmakers who were prospective agents.

I am also told this legal opinion, in effect, said that this section in the Act did not prevent credit betting; and that if an agent wished, he could lend money to a bettor. He could say to the bettor before the betting started, "You give me a deposit of £1. That will meet the requirements of the Act; and then you can ring up all day and put on as much money as you like on credit on the basis that I will lend you the money needed and you pay me back afterwards". Far be it from me to suggest that the board did this in order to encourage agents to bet on credit.

Let us assume that the board did it in order to see if there were a loophole in the law. What it was going to do if it discovered that, I do not know; but apparently it was told by solicitors there was a loophole in the law and that it was possible to get around this very stringent provision by telling the punter he could be loaned the money he needed and then he could go on and bet as before.

Now I am informed that the chairman of the board interviewed quite a number of bookmakers who were going to become agents to bet on commission; and one of them who showed more than a little interest in this matter said, "How do I go about letting my clients know they can do this?" As a result, the chairman of the board very obligingly dictated a letter which could be used as an example. It could be copied and sent out to clients. Let us be generous and say that the chairman of the board was not doing this to

encourage his agents to bet on credit, but he was just doing it out of the generosity of his heart to show them how it could be done if they were so disposed.

I have here the original of the letter which the chairman dictated and which was typed on T.A.B. paper by the typist in the board's office. It is as follows:—

> Dear .....,
>
> I have established a credit account with the Totalisator Agency Board under Section 33(b) of the Act and the relevant regulations.
>
> I may lose money in the course of my betting transactions and be unable to get into your office to pay in the money necessary to maintain the account.
>
> I shall be obliged, therefore, if you will personally loan me whatever sum is necessary from time to time to maintain the account at its present figure of £..... and pay the money so lent to the board on my behalf.
>
> I undertake to repay you on demand.

The chairman of the board told the bookmaker that he would not be able to take any legal action to get back these loans if the punters refused to pay up later on. But that was the way to do it. It would meet the requirements of the law; and everything in the garden would be lovely. The agent could get his commission. He could build up his credit betting. He would give facilities to his bettors who wanted that type of facility; the T.A.B. turnover would increase; the taxation to the Government would increase; and everybody would be happy. That was the way one could get around the law.

I asked the Minister whether he would issue instructions to the totalisator board to tell the agents that they were not to go around the law that way, and the Minister declined to do it. So I have no option but to ask the House to close up a loophole which was never intended to be there, if we are to believe what the Minister told us when he introduced the Bill.

It is very interesting to see the comments of the chairman of the board in connection with this matter. I have in front of me a cutting from *The West Australian* dated the 21st July of this year. The heading is "Board Agents May Lend to Punters". So there is a situation under the existing law where board agents may lend to punters to enable them to bet on credit in a way which the Minister set out to stop.

I do not propose to read all of this, but these are the sections which will be of use to me in connection with this proposal. Mr. Maher apparently thought he had a problem, and this is how he put it. After dictating that letter to show how it could be done, he said he was faced with a problem. This is it; and I quote as follows:—

> The problem which faces the T.A.B. is that before a day's racing begins, an agent may lend money to a credit bettor by adding to the client's account.

All the agent does is to put pen to paper and show that the bettor has a bigger credit than he has actually established, and the agent then finds the money if it is required for the bets that are made. He lends the bettor the money in the process. I read on—

> Mr. Maher said the board had sought legal opinion about agents lending money to credit bettors.
>
> "The board has been told the agents would be within the law," he said. "However, if the agent contravenes either the Act or the regulations, or even if he acts legally but allows his client to run into debt, he will be dismissed.

I think he would dismiss himself if he allowed his clients to run into debt; because the commission he was getting would prove it was an uneconomic business. Quite a lot of bookmakers would not take this on. They said the rate of commission they were being offered—4½ per cent. or 5 per cent.—was not enough to cover the inevitable bad debts which would result from this type of credit betting.

All I am asking the House to do in regard to this proposal is to solve Mr. Maher's problem for him. Anyone can see he was confronted with a problem. He did not know how to get around the fact that the law allowed this credit betting. Is it not obvious what we should do? Tighten up the law; and then Mr. Maher will have no further worries about this. It will no longer be legal to do what it was suggested to these bookmakers that they could do. I do not think there could be any argument against that proposition.

Proposal No. 2 in the Bill is that the Auditor-General shall be permitted, as he is with other public authorities, to have a look at the accounts and the way they are being kept; and to see whether the laws are being properly observed. If he sees fit, and is not satisfied with the system of bookkeeping, he can suggest a better method.

I cannot see that there can be any argument against that. If the board wants to employ private auditors as well, let it do so. But it must be remembered that this board did not appoint any auditors at all until several months after it had been operating; and when one remembers that with regard to totalisators on the racecourse there is an auditor in attendance the whole time who gives a certificate with regard to every race pool, one can see the necessity for a closer scrutiny

of the operations of this board, when so much money is involved. There are millions of pounds involved, and it is not unreasonable to expect that the Auditor-General shall have authority to have a look at the books.

I referred a certain matter to the Auditor-General with regard to whether the board would pay an investing tax on the investments it was making on its own behalf. The Auditor-General's reply to me was that he had no authority to find out. He had no authority to look at the books, to see whether the board was observing the law at all.

One of the proposals in this Bill is to enable the Auditor-General to do, in connection with this public authority, what he can do with most others. Take the State Electricity Commission, for example; and the meatworks at South Fremantle. They are quite big undertakings. The Auditor-General audits the accounts and the reports are presented to Parliament—the Auditor-General's reports. But we do not get any auditor's report on the T.A.B. That goes to the T.A.B.

I think that with a public authority of this kind there should be provision for the Auditor-General to have a look at the accounts and then to advise Parliament of the result, and make a report in the same way as he does with regard to the other public authorities which operate in this State. If members will look at the Bill they will see that it states—

(1) The Auditor-General or such officers of his staff as he from time to time directs may at such times as he thinks fit examine the books and accounts of the Board and report thereon to the Minister.

(2) The Minister may if he thinks fit require such books and accounts to be kept by the Board in such form and manner as the Auditor General may recommend.

I cannot see any possible logic or argument which can be brought forward against a provision of that nature, having regard for the fact that this is a public authority with all the conditions of a public authority. It is handling very large sums of money; it is responsbile for collecting a large sum by way of taxation which has to be paid to the Treasurer; and it has certain statutory obligations, and the Auditor-General should have the responsibility of seeing that they are being carried out. That is the proposal in the Bill.

The third proposal is also in line with what we were led to believe was the intention of the Government when the Act was first introduced. We were told that this board would, as far as possible, operate as a totalisator, and that it would invest on the racecourse as much of the money received as it could—invest it on the totalisator on the course. You may recall, Mr. Speaker, that when I complained that the Government was increasing the tax on the people who went to the racecourse by putting up the totalisator tax from 13½ per cent. to 15 per cent., the Minister countered by saying that those who went to the racecourse would get bigger dividends; because the uneducated money which was wagered off-course would be placed on the totalisator on the course, and that would swell the dividends which would be available to the on-course patrons.

That looks a very reasonable argument on paper. But unfortunately it has not worked out that way in practice, for the simple reason that the board has not put the money on the totalisator on the racecourse.

Mr. Perkins: Most of it is on.

Mr. TONKIN: No; it has not put most of it on. And the Minister knows that is so.

Mr. Perkins: It is on the local racecourse.

Mr. TONKIN: No; it is not.

Mr. Perkins: It is on in country races.

Mr. TONKIN: I know it is; which only goes to show that, if it was keen about it, it could put a lot more on the totalisator at headquarters or at Belmont. If the board can put it all on in the country, it could put it all on in the city. But it does not suit the board to do so. The Minister knows full well that the interjection he made a moment ago is not true, and I am surprised that he made it. I have here the report of the totalisator board.

Mr. Perkins: You are not mixing this up with Eastern States racing, are you?

Mr. TONKIN: I am not mixing it up with anything. The total of on-course investments on the totalisator on local races—that is, country races and city races—was only £80,000—approximately one-third of the amount of money wagered on local races. Only £80,000! When we have regard for the fact that practically all the money wagered on country races is put on the totalisator on country race-courses, it shows what a very small proportion is put on the totalisators on the races held in the city—either races or trots.

That is my complaint. It was never intended that that be so. If it were, the Minister misled the House when he said that on-course patrons would be compensated for the extra 1½ per cent. which they would lose from their dividends by the fact that they would get bigger dividends. Surely the Minister remembers having said that! And he had it in mind that the uneducated money off the course would be used on the course and would make bigger dividends.

Mr. Perkins: The people who comprise the Totalisator Agency Board are mostly racing and trotting club representatives. Surely they are not going to discourage people from going to the racecourses!

Mr. TONKIN: Not going to discourage them?

Mr. Perkins: Yes. I do not think your argument will hold water.

Mr. TONKIN: I know they are very unhappy about the small proportion of money that is being invested on the course. They told me so.

Mr. Perkins: They have the situation in their hands. There are six of them and only one Government representative.

Mr. TONKIN: Yes I know; and I have wondered about that. It looks as if the chairman is stronger than the six of them.

Mr. Perkins: You don't seem to be well disposed towards the T.A.B., and you don't want it to succeed.

Mr. TONKIN: What has that to do with this?

Mr. Perkins: Otherwise you would not make statements like that.

Mr. TONKIN: Statements like what?

Mr. Perkins: About the chairman overriding all the other members of the board. You know he has not the power to do that.

Mr. TONKIN: I know he has not the power, if the other members exercise the power they have got. It is a matter of great interest to me to know how it can continue, because I know the racing authorities are not happy with the situation.

Mr. Perkins: You know more than I do if you know that.

Mr. TONKIN: I know that. They are not at all happy that the bulk of the money is held by the board as a bookmaker instead of being put on the course. Surely the Minister is not going to deny it was his intention that as much money as possible should be put on the totalisator on the course! Was not the idea that this should be a totalisator as compared with a bookmaker?

Mr. Perkins: I emphasised over and over again, if you think back, that the essence of getting money on the totalisator was to obtain a true and reliable dividend.

Mr. TONKIN: How does the board get that by putting all the money on the totalisator on the country racecourse and keeping most of it off in regard to the city racecourse?

Mr. Perkins: If it had not been reliable, of course the T.A.B. could not be profitable.

Mr. TONKIN: How do you square that up—

The SPEAKER (Mr. Hearman): I think the honourable member had better get on with the Bill and finish with the cross talk.

Mr. TONKIN: This is dealing with the Bill; although I agree with you, Sir, that I should be arguing the point with you instead of with the Minister. I am trying to emphasise that the Minister told the House it was intended that as much money as possible should go on the totalisator on the racecourse. Now, apparently, that was not his intention at all.

Mr. Perkins: No. Do not put words into my mouth.

Mr. TONKIN: I will not put words into the Minister's mouth; I will read what he said.

Mr. Perkins: You very often take remarks out of context.

The SPEAKER (Mr. Hearman): Order!

Mr. TONKIN: You see how difficult it is, Mr. Speaker. I will not take them out of context. I quote now from page 2160 of *Hansard* for 1960—

> Mr. Perkins: The Bill proposes to set up a totalisator agency board composed mainly of representatives of the Turf Club and the Trotting Association, with a Government representative present, in the first instance, to protect the borrowed money which the Government will have to guarantee in the early stages, as a result of the financial arrangements proposed in the measure. The totalisator agency board will merely conduct an off-course totalisator in a manner similar to that in which the totalisator is conducted on course.

Do you think, Mr. Speaker, I have taken any words out of their context to give a wrong meaning? I think, Sir, you will agree that I have not. That being so, there is no room for doubt or error; and the Minister did inform the House that the board was to operate as a totalisator in the same way as a totalisator on a racecourse.

It was the Minister's intention that a prescribed time should be fixed and that all of the money received by the board before that time should be put on the totalisator on the racecourse. Do you know, Mr. Speaker, that the board has not prescribed any time? So the Minister told me in answer to questions. That is one way of avoiding having to put the money received before the prescribed time on to the totalisator. If the board does not prescribe a time, who is to say it received any money before the prescribed time.

I quote now from page 1613 of *Hansard* for 1960 at which page the Minister is reported as saying—

> In connection with betting on local races and trots, the Bill proposes that as far as practicable all the earlier

> off-course bets—that is, bets made up to 45 to 60 minutes prior to the scheduled starting time—will be collated and transmitted to the on-course totalisator and form part of the moneys on which the dividends are struck. Bets made after the closing down of the earlier betting may be held by the board; and winning bets, both win and place, paid in accordance with the dividends declared by the on-course totalisator.

I say that the board has made no attempt to carry out that policy. Instead, it has deliberately refrained from fixing a prescribed time, in order that it can hold as much money as possible as a bookmaker and not put it on the totalisator.

In order to establish this point, I recently asked the Minister a series of questions. On Tuesday, the 5th September, I asked him this—

> Was it not the spirit and intention of paragraph (b) of subsection (1) of section 20 of the Totalisator Agency Board Betting Act that as much of the money invested with the board on local races as it was practicable to place in the totalisators on the racecourses would be placed in those totalisators?

The Minister's reply is a real gem. He said—

> Yes, but that the board be the sole judge as to what is practicable or otherwise.

So it is not a question of fact, but of the board's opinion. Whether it is practicable or otherwise to put more money on a totalisator is not a question of fact, according to the Minister, but of the board's opinion; and it is to be the sole judge. That is the first time I have ever heard the argument that the practicability of anything shall be decided on the opinion of some person whose opinion shall be final and shall not be capable of being appealed against.

The Minister's answer is so good that I shall read it again—

> Yes, but that the board be the sole judge as to what is practicable or otherwise.

So whether a thing is practicable or not is not to be determined on the facts and the logic of the situation. No; it is to be determined by the opinion of the T.A.B. which has determined that it is not practicable to put more money on the totalisator; and so that is that. I say it is a lot of nonsense.

On the 31st August I asked the Minister—

> In what way has the T.A.B. prescribed a closing time for the acceptance of bets on local races to meet the requirements of paragraph (b) of subsection (1) of section 20?

We had better have a look at section 20 to see what members think about it, and to find out whether it was the considered intention of Parliament or not that this money should be put on the totalisator on the racecourse. Section 20 reads—

> (1) Notwithstanding anything contained in any other Act or law to the contrary, it shall be lawful in accordance with this Act—
>
> (a) for bets by way of wagering or gaming in respect of horse races to be lodged with and received by or on behalf of the Board for transmission of the bets by the Board to a totalisator on a race course within the State;
>
> (b) for the Board to retain any such bets and not so transmit them, where the bets are so lodged or so received after the prescribed closing time for the acceptance of the bets on the horse race in respect of which the bets are made or if in the opinion of the Board it is impracticable for the Board to so transmit the bets;

Members will notice that mention is made of a prescribed time. I have no doubt that the intention was that a time would be prescribed, and that bets received prior to the prescribed time would all be transmitted to the racecourse and put on the totalisator on the course. Any bets received subsequently could be held by the board in its discretion. If it was practicable to send more money to the course, it was intended that the board should send it, but it was not obligatory to do so; and the board should be the sole judge then as to whether it had time or not to send more money to the course.

But there is no doubt whatever it was intended that a time should be prescribed, and that all bets received prior to the prescribed time should be transmitted to the totalisator on the course. But the answer I got to the question of whether a time had been prescribed, or not, was that no time had been prescribed.

So the board has made no attempt to meet the spirit and intention of that section, because it prefers to operate as a bookmaker instead of using the totalisator; and it is idle for the Minister to say that the six representatives of the racing and trotting clubs could determine otherwise if what was being done did not suit them. I suppose they are torn between two desires. They are told that the T.A.B. will make more money if it operates as a bookmaker, and so their return is likely to be larger than if the money is channelled to the totalisator on the course. However, they know in their hearts it was intended that the money should be wagered on the course, but they will not insist on that being done.

It is significant that the Minister refuses to make available any figures to show what proportion of the money being wagered off-course on local races is being placed on the totalisator on the racecourse. I asked for the information with regard to certain race meetings, and the answer I got was that it was not the policy of the board to disclose the information, for the very reason that it does not want to be shown up.

In justice to the people who still go to the racecourse; who carry out their wagering on the course; and who were involved in a 1½ per cent. levy to assist the establishment of this off-course totalisator, we should ensure that they get the possibility of some benefit from having the volume of the money wagered off-course being put on the totalisator on the course as was intended.

A very interesting fact emerges in regard to this. The net margin of the T.A.B. for the period ended the 31st July, 1961, was £21,583—the total margin over all its operations. Also, £17,000 of that £21,583 came from the 1½ per cent. impost on the on-course patrons. Under the Act, this extra 1½ per cent. totalisator duty which was imposed on the on-course patrons has to be paid by the Commissioner of Stamps direct to the T.A.B. By that provision it got an amount of a little over £17,000 from that source, and its total net profit over that period was only £21,583.

So it is obvious that the bulk of its profits came from the on-course patrons as a result of this extra 1½ per cent. impost. Surely there is an obligation on the board to prescribe a time for acceptance of bets in accordance with the Act, and then put the amount of money received before that prescribed time on the totalisator on the racecourse to operate it as a totalisator and not as a bookmaker.

That is the other provision in the Bill, and I am seeking to ensure that the board shall prescribe a time, as Parliament intended. I want to add a new section—section 20A—which will provide—

> In this Act "prescribed closing time for the acceptance of bets" shall mean a period of ten minutes before the commencement of the race in respect of which the bets are made or such longer period before such commencement as the Board may from time to time prescribe.

It will be noticed that in this proposed new section I have not been rigid. I have allowed the board plenty of discretion, but I want to insist that it shall prescribe a time. That is something which it has been dodging up till now, but which the Act intended that it should do when the Bill was passed last year.

I cannot see what possible argument can be raised against this provision. If it were not intended that the board should put as much money as possible on the totalisator on the racecourse, why did we have the Bill, which was submitted on behalf of the Government, placed before us? Why all this talk about a prescribed time and bets being received before the prescribed time if there were no intention to prescribe a time?

The board is dodging its obligations, and this Bill is intended to make it obligatory on the board to prescribe a time. There should not be any hardship as a result because, as the Minister has said—and as I well know—the board puts all the money it receives for country races on to the totalisator on the course and with some very disastrous results, too, in some instances: disastrous results to the on-course punters where dividends were so low as to be ridiculous.

But if the board can continue to place on the totalisators on country racecourses all the money it receives, it can, quite easily, put a greater proportion of the money it receives in the city on to the totalisators on the racecourses where it was intended it should be wagered; because I cannot imagine it was the intention of Parliament to wipe out the licensed premises bookmakers and set up, in their place, a Government bookmaker which would operate in the same way.

In the main, however, that is what is happening; and I think it is time we stopped this practice and insisted that the Act should be carried out in accordance with its spirit and intention. Up to date, neither the spirit nor the intention of the Act is being observed by the T.A.B.

To summarise briefly before I conclude: Those are the three provisions in the Bill, and they are all in accordance with—I would say—the desire of Parliament at the time, perhaps with the exception of the provision relating to the Auditor-General. That was not considered by Parliament at the time; but I have no doubt that such a proposal could find favour with members because the Auditor-General is the officer of Parliament who reports on the accounts of Government departments and instrumentalities. Therefore, why should he not report on this public authority which is handling such a large sum of money?

With regard to the provisions relating to credit betting, where under the existing law there is the loophole that the agent who bets on commission for the board can increase his commission by encouraging bettors to bet on credit and lend them the money for the purpose, and also with regard to the fact that the board is holding the bulk of its money as a bookmaker and not putting it on the totalisator as was intended, it is perfectly clear what the previous intention of Parliament was, and this legislation is only to ensure that what Parliament previously intended shall now be observed.

What I have told the House about credit betting can be established. I have made these statements before, and the Minister has had ample time to reply to them; but, of course, he knew better. He knew I had the evidence here to prove the statements I was making on credit betting; and further evidence, too, which I have not disclosed—evidence of a personal nature from more than one bookmaker who had discussions with the chairman of the board on credit betting. I do not know whether it is being indulged in to any extent, but that is beside the point. They have been told they can do it this way without offending the law; and as their income increases if they indulge in this type of betting, they would be less than human if they did not give it a try.

As it was the intention of Parliament that this type of betting should not be allowed to continue, and if there is this weakness in the law—and I am satisfied there is—we should tighten up the law to make certain that agents will not be able to lend money to punters so that they can obtain credit. That is the most important part of the Bill. Nevertheless, I desire that the Auditor-General should have the opportunity to look into what is going on on behalf of Parliament; and, further, I think we should try to do something to recompense the on-course patrons for the 1½ per cent. they have had imposed on them as their share of the cost of establishing the T.A.B. Otherwise, what argument could be advanced to justify to the on-course patrons the reduction of their dividends in this way?

If they were called upon because of the changed system of betting to suffer a reduction in dividends of 1½ per cent.—which has amounted to £17,000 in six months; that is what they have been deprived of in dividends—surely they have the right to accept that what the Government promised them by way of recompense should be forthcoming; that is, because a greater volume of money would be wagered on course from people who did not have so much inside information, the corresponding dividend on course would be greater, and, therefore, in fact, they would not be losing because this additional 1½ per cent. impost had been put on. But this has been defeated entirely because of the policy of the board in withholding the bulk of the money itself as the bookmaker instead of investing it on the totalisator on the racecourse.

I think the proposals in the Bill are reasonable, and I place them before the House in the hope that their reasonableness will result in their acceptance by members and that the legislation will be amended accordingly.

Debate adjourned, on motion by Mr. Perkins (Minister for Police).

CRIMINAL CODE AMENDMENT BILL (No. 2)

Second Reading

MR. GRAHAM (East Perth) [8.57 p.m.]: I move—

That the Bill be now read a second time.

Very recently, this House, by means of a Government majority, decided to retain the death penalty in the statutes of Western Australia. The Bill which I now present seeks to amend section 678 of the Criminal Code. At the moment that section provides that when an execution takes place certain persons shall require to be present and all the persons attending the execution are required to remain in the enclosure until the execution has been performed according to law and until the medical officer present has signed the death certificate as prescribed in the Act.

Those whose unpleasant duty it is to witness the punishment of death by hanging the offender by his neck until he is dead are the Comptroller-General of Prisons or his deputy, together with the superintendent of the gaol and appropriate officers of the prison, including a medical officer and such adult spectators as the Comptroller-General or his deputy may think fit also to be present.

All this Bill does is to add to the statutory requirement that at least two Ministers of the Crown be present to witness executions. To some members such a requirement would appear to be most distasteful to Ministers of the Crown; but it would be no more distasteful to them than it is to officers of the Crown and others whose obligation it is to be present in the enclosure to witness an execution.

As far as I am aware there is no governmental function or activity which any Minister of the Crown would hesitate to inspect, even in detail. Why then should an exception be made in respect of this most dreadful of operations or functions of the Crown, a Crown instrumentality, or people operating under the authority of the Crown?

If this Bill is agreed to it will have one of several effects. Firstly, it could quite well occur that a ministry would hesitate a thousand times before decreeing that the death penalty be inflicted, realising that such a punishment could not be carried out unless at least two of its members were present to witness the execution. Secondly, if there were two or more Ministers prepared to undertake such an experience, then I suggest they would not be prepared to witness a second instalment. No doubt such a requirement on the part of Ministers of the Crown would have the effect of bringing to a conclusion this question of the hanging of human beings by the State.

If no Minister of the Crown were to attend a hanging, and the hangman—who is a peculiar type of individual, because he cannot be human, or else he would not volunteer for the task—in his enthusiasm to draw blood continued with the execution, then he could be charged with murder.

This amendment to the legislation to require the presence of Ministers of the Crown if they feel disposed to put the death penalty into effect is fair and reasonable in the circumstances. If the witnessing by officers of the Crown and others of a fellow-human being executed—irrespective of how dastardly the crime he has committed—is degrading and nauseating, it would be no more so in the case of Ministers of the Crown. At least the Ministers could decide, voluntarily or by drawing lots, which of their number should witness the execution.

I have stated on previous occasions and I repeat this: There was a well respected public servant, the controller of prisons, who today is dead because of the effect on his health of witnessing a hanging in the course of duty. No Government, when it has the power and authority to avoid the infliction of the death penalty, should have the moral or any other right to compel employees of the Crown and others to be present to witness this disgusting arrangement I refer to.

Irrespective of the evidence which is adduced, some people, for reasons which I cannot conceive or concede, are pledged in their own minds—certainly not to their political parties or under any undertaking given to the public—to this outmoded process of the State deliberately taking the life of a human being. Throughout the years the trend has unmistakably been in the direction of abolition of the taking of human life by the State.

Since I last spoke on the question of hanging, which was as late as Tuesday of last week, several reports have appeared in the local Press. I can give three examples. The first appeared in *The West Australian* on the 13th October, in which it was reported that the New Zealand Parliament had voted to abolish the death penalty for murder. There is a conservative Government in that country, as there is in Western Australia. Further, on the 14th October, it was reported in the Press that moves were being made in Great Britain to increase the number of cases in which the death penalty could be imposed and put into effect. Overwhelmingly the reactionary people who sought to turn back the hands of time were defeated at a Conservative Party conference, in the old and conservative country of Great Britain.

The last victim of hanging in Western Australia would not have been hanged under British law, however repulsive may have been the circumstances of the murder and the activities which preceded the taking of the child's life in Western Australia. In accordance with British law that man would not, and could not have been hanged. New Zealand has gone the full distance in the abolition of the death penalty, and Great Britain is also miles ahead of Western Australia.

The SPEAKER (Mr. Hearman): Has this anything to do with the Bill? It is not a question of whether we should abolish the death penalty; it is the method of carrying out the death penalty which is under consideration.

Mr. GRAHAM: The method remains. It is a matter of who is to be in attendance at executions.

The SPEAKER (Mr. Hearman): Quite. It is not a question of whether we abolish the death penalty.

Mr. GRAHAM: I trust that you, Mr. Speaker, have followed my remarks, and appreciate that this Bill has two purposes. The first is to endeavour to persuade any Government to refrain from the excess of taking the life of a human being; the second is that if speeches in this House and elsewhere are unable to convince members that it is time there was a change in outlook, the witnessing of the grisly event of hanging may have some result. This is part of the educational campaign.

I am indicating the trend. If my Bill is passed the Government will have to resolve in every instance—because Ministers of the Crown would be involved in witnessing the punishment—to put a sentence of hanging into effect. One of the prime purposes of this measure is to do away with the death penalty. It has not been introduced for fun; neither has it been introduced to provide entertainment for sadistic-minded Ministers of the Crown.

I say that quite seriously, because I overheard *sotto voce* an interjection made by a Minister that he would be prepared to pull the lever in the case of the last person who was hanged. I am not suggesting that any Minister should do that. He has people to open and close the doors of his motor vehicle, so probably there would also be someone to operate the lever when hangings take place. If Ministers of the Crown can go down into mines, climb trees in the forests, or make similar inspections in associated works in all the ramifications of governmental activity, why do they hesitate and why should there be any doubts or reservations on their part with regard to the provision which I am seeking to have inserted? The answer is: It is repugnant to anyone of us to do what I am suggesting a Minister should do.

Certain members for no reason at all, or because they feel they are doing something clever, endeavour to prevent a private member from achieving his ends by

introducing a Bill. Let me say as sincerely as I can how much I appreciate the difference in outlook adopted in respect of a measure dealt with earlier this evening, when there was a complete absence of hostility, of party politics, or of opposition to a private member or the Opposition having a Bill passed. That measure was dealt with on a commendable basis. I am not suggesting that I should not bear my share of the responsibility for introducing discordant notes from time to time. No doubt on occasions all of us are guilty to a greater or lesser extent.

Because of the personal involvement of Ministers of the Crown, I am hoping that this Bill will have the desired effect of doing away with the death penalty. Irrespective of how he speaks or votes in this House, I venture to suggest that no Minister of the Crown, who is supposed to be living in an educated, enlightened, and civilised community would be prepared to go down to Fremantle gaol and watch the terrible performance which is enacted from time to time. What right have we, therefore, to write into our statute a provision compelling the controller-general or his deputy, together with the superintendent of the gaol and other officers of the prison, including the medical officer, to be present at executions? What right have we to compel them to witness this procedure?

A highly-placed officer in the Fremantle gaol, whose name I do not know—but a fellow-member has spoken to him—said that if something could be done to force at least one Minister of the Crown to be present at executions, so as to give him some idea of the atmosphere of the place and of the terrible enactment, capital punishment would be discontinued. He mentioned, along the lines I have quoted from all parts of the world, the effect it has on the prison generally.

Do not forget that irrespective of the hideousness of the crime committed, there are people who wait on the prisoner whilst he is in gaol, and there is a feeling of perhaps not comradeship, but a feeling for a fellow-being who has fallen low in the social scale and found himself in that predicament because of what he has done. Some sort of affinity or friendliness develops for him.

But in a few days they grab him, pin his arms back, tie his legs up, put a hood over his head; and then, with a few formalities, at a signal the word is given and then follows a shriek and a cry, and that perhaps is that. There have been some most horrifying spectacles, and I understand that persons have completely collapsed notwithstanding the sedatives that might have been given to them prior to the awful operation.

Employees of the Crown are required to witness all of this and to handle the victim. They must bring him from his cell along the corridors to the place where he is to be stood up while the rope is put around his neck, the hood over his head, and all the rest of it. Employees of the Crown are required to do that.

I am proposing that Ministers who have played some part in deciding that that should be the fate of a murderer should also be in attendance. The prison officials, the medical officer, and the departmental sub-head have no opportunity of making a recommendation or intervening; but they are required to be present.

I do not know whether members have any doubts regarding the incident I have quoted of a most highly conscientious and efficient public servant, but the Chief Secretary could check. I am referring to Mr. MacKillop who is the man who witnessed the Tapci hanging. Because of the effect it had upon him he took to drugs; and while under their influence he fell and injured himself, the injury subsequently resulting in his death. I was aware of that because of a particular request made to me in my capacity as Minister for Housing to endeavour to do something for his poor widow who suffered God-knows-what in the months which elapsed between the hanging and his subsequent death. All that man's trouble was attributable to the hanging he witnessed, and there is no shadow of doubt about it. The Chief Secretary can check the matter.

How many others have had their minds warped to a greater or lesser degree or what effect it has had on their health, I do not know; but if these innocent people—our public servants—are compelled to be present, I think that in all justice those who are able to prevent an execution taking place have an obligation to be present also. If it is too gruesome a sight for them, then the remedy is in their own hands.

Therefore I hope Parliament will agree with the proposition. It does not, I emphasise, compel any Minister to witness an execution. All that Ministers A, B, C, and D need do is refuse to be in attendance. If there are not at least two who are agreeable to attend, then the execution cannot take place.

In that way the abolition of capital punishment, which is the objective of the Australian Labor Party, as well as my own, will be achieved by education. I venture to suggest it has only continued in operation because Ministers have not, as they cannot have, a full and proper appreciation of what is involved in the terrible business. Well, let them learn, if they want to; and if they did I am certain that they would come forward and be the sponsors, irrespective of political party, of a Bill to abolish the punishment of execution. I feel it is as simple as that.

Mr. Speaker, if you will permit me, I will quote from the "J.P.W.A.," which is the official organ of the Justices Association of Western Australia, to demonstrate

the world trend on this matter. I will quote from the issue of August, 1960, from a resumé of a commission of inquiry on capital punishment in Ceylon, appointed in 1958, and presided over by Professor Norval Morris, Dean of the Faculty of Law at the University of Adelaide. It reads—

> The Commission found that there was no greater deterrence to potential murderers by imposing capital punishment on a few than by imprisoning all convicted murderers.

That bears out, not my contention, but the findings of the British Royal Commission. To continue—

> The most interesting question examined here is whether capital punishment should be re-introduced for certain types of murder only: the conclusion reached was that the notion of "degrees of murder" raised theoretical and practical objections which outweighed its advantages and that there is no valid social purpose to be served by such a compromise.

Again the conclusion of the British Royal Commission into the death penalty is borne out by the inquiry held in Ceylon recently. Incidentally, I listened to a debate on a question akin to this in the Legislative Council this evening, and the following final quote is a complete answer to the speaker in that Chamber:—

> Today the death penalty survives in only four countries of Western Europe (Britain, the Irish Republic, France and Spain) and in practice is invoked with increasing rarity both in the United States and the States of the Commonwealth. Those opponents of capital punishment who nevertheless wish to accelerate what appears to be the dominant social movement will find this Report an invaluable addition to their armoury.

There it is—a very simple Bill which merely requires the statutory attendance of two more witnesses before a hanging can take place—witnesses who are by this amendment not compelled to be present; witnesses who, if they are in attendance, are there because of their own personal choice; witnesses or potential witnesses of a Government which, if it so desired, could easily avoid the embarrassment to its members by coming to the decision to make a recommendation of mercy to Her Majesty's representative in Western Australia.

Even if there be two or more in any Government who are prepared to undergo this admittedly terrible ordeal then they do so because of their own choice. Accordingly, from whichever aspect we regard this matter, the Bill is surely fair in particular and in essence.

If I may repeat what I stated earlier, as far as I am aware there is no other function or activity of Government in connection with which Ministers do not take advantage of the opportunity of inspection. Therefore, if this be the only exception, it is time we lifted the veil of secrecy that we might have someone in our midst in Parliament who actually knows what he is talking about from direct experience. If he thought that it was fair enough and that employees of the Crown should be compelled to join with him and at least one other ministerial colleague was agreeable, no doubt the present system would continue; but I believe that it would have the inevitable result of abolishing capital punishment altogether, a reform which is long overdue.

Debate adjourned, on motion by Mr. Watts (Attorney-General).

MINING ACT: DISALLOWANCE OF AMENDMENT TO REGULATION No. 56

Motion

Debate resumed from the 20th September on the following motion by Mr. Moir:—

> That the amendment to regulation 56, published in the *Government Gazette* on the 27th January, 1961, of the Mining Act regulations and laid upon the Table of the House on the 8th August, 1961, be and is hereby disallowed.

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [9.27 p.m.]: I have consulted my colleague in another place—the Minister for Mines—whom I am representing here, and am able to report that I can agree with this motion. I have been supplied with information which, when I have passed it on to the House, will let members know that there is no objection to the motion. In fact, it will be a good thing, provided another regulation can be introduced to cover the situation. The following is the information supplied to me:—

> The Mining Act as at present, provides *inter alia* in section 281 that "The Warden may permit any person to make or construct any road, race, or drain, or to lay water pipes under, over, across or through any mining tenement".
>
> Regulation 56(f) under the Mining Act as at present, provides *inter alia*—"A race or pipe track water right shall mean the right to occupy for the purpose of cutting a race or for laying a water-pipe on or underneath the surface of Crown land, such area as may be fixed by the warden on the granting of the right".
>
> The Department's objective in substituting the word "any" for the word "Crown" before the word "land" was to bring the regulation into line with the Act and authorise the warden to grant pipe-track water rights over mining tenements as well as Crown

land. In Kalgoorlie particularly this is essential where mining leases held by different operating companies adjoin.

It was not intended to extend the authority to private land other than mining tenements.

The Department is prepared, therefore, to again amend the regulation to cover only Crown land and mining tenements.

So it is felt by the department that this regulation could be disallowed, and it could be rephrased to cover the situation adequately. In those circumstances I do not propose to disagree with the motion moved by the honourable member.

Question put and passed.

TOTALISATOR AGENCY BOARD BETTING ACT: DISALLOWANCE OF REGULATION No. 36

Motion

Order of the Day read for the resumption of the debate on the following motion by Mr. Tonkin:—

That new regulation 36 made under the Totalisator Agency Board Betting Act, 1960, as published in the *Government Gazette*, on the 8th February, 1961, and amendments thereto published in the *Government Gazette* on the 30th March, 1961, and the 8th June, 1961, and laid upon the Table of the House on the 8th August, 1961, be and are hereby disallowed.

MR. WATTS (Stirling—Attorney-General) [9.30 p.m.]: I move—

That this item be postponed.

In doing so, I wish to state that I believe there was an understanding with the honourable member who moved it that while the matter was before the court it would be postponed.

Motion put and passed.

TRAFFIC ACT: DISALLOWANCE OF DIVISION 10 OF REGULATIONS

Motion

Debate resumed from the 27th September on the following motion by Mr. Graham:—

That Division 10 (comprising Regulations 476, 477, and 478, and Appendix "A"—Prescribed Areas—and Appendix "B") of the Traffic Regulations 1954, published in the *Government Gazette* on the 31st January, 1961, and the amendments thereof published in the *Government Gazette* on the 2nd March, 1961, and the 29th June, 1961, and laid before this House on the 8th August, 1961, be and are hereby disallowed.

MR. GRAHAM (East Perth) [9.32 p.m.]: When speaking to the motion the Minister spent the bulk of his time discussing, in a general way, the traffic problem which had developed in the metropolitan area. He actually spent very little time in discussing the particular matter, which was the restrictions imposed on the movement of taxis in the centre of the city of Perth. It is obvious that the Minister has settled for an arrangement, or I should say he was led up the garden path—as he was with the give way to the traffic on the right arrangement—and having committed himself to it he has manoeuvred from side to side, and backwards and forwards, in order to extricate himself from the difficult situation which he himself created, until there is not a great deal of the original remaining.

The new arrangement was gazetted at the beginning of this year—the 31st January—and since that time there have been alterations of the area to which the arrangement was applied; and alterations made not on one occasion but on several occasions regarding the hours during which the procedure should be followed, the days on which it should be operative—they have similarly been curtailed—and the movement of taxis both on their way out of the prescribed area, and in respect of their use as private vehicles—for instance when the taxi driver is taking his wife shopping, or something of that nature—and the provision of more taxi stands in the heart of the city where there is very little kerbside space to spare. Then there is the announcement of the Minister that it is proposed shortly to allow a taxi which has dropped a passenger to pick up another passenger in the prescribed area if one is waiting at a vacant stand within the prescribed area.

It means that there have been about 20 instances of chopping and changing in connection with this arrangement because the system does not work. Notwithstanding the Minister's conversation with a few taxi men here and there, and the Taxi Owners Association, which is not representative of the great bulk of the owner-drivers, who are the desirable element—which he has conceded in his remarks—the taxi operators do not like this arrangement.

Mr. Perkins: That is different from what they are telling me.

Mr. GRAHAM: Only very few of them have told the Minister, and if it was an organisation it would be this association of multi-owners.

Mr. Perkins: No; it is the men down in the street.

Mr. GRAHAM: I wonder how many of them.

Mr. Perkins: From as representative a section as I could get.

Mr. GRAHAM: On one occasion I spoke to an assembly of some 200 of them, and they do not like the arrangement. I think only one of them did.

Mr. Perkins: How did you get 200 of them together?

Mr. GRAHAM: By somebody convening a meeting of them.

Mr. Hawke: By good organisation.

Mr. GRAHAM: I happened to be at the headquarters of, until last Saturday week, a famous football club, at about half-past nine one night. I do not know how they knew I was there, but apparently they did, and a group of taxi men waited on me by way of deputation. They asked what we on this side of the House thought about it, and what we would be likely to do, and so on. They were highly delighted when they learned, apparently having missed it in the Press, that a move had been made to disallow the regulations.

However, I expressed the opinion that every member on the Government side of the House would be bound hand and foot, and that there would not be a free vote; in other words, that the prescribed area, or progressive rank arrangement, would continue in existence, even if it were altered every few weeks, until such time as there was a change of Government; and I was emboldened to suggest that that would not be many months away.

Mr. Hawke: Hear, hear!

Mr. GRAHAM: That is the attitude of the taxi men.

Mr. Perkins: Some of them.

Mr. GRAHAM: I would say overwhelmingly. I have already indicated the attitude of the Perth City Council. Indeed, the chairman of the parking committee of the Perth City Council was in the Speaker's gallery during the earlier debate, both when I moved for the disallowance of the regulations and when the Minister replied to my speech.

Mr. Perkins: I saw the Perth City Council only last week and I might tell you—

Mr. GRAHAM: There is nothing to get wildly excited about in anybody seeing the Perth City Council.

Mr. Perkins: I think my information was a good deal more reliable than what you are giving the House.

Mr. GRAHAM: I am prepared to state that the Minister is not prepared to have it recorded in *Hansard* that the Perth City Council is agreeable to the prescribed area arrangement in the heart of the city of Perth.

Mr. Perkins: There are some moves that have been misconstrued; and you know perfectly well that I have to get certain other legislation through before I can carry them into effect.

Mr. GRAHAM: I do not know what legislative intentions the Minister has.

Mr. Perkins: They are already in the House, as you would know if you had listened to what I said. They are in *Hansard*, so it is not very hard to find out.

Mr. GRAHAM: I have already indicated —but apparently the Minister was whispering with a fellow Minister, or some other member, instead of paying attention to what I was saying—

Mr. Perkins: I was not whispering to somebody else. Somebody else was giving his views very forcibly and he was someone from over on your side.

Mr. GRAHAM: I am pleased about that. I will endeavour to be as forceful as I can on this occasion.

Mr. Oldfield: It wouldn't do any good. You could never get through to him.

Mr. GRAHAM: The position is that the great majority of the taxi drivers—the taxi operators—find little of favour in the present arrangement. The Perth City Council is opposed to it; the retail traders are in opposition to it; and the public have an unparliamentary word for it. If the Minister does not believe me, and if he wants to take a quick and easy census in regard to the position, he can go around to members of the staff of this House and ask them.

Who does want it? The Minister has fallen for the three-card trick, as I said earlier he did with the give way to the traffic on the right arrangement. Because another part of the world has decided on a certain procedure the Minister jumps in with both feet, irrespective of whether the procedure is right or wrong; or whether it works satisfactorily or otherwise; or whether it is applicable here—

Mr. Perkins: You must agree you left me a terrific legacy when you went out of office. The congestion in the streets was terrific.

Mr. GRAHAM: The Minister is completely and utterly wrong in that assertion.

Mr. Perkins: Only in your opinion.

Mr. GRAHAM: I have asked the Minister not once but on many occasions to produce the figures—and they are available in the Main Roads Department office —to show that notwithstanding an increase of some tens of thousand of vehicles, and a substantial increase in the number of taxis, the rate of movement through the heart of Perth—Hay Street and Murray Street—is more rapid than was the case several years ago. Those figures are there and the Minister can get them tomorrow morning if he wishes. I do not have access to them.

I have asked for certain statistics and figures from that department, but on every occasion, I have been told that the Minister's approval is necessary. If the Minister is not prepared to have a look at that himself, or if he has had a look at it to divulge it to the House, I would say that it would be a waste of time my seeking to get the figures from him; so I have given it away.

Mr. Perkins: If you had taken notice of your advisers before you issued a further 150 taxi licenses we would have been far better off.

Mr. GRAHAM: We have heard a lot about that, and we will be hearing a lot more tomorrow, or some time later, when amendments to the Traffic Act are debated. But just a little bit of homework to go on with now: During the time that the McLarty-Watts Government was in power, as against the period when the Hawke Labor Government was in power, the number of taxis was increased by a much greater percentage by the Liberal-Country Party Government, which the present Minister for Transport supported, than was the case during the regime of the Hawke Labor Government. I have made the statement; the Minister can check on the figures.

Mr. Perkins: It's funny you didn't make it before.

Mr. GRAHAM: Strangely enough I did make the statement previously; and before we go home this evening I will give the Minister the page of *Hansard*.

Mr. Perkins: I will be very interested.

Mr. GRAHAM: I do not have the reference at the moment, but I have it in connection with the Traffic Act Amendment Bill which we will be discussing some time later.

Mr. Perkins: Every taxi man I talk to bitterly criticises you for the number of licenses you issued.

Mr. GRAHAM: Of course! If the license were granted for the proposed new hotel at Manning, and one talked to the people directly affected—the licensees of the Como Hotel and the Raffles Hotel—what would their reaction be? Or if I were to start a greengrocer shop next door to an existing greengrocer shop, or within a short distance of it, what would the proprietor's reaction be? Naturally he would like somebody to prevent the competition from coming in.

Mr. Perkins: A moment ago you were telling me I should take notice of the taxi men; and now you are telling me to ignore them.

Mr. GRAHAM: I am not doing anything of the sort.

Mr. Perkins: You should be consistent.

Mr. GRAHAM: I am asking the Minister to exercise a little judgment and commonsense after evidence has been submitted to him. A submission from any quarter is not the final word. Officers come forward with all sorts of propositions; and if the Minister is doing his job he will approve, reject, or modify them; or if he is not completely satisfied he will ask for additional information to be supplied to him.

Mr. Perkins: The taxi men would have been much happier if you had not issued so many licenses.

Mr. GRAHAM: I do not think the Minister has had a look at the file.

Mr. Perkins: Have I what!

Mr. GRAHAM: Perhaps we had better give a little more detail on this matter. I do not know whether it impinges directly on the question, but the Minister has endeavoured to make out that this arrangement of his is necessary because of the number of taxis that are operating in Perth; in other words, to relate the whole matter to it. I can tell him that the inspector in charge of traffic told me he was worried almost stiff in having to reject applications from deserving people—ex-servicemen who suffered some physical weakness, and who desired to drive taxis in order to gain a livelihood because there was very little else available to them: and because of policy—not laid down in the Act, but ministerial policy—the answer of the inspector in charge was, "No; the number of plates is frozen. But if you want to obtain a taxi license it will cost you £500, £600, or £700 to buy plates which were issued to the present users of them for 7s. by this department." I repeat that he came over to my office personally to congratulate me on removing this onerous and difficult job from the Police Traffic Branch.

Mr. Perkins: Are you suggesting that because the plates are worth £500 or £600 now I should issue more taxi licenses?

Mr. GRAHAM: I am not suggesting that at all. What I am trying to instil into the Minister is that if there is a very great problem in Hay Street and Murray Street only why should he pick on 750 taxis—and it is probably only half that number—and impose all sorts of restrictions on them, while paying no heed to the hundreds of thousands of private vehicles?

Mr. Perkins: We do not let them double-park in the road.

Mr. GRAHAM: Nobody is talking about doube-parking.

Mr. Perkins: That is the problem.

Mr. GRAHAM: It is not. I have said to the Minister on many occasions, until I am sick to death of saying it, that on every day of the week it is possible to see persons pausing to let somebody step

out of a car or to pick somebody up. That goes on with impunity; and it is allowed in respect of a hundred thousand privately-owned motor vehicles. Yet in the matter of 300 or 400 taxis—and there would not be any more than that—which come into the city, there is a special set of rules in existence.

When the Minister and I were "film stars"—in our television appearance—I instanced the case that I saw a few days before of a cool drink wagon which was 8 ft. in width—unlike a taxi, which is only 5 ft. or 6 ft.—double-parked for eight minutes, a short distance west of Barrack Street in Hay Street; and there were men in the navy blue uniform and the men in grey moving around and not taking any action whatever. Yet simultaneously, if a taxi paused for a split second to allow somebody to step out, then it incurred the displeasure of the law.

Mr. Perkins: They must cause a traffic congestion before they do so.

Mr. GRAHAM: What is the difference if I cause a traffic congestion by pausing to allow my wife to get out of my car, and if a taxi pauses momentarily to allow my wife to get out?

Mr. Perkins: Taxis were pausing much more than momentarily when I took over as Minister for Transport; there were three or four of them parking abreast and holding up the traffic in the street.

Mr. GRAHAM: That is a gross exaggeration and I challenge the Minister to acquaint himself with the checks made by the traffic engineer.

Mr. Perkins: They reported it to me.

Mr. GRAHAM: It is true that in Hay Street and Murray Street, where there are no pedestrian-actuated lights at the crossings; where everybody and anybody with parcels and those who happen to be burdened down can cross wherever they please, there are great impediments to ordinary progress, particularly as there are so many shoppers in these narrow streets.

Mr. Perkins: Do you think that is desirable?

Mr. GRAHAM: Of course it is not, if we can avoid it.

Mr. Perkins: That is what we are trying to do.

Mr. GRAHAM: This is a set against the taxi men.

Mr. Perkins: What rot! How silly can you be?

Mr. GRAHAM: The Minister himself has said that at the busiest time—and he could have found this on one special occasion—of all the vehicles at one given moment which passed a given point in Hay Street 25 per cent. were taxis; and this has been thrown at us time after time. So taking an even spread over the day we can say that at any given time, it could be 10 per cent. or 20 per cent.—or even the 25 per cent. about which the Minister is concerned; but what about the other 75 per cent. of vehicles which the Minister allows to double-park?

Mr. Perkins: No we don't! We will prosecute them.

Mr. GRAHAM: Will the Minister tell me how many have been prosecuted over the last six months?

Mr. Perkins: They have been moved on. They do not pause more than momentarily. So far as the commercial vehicles are concerned they have to pull into the kerb.

Mr. GRAHAM: I hope the Minister was not suggesting I was telling an untruth.

Mr. Perkins: There may have been the odd case; but you, yourself, tried to prevent commercial vehicles holding up traffic in those streets.

Mr. GRAHAM: I am suggesting that proper facilities should be provided.

Mr. Perkins: That is what we are trying to do.

Mr. GRAHAM: The Minister is doing something that no other part of the Commonwealth has endeavoured to do, with the possible exception of Sydney.

Mr. Perkins: What about Melbourne?

Mr. GRAHAM: Of course Sydney is a totally different proposition from this. I received a letter from the Minister for Transport in New South Wales saying they were going to scrub part of it. I do not know whether the Minister is suggesting that the little city of Perth has reached the proportions of Sydney, and that therefore it is necessary to employ the system that they employ there.

Mr. Perkins: What about Melbourne? Have you had a look at that?

Mr. GRAHAM: Unfortunately I have not been there for some three years; but dating from a few months hence, perhaps I will be quite a frequent visitor to that city and to other capital cities.

In order to endeavour to justify himself the Minister is talking about the change in the movement of traffic. He told us all the things that would happen when the western switch road is put into operation, and when the standard gauge railway is a going concern, and so on. If hundreds of thousands of cars are endeavouring to converge bumper to bumper in the heart of the city, or even if we are approaching that state of affairs, then it may be time enough and desirable enough to do this sort of thing.

But this is ill-considered. The Minister will not disagree with me that he has on at least three, if not four, occasions altered, compressed, and reduced the prescribed area.

Mr. Perkins: We are going to alter it again in the near future.

Mr. GRAHAM: The Minister will not deny that he has on at least three occasions reduced the times when these arrangements shall operate—the times and the days. He will not deny that he has had to make some special arrangements within the prescribed area in regard to taxi stands.

Mr. Perkins: That shows a realistic approach to the traffic problem.

Mr. GRAHAM: It shows how palpably wrong the Minister was and how, because the system does not work, he is whittling away part of it day by day; and even now he is contemplating—and I bet this was not original and that he borrowed it from Sydney, though rather belatedly—that where they come into the prescribed area and deposit a passenger the taxis may pick up a passenger on one of the vacant taxi stands.

Mr. Perkins: I was going to do that some time ago but there was a weakness in the definition of taxi.

The SPEAKER (Mr. Hearman): I think we have had enough interjection. The member for East Perth would save a lot of time if he addressed the Chair.

Mr. GRAHAM: Considerations such as that do not deter the Minister, in all the trifling restrictions he places on the taxi operators in that famous blue book he issued. I do not suggest to the Minister that he necessarily accept advice from anywhere; but the most important elements are dissatisfied with the arrangement. The public is dissatisfied with it, the taxi operators do not like it in the majority, the Perth City Council—in whose area it is—is not in favour of it, and the retail traders are hostile to the arrangement.

Nobody but the Minister wants it; and I ask him, "What purpose is it serving?" Irrespective of what the Minister says, surely Hay Street and Murray Street are not to become arterial roads. The Minister mentioned something about being restricted on the north by the railway, and on the south by the river, and that sort of thing. I admit that. But if the Minister has a traffic policy the objective should be to encourage as many people as possible to travel along Riverside Drive, St. George's Terrace, and Wellington Street and to leave the shopping street to the shoppers, plus perhaps those owners who are prepared to take it slowly and steadily on their way through.

I am inclined to think that in his saner moments the Minister agrees with me, because he seems to find some favour in the suggestion of Councillor Spencer who had a discussion over a television station, that Hay Street central should be closed entirely to vehicles.

Mr. Perkins: You misinterpret me there.

Mr. GRAHAM: The Minister did not disagree, because I remember interjecting that that was Councillor Spencer's personal opinion and not the view of the Perth City Council. It indicated to me that the Minister was thinking in that direction.

Mr. Perkins: I am not my brother's keeper.

Mr. GRAHAM: Then why did the Minister quote him? Unfortunately, many of our streets are rather narrow and various ways are suggested from time to time as to how we may deal with this fact. Some members may have seen a recent discussion on TV during which one of the councillors of the City of Perth suggested that Hay Street should be entirely closed to vehicular traffic during certain parts of the day. I said it was his personal view and not the view of the City Council. The Minister said that he was a responsible member of the City Council and he went on to commend the councillor who expressed that view. Apparently the Minister did not think the view was preposterous, ridiculous, and absurd.

I am pleading with the Minister to leave Hay Street and Murray Street to the shoppers—whether they be pedestrians; or whether they park their cars for 30 minutes at a time to do their shopping; or whether they arrive or depart by taxi. In other words, whilst I was pleased to learn of the shorter time taken by vehicles to move through the streets of Perth, I would like to ask, "Would any harm be done if they took a little longer?" If they did, it would encourage more of the traffic to move around the edges than is the case at the moment. If the Minister is prepared to content himself with endeavouring to make some political capital out of the issue of taxi license plates, instead of dealing with the proposition on a fair and reasonable basis, it is another matter altogether.

We should look at this and say, "There is our capital city of Perth. How best can we make our arrangements so that traffic of all sorts may have the greatest access and the greatest convenience?" There are 100,000 private vehicles in the metropolitan area, and some hundreds of buses, and only a few hundred taxis; so why should it be necessary to impose a particular and unnecessary restriction on the taxi operators when it is so distasteful and so unpopular, not only with those directly affected, but more importantly with the public?

It is in the hands of the Minister; and I hope and trust all his colleagues and those who sit behind him are not bound to vote against the motion. I am certain that if a vote were taken in Hay Street central any day of the week it would be found to be overwhelmingly on my side; and I hope and trust the feelings of the public will be reflected in the vote which

is cast tonight. Accordingly, I ask members to support the motion for the disallowance of this regulation.

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

Ayes—20.

Mr. Bickerton	Mr. J. Hegney
Mr. Brady	Mr. Jamieson
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Oldfield
Mr. Evans	Mr. Rhatigan
Mr. Fletcher	Mr. Rowberry
Mr. Graham	Mr. Sewell
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
	(Teller.)

Noes—21.

Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. W. A. Manning	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Moir	Mr. Mann
Mr. Nulsen	Mr. Burt
Mr. W. Hegney	Sir Ross McLarty
Mr. Kelly	Mr. Brand

Majority against—1.

Question thus negatived.

CITY OF PERTH PARKING FACILITIES ACT: DISALLOWANCE OF PART 4A OF BY-LAW No. 60

Motion: Order Discharged

Order of the Day read for the resumption of the debate from the 6th September on the following motion by Mr. Graham:—

> That Part 4A (comprising clauses 37A, 37B, 37C, and 37D) of by-law No. 60 relating to the care, control, and management of parking facilities made with the approval of the Minister for Transport by order of the Council of the City of Perth pursuant to the provisions of the City of Perth Parking Facilities Act, 1956-1958, and confirmed by His Excellency the Governor in Executive Council pursuant to the provisions of the said Act and published in the *Government Gazette* on the 31st January, 1961, and the amendment thereof published in the *Government Gazette* on the 24th May, 1961, and laid before this House on the 8th August, 1961, be and are hereby disallowed.

MR. GRAHAM (East Perth) [10.6 p.m.]: This is complementary to Order of the Day No. 10 and I move—

That the Order be discharged.

Motion put and passed.

Order discharged.

TRAFFIC ACT: DISALLOWANCE OF REGULATION No. 170

Motion

Order of the Day read for the resumption of the debate from the 11th October on the following motion moved by Mr. J. Hegney:—

> That new regulation 170 made under the Traffic Act, 1919, and published in the *Government Gazette* on the 24th May, 1961, and laid on the Table of the House on the 8th August, 1961, be and is hereby disallowed.

Question put and negatived.

House adjourned at 10.7 p.m.

Legislative Council

Thursday, the 19th October, 1961

CONTENTS

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

BILLS (5): THIRD READING

1. Welfare and Assistance Bill.

   Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Child Welfare), and passed.

2. Criminal Code Amendment Bill.

3. Justices Act Amendment Bill.