

doing so from an ulterior motive. For myself, in the circumstances I feel compelled to vote against the amendment on that ground, and on that ground alone.

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	26
Majority against					10

AYES.

Mr. Carpenter	Mr. Lambert
Mr. Chesson	Mr. Mullany
Mr. Collier	Mr. Munsie
Mr. Cunningham	Mr. Scaddan
Mr. Foley	Mr. Taylor
Mr. Green	Mr. Walker
Mr. Holman	Mr. Bolton
Mr. Hudson	(Teller.)
Mr. W. D. Johnson	

NOES.

Mr. Allen	Mr. Robinson
Mr. Angwin	Mr. Smith
Mr. Butcher	Mr. S. Stubbs
Mr. Connolly	Mr. Thomas
Mr. Gardiner	Mr. Thomson
Mr. George	Mr. Underwood
Mr. Griffiths	Mr. Veryard
Mr. Harrison	Mr. Wansbrough
Mr. Hickmott	Mr. Willmott
Mr. E. B. Johnston	Mr. A. A. Wilson
Mr. Lefroy	Mr. F. Wilson
Mr. Mitchell	Mr. Hardwick
Mr. Nairn	(Teller.)
Mr. Plesse	

Amendment thus negatived.

Question (Second reading) put and a division taken with the following result:—

Ayes	..	..	..	..	18
Noes	..	..	..	..	24
Majority against					6

AYES.

Mr. Allen	Mr. Smith
Mr. Angwin	Mr. Thomas
Mr. Carpenter	Mr. Thomson
Mr. Griffiths	Mr. Veryard
Mr. Harrison	Mr. Walker
Mr. Holman	Mr. Wansbrough
Mr. W. D. Johnson	Mr. A. A. Wilson
Mr. E. B. Johnston	Mr. Bolton
Mr. Robinson	(Teller.)
Mr. Scaddan	

NOES.

Mr. Butcher	Mr. Mitchell
Mr. Chesson	Mr. Mullany
Mr. Collier	Mr. Munsie
Mr. Connolly	Mr. Nairn
Mr. Cunningham	Mr. Plesse
Mr. Foley	Mr. S. Stubbs
Mr. Gardiner	Mr. Taylor
Mr. George	Mr. Underwood
Mr. Green	Mr. Willmott
Mr. Hickmott	Mr. F. Wilson
Mr. Hudson	Mr. Hardwick
Mr. Lambert	(Teller.)
Mr. Lefroy	

Question thus negatived; Bill defeated.

BILL — POSTPONEMENT OF DEBTS CONTINUATION.

Returned from the Legislative Council without amendment.

BILLS (2)—FIRST READING.

- 1, Zoological Gardens Act Amendment.
- 2, Execution of Instruments.

Received from the Legislative Council.

House adjourned at 12.24 a.m. (Thursday).

Legislative Council,

Thursday, 2nd November, 1916.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Western Australian Government Railways, Return of Receipts and Expenditure for the quarter ended 30th September, 1916. 2, Report in accordance with Clauses 54 and 83 of the Government Railways Act, 1904, for the quarter ended 30th September, 1916.

BILL—ROMAN CATHOLIC CHURCH PROPERTY ACTS AMENDMENT.

Read a third time and *passed*.

BILL—ADOPTION OF CHILDREN ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.36]: I secured the adjournment of the debate because I wished to have an opportunity of moving in the matter and if possible consulting one or two authorities, but I have not been able to do so. If the Government and Parliament like to rush things through without members clearly understanding what they are doing, well and good.

Hon. Sir E. H. Wittenoom: It is all right.

Hon. A. SANDERSON: I claim to have not more, but as much, intelligence as some hon. members, and to put a mass of printed stuff before us and say it is all right, when I am certain that the hon. gentleman, if cross-examined on the subject of the original Bill, would not have the foggiest idea of how it compared with the present Bill—

Hon. Sir E. H. Wittenoom: I have read it and compared it with the original Bill.

Hon. A. SANDERSON: Then I withdraw and apologise to the hon. member. I have nothing further to say. I think the Children's Protection Society might have been consulted in the matter. I had not had time to see them myself, as I have been engaged on some deputation work during the last few days. I do not suggest that there is anything wrong with the Bill, but only wish to point out to the leader of the House that I hope he will try to give us ample opportunity—and I am sure he wishes to

do so—to consider Bills which come before us. I know it must be difficult for the leader of the House, as he has not got control altogether of the affairs of another place, to do perhaps all that he would wish to do. I am not asking any steps to secure a further adjournment, but I think it is a favourable opportunity of suggesting to the leader of the House that he should, as far as possible, give us every opportunity, when measures come before us, of seeing them. I have no wish to block this Bill at all. I sincerely trust that everything is in order and that we will not have a further amendment next session.

THE COLONIAL SECRETARY (Hon. H. P. Colebatch—East—in reply) [4.39]: I should like to assure the hon. member that it has always been and always will be my desire to give this House every possible opportunity of considering any measure that comes before it. So far as this Bill is concerned, I thought I had, as clearly as I was able to, explained that its sole object was to correct an obvious error. I explained the nature of the error and, if the hon. member desires, I am quite willing to further postpone the Committee stage, or take any other steps that he likes in order that he may have the same opportunity of satisfying himself that this Bill is merely to correct an error as I myself have had.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—WESTERN AUSTRALIAN DAY FUNDS (No. 2).

Second Reading.

Debate resumed from the previous day.

Hon. R. J. LYNN (West) [4.42]: I moved the adjournment of the debate with a view to obtaining information with respect to the necessity for the authority of the executive to obtain permission from the Supreme Court before distributing money overseas. I understand this now to be merely an order, and that no costs will be incurred

in connection with litigation. That was the only question in connection with the Bill concerning which it appealed to me that any information was required. I understand that it is merely a formal way of dealing with the matter, and beg to support the second reading.

Hon. Sir E. H. WITTENOOM (North) [4.43]: In his introductory remarks I understood the Colonial Secretary to say that the provisional committee sought power to make payment to other committees, and that the receipts of such committees would be a full discharge. After reading the Bill very carefully, I find that the only power claimed within the Bill is to pay moneys to the War Council of Western Australia. Whether I have misunderstood the Colonial Secretary, or whether he made a mistake in introducing the Bill, I do not know. The only people to which the provisional committee has power to pay any money is the War Council of Western Australia, which is as it should be.

The Colonial Secretary: That is so.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—BETTING SUPPRESSION.

Second Reading.

The COLONIAL SECRETARY (Hon. H. P. Colebatch—East) [4.48]: In moving the second reading of this Bill for an Act to make further provision for the suppression of betting and gambling and for other relative purposes, I desire it to be clearly understood that whilst the apparent object of the Bill is merely to provide facilities which are required for the effective suppression of street and shop betting, the intention of the Government is that on the passage of this measure its clauses shall be put into operation for the purpose of stopping the operations of the bookmaker on the racecourse and elsewhere. During the debate on the Address-in-reply one hon. member—Mr. Cornell, I think it was—charged me with inconsistency in that I had made reference to the

intention of the Government to introduce legislation for the purpose of doing away with street and shop betting and also of suppressing the bookmaker, whereas during the previous session of Parliament I had stated that the legislation then on the Statute book afforded the Government ample power to do away with the bookmaker if they chose to exercise that power. I trust that I shall be able to satisfy the hon. member that my inconsistency is apparent rather than real. I do not depart from the position I previously took up—that there is ample power in the law of the country as it at present stands, to do away with the bookmaker. But when I urged during last session that that power should be exercised it was only after the Government had announced their refusal to introduce during that session the legislation necessary for the effective suppression of street and shop betting. If it were at the present time impossible to get such legislation through Parliament, I can assure the hon. member, the present Government would not hesitate to put into operation the existing legislation for the suppression of the bookmaker. But we are of opinion that street and shop betting is the worse evil of the two, and we desire to have the power to suppress both evils at once. So far as the bookmaker is concerned, he is carrying on, and knows that he is carrying on, an illegal business, a business contrary to the law. Consequently, he would have no sound reason for complaint if the Government should at once and without notice interfere with his occupation. At the same time, we recognise that, although the law is against the bookmaker, custom has protected him for a number of years. That being the case, the Government took the view that the passing of this measure will not only give us the power to deal with what we deem the worst form of betting, but will also give the bookmaker notice that he must as quickly as possible find some other scope for his activities. Because, if he proposes to carry on his present business after the passage of this Bill, he will do it at his own risk and will be subject to severe penalties. If this measure is enacted, the bookmaker will know that after the end of the present month he cannot expect any toleration from the Government. The fact that existing legislation is strong enough, if put into

operation, to suppress the bookmaker, is demonstrated by prosecutions which have already been brought against bookmakers for operating on racecourses. The prosecutions were successful in that the bookmakers were convicted; but they failed of practical effect because the magistrate took the view that bookmakers had been allowed to go on and therefore he imposed only a nominal penalty. When this Bill is passed, and when the penalties fixed in this measure are applied, and when it is understood that it is the policy of the Government that not only the existing legislation against the bookmaker but also this new legislation shall be put into force, then I have no doubt it will be found quite practicable to suppress both street and shop betting and also to do away with the bookmaker on the racecourse and elsewhere. I do not wish to give, in fact I am very anxious to avoid giving, this question any party aspect; and for that reason I want hon. members to understand that this law against the bookmaker has been on the statute-book for a number of years, during the administration of several different Governments. I do not claim any special virtue for the present Government in their determination to put that legislation into force now. I take it that that determination is largely due to the spirit of the times, to the demand of the people that things which we might tolerate in normal times we are not prepared to tolerate at present. The determination is also due to the fact that the evil has been a gradually growing one, until public resentment against it has become very strong indeed. Now, inasmuch as it is the intention of the Government to use this Bill for the suppression of street and shop betting and also as a means of paving the way for the removal of the bookmaker, it is desirable that I should submit to hon. members, as briefly as I can, the arguments in favour of both of these courses. First, with regard to street and shop betting. In August of last year, a joint select committee of members of both Houses of Parliament, and representative of each of the three parties, was appointed to consider the question of horse-racing within the State and matters connected therewith, with a

view to the subsequent introduction of legislation providing for the control of such matters. The joint select committee gave very exhaustive consideration to the large number of issues submitted to them, but the only issues that I propose to traverse in any way so far as the findings of the committee and the evidence given before the committee are concerned, are those directly relating to the purposes of this present Bill—those directly relating to street betting, shop betting, and the bookmaker. The committee, having spent some few weeks on their investigations and coming to the conclusion that it was improbable their inquiry could be completed and their report submitted in time for a comprehensive Bill to be introduced to Parliament, during the then current session, decided—and I think I am right in saying, decided unanimously—to submit an interim report directed exclusively against street betting. That interim report read as follows:—

Your Committee have held eleven meetings and examined a number of witnesses. In view of the proposed early closing of the present session of Parliament, the Committee desire to present an interim report with a suggestion that a Bill will be introduced at once dealing with one phase of the gambling evil attendant on horse-racing. Your Committee consider that an Act should be passed immediately for the suppression of street betting. The Committee suggest legislation in this connection on similar lines to the Gambling and Betting Act, 1912, Part 2, of New South Wales, with the power of arrest. The Committee recommend that the law relating to shop betting be rigidly enforced. The Committee hope to be able to furnish a more exhaustive report before the close of the session.

It was not possible to deal last session with that interim report, or with the more exhaustive report which was in due course furnished by the joint committee. The evidence on which the committee based their report affords, I think, conclusive proof that street and shop betting constitutes an unmitigated evil, an evil without one single redeeming feature. The report showed also that street and shop betting were rife in the metropolitan area, on the

Golden Mile, and in other parts of this State. And, finally, the report demonstrated that the existing legislation was inadequate to put down street and shop betting, no matter how anxious the Government and the police authorities might be to suppress them. All sorts and conditions of people gave evidence before the committee, and I cannot recall that one single witness had anything to say in favour of street and shop betting. There were a few witnesses who favoured the retention of the bookmaker, but I do not think one of these favoured street and shop betting. Those who favoured the bookmaker urged that his operations should be confined to the racecourse. If hon. members will look at the report of the evidence, they will find the following instances of betting men and racing men who gave strong evidence against street and shop betting. Mr. A. E. Cockram, whose evidence appears on page 49 of the report, said—

Street and shop betting should be done away with, and that with a firm hand.

Mr. Alexander Clydesdale, a witness who favoured the retention of the bookmaker on the racecourse, said—

I am not in favour of street betting. A man who wishes to bet can go to the racecourse.

Mr. P. A. Connolly, whose evidence is reported on page 91, urges the suppression of street and shop betting, and quotes the case of New South Wales, where these classes of betting have been almost entirely suppressed. Mr. Thomas Lalor, a bookmaker and a member of Tattersall's Club, gave some highly interesting evidence on this point. Members who wish to look it up will find it reported on page 92. After saying that he very much favoured the restricting of the bookmaker to betting on the racecourse only, Mr. Lalor stated—

The person who bets in the street very often acquires before the day of the race a liability that he would not acquire if he were to bet only on the courses.

Hon. J. Cornell: That is the only place where Mr. Lalor bets, and hence he agrees to that.

The COLONIAL SECRETARY: Mr. Lalor continues—

A man starts, say, three months before an event takes place. In endeavouring to get

a long shot, he will probably invest £3 or £4. Later, the horse goes off, and then the bettor invests on something else to cover that. Before the day of the race comes he may have a liability of £10 or £15, whereas if he waited until the day of the race he would have a liability of probably not more than £2 or £3.

This is a bookmaker's view, founded I have no doubt on his own experience, and I think it puts one feature of the case against street betting very clearly. It shows how street betting causes people to not only find themselves landed with liabilities they cannot possibly face, and incidentally I have no doubt it accounts for a considerable number of the cases which from time to time come before our judges in the Supreme Court and also for the infinite number of cases which ought to reach the Criminal Court but never do. Another horse owner and trainer, Mr. P. Bolger, told the committee that in his opinion street betting was the worst possible form of betting, and he adds—

Betting shops should be stamped out also. I have been racing horses since I was a boy, and if there is anyone who should have experience I should be that one. I think these things should have been done away with.

Member: That evidence is biased.

The COLONIAL SECRETARY: In this connection I have quoted only the opinion of betting and racing men. Without exception they condemned street and shop betting. My friend says they are all biased. An opportunity was afforded by the committee to everyone who chose to come forward and give evidence before it, and no witness of any kind whatever came forward to support street and shop betting. So far as the other sections of the community are concerned, apart from betting men, I venture the opinion that they are opposed to street betting and shop betting. Now as to the prevalence of shop betting. Witness after witness enlightened the committee on this matter, and one witness went so far as to tell the committee that he himself was conducting two betting shops in Kalgoorlie and one in Fremantle. Incidentally his statement to the committee shows clearly that he knew how futile the efforts of the authorities to

suppress it were in the existing state of the law. In this connection I would like to read the following letter addressed by the town clerk of the City of Perth to the then Attorney General under date February 24th of the present year:—

I am directed by the Council to bring before your notice the urgency of steps being taken to introduce amended legislation in this State to enable the authorities to suppress street betting. The question is constantly before the citizens of Perth, as the crowds of bookmakers and their associates which assemble regularly at the corner of St. George's-terrace and Barrack-street, and other places in the City, are notorious. The police and municipal authorities are practically powerless under the law as it at present exists, and amended legislation is urgently required. In South Australia and New South Wales I understand that the police have much fuller powers under which they can arrest, and if necessary, search. These fuller powers are required here. The Council note that in the interim report submitted by the Joint Select Committee of Parliament last session, it was recommended that an Act be passed immediately for the suppression of street betting, and suggested legislation on similar lines to the "Gaming and Betting Act, 1912," Part 2, of New South Wales, with the power of arrest. The Council trust that the Government will take immediate action in the matter, and that the necessary measure will be framed at once, ready for introduction as soon as Parliament meets.

This letter not only emphasises the prevalence of street betting, but also again draws the attention of the Government to the insufficiency of existing legislation for dealing with it. The following reply was sent to that letter:—

With reference to your letter of the 24th ultimo, dealing with the question of street betting, I am instructed to inform you that the matter has been noted as one which will receive consideration when preparing legislation for next session.

Following upon that the file was remitted in the ordinary way to the Police Department for a report. The file shows that so far back as 1910—and I go back to 1910 for the same

purpose as I stated before, so as not to give this matter any party aspect whatever, and to show that whatever faults exist they have continued with the administration of successive Governments—

Mr. Kingsmill: You could go back further.

The COLONIAL SECRETARY: That is so, but to go thus far back will show my point. I do not wish to make any charge against the previous Administration of neglect, because any charge of that kind applies equally to every Government Western Australia has had for some time past. In June, 1910, the Chief Inspector, now the Commissioner of Police, wrote to the then Commissioner—

I beg to report that this offence is still being committed by bookmakers, both registered and unregistered. As the law now stands, it is impossible to wholly suppress it, and we have the very greatest difficulty in obtaining sufficient evidence to secure a conviction. In order to obtain sufficient evidence to present a case to the Court, it is necessary to recruit men who are unknown to make bets with the offenders, and even then, when such men are recruited we cannot always depend on their being successful. The bookmakers' clients are chiefly men who are well known and who make bets with them almost daily; therefore when a stranger happens along, the bookmakers at once become suspicious, and, in most instances, will refuse to bet. When we are successful in obtaining evidence, we must proceed under the Municipal By-laws, as these men use no fixed place for betting, but simply keep moving up and down the street to ply their unlawful calling. Then the penalty on conviction is only a fine of £20, which is seldom inflicted, and even such a fine will not deter them, it is such a profitable business that they look upon these fines in the light of a license fee.

One witness before the committee made that statement also. He said he did not mind being fined in this connection, because it was in his opinion, a cheap form of license fee.

Then, again, we have to face the difficulty of having to wait until vacancies occur in the Force to obtain men suitable for the work, and, once they succeed in

making a bet, they cannot be again used for the same purpose, as they are immediately "marked" by the bookmakers and their associates. It will be seen, therefore, how hard it is to suppress this evil, and, until suitable legislation is passed, on the lines adopted by the South Australian Government in its "Gaming, Further Suppression Act, 1907," especially sections 7 and 30, particulars of which have been submitted, I fear that no good result can be expected. Even if it were held that section 209 of the Criminal Code applied to street betting, we would be in no better position, in so far as obtaining the evidence is concerned, and no doubt this was the reason which prompted the South Australian Government in passing section 30 of the Act referred to, which empowers the Police to request bookmakers to move on, and if they neglect, or refuse to do so, they are liable to a fine of £20, or imprisonment for two months. I am very confident that if the punishment for street betting were made imprisonment instead of a fine, there would not be the same difficulty in suppressing the evil. I am aware that a section of the public think more should be done, but they have no idea of the difficulties to be surmounted, with the law as it stands at present.

The matter appears to have lapsed then for three years. In July, 1913, the Commissioner of Police forwarded a minute to the Colonial Secretary submitting for consideration the draft of a Bill "to enable the police to suppress the evil known as street betting." He says—

For years past we have been endeavouring to get legislation to meet this nuisance, and although the police are in no way to blame, still we are frequently accused of laxity in not suppressing it. Western Australia is fully ten years behind the United Kingdom and other States in legislation dealing with betting, and I would be glad if a short amendment of the Police Act were put through as soon as possible.

This was recommended to Cabinet, but pressure of business prevented a Bill being introduced. And now we come to the present Government. On the 12th of September last the Commissioner of Police suggested a

further amendment of the Police Act dealing with street betting. He says—

The passing of an Act of Parliament to deal with this evil is an urgent necessity.

So far as this matter of street betting is concerned, I propose only to add that so far as I personally am concerned—and I think in the opinion of most decent-minded people—street betting is an offence to the community, particularly at the present juncture. None of us like to walk along St. George's-terrace and see crowds of men there who we know might be far more profitably employed, both from their own point of view and the point of view of the State. We know they are there merely trying to make money in the most useless fashion possible. My opinion is that if this brief session of Parliament does nothing else, it will have done some good if it removes from our streets the eyesore of street betting. Before proceeding to review, as I intend doing, the clauses of the Bill, I think it is desirable I should present to the House some of the evidence quoted to the committee against the continuance of bookmakers on the racecourse; because, as I have already indicated, this Bill will serve the dual purpose of giving sufficient power for the suppression of street betting and for the suppression of the bookmakers on racecourses and elsewhere. In this connection, I propose first of all to read four clauses from the report of the committee which relate directly or indirectly to this matter of the bookmaker. Paragraphs 3 and 8 read—

(3) From the evidence submitted, and the observations of the members, the Committee are of opinion that there is an excess of racing in the metropolitan area, and also at Kalgoorlie and Boulder.

(5) The neglect of Parliament to give effect to the recommendations of a select committee appointed, in 1905, to inquire into the alleged surfeit of horse-racing, has resulted in the growth of racing to its present inordinate extent, and the establishment of vested interests which must be considered in dealing with the matter. Your committee take the view that it would work an injustice to at once make any drastic alteration in the extent of the business."

I quote that clause merely to show the effects that have arisen from the neglect of Parliament 11 years ago to take notice of a select committee which had been appointed by Parliament and had carried out its deliberations at the expense of the community. It is the desire of the present Government that the work of the select committee which sat last year shall not be futile and unproductive. Paragraph 15 of the report says—

With regard to other forms of betting on races in this State—(a) Street betting and shop betting should be suppressed, as recommended in the interim report of the Committee. (b) Betting on racecourses otherwise than through the totalisator should be prohibited. (c) Totalisator agents should be prohibited.

That is the finding of the committee, that the bookmaker should be prohibited on the racecourse and elsewhere. Paragraph 18 says—

Advertisements relating to betting on horse-races should be suppressed.

It is only right I should point out that the committee was not unanimous on all these points. No minority report was submitted, but it was agreed amongst the committee that each question should be submitted to a vote, that the decision of a majority should constitute the report of the committee, and that any member who disagreed with any point in the report would be perfectly free to voice his disagreement when the matter came before Parliament in the shape of a Bill. Members will, therefore, understand clearly when I say the report of the committee was a recommendation that the bookmaker should be completely suppressed, that there were on the committee some members who took an opposite view; and no doubt they will give expression to those views in this House and in another place in support of their contentions. I propose to refer very briefly to the evidence submitted in opposition to the bookmaker and I suggest that those hon. members who think that the bookmaker should be retained will search the report for themselves in order that they may obtain from it all the evidence that they consider is favourable to the bookmaker. I do not intend to touch exhaustively on the evidence

favourable to the bookmaker, not because my desire is to present only one side of the case to the House but for the reason that in nearly every case those who favour the retention of the bookmaker fear that his abolition will seriously curtail horse-racing. It is the object of the present Government and it was the opinion of the select committee that horse-racing should be seriously curtailed, consequently all the arguments of the supporters of the bookmaker that the suppression of the bookmaker would seriously curtail horse-racing have no influence with the present Government, because that is one of the objects we wish to achieve. They had no influence with the committee because the committee reported that there was an excess of horse-racing, and the suppression of the bookmaker was one of the methods by which horse-racing could be curtailed. I will first refer hon. members to the evidence given by Mr. Charles Baxter Cox, chairman of the West Australian Turf Club, and which appears on page 6 of the report. He was examined as follows:—

Do you consider that you can do without the bookmakers?—Certainly.

As one interested in sport and desiring to improve it and improving the breed of horses, do you think that private profit from the conduct of racing and from betting could and should be wiped out?—Yes; it should go into the stakes and providing conveniences for the public.

Further on Mr. Cox was asked—

You would not allow the bookmaker?

He replied—

No, for this reason, that the abolition of the bookmaker would stop the evil of over-racing. We are not the police. We are not here to put the law in motion. I have asked the Government to do it but they will not do so. It is what the V.R.C. tried to do in Victoria but they could not for they had their wings clipped.

Again I quote from the evidence of Mr. Cox—

Have you any objection to the bookmaker as a bookmaker, or on the ground that the bookmaker encourages gambling?—If I were speaking as an owner I would like the bookmaker. In New Zealand, the example of which I am prepared to follow,

they can carry on their racing successfully without bookmakers.

And in South Australia too?—Yes.

Do you know of your own knowledge, or from reliable sources, what effect the abolition of bookmakers in South Australia has had on horse-breeding in that State?—They abolished the bookmakers I think in Mr. Kingston's time but the breeding went on just the same.

They might be breeding for another State. Do you think if the abolition of the bookmakers was universal in Australia it would have a detrimental effect on the breeding of horses?—Not a detrimental effect. It might lessen the number of horses bred but improve the quality.

I am only quoting the evidence of racing men, because those who are not racing men, I am sure, would like to see the bookmaker abolished. The next witness called was Mr. James Brennan, president of the Trotting Association. Here is portion of his examination:—

Do you consider it is essential to the success of trotting that there should be bookmakers on your course?—I can only give my personal opinion about that. Personally I would like to see the bookmaker removed altogether as is the case in New Zealand. I have on several occasions attended race meetings in New Zealand, both trotting and galloping, and as an owner desirous of getting my own affairs cleaned up, I would like to see the bookmaker removed.

And the totalisator preserved?—I think it is for the protection of the public, for pure sport and for clean racing, that the bookmaker should be removed. Of course we could not carry on without the totalisator. That is practically the unanimous opinion in New Zealand. You do not see any bookmakers there operating at any of the race meetings. What you call "betting under the lap" does not exist to any extent at all and the owners there are a splendid type of racing men, a better type in fact than we have in Australia. This applies to both trotting and galloping. They are an encouragement to the sport and the sport is cleanly conducted, and they have a healthier and a far happier time. The

public too are more satisfied with the cleaner racing and the attendance is correspondingly higher. The totalisator revenue is more than treble ours.

Hon. R. J. Lynn: Who gets the benefit of that?

The COLONIAL SECRETARY: Incidentally, I might mention that the Government propose to get a considerable portion of it for the benefit of the State.

Hon. R. J. Lynn: Do you propose to increase the percentage?

The COLONIAL SECRETARY: Yes.

Hon. J. Cornell: That is not socialism, is it?

The COLONIAL SECRETARY: Yes. totalisator revenue is a very legitimate subject for taxation. That is the view the Government take and within the next few days a Bill will be submitted showing exactly what the Government propose to do in that direction. Another witness who gave evidence before the select committee was Dr. Sawell, chairman of the Boulder Racing Club. He was asked his opinion generally about proprietary and unregistered racing and his reply was—

We race under the W.A.T.C. rules, not for profit but for sport and the improvement of the breed of horses. As soon as the club loses sight of those objects and races for pecuniary profit it is likely to be very much abused. All racing should be on an amateur basis without regard to profits for individual pockets. Thus we would suppress a lot of unnecessary racing, because it would not be worth while, and things would be run on better lines generally.

You do not think that genuine sport or the improvement of the breeding of horses would be interfered with by the elimination of private profit from racing?—No, I am sure of that.

A number of witnesses were asked their opinion of the relative values to racing of the bookmaker and the totalisator. Amongst them Mr. Skull, secretary of the Goldfields Racing Club, was examined as follows:—

Do you believe in the totalisator?—Certainly.

And in the bookmaker?—I think he is a necessary evil.

Mr. Sknll supported both, but he referred to one as something good and the other as a necessary evil. His examination goes on—

The tote suits all purposes, and the public get the better deal from it in the long run.

How would your concern get along after the abolition of the bookmaker?—Just as well.

You favour the abolition of the bookmaker?—It would not be quite as fair for the owners but it would give the club management far less work and worry.

Another witness examined was Mr. Samuel Butler, horse-owner of Kalgoorlie. He was asked if he would agree to the abolition of the bookmaker, and replied—

Yes, he is not a beneficial factor to the owner.

He was further examined—

You could run your five horses without the bookmaker?—Yes.

Would the abolition of the bookmaker give us cleaner racing?—Absolutely. That is unquestionable.

Why?—It is well known that bookmakers handle jockeys, owners, and trainers. You cannot get away from it. The tote does not seem to have the power of handling them to the same extent as the bookmaker.

Personally, I do not see how the tote could handle them at all. However, that is the evidence of one of the owners. On the following page we have the evidence of Mr. Cockram—

Would the tote be more acceptable than the bookmaker to the average owner racing under the W.A.T.C.?—No. A big owner is under a big expense and he must get big bets to keep going. If he had to depend on the tote and probably get even money he could not do it.

If the bookmaker were abolished there would be fewer owners and horses running?—Yes.

I quote this as an instance of the arguments used against the abolition of the bookmaker, that if we abolish the bookmaker, there will be fewer horses trained and fewer horses racing. I submit that that evidence forms one of the strongest possible arguments in favour of the abolition

of bookmakers because our aim is that there shall be fewer horses and less racing in the future. Next we find Mr. Leslie, president of the Unregistered Bookmakers, giving evidence. He does not refer to the bookmaker generally, although he condemns street betting and shop betting:—

You think legislation should be introduced to stop betting with women?—Yes.

For what reason?—Because women do not really understand the business. They go on any tip. They do not know when they are getting a fair price, and I have known them to become inveterate gamblers once they have had a chance of winning. Years ago I used to bet with them and I have known them to do their husband's wages in to the last penny.

I do not know whether men really understand the business. Most of the men who take an interest in horse-racing, so far as I know, are ever ready to admit on Saturday night or Monday morning that they do not understand much about it. Mr. Hayes, secretary of the Helena Vale and Canning Park Race Clubs, was examined. He was not an opponent of the bookmaker:—

Assuming that there was a choice to be made as to the retention of the bookmaker or of the totalisator, which would you prefer to retain?—That is rather a difficult question. We prefer the two as they are, but if you are going to cut one out, of course let us retain the totalisator. We prefer the arrangement as it is, but if it was an absolute case of cutting out one or the other, I should say retain the totalisator.

Mr. L. H. Darlôt, a gentleman of considerable experience in the matter of breeding horses and who was at the time engaged by the Commonwealth Government in selecting remounts for the Australian Light Horse, also gave evidence. He said—

So far as gambling is concerned, I am a believer in the totalisator, particularly if the taxes derived from it are invested by the State in the purchase of stallions of good quality and of different classes, say, thoroughbred horses and Clydesdale to stand at a nominal fee for the benefit of those who cannot afford to keep a good animal. So far as the bookmaker is concerned I would like to see him dis-

pensed with. People will gamble; well, let them gamble, but they should do so through the agency of a machine which has no evil influences about it. I raced for nine years in New Zealand and I saw it carried out there most successfully without bookmakers, therefore, I know it can be done.

The secretary of the Eastern Districts Racing Association. Mr. Horace Withnell, was asked if he favoured the abolition of the bookmaker, and replied—

That is a big question. I think the abolition of the bookmaker would affect our meetings for a while, until the people had become educated up to the benefits of the totalisator.

The examination goes on—

Do you think country meetings could be run without bookmakers?—Yes, decidedly.

Have you had any complaints of interference by bookmakers with jockeys or owners?—It has been very often suggested that a bookmaker had exercised influence over a jockey but it is very difficult to prove.

On the following page we have the evidence of Mr. P. A. Connolly, who, I suppose, is one of the biggest owners of race horses in Western Australia. He was examined as follows:—

As an owner do you think that racing can be conducted without the bookmaker?—Certainly.

If the bookmaker were abolished would there be fewer owners?—There would be fewer battlers, men trying to make a living at the game. The bookmaker is a great assistance to that class of owner.

Is racing in Western Australia at present a sport or a business?—It is both. It is a business to those who have to make a living on the game, such as bookmakers, jockeys, and a certain class of owners.

But are there more owners in racing for what it will bring them, or is there a large proportion in it just for the sport?—Both. There are men who could do better at something else, but they are so wrapped up in the sport that they would sooner be racing. It gets in the blood.

Later on Mr. Connolly gives some rather striking evidence—

Have you had any experience of corrupt practices in connection with books and jockeys?—Yes. I have had a lot of experience.

Will you relate some of it?—Bookmakers have approached me to give them favourites in certain set races where they had set books, such as the Perth Cup and the Kalgoorlie Cup—that is, to give them horses to go on with. This means to stop the horses, or to pull them out at the eleventh hour.

To scratch them?—Yes. In fact, one bookmaker offered me a hundred to nominate for the Kalgoorlie Cup a mare which was running in the paddock. I told him the mare was not in training. He replied, "That does not matter to you." I said, "I will not do it." He was not satisfied, but offered a friend of mine two hundred, saying, "Connolly need not appear in this. You can give him the two hundred, and he can nominate the mare." I wrote to the secretary of the Kalgoorlie Racing Club not to receive a nomination for the mare, because I thought some one else might nominate her. I knew that this man had laid thousands in doubles for the nomination.

It is a practice?—It is a common practice. These men have approached me, and I am not a better on the game; but how can other fellows who are bettors resist when they are offered £30 or £40 to give a horse to go on with? One bookmaker pestered me for years to give him horses to go on with. In the Victorian Club, in Melbourne, he pointed out different men, and said he could get any money from the books for pulling up horses or scratching them. He said, "You will have to work in with me if I go to the West." I laughed at him. Since then he has laid himself out to catch my boys, and I am sorry to say he has been very successful, too.

Hon. J. Cornell: Did you say that Mr. Connolly said there that he was not a better?

The COLONIAL SECRETARY: That is so.

Hon. J. Cornell: Was he on oath?

The COLONIAL SECRETARY: Mr. Connolly's evidence continues—

It has come under our notice that on the goldfields there was a certain book who controlled a big percentage of the jockeys. Do you think that is feasible and could happen?—Yes. That man has been controlling boys who came from the East.

What percentage would he influence?—He might have half a dozen of the leading boys.

That would be more than 20 per cent.?—I cannot say how many are registered.

It would represent a big percentage, at any rate?—Yes.

You believe this is a fact?—I do.

Do you think in the interests of racing it is necessary to have both the book and the tote?—Of course I am not a betting owner.

If Mr. Cornell wishes to read this evidence, he will find it on page 89 of the report.

Hon. J. Cornell: I do not want to read the evidence. I have seen him betting myself.

The COLONIAL SECRETARY: The report of the evidence continues—

From your own standpoint?—Yes. I never trouble the tote except to put money on the place. That is the only time I bet on the tote. Under the present system it would be much cleaner if they had only the tote.

If it were decided by the powers that be that there should be only one means of betting, the book or the tote, which would you prefer?—In the interests of clean racing, I should say the tote.

Several other questions of a similar nature were asked Mr. Connolly, and in each case he replied that he would prefer the tote.

Could racing continue without credit betting?—Certainly. . . .

As regards Mr. Connolly's evidence that he is not a bettor, I take it, reading his evidence as a whole, that what he meant was that he was not in the game for the sake of what he could make out of betting. However, that is his affair; not mine. Another witness who gave very strong evidence against the bookmaker was Mr. Morton Craig. He said—

Racing never was so corrupt as it is to-day. The primary object of racing, namely the promotion of breeding, is a good one; but to-day the whole thing has

developed into a huge gambling organisation, and every element of sport is eliminated. It is a business, and a dirty one.

. . . . If you wipe out the books, the man who runs honestly for the sport can get all he wants out of the tote. It is to the books that every swindle is traced. Wipe them out, and we shall have straight racing.

Mr. Morton Craig, in his evidence, quoted a letter he had received from Mr. W. McKenzie Grant, in which this paragraph occurs—

In this State, at any rate, I defy anyone to make any money at breeding and racing. If racing has to be kept going by leniency to "crooks," the sooner the whole game is stopped the better for the whole community, and utilise the course and grounds of the W.A.T.C. for the benefit of degenerates, which our system of racing must have created. As you know, I have long had a desire for clean sport, and, as a side issue, have some 25 thorough-bred mares, which means several thousand pounds lying idle merely to satisfy my desire and a love of the horse. I started a small stable, but, being unable to follow the system of handicapping, became so disgusted, I have closed it up.

Mr. Morton Craig further said—

If you get rid of the bookmaker and face the situation with a clear conscience, and say, "We are not going to humbug about the matter any longer; it is only gambling, and a gigantic swindle; let us put a stop to them," racing would be as clean then here as anywhere else.

One other witness I will quote—Mr. Lee, a horse trainer. Being asked whether he thought the abolition of the bookmaker would bring about a better class of horse owner, Mr. Lee replied—

I do not think it would make much difference. If we had the tote only and there was not so much racing, by that I mean without the unregistered and the trotting, we would have a better class of owner, because there would be better stakes; the clubs would get better profits. I mean the genuine clubs, for I am not in favour of proprietary racing, where the benefits go into the pockets of the proprietors.

In this report the committee had a great volume of racing opinion against the book-

maker—the opinion of owners, the opinion of trainers, and the opinion of men engaged in the conduct of racing clubs. As I have stated before, I think it may safely be taken for granted that outside the racing and betting community the people of the State generally hold a similar view. Now, with the permission of hon. members, I will briefly outline the provisions of the Bill which we are called upon to deal with. The present provisions relating to betting are, in the main, contained in Section 211 of the Criminal Code and in the Police Act Amendment Act, 1893. The Criminal Code will be left as it is. This Bill will not do away with the provisions of the Criminal Code relating to betting and gambling, although in some important respects it will supplement and strengthen those provisions. The Bill proposes to repeal the provisions of the Police Act Amendment Act, 1893, relating to betting. Sections 4, 6, and 7 of the repeal provisions of the Police Act Amendment Act, 1893, will not be re-enacted, for the reason that they appear in a more lucid and more intelligible form in Section 211 of the Criminal Code, to which I have already referred. Again, Section 5 of the repeal provisions of the Police Act Amendment Act will not be re-enacted in this Bill, because the provision in the Bill for the issue of search warrants in respect of betting houses will render any application of the gaming house provisions absolutely unnecessary. The other repeal sections of the Police Act Amendment Act reappear in this Bill in improved and extended form, and with many additions of an important and even sweeping character, additions to which I will briefly direct the attention of hon. members with a view to more complete consideration when we have reached the Committee stage, provided the House agrees to pass the second reading. By Clause 3 the provisions of Section 211 of the Criminal Code are accepted as the basis of that portion of the Bill which relates to betting houses. The definition in that section is wide enough to include those portions of race courses where bookmakers bet. Therefore, that definition is adopted in Clause 3 of the Bill. It will be observed, from the definition clause of the Bill, that the measure deals with two main things—betting houses, and betting in streets and in public places. The provision

relating to betting houses will be in addition to, and not in substitution of, somewhat similar provisions contained in Section 211 of the Criminal Code. The definition of “public places” is wide enough to include a racecourse; so that the bookmaker will, under this measure, be an offender not only as he is an offender now under the Criminal Code, but also an offender under the provisions of this Bill. Clause 4 provides for the issue of a warrant to search any place alleged to be a common betting house. As the law stands at the present time, the only means of making a search is to obtain a warrant to search a place as a gaming house under the Police Act Amendment Act. Such a warrant does not give the requisite power to seize betting books and lists. As a matter of fact, prosecutions have failed because of the lack of such a provision. Clause 5 is new. It imposes a penalty on any person found in a betting house without lawful excuse. Clause 6 renders liable to forfeiture all moneys found in betting houses. Clause 7 penalises persons obstructing the police in executing search warrants. Clause 8 reproduces, with alterations, Section 10 of the Police Act Amendment Act, 1893. Clause 9 reproduces Section 11 of the same Act, but with a highly important alteration. Under the existing section no bookmaker can be convicted for sending out advertisements or invitations to bet unless the prosecution proves that the advertisement or invitation was sent out in connection with a betting house. This circumstance is very, very difficult to prove, because bookmakers make their bets here, there, and everywhere—they have no fixed places for betting. Recently one bookmaker, Mr. Son Herman, was prosecuted under Section 11 of the Police Act Amendment Act, and he was acquitted because no proof of the existence of any betting house carried on by him could be given. Thus he could not be convicted for circulating invitations to bet from a betting house. This clause will correct the law in that matter, making it an offence for a bookmaker to send out such invitations, whether or not he has a betting house. Clause 10 is new, and penalises street betting and betting in public places, including racecourses. At the present time the only provision for punishing street betting is under municipal by-laws; and this provision,

as I have explained, is altogether inadequate. Hon. members will notice that the penalties proposed by these various clauses are severe; but the Government recognise that only by the imposition of severe penalties can the evil be put down. Clause 11 gives additional powers of a rather sweeping character to the police; but, in the opinion of the Government, these powers are necessary. Clause 12 makes money paid by any person in a betting house, or by the owner, occupier, or keeper of a betting house or any person using a betting house, or in connection with betting in a street or public place, recoverable in courts of law. Clause 13 merely reproduces the corresponding section of the Police Act Amendment Act. Clause 14 reproduces Section 9 of the same Act, and Clause 15 reserves the right to use the totalisator where that right now exists. I trust I have said enough to satisfy hon. members of the necessity for the passing of this Bill. Personally, I consider that in any country and at any time street betting and shop betting are an offence to the community, and that at any time in any country over-indulgence in horse-racing or any other expensive pastime is injurious to the commercial and industrial interests of the community, and destructive of the character of the younger people of the State. At the present time when we talk of placing every man and every shilling at the disposal of our Empire and of our Allies, we cannot, I say, tolerate the continuance of this gambling evil, of this waste. I do not propose to anticipate the arguments that will be advanced against this Bill, excepting only two. We shall be told, "You cannot make people moral by Act of Parliament." We shall be told, "You cannot suppress the bookmaker, or put down gambling, by legislation." So far as the first of these arguments is concerned, I have only to say that if by legislation we cannot improve upon the existing state of affairs we had better, each of us, go to our homes. In regard to the latter argument, I freely admit the probability that some betting will still be indulged in if this measure passes; but those who carry it on will know that they take a very grave risk. I venture to think that there will be few prepared to take that risk, and that in any event their operations will be very limited as compared

with their present activities. The aim of the Government is not to destroy or to abolish horse racing, but to bring it within reasonable limits. We know that we cannot entirely suppress gambling; what we desire is to restrict it. I believe, the Government believe, and I think the majority of the people of this community believe, that racing and gambling have spread in Western Australia until they have become an evil and a menace—to my mind, a horrible menace so far as the rising generation is concerned. The Government believe that the passing of the Bill will enable them to attack the worst features of this evil, and I assure hon. members that if the Government are given the powers they ask for in this Bill those powers will be used, and used rigidly. I do not for a moment—

Hon. J. Cornell: You will use them against the poor man.

The COLONIAL SECRETARY: I do not think many of the bookmakers are poor men.

Hon. J. Cornell: The Bill does not propose to legislate for the rich man.

The COLONIAL SECRETARY: My experience of the bookmakers is that they are like "the lillies of the field; they toil not, neither do they spin; and yet I say unto you that even Solomon in all his glory was not arrayed like one of these." They are not, generally speaking, poor men. I think they are men who live on the fat of the land. I have nothing to say against them except that they are a luxury too expensive for a country like this to afford.

Hon. J. Cornell: There are many land sharks alongside them on the Terrace.

The COLONIAL SECRETARY: I do not wish, in any way, to rush the passage of this Bill, and in this connection I assure the hon. Mr. Sanderson that ample time will be given for its consideration. I do appeal, however, to hon. members to take the measure into their earnest and serious consideration, and if they are supporters of it, to remember that efforts will probably be made to defeat it, and that the only effort likely to succeed is delay. I trust that the Bill will be passed through this House with careful consideration, but with all due despatch, in order that it may be sent to another place in ample time to be dealt with there before

the close of the session. I repeat that if the powers asked for by the Government under this Bill are given, they will be exercised fairly but rigidly. I move—

That the Bill be now read a second time.

On motion by Hon. J. Duffell debate adjourned.

BILL—WHEAT MARKETING.

Received from the Legislative Assembly and read a first time.

House adjourned at 5.52 p.m.

Legislative Assembly,

Thursday, 2nd November, 1916.

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

PAPERS PRESENTED.

By the Minister for Railways: Western Australian Government Railways, receipts and expenditure for quarter ended 30th September, 1916, and reports in accordance with Clauses 54 and 83 of the Government Railways Act, 1904, for the quarter ended 30th September, 1916.

By the Attorney General: Report of the Royal Commission on the employment of alien enemies in mines.

By the Minister for Works: By-laws regulating motor and other traffic.

By the Minister for Lands: Plan showing land proposed to be granted by license under the Kingia Grass Tree Concession Bill.

QUESTION — ROTTNEST ISLAND, WORK FOR RETURNED SOLDIERS.

Mr. CARPENTER asked the Honorary Minister: 1, How many returned soldiers have been employed at Rottnest Island in accordance with the promise given by the Government? 2, On what work have they been engaged?

The HONORARY MINISTER replied: 1, Four (4) returned soldiers have been employed. 2, General developmental work and renovations.

BILLS (4)—FIRST READING.

1. Flinders Bay-Margaret River Railway.
2. Training Concerns.
3. Stamp Act Amendment.
4. Fire Brigades.

BILL—WHEAT MARKETING.

Third Reading.

The MINISTER FOR RAILWAYS AND INDUSTRIES (Hon. J. Mitchell—Northam) [4.42] in moving the third reading said: During the discussion on this Bill last night I promised that a select committee would be appointed to inquire into certain matters referred to in the measure. There is no need to discuss the question further this afternoon. If the inquiry justifies it, the matter can be dealt with in another place and the Bill can be returned to this Chamber. I beg to move—

That the Bill be now read a third time.

Question put and passed.

Bill read a third time and transmitted to the Legislative Council.