Legislative Council

Tuesday, the 3rd October, 1961

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

GOVERNMENT BOARDS

Fees and Allowances to Members

1. The Hon. C. R. ABBEY asked the Minister for Local Government:

Will the Minister please advise the fees and allowances payable to the chairman and members of—

(a) Midland Junction Abattoir Board;

(b) Library Board of Western Australia;

(c) Milk Board;

(d) Egg Marketing Board;

(e) Potato Marketing Board;

(f) Transport Board;

(g) Totalisator Agency Board;

(h) W.A. Meat Exports Works; and

(i) Metropolitan Market Trust?

The Hon. L. A. LOGAN replied:

(a) Midland Junction Abattoir Board:

Fees per meeting—chairman £6 6s.; members £4 4s.

Allowances—travelling and motor mileage Public Service rates.

(b) Library Board of Western Australia:

No sitting fees paid.

Allowances—country members receive travelling and motor mileage Public Service rates.

(c) Milk Board:

Fees per meeting—chairman £2 2s.; members £200 annually.

Allowances—travelling and motor mileage Public Service rates.

(d) Egg Marketing Board:

Fees per meeting—chairman £6 6s.; members £4 4s.

Allowances—travelling and motor mileage Public Service rates.

(e) Potato Marketing Board:

Fees—chairman £300 annually; members per meeting—£4 4s.

Allowances—travelling and motor mileage Public Service rates.

(f) Transport Board:

Fees—chairman full-time employee; members—half day £4 4s.; whole day £8 8s.

Allowances—travelling allowance Public Service rates.

(g) Totalisator Agency Board:

Fees—chairman full-time employee; members annual fee of £312.

Allowances—travelling and motor mileage Public Service rates.

(h) W.A. Meat Export Works:

This is a State trading concern and not operated by a board.

(i) Metropolitan Market Trust:

Fees per meeting—chairman £6 6s.; members £4 4s.

Allowances—travelling and mileage Public Service rates.

TOTALISATOR AGENCY BOARD

Agencies in Eastern Goldfields and Murchison Areas

2. The Hon. E. M. HEENAN asked the Minister for Local Government:

(1) Is it the intention of the Totalisator Agency Board to open totalisators in—

(a) the Eastern Goldfields; and

(b) the Murchison?

(2) If the answer to either or both of the above queries is "Yes," in what towns is it proposed to open the totalisators, and on what approximate dates are they likely to be opened?

The Hon. L. A. LOGAN replied:

(1) and (2) The board, as yet, has not given any serious consideration to these areas, and it is not expected that any decisions relative thereto will be made before May, 1962.

LEAVE OF ABSENCE

On motion by The Hon. F. J. S. Wise (for The Hon. F. R. H. Lavery), leave of absence for twelve consecutive sittings granted to The Hon. E. M. Davies (West) on the ground of ill health.

COUNCIL AND ASSEMBLY: SIMULTANEOUS ELECTIONS

Motion

THE HON. H. C. STRICKLAND (North) [4.37 p.m.]: I move—

That it is the opinion of this House, in the event of the next general elections for the Legislative Assembly being held on a date later than the 31st March, 1962, the biennial elections for the Legislative Council should be held on the same date as that fixed for holding the general elections for the Legislative Assembly for the following reasons:—

(a) By holding both the elections on the same date a substantial financial saving will be effected by the Electoral Department; and

(b) Many thousands of electors would be greatly convenienced.

The reasons are quite obvious why, after the 31st March, 1962, both the Assembly and Council elections should be held on the same date. I will explain those reasons, however, as I come to them.

Firstly I think the procedure in relation to the biennnial elections for the Legislative Council and to the triennial elections for the Legislative Assembly should be explained. Under the Constitution Acts Amendment Act of 1899, the ten senior members of the Legislative Council retire on the 21st May following six years of service. The procedure with regard to the Legislative Assembly is different. That House is not bound to a specific date, but it is bound to a particular period. Under the Constitution Acts Amendment Act, members of the Legislative Assembly remain in office for three years following the first meeting of the Assembly after the elections; and there are provisions which prescribe when that three-year term shall end.

The present Legislative Assembly first met on the last day of June, 1959. In that case the Act provides that the three-year term will expire on the last day of January, 1962. The Electoral Act then provides that writs must be issued within a certain period following the last day of the Legislative Assembly being a legal assembly. On my reckoning, that date—that is the latest date on which the writs can be issued for the Legislative Assembly—is the 21st February, 1962; and the latest date on which the writs for the Legislative Council can be issued, as laid down in the Constitution Acts Amendment Act, is the 10th day of April in each year when biennial elections are held. So that means that the 10th day of April, 1962, is the latest day on which writs can be issued for the Legislative Council biennial elections.

It is competent for the Governor, on being advised in Council to issue the writs earlier in the case of both elections—that is the general elections for the Legislative Assembly, and the biennial elections for the Legislative Council. But it is most unlikely that the Governor-in-Council would be asked to issue writs for the Legislative Council earlier than is prescribed in the Act; and I also presume it is most unlikely that the Government would ask the Governor-in-Council to issue writs for the Legislative Assembly general elections much earlier than is prescribed in the Act.

The Hon. A. F. Griffith: When you were in Government, was not that in the hands of the Government?

The Hon. H. C. STRICKLAND: Governments are able to advise His Excellency, but they can only advise, on these matters within the Constitution. The dates and the periods are governed by the Constitution. The framers of the Constitution were very far-sighted persons and they provided for all sorts of eventualities. They also provided that there must be elections held regularly every three years for the Legislative Assembly, and regularly every two years for the Legislative Council. No matter what Government is in power, or how that Government might desire to delay the elections, it cannot go beyond the dates I have specified: in the case of the present Legislative Assembly, the 21st February, 1962; and, in the case of the Legislative Council, the 10th April, 1962. Those are the two latest dates on which the writs may be issued; and the writs take effect from the date of issue.

The elections for the Legislative Assembly may be held within 28 days of the issue of the writs: and also for the Legislative Council there can be elections within 28 days of the issue of the writs; except for a proviso in relation to the North Province which prescribes a minimum period of 42 days. But the maximum for any election is 90 days between the issue of the writ and the return of the writ. So in the year in question—1962—we have a feature in connection with the elections for the Western Australian Parliament which occurs only every six years: the general elections for the Legislative Assembly will be held in very close-

proximity to the biennial elections for the Legislative Council. Both elections are due to be held in the same year and both are due to be held within a few weeks of each other, according to the law. The time can be varied; it is competent to hold the elections for either House earlier, but the latest dates are set down by law.

The Hon. A. F. Griffith: Will you tell us when these two dates were determined?

The Hon. H. C. STRICKLAND: If the Minister will put his question on the notice paper, I will endeavour to tell him. On the occasion of the 1962 elections, the Houses will again be in the cycle where they meet with regard to presenting themselves to the people. But there is a vast difference, of course: the Legislative Assembly will present itself as a body, whereas the Legislative Council will be presented by one-third of its members.

On this occasion we have some difficulties should the elections be held later than the 31st March, because in 1962 Easter Saturday falls on the 21st April; and Parliament agreed or decided only two or three years ago that no election shall be held on Easter Saturday or on the Saturday preceding Easter Saturday or on the Saturday succeeding Easter Saturday; which means, of course, that there is only one Saturday in April next which will be available to the Legislative Assembly or the Legislative Council. That is the reason for specifically naming in the motion the 31st March as a definite date.

After studying the whys and the wherefores of the Constitution Act as it affects such an eventuality, I feel that the motion might have been worded a little differently and perhaps have provided for the elections to be held on the 31st March, or for both elections to be held on the same day.

When one looks at the calendar for 1962 one finds that Easter Saturday falls on the 21st April; and Good Friday, of course, is on the 20th, and Easter Monday is on the 23rd; and Parliament has decided to prohibit the holding of elections on Easter Saturday, the Saturday prior to Easter Saturday, or the Saturday succeeding Easter Saturday. So we have four Saturdays in April—on April 7th, the 14th, the 21st, and the 28th—but only one is available for the holding of these elections.

If we pass on into May, we find that we clash with what is now known as the shire council elections. The Local Government Act provides that shire council elections shall be conducted on the fourth Saturday in May. In May, 1962, there are four Saturdays, which will mean that the shire council elections will be held on the 26th May. Therefore from the 31st March, 1962, until the 26th May, 1962, there will be only four Saturdays upon which Legislative Council elections could be held. Those Saturdays fall upon the 7th April, the 5th May, the 12th May and the 19th May. I suggest it would be most unwise to hold the Legislative Council elections in the same month as the shire council elections.

The Hon. A. F. Griffith: Why?

The Hon. H. C. STRICKLAND: Because people would become confused. However, there are many other reasons apart from that. I suggest that is one reason; namely, it would be unwise , in 1962, to hold both the Legislative Council elections and also the shire council elections in May, because on that occasion shire council elections are going to be a very different proposition to the old road board elections, as we knew them. They were held separately from the municipal council elections, but in 1962 all elections for local governing bodies will be held. So there will be State-wide campaigning for shire council elections in view of the fact that they will be the first shire council elections ever to be conducted in this State.

That is one reason; but, as I have said, there are many other reasons, and the most important one of all is the convenience of electors. Surely it is our duty to make voting as easy and as convenient as possible for those people who elect us to this Chamber or, alternatively, for those who may wish to eject us from this Chamber. Whichever way they vote, there should be no inconvenience thrust upon them when the opportunity to vote is afforded them.

In 1956, the last occasion when the Legislative Assembly elections and the biennial Legislative Council elections were due in the same year, the Government of the day decided to hold both elections on the same date; and there is not the slightest doubt that the electors who went to the poll on that day appreciated the convenience. That has been borne out by the large number of votes cast at those elections in that year.

I will now give some information which I have prepared from the Legislative Council's statistical returns covering the past 10 years. I propose to quote from 1950 because in that year both Legislative Assembly and Legislative Council elections were held. Elections for both Houses were held simultaneously in 1956; and biennial elections were held in 1958, and also in 1960.

In 1950, the Metropolitan Province was not contested, but in 1956 an election was held for the Metropolitan Province, and the percentage of electors who recorded their votes was 72.99. Members will recall that there was an unfortunate happening during that election campaign. The late Hon. H. Hearn, M.L.C. died during the progress of the campaign and that necessitated a by-election being held on the 9th June, 1956.

The biennial elections were held on the 7th April, 1956. I have mentioned that 72.99 per cent. of the electors voted at the biennial elections held in April, but,

two months later at the by-election, the percentage of votes recorded was only 48.21. So it is obvious that the electors appreciated the facility and the convenience of being able to vote for the Legislative Council at the same time as they were required to vote for the Legislative Assembly.

Quoting further on the elections held for the Metropolitan Province; in the 1958 biennial elections the poll percentage was 45.44, but last year the poll showed that only 32.12 per cent. of the electors recorded their votes, which indicated a further decline in the voting. Another striking example can be shown in regard to the elections held for the Suburban Province. The Suburban Province has been contested on each of the 1950, 1956, 1958, and 1960 biennial elections. The province was possibly contested also in the 1952 and 1954 biennial elections, but I did not record the figures for those years because I decided to keep to the six-year cycle and include 1958 because there has not been an alteration in the province boundaries since the 1956 biennial elections.

Therefore, in the Suburban Province election held on the 6th May, 1950, the percentage of voters was 40.56. At the biennial elections held on the 7th April, 1956, in conjunction with the Legislative Assembly elections, the percentage poll was 74.47; at the biennial elections held on the 10th May, 1958, the percentage poll dropped back to 49.02; and, further, in the biennial elections held on the 30th April, 1960, the percentage poll dropped to 42.85.

Looking through the statistical returns, I found the lowest percentage poll since 1950 was recorded for a Suburban Province election. In 1952, the percentage poll was 16.16 per cent. Surely we are getting down to low polling figures when only 16 per cent. of the electors cast a vote for members of this Chamber!

The Hon. A. F. Griffith: Did Labor contest the seat?

The Hon. H. C. STRICKLAND: So the figures show that for those two elections alone there is a distinct variation. In the outlying provinces; namely, the North, South-East and North-East Provinces there was a fairly good average return of votes. In fact, the North Province had the highest percentage return in any of the biennial elections held since 1950, and possibly before. For the North Province, in 1950 the figure was 68.51 per cent.; and in 1956 the figure was 83.49 per cent. In 1958 this seat was uncontested when my colleague, Mr. Wise, was unopposed. In 1960 the figure was 76.79 per cent.

The percentages for the North-East and South-East Provinces held up rather well, except that in 1956 the election for the South-East Province was held simultaneously with the elections for the Legislative Assembly. The percentage polled in respect of that election was 75.89. In the election of May, 1958, the figure dropped to 37.96 per cent.; so there was a wide variation.

Taking the overall percentage polled for the biennial elections generally, we find that in 1950 the average was 48.57 per cent.; in 1956 it was 73.31 per cent.; in 1958 the figure dropped to 43.17 per cent.; and in 1960 it increased slightly to 44.54 per cent. Surely those figures prove beyond doubt that the electors in the State appreciate the convenience provided by the Government in respect of voting for the Legislative Council. Such a convenience is given to electors once every six years, when the elections for both Houses are conducted about the same time. One of the main reasons for my motion is that these elections should be conducted simultaneously once every six years so that some consideration could be given to the convenience of electors.

There is an interesting feature in connection with the number of polling booths which have been provided at the various elections. In 1956, when the elections for both Houses were conducted on the same day, very many more polling booths were provided for electors on the Legislative Council roll for casting their votes. Surely that increase in the number of polling booths must have had an effect on the number of electors casting a vote.

In 1956, there were 20,768 electors on the Metropolitan Province roll and 99 polling booths were provided. In 1958 the roll had increased to over 39,000, but the number of booths was reduced to 85. In 1960 the roll increased further to over 40,000, but the number of booths was again reduced—to 77. So, instead of making it easier for electors to cast a vote in respect of the Legislative Council elections, the powers that be have made it more difficult.

In the North Province for the 1956 Legislative Council election, 16 polling booths were provided. In area this province covers half of Western Australia, although there are not very many electors in it. I should say that 18 booths would fill the bill for this province. There was no election in 1958; but in the 1960 election only 11 booths were provided.

The Hon. N. E. Baxter: At that time there was automatic postal voting.

The Hon. H. C. STRICKLAND: We all know about that, but the number of postal voters for the North Province was only a couple of hundred. That number can be checked by the honourable member.

For the South-East Province, in the 1956 election 47 polling booths were provided; in the 1958 election only 24 were provided; and in the 1960 election 32 were provided.

The Hon. A. F. Griffith: Who reduced the number to 24 booths?

The Hon. H. C. STRICKLAND: I take it the Chief Electoral Officer is the one who has to decide where booths are to be

established. Members will recall that Mr. Wise had something to say during last session about the provision of polling booths, when he told of his experiences in respect of the North Province elections.

The Hon. A. F. Griffith: Polling booths are approved by the Minister in charge of the department, if I remember correctly.

The Hon. H. C. STRICKLAND: If the Minister is responsible for the establishment of booths, he will make it very difficult for people to vote in respect of Legislative Council elections. For the Suburban Province: in 1956 there were over 25,000 people enrolled, and the number of booths provided was 99; in the 1958 election there were 36,000 electors but the number of booths provided was 94. I think the Minister who is now in charge of the House did very well on that occasion by securing 94 booths—a reduction of only five booths since the previous election. In 1960 the enrolments increased to 39,982, but the number of booths was reduced to 72.

We find that the electors for the Legislative Council seats—whether they be in the metropolitan area or in the far-flung rural areas—have much greater facilities for casting their votes when these elections are held on the same day as Legislative Assembly elections. That is the most important reason why the Government should grasp the opportunity to make the position easy and convenient for electors, when such an opportunity presents itself.

There are many other features attached to the question of convenience to voters. We know that when Legislative Council elections are held in May, it is an inconvenient time for the man on the land; although this date does not make much difference to people in the goldmining areas or those who live in the towns in rural districts, because they have a somewhat regular weekly programme. But May is the busiest month for the farmer, the pastoralist, the banana grower, the bean grower, and the market gardener, because they are busy preparing the land for sowing, or in shearing operations. It is only natural that they become somewhat reluctant to take time off from their operations on the land to cast a vote, when voting is not compulsory; and voting for the Legislative Council is not compulsory.

For that reason many electors—no doubt Country Party members have found this out—who carry on farming operations have this thought, "The candidate can win the election without my vote. There is no reason for me to go along." There is also the other factor: the people get browned off with elections.

In this State candidates for the various elections will begin campaigning shortly. There will be those campaigning for the Federal elections to be held a the end of the year, in respect of the House of Representatives and the Senate; which elections are always held simultaneously. The procedure is much the same as the procedure adopted in Western Australia: all the members in the House of Representatives go before the people, but only a portion of the membership of the Senate goes before the people. That is exactly the same manner as that in which the Legislative Assembly and the Legislative Council elections are conducted in Western Australia.

We will just be getting over the Federal election campaign when the campaign for the State elections will be conducted. Are the various political parties to campaign at the same time in respect of the Federal as well as the State elections? Or are they to campaign in respect of one at a time? When those elections have taken place, are the candidates for the shire council elections then to begin their campaigning? All these elections have to be conducted before the 26th May. By law, the Legislative Council elections must be decided by the 21st May; and the elections for the Legislative Assembly must also be decided by that date. They cannot be postponed beyond that date.

There will be a saving in the costs of the Electoral Department if the Legislative Council and the Legislative Assembly elections are held simultaneously. I know that when the Minister speaks in this debate he will say there will be no saving to the department.

The Hon. A. F. Griffith: You do not know what I am going to say.

The Hon. H. C. STRICKLAND: I cannot predict exactly what the Minister will say, but I am sure he will speak to this motion and produce figures to bolster his case. We will have the opportunity to examine such figures to ensure that they have been presented properly and that they stand investigation. I hope that members will give very serious consideration to the effect this motion will have on the convenience to electors, and also to the effect it will have on the convenience to members themselves.

The Hon. H. K. Watson: Have you thought of the alternative—that we will all be returned unopposed?

The Hon. H. C. STRICKLAND: I hope the thoughts of the honourable member are correct, but again I dare not predict the future in that manner. When one is able to read in the newspapers in this State that the principal political parties are calling for candidates to nominate for various seats in Parliament, I am afraid that the hopes and wishes of the honourable member in relation to all of us in this House will not materialise.

I am very serious when I offer those thoughts, facts, and figures to the House for consideration. I am bringing forward this motion on these grounds: firstly, a convenience will be accorded to the electors; and, secondly, there must be a

saving in the costs of the Electoral Department, because it is cheaper to run a dual election than to conduct two separate elections on different dates. Of course, we should not forget that what I am advocating will be more convenient for the candidates also.

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

CIVIL AVIATION (CARRIERS' LIABILITY) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

BILLS (2): THIRD READING

1. Church of England (Northern Diocese) Bill.
   Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.
2. Churches of Christ, Scientist, Incorporation Bill.
   Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL

Second Reading

Debate resumed from the 28th September.

THE HON. G. E. JEFFERY (Suburban) [5.17 p.m.]: This is rather a large Bill, but from my scrutiny of it it is purely a machinery measure. The Minister rightly said that most of the points which should be explained will be explained during the Committee stage. The legislation has been amended only once in 46 years; and, as with all old legislation, there are a few anomalies. The duty of this Bill is to tidy up those anomalies, and it does exactly that.

I have always felt the world was harsh on a child brought into the world under unfortunate circumstances. I am pleased to see a provision in the Bill which will allow such a child to be registered in the name of the father. I consider this to be a very worth-while move. It is a pity that such things have to happen and that people have to bear through life a stigma for which they themselves are not responsible.

The Minister said it was important that this legislation be passed fairly quickly so that it can be proclaimed and come into operation at the same time as the Commonwealth Marriage Act. The Minister will be able to deal with the various clauses during the Committee stage. The Bill, because of its length, reminds me of the Local Government Bill. With these few remarks, I support the second reading.

THE HON. J. G. HISLOP (Metropolitan) [5.19 p.m.]: This is an interesting measure and one which purports to bring the matters contained therein on to an up-to-date basis.

There are certain aspects of this measure which should be discussed. Following along the lines that Mr. Jeffery has touched upon, if members look at clause 18 they will find that it is quite simple to ascertain whether a person is of legitimate birth: because if one goes to the registrar, and no objection is raised, one can look at the register of births. But if the registration of birth concerns a legally adopted child, or an illegitimate child, the registrar may refuse permission to look at the register; so that permission having been refused, one is able to presume that the child concerned is a legally adopted child, an illegitimate child, or a legitimated child. If advice is freely given by the registrar one knows it is quite all right. But if the registrar uses his prerogative and says, "No, you cannot see the records," one can immediately jump to the conclusion that his refusal is based on one of three reasons.

What I am trying to get at is this: Is there not some way by which we can remove the stigma from the child? I can never imagine that a child is an illegitimate child. The child has committed no crime; and to place a stigma on the child is, to my mind, quite wrong. I can imagine that the mother has illegitimately had a child, and that the father has been illegitimately responsible; but why is the child illegitimate?

The Hon. G. C. MacKinnon: Illegitimacy is not a crime; it is a state.

The Hon. J. G. HISLOP: I am trying to emphasise that it is a state that should not be regarded as illegitimate. The having of the illegitimate child is the point which should call for a stigma; but the actual birth of the child should leave no stigma upon the child itself.

I had hoped that there would have been a more up-to-date approach to the whole Act and that real thought would have been given to all the questions that arise in this legislation. I still hope that those in charge will look at this question to see whether they can remove the stigma from the child. I noticed, for instance, that the father cannot give notice of the birth of the child. That notice is to be given by the mother. However, two people have been associated with the birth of the child, and if the mother can give statements about the birth of the child I cannot see why statements by the father should not be equally accepted. I cannot see why we cannot arrange, in some way or another, for the child to be given a name which would be accepted by the registrar and inserted in the ordinary form of certificate.

The child carries the stigma in the most sensitive period of its life. It is very seldom that anyone has seen an adult illegitimate. They do not exist, because they have been absorbed into society. But the illegitimate child bears the stigma throughout his school days; and children can be very cruel to each other. Even a legally adopted child can be cruelly treated by other children. This is the period during which character is formed; and it is during this period of life that the sort of citizen the child is going to make will be determined.

This stigma on the child should have been wiped out of our social life a long time ago. Putting this matter on to a proper basis will not affect illegitimacy, as that results from a cycle of events between two people. If illegitimacy is increasing in our social life, alterations to our law will not alter the situation.

The question of inheritance was raised, and it was said that a distinction should be made between a child born in wedlock and a child born out of wedlock. I feel there are ways and means by which that difficulty could be overcome. If the Registrar-General were to have the proposition put to him that we get rid of the word "illegitimate" so that a child could be given a normal certificate of birth following a discussion between the registrar, and the mother and father, then we would do away with one of the stigmas of society.

This sort of situation has been maintained over the years; but it is slowly disappearing. People are developing a broader viewpoint altogether—some say far too broad an outlook—regarding sexual relationships. If that is so, then I consider it is even more necessary that we look at the effect upon the child. An arrangement should be made whereby the child could be given a normal certificate of birth. Place all of the stigma on the mother and father. Ask them to sign something for the registrar, if necessary; but take the stigma off the innocent. It has been on the innocent far too long. Let us look at this matter from a different angle.

In view of what I have said, clause 18 makes it quite clear that if one is refused permission to look at the register of births, one can presume the circumstances connected with the birth. Details of the birth are not completely covered up. I feel that the matter should be placed before the Registrar-General. If necessary it should be dealt with on a Commonwealth basis as it affects the whole of Australian society and not just Western Australian society.

In connection with this Bill, I have also given attention to the question of medical death certificates. I have never been happy about the certificate a doctor has to sign regarding a patient's death.

The Hon. A. L. Loton: Which clause?

The Hon. J. G. HISLOP: Clause 41. The certificate relating to the death of a person whose body is not to be cremated is a blue form, which can be filled in within ten days after the person's death. There does not appear to be any hurry about the matter if the person is not being cremated. Although the Act contains the word "forthwith," ten days can still elapse. The first question that is asked is the immediate cause of death. I have never quite been able to understand what the registrar really wants with regard to the immediate cause of death. The immediate cause of death is nearly always heart failure, because one is alive until such time as one's heart stops beating. What I think we really want to know in a death certificate is the major condition leading to death. We would then get nearer the truth.

One can regard statistics concerning death certificates as being completely false. I do not know how the Heart Foundation arrived at its figures, but it must have gone into them very carefully if the figures are correct; because if we look at death certificates we will find, in the main, the words "heart attack" either on the first or the second line; unless there is some very definite disease, such as cancer, or some other well-known and easily identifiable disease, and it can be stated with certainty that the person died of such-and-such a condition. However, where the deaths are lingering we find that heart failure takes a very prominent place in the causes of death; and if it does not take a prominent place in the first line, it will take its place in the second or third line.

I believe quite frankly that the condition which really led to the death of the person concerned might well be simplified into terms such as I have described; and if we are to deal with statistics in regard to deaths of individuals, we should obtain two forms of statistics: one supplied by the medical certificates of death, and the other the true statistics which can be arrived at only as a result of *post-mortem* examinations. If that were done, I think we would get somewhere nearer the truth of the causes of death in the community; and I would have very much liked to see the problem tackled in this measure. But once again it is simply a matter of registration; and the basis of the registration does not come within the ambit of the Bill.

Further on in the Bill we get back to the registration of illegitimate children, and I emphasise that this section ought to be dealt with in such a way that the registration of these children would take away from them the stigma of illegitimacy. I trust that the Minister will ask the registrar to have a look at that part of the Bill to see whether it is possible to adopt measures here that will overcome the difficulties I have mentioned. If that is not

done now, it will be done in a few years' time, because the public viewpoint is swinging away from putting the stigma on the child. There is no stigma on the child; but law and society have kept the stigma on the child for a long period of time.

Frankly, I do not believe there is any more illegitimacy in this social life of ours today than there was in the Victorian or Elizabethan eras. If we read the history of those eras we find that the social approach by individuals then was no different from what it is today; in fact, there was a period in history when the clothing of women was so arranged, particularly in court circles, as to prevent the knowledge of their pregnancy becoming known to the general public. Therefore anything we might do to lessen the stigma on the child will not interfere with our social life; it will not increase the number of illegitimate children; but it will do something to remove from innocent children the stigma which they have carried for so many years.

Debate adjourned, on motion by The Hon. R. F. Hutchison.

BETTING CONTROL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th September.

THE HON. W. F. WILLESEE (North) [5.34 p.m.]: It is with some regret that I find this Bill before the House; because when the original betting control legislation was before Parliament in 1954 I took the view that in legalising betting we would get away from the unsavoury features that were associated with illegal betting at that time. There have been many attempts made to alter the situation with regard to betting generally from the year 1954 until now; and when the Government introduced the present system of, shall we say, socialised betting, I felt that it was making a mistake and that there would be a tendency to have introduced into the community some form of illegal betting; and the Minister, when introducing this Bill, said—

> The main purpose in introducing this measure is to prevent unlawful betting, particularly by telephone, if possible.

I have always felt that one should not be pushed around too much, as it were, when making a bet; and in the days of legalised S.P. bookmakers, despite the fact that they may have made big profits, and despite the fact that Governments made considerable inroads into the industry by way of taxation, I felt that they were no different to any other successful men who were engaged in other legal avocations. An individual had a right to bet either on a racecourse or with a bookmaker; and there is nothing in the contractual obligation of making a bet that offends anyone's conscience, whether the bet is made on a racecourse, with a bookmaker under the shop system, or by telephone. But because of the system which the Government introduced to control betting, it has found itself unable to do anything else but introduce the Bill which is now before us; and I believe that Parliament has no alternative but to support the Government on this occasion.

However, I give the Bill my very reluctant support; because I believe we are taking extreme steps with regard to a particular section of the community on an issue that really does not offend the conscience of anyone, and on an issue in which two people have to take a part; in other words, there is a contractual obligation between two people. In the first instance a person places a bet and by doing so he must feel that he is not doing anything morally wrong; and in the second instance the bookmaker accepts the bet as a contract.

The Bill is introduced for the purpose of giving effect to two sections of the Betting Control Act, namely, sections 23 and 27, which carry the inherent penalties for illegal betting; and there is no possibility of properly controlling illegal betting, either under the Justices Act or the Criminal Code, unless extraordinary powers are given to the police. Such powers are to be given by the provisions of this Bill because it states—

> (1) If it appears to a justice on complaint made on oath before him that there are reasonable grounds for suspecting that unlawful betting is or is about to be carried on in or upon any place or public place he may give to any member of the police force a warrant in the form of the Second Schedule to this Act.
>
> (2) A warrant so given authorises the member of the police force therein named, with such assistance as may be necessary,—
>
> (a) to enter into and upon and search the place or public place named in the warrant at any time during the day or night and to open and break open if necessary and search all things found therein or thereupon;
>
> (b) to use force if necessary in making entry whether by breaking open doors or otherwise;
>
> (c) to search all persons found therein or thereupon.

Some of us are public figures; some of us could be the subject of complaint; and some of us could be made to suffer the indignities that would be possible under this Bill.

The Hon. R. Thompson: It is typical of the police state we are arriving at in Australia.

The Hon. W. F. WILLESEE: I do not want to deal with personalities in this issue, but anyone who has followed the Press in the last week must realise the grave danger of irresponsible statements; and it is conceivable that injustice could be done and a person with a temporarily unbalanced mind could place a very worthy citizen, and his relatives and associates, in a most embarrassing position; and it could degrade him. But what redress has a person got if his house is broken into at night? What redress has a person got if there is no evidence of his having been involved in the type of activity mentioned? And what is the position of the innocent justice who signs the declaration?

I suggest there should be some rights under this Bill in all cases where the individual concerned is innocent. Such innocent persons should have some method of redress; and that should have the backing of the Government just as Parliament has backed the Government in creating the betting control legislation.

If we looked further afield than the betting issue, which has been created over the years—and in particular over the last few years—we would find that there was no need to introduce legislation as drastic as this is in order to improve many of the statutes in Western Australia today. The Minister, when introducing the Bill, said—

> The Minister who was in charge of this measure in another place said that in the short time the Totalisator Agency Board has been established, it has been proved that there has been a disquieting amount of illegal telephone betting. The Minister holding the portfolio of Minister for Police went further and said that persons could even be named, and the telephone numbers could be given as to who are conducting this particular illegal telephone betting and that such bets could be placed by telephone when certain formalities were carried out.

That reads as a definite statement, and it does not bear investigation; particularly when one sees what can happen. Upon a complaint by any individual—by John Citizen, or by a person who quite conceivably would not know what he was talking about—if it is established that betting is taking place by telephone—and it is established, as the Minister says he knows who the people are—then on this Bill becoming law, any action taken will be within the precincts of ministerial direction.

So at least we will have the safeguard of responsible action in what I think could be a dastardly situation in the event of a mistake occurring at any time. I feel, however, the provisions in the measure are far too loose; that any person could make a complaint to a justice of the peace and by doing so set the machinery of this legislation in motion. I do not know that I would agree to go to any length with this measure. There is no doubt that slowly but surely Parliament is driving a section of the people into a criminal situation; and particularly is this so when one sees this Bill as I am viewing it, with all its extreme probabilities and all the damage it could do, together with the possibility that even the people who are making bets will not feel, basically, that they are contributing to the downfall of a state of order by contravening in any way the moral obligations of society.

I will conclude by reading the form of warrant which purports to meet the situation and to which people will be subject, not because they drink, or because they play cards; not because they play golf or tennis or cricket, but because they bet.

The Hon. L. A. Logan: Illegally.

The Hon. W. F. WILLESEE: The form of warrant is as follows:—

> WHEREAS it appears to me,
>
> a Justice of the Peace
>
> by the complaint on oath of (A. B.)
>
> of in
>
> the State (occupation)
>
> that there is reason to suspect that unlawful betting within the meaning of section twenty-eight A of the Betting Control Act, 1954, as amended, is being or is about to be carried on in or upon a certain place or public place, to wit.
>
> This is therefore to authorise and request you, with such assistance as may be necessary, to enter into and upon and search such place or public place at any time during the day or night and there to open—

There is nothing private; there is no sanctity even in wedding presents which may happen to be tucked away in the corner. The warrant continues—

> —and break open if necessary and search all things found therein or thereupon and search all persons found therein or thereupon, subject to subsection (4) of the said section twenty-eight A and if necessary to use force in making such entry, whether by breaking open doors or otherwise

and to arrest and bring before a Stipendiary Magistrate or two Justices of the Peace all such persons as may be found therein or thereupon—

That would refer to the entire family; to the entire collection of people within the house. It does not say whether they are to be under the age of 21 years; or whether they will have an opportunity to state their case. It says "all such persons." To continue—

—and seize all money and betting material as defined in the said Act found upon such persons or in or upon such place, as may reasonably be supposed to have been used or designed for use in connection with or in relation to such unlawful betting and to detain any such betting material and money so found to be dealt with according to law: And for so doing this shall be your Warrant.

I imagine that this would be in the hands of a constable.

The Hon. A. R. Jones: The same as is the case with many Acts at the present time, and you know it.

The Hon. W. F. WILLESEE: The constable would call at the house and would enter. What would he know as to what might be relevant in relation to betting material? I wonder whether the honourable member who interjected a moment ago would like to be in a similar position?

The Hon. F. R. H. Lavery: Or his daughter, or his wife.

The Hon. W. F. WILLESEE: The position to which I refer is contained in legislation which is before Parliament; and, because it has been found necessary to include this in order to control betting, I very reluctantly must vote for the Bill.

The Hon. A. R. Jones: No, you need not.

The Hon. W. F. WILLESEE: But it is very much against my conscience to do so.

THE HON. F. R. H. LAVERY (West) [5.52 p.m.]: I rise to oppose this Bill. In doing so I would like to make it clear that I was absent from the State when the inquiry into betting was held, and accordingly I had no opportunity to state my position in relation to it; even though the Clerk of the Council sent me a letter asking me whether I had any evidence which I wished to put before the commission. To my way of thinking, betting, horse-racing, sheep-raising, and wheat-growing are all industries. There is no doubt that betting is an industry, because it has been more or less recognised as such by the Government. Now we find that Parliament has agreed to control this particular type of betting.

I would like to make it clear at the outset that I have no interest in betting shops or in the T.A.B., or in any of the other amenities which are provided for this supposedly dastardly crime of betting. The main point I wish to make is that so long as I am in this House I shall oppose any legislation that will permit the police to enter upon a person's home without let or hindrance, and as often as they wish; particularly when this action is taken on the testimony of a person that a crime is being committed.

The provisions in the Criminal Code are very comprehensive and all-embracing. I have spent a considerable time going through the provisions in the Criminal Code, and I find they contain innumerable safeguards for any action which the police might think necessary. At this point I wish to make it clear that I have a great admiration for the Police Force of Western Australia; I would say its record is equal to that of any police force in Australia; indeed, I would go further and say that the record of the Western Australian Police Force stands supreme. Mistakes will occur, however, and, like the previous speaker, I feel that it is quite possible for innocent people to be accused without justification.

I do not think there is anything which can equal the form of warrant which was read by the previous speaker. Nothing could be more oppressive, not even the Communist way of life about which we hear so much; about which we read so much; and about which we see so much on television. I am as anti-Communist as any member here, but I think there is little doubt that the laws in Russia would not be as severe. I can never vote in favour of such legislation. I oppose the Bill.

Debate adjourned, on motion by The Hon. N. E. Baxter.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th September.

THE HON. W. F. WILLESEE (North) [5.56 p.m.]: There is nothing in this Bill which is not complementary to the previous one; and I do not think I have anything to add to what I have already said on this matter. Obviously if one Bill is passed the other must also be passed in order that the Acts may be in conformity

Debate adjourned, on motion by The Hon. A. L. Loton.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th September.

THE HON. E. M. HEENAN (North-East) [5.57 p.m.]: This measure proposes to alter the rate of pensions now payable to judges, and to increase the maximum from 40 per cent. of their salaries to 50 per cent. This brings the scale and the rates more into line with rates which obtain in other States of Australia, and also in the High Court of Australia.

When introducing the measure the Minister quoted the remarks of the Attorney-General in another place. I might say that I entirely agree with those remarks. It must be remembered that when a judge retires for one reason or another, he is, to all intents and purposes, by virtue of the high office he has held, precluded from engaging in any other calling. It could be said that he has to face almost complete retirement; that he must therefore depend on his savings and pension. It might be argued that over the years a judge has enjoyed a relatively high salary; but when all factors are considered the salaries of judges are by no means high, particularly when they are compared with the salaries and earnings of people in many other walks of life.

For instance, I think it is undoubtedly true to say that there are a number of barristers and solicitors in our own State of Western Australia who earn incomes far in excess of the salaries paid to judges; and those people can exploit avenues for investment that are not open to judges. I think the same remarks would apply to the salaries of business men, and men in many other spheres.

Nowadays, more than ever before, I consider it is absolutely essential to ensure that the high standard, the integrity, and the independence of the judiciary should be maintained. This can only be assured by attracting men to the judiciary with outstanding records, personalities, and qualities. Invariably, when a man with these qualities is appointed to the bench, he makes a financial sacrifice. It is only proper, therefore, that the emoluments and conditions of the judicial office should be such as will continue to attract the right type of man. I feel this measure will make a contribution in this regard and it has my complete support.

Before concluding I would like to read an extract from the remarks made by Mr. Justice Owen on the occasion of his retirement, as they seem appropriate at the moment. He said—

> Remember always that between the public and injustice stands the Judiciary; see to it that only men are appointed to judicial office who are fitted for that important and honourable position by reason of their training, experience and character; use your influence to prevent the appointment of men to serve some selfish end or because it is hoped that their judgments may favour some section or some individuals in the community.

I support the Bill.

THE HON. C. H. SIMPSON (Midland) [6.3 p.m.]: In supporting this Bill I would like first to remark that this is another example of the depreciating value of money over the years; and that depreciating value has made this measure necessary. I notice that the title of the Bill, is "An Act to amend the Judges' Salaries and Pensions Act." Of course, salaries do not come into it, but judges' pensions do; and the Bill sets out two respects in which the existing pension is altered, so that due provision can be made for a judge on retirement from his high office; and, if necessary in the case of his death, for his widow to receive a pension for her lifetime.

As a point of interest, the salary of the Chief Justice in Western Australia is £5,250. The first puisne judge receives £4,250, and the remaining judges £4,600 per year. So in the event of the Chief Justice retiring he would receive £2,625; the first puisne judge £2,375; and the remaining judges, £2,300 per year. The widows would receive half the entitlement.

Another point of interest that may be remarked on is that the judges' pension is free from the necessity for any contribution by the judges themselves—a principle, I think, with which we will all agree. As Mr. Heenan said, a judge is of necessity a very carefully selected individual and carries a great deal of responsibility. No doubt there is a very heavy strain on the individual who conscientiously measures up to the requirements of his job. Perhaps the extent of that strain is known only to those who have acted in the capacity of a judge, or perhaps to those closely associated with a judge.

I was talking to the daughter of a man who was a judge some years ago and the first task this man was given on his appointment to the bench was to act as a judge on a very protracted murder case. She said that during that time he could hardly eat or sleep; he cancelled all his social engagements; and obviously he was under a very heavy strain.

Only one of the Australian States requires a contribution from a judge in regard to his pension, and that is South Australia. In all the other States of Australia, and the High Court, a judge is exempt from any contribution towards his pension entitlements. On this subject, it is interesting to remark that there is another class of pensioners—those under the 1871 Act—who were free from the necessity of subscribing towards their pensions. According to the prospectus issued in connection with the Public Service and Family Benefits Fund, public servants contribute two-sevenths and the Government five-sevenths. Under the Collie Miners' Pension Fund, the miners contribute 15.5 per cent. and the Government 84.5 per cent. I mention these facts as a matter of interest.

In view of the fall in the value of money from time to time, I think all will agree it is necessary and desirable to enable judges when they retire to continue living in dignity and maintain the social status which they previously enjoyed. I can remember one ex-judge saying, "A judge is a man who needs the respect of the community at large, and some of the community not at large." With those remarks I support the Bill.

THE HON. J. G. HISLOP (Metropolitan) [6.8 p.m.]: I desire to support this measure. However, I would like to make a comment in regard to clause 3. There is no doubt whatever it is essential that a judge after retirement shall be able to live in the same manner as that which he enjoyed as a judge. A State owes a great deal to a judge and should recognise its responsibilities in this regard. Although the State is doing so in this measure, there is another side to the story which we must look at—that is what happens to the widow of the judge. Is she adequately cared for?

The widow is adequately cared for in the pensions laid down in this Bill provided her husband remains long enough in office. It is quite possible that when she reaches the stage at which she is entitled, at the death of her husband, to 25 per cent. of his income, she is well protected. What I am concerned about is the woman who has married a member of the legal fraternity who has distinguished himself, not so much from his length of service, but by his breadth of vision, his culture, and his ability to act in the manner in which a judge is required to act. This man has been elevated by the State—the people of the State—to a certain high level of society; and after having been a year or possibly two years in such a position he dies suddenly. His widow in the first year is left with 7 per cent. of his salary; and in the following year this is raised to 9 per cent., with further rises up to 25 per cent. over a period of years.

It is the initial 7 per cent. and 9 per cent. that worries me. This is particularly so when we realise that the senior judge of the State receives a salary of £5,200, because 7 per cent. of that sum would leave his widow with approximately £350 per year as a pension, which, in my opinion, is quite inadequate. One has to remember that the moment a man becomes a judge, both he and his wife live an isolated life; they cannot mix freely in the community; they live a life amongst a close circle of friends; and they maintain a position which cannot be challenged by the activities of the ordinary citizen. Therefore, I believe we must provide for the widow to be able to continue to live in something like the state to which she had been accustomed, even if it had been for only a short period.

I am of the opinion the Minister should look at this measure with a view to inserting a minimum as well as a maximum pension rate for a judge's widow. The maximum rate at present will not exceed one-quarter of the income of a judge; so that even if he reaches the senior post, his widow's pension will be something over £1,250. I suggest the minimum pension for a widow should be somewhere about £600 to £700 a year. If that were done, I think this Bill would completely look after both the judges' salaries and pensions, and would protect the widow to an extent to which the State is clearly responsible. To suggest that the original pension should be £350 on the sudden death of a man elevated to such a high position seems to be quite wrong. I would like the Minister to look at this measure from the point of view of inserting a minimum pension for the widow of a judge.

THE HON. H. K. WATSON (Metropolitan [6.13 p.m.]: I support the Bill. However, there are a couple of points in respect of which I would be obliged if the Minister would enlighten me in the House when he is replying to the debate. When the Minister was making his second reading speech I inquired by interjection as to what would be the position of a judge who retired from the Supreme Court with a view to taking an appointment in the High Court. I do not feel it was ever intended that in such a circumstance a pension should be paid. This actually happened in New South Wales in the last month. Mr. Heenan referred to Mr. Justice Owen. I think he must have been the father of the present Mr. Justice Owen who has just retired from the position of senior puisne judge in New South Wales and has been appointed to the High Court. It would seem to me to be quite beyond the intention of the measure for a judge of the High Court to draw his salary of £8,000 a year and draw his pension under this Bill while occupying that position.

We saw the same position when the Speaker of the House of Commons retired and was granted a pension in the expectation that he would never have another source of income. However, he was appointed to the position of Governor-General of Australia; and that circumstance caused a stir in the House of Commons. In his reply, I would like the Minister to explain that point to me. There are some other points on which I would like enlightenment, but I will leave them until the Bill is in the Committee stage.

Debate 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 Tuesday, the 10th October.

House adjourned at 6.18 p.m.