that after seven years he had not succeeded in dealing with more than a fraction of the amount of those debts. The idea that the farmers of this State have been relieved of debts amounting to £6,674,000 is absurd on the face of it, because the debts were written off by the Government after the farmers owing them had been driven off their holdings.

The Government must realise that £2,000 lent on a farm does not represent a great asset when the farmer has quitted the property. Such farms are known as abandoned farms: they revert to the Agricultural Bank, which, in turn, if not sold, passes them on to the Lands Department; and so we get back to where we started, except that possibly we have lost 3,000 of our farmers. In the amount of £5,500,000 is included the money lost in the tragedy of our group settlements. That accounted for about £3,500,000. The tragedy of the miners' settlement south of Southern Cross cost £250,000; that sum is included in the £5,500,000. We have also the tragedy of the Bullfinch settlement north of Southern Cross, which cost £250,000, and this also was included in the £5,500,000. Yet the Minister and the Premier said at the last elections that the farmers had been relieved of over £6,000,000 of their debts; but the farmers so relieved are not on the land today. Why mislead the House by saying that farmers have been relieved of debts to that amount when, on the figures of the Agricultural Bank, they were relieved of only £1,250,000 The 980 farmers indebted to the Agricultural Bank who received relief under the debts adjustment legislation, represent about 10 per cent. of the whole. The claims of the other 202 are infinitesimal. I have no objection to the amendments to the motion, although I consider they are in the wrong place, and I hope that when the House re-assembles next year the Government will deal fairly and squarely with our farmers. That feeling is growing today. The return of the member for Yilgarn-Coolgardie——

[*The Speaker resumed the Chair.*]

Mr. SPEAKER: I hope the hon. member will not discuss elections.

Mr. BOYLE: We will soon be discussing them!

Several members interjected.

Mr. SPEAKER: Order!

Mr. BOYLE: I have much pleasure in supporting the motion.

On motion by Mr. Seward, debate adjourned.

House adjourned at 9.35 p.m.

Legislative Council.

Thursday, 25th September, 1941.

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

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

1, Metropolitan Water Supply, Sewerage and Drainage Act Amendment.

2, Baptist Union of Western Australia Lands.

3, Native Administration Act Amendment.

BILL—ABATTOIRS ACT AMENDMENT.

Read a third time and *passed.*

BILL—COLLIE RECREATION AND PARK LANDS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.36] in moving the second reading said: This is a Bill which I feel sure will meet with the approval of the Chamber. Its object is to place the Collie

racecourse under the control of the Collie Recreation and Park Lands Board, which is a body corporate, with perpetual succession and a common seal, and has power to hold real and personal property. It can sue and be sued in its corporate name. The board, which was constituted under the principal Act in 1931, consists of five members, one of whom is nominated by the Governor and is the chairman. The other members comprise the mayor and a councillor of the municipality of Collie, who are nominated by the municipality, and the chairman and a member of the Collie Road Board, who are nominated by that board.

The land at present under the control of the board was vested in it by the 1931 Act, and is described in the First and Second Schedules to that Act. The schedules refer to two reserves, one of which almost surrounds the racecourse reserve, which in itself comprises an area of 114½ acres. That is the area it is proposed to place under the control of the board

In 1902, the Executive Council approved of a 99 years' lease of the racecourse reserve being granted to three trustees for the Collie Race Club, and by a deed of appointment on the 21st July, 1922, the land was vested in John Ewing, Robert Clarence Connell and Frederick Howie, the last-mentioned now being the only surviving trustee. In 1933, the Minister for Lands agreed to the Collie Race Club sub-leasing the area to the golf club at that centre. The lease was for the balance of the race club's tenure and provided for a rental of £15 per annum for 13 years and £5 per annum for the balance of the period.

The board, by the agreement which will be found in the Fourth Schedule of the Bill, desires to take over this racecourse to enable a comprehensive scheme of improvements to be carried out covering the whole area. This scheme includes the racecourse reserve and the reserves surrounding it. The agreement provides:

(a) That the agreement with the Collie Golf Club shall be recognised by the board;

(b) that no charge be made by the park board for the training of racehorses or for use of the racing track, but this only applies to racehorses registered with the W.A. Turf Club and owned or leased by members of the Collie Race Club;

(c) that the race club retain the right to use the racecourse for the purpose of conducting race meetings without charge, except for a reasonable charge on future capital expenditure to improve the racecourse.

The board has the right to change the design and layout, provided such change does not prejudice rights of the race club or the golf club. Improvements in the proposed scheme of development will be financed by the Collie Municipal Council and the Collie Road Board. These two bodies have power to grant and lend funds to the board, subject to the approval of the Minister and the Governor.

The proposal embodied in the Bill is strongly supported by the Surveyor General and the Town Planning Commissioner, the latter having prepared a scheme for development which will provide, amongst other things, for both racing and golfing. The whole project has the approval of the local authorities and the Collie people. In view of the very fine work already accomplished at that township, members need have no fear in granting the powers sought under the Bill. I move—

That the Bill be now read a second time.

HON. W. J. MANN (South-West) [4.43]: I have much pleasure in supporting the Bill. I have been credibly informed by some of those most concerned that the measure embodies what they have been aiming at for a long period. As the Chief Secretary has pointed out, the Bill is really the result of collaboration on the part of those directly interested. The local authorities at Collie have displayed a most commendable desire in their endeavour to beautify the town and its surroundings. In that respect they have been most successful, and I know of no other centre in Western Australia that has a better record of achievement. The work of beautification has in some instances been carried out under disadvantageous circumstances. I am glad that the Bill has been introduced and its passage will serve to create a better situation and clear the atmosphere in the interests of those who are desirous of still further improving the town and adding to its attractions.

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—TRAFFIC ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—WATER BOARDS ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.47] in moving the second reading said: The proposals in this Bill are for the purpose of amending certain sections of the Water Boards Act, 1904-1937, which deal with the maintenance and management of town water supplies. The most important amendment deals with the keeping of catchment areas and water reserves free from pollution. The principal Act provides that the Governor may, by Order in Council, place under the temporary management and control of a water board, or may absolutely vest in it, any water reserve or catchment area. The Act also provides that for preventing the pollution of water within such areas, every board shall have all the powers and authority of a local board of health, and gives power to the boards to make by-laws for the prevention of the pollution of water within such areas. The measure, however, does not prescribe the method by which the catchment areas or water reserves are to be constituted.

In so far as the Metropolitan Water Supply, Sewerage and Drainage Act is concerned, provision has been made to the effect that the Governor may, by proclamation, constitute and define the boundaries of any water reserve or catchment area, and also includes a definition of the term "catchment area." The Bill now seeks to bring the Water Boards Act into line with the Metropolitan Water Supply, Sewerage and Drainage Act in this respect.

No difficulty arises at present regarding catchment areas or water reserves if the whole of these areas comprise Crown lands, as action can then be taken to create water reserves either under the Water Supply Act, 1893, or under the Land Act; but even in these instances it would be preferable if the authority were included in the Act under which the undertakings are administered. In connection with catchment areas or water reserves which include alienated land not deemed advisable or necessary to be resumed, it is essential that the water boards or the Minister should have the powers of a local board of health as contemplated by the Act at present, for the purpose of making and enforcing by-laws for the prevention of the pollution of water which finds its way into the reservoirs from which the domestic and other requirements of the townspeople are met.

In establishing new water schemes, preference is naturally given, all things being equal, to catchment areas consisting solely of Crown land. Alienated improved properties are included in both the metropolitan and Mundaring catchment areas and are still being developed, but are subject to by-laws made by the departments concerned, to protect the water from pollution.

The last few years of drought have emphasised the paramount need for everything possible being done in this State to conserve and preserve available water supplies, and although no serious difficulties have yet been encountered in this direction, it is considered desirable that the position be made perfectly clear for the future. The situation in the past has been partly met in some instances by including the catchment area within the water area. Special provision is made for dual purpose reservoirs, which are those used for town and irrigation purposes.

The Bill also seeks to authorise water boards to pay interest and principal on loans at periodical intervals in lieu of providing a fixed sinking fund to redeem loans at maturity. This amendment would bring the Water Boards Act into conformity with the Road Districts Act and the Municipal Corporations Act, and that course has been urged by a number of water boards.

The only other proposal in the Bill is to give water boards power to arrange overdrafts along lines similar to those indicated in the provisions of the Road Districts Act, which sets out that pending the collection of any rates a board may obtain advances from any bank by overdraft provided such overdraft shall not at any time exceed one-third of the ordinary revenue of the board for the preceding year. Under present conditions, water supply undertakings controlled by road boards use road board funds to tide them over periods of financial shortage. This course is irregular, and it is therefore desired, at the request of the water boards, that the amendment be enacted. These are the proposals in the Bill. They have been sought by the water boards in country

districts and by the department, and I think it will be agreed that the amendments are necessary in the interests of all concerned. I move—

That the Bill be now read a second time.

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—DISTRESS FOR RENT ABOLITION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. G. B. WOOD (East) [4.56]: I support the Bill subject to a reservation. Having accepted the principle of abolition of distress for rent, we must afford some protection to owners of houses. I regard the period of 14 days allowed to tenants as somewhat too long. Moreover, 14 days really means 21 days, because a tenant failing to pay his rent has at first seven days' grace; and such a tenant might know what was coming to him. It is desirable in Committee to reduce the period of 14 days to seven.

On motion by Hon. W. R. Hall, debate adjourned.

BILL—GOVERNMENT STOCK SALEYARDS.

Recommittal.

On motion by Hon. C. F. Baxter, Bill recommitted for the further consideration of Clause 10.

In Committee.

Hon. J. Cornell in the Chair; the Chief Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after the Committee had dealt with Clause 9.

Clause 10—The Governor may prohibit sales of stock elsewhere than in a saleyard:

Hon. C. F. BAXTER: When the Bill was dealt with in Committee I had on the notice paper an amendment for the deletion of this clause. The Chief Secretary put up an amendment that, in his opinion, would meet the position.

Hon. C. B. Williams: I object to a member of this Chamber taking action here because of instructions from outside.

Hon. C. F. BAXTER: I hope, Mr. Chairman, that you will insist on the hon. member withdrawing.

The CHAIRMAN: The hon. member must withdraw.

Hon. C. B. Williams: I will not withdraw.

The CHAIRMAN: The hon. member need only say, "I withdraw."

Hon. C. B. Williams: I do not need to be told that. I understand.

The CHAIRMAN: Is the hon. member not withdrawing?

Hon. C. B. Williams: No.

The CHAIRMAN: I think the hon. member ought to be reasonable.

Hon. C. B. Williams: I am not one who uses slang, and I have a mind of my own.

The CHAIRMAN: Order!

Hon. G. W. Miles: I hope, Sir, you will insist on the withdrawal of the remark.

Hon. C. B. Williams: I will withdraw to please the hon. member.

The CHAIRMAN: The hon. member does not withdraw to please another hon. member, but in compliance with the direction of the Chair.

Hon. C. B. Williams: I withdraw.

Hon. C. F. BAXTER: An Order in Council comes in once more in connection with this clause. I do urge hon. members to give consideration to this phase, because when provision is made for an Order in Council, it is entirely within the province of the Government. Through an Order in Council, when promulgated, regulations become law, and there is no recourse so far as Parliament is concerned. Clause 8 gives the Governor power to make regulations and if Clause 10 be struck out the prohibition of the sale of fat stock could be provided for in such regulations. I ask members to carry their minds back to the week before last, when I drew attention to an Order in Council promulgated in 1936, which has brought about a position whereby one section of the people of the State obtain an advantage under the Inspection of Machinery Act that is not enjoyed by other sections. We should stand firm and reject any clause providing for the promulgation of Orders in Council.

Regulations are laid on the Table of the House and Parliament has thus an opportunity to reject or pass them.

The CHIEF SECRETARY: I hope the Committee will not accept the hon. member's view of this clause, which is important and necessary. All it does is to provide that if the Government considers circumstances are such that the sale of fat stock in certain saleyards should be prohibited, an Order in Council may be issued prohibiting the sale. I made it clear when introducing the Bill that the Government intended to spend a considerable sum of money in further improvements to existing stock saleyards and abattoirs; and, unless the Government has this protection, its position will be serious. Another point, which perhaps members have overlooked and which was mentioned by Mr. Wood, is that at times it is necessary to prohibit the sale of stock because of disease.

Hon. C. F. Baxter: The department already has that power.

The CHIEF SECRETARY: That may be so, but the Government wants the power under this measure. I made it quite clear that the Government has no intention at all of interfering with existing practice. The amendment accepted by the hon. member at the last sitting of the House was framed to meet his objection that the Government might do something to interfere with the existing practice. Now the hon. member desires to take away from the Government the protection it should have. I hope the Committee will not accept the amendment.

Hon. L. CRAIG: The amendment to this clause yesterday makes it, if anything, more drastic than it was before. In effect, it means that no stock may be sold except at Midland Junction or Robb's Jetty; the Government would have power to stop all sales of stock except at those two places. Admittedly, the Minister has said that the Government does not intend to interfere with those sales or with sales of dairy stock; but we should not insert in the Bill anything of which we disapprove, whatever the intention of the Government may be. I have no desire to deprive the Government of powers which it should have, but I cannot see any real need for this provision. The Minister said the Government must have some control, but I point out that it already has control under the Health Act and the Abattoirs Act. It would be undesirable to prohibit altogether the sale of a few fat stock even outside the Government saleyards. The practice at Subiaco is that a dairyman, or a farmer, who may have a few fat cows for sale, sends them, with calves at foot, to Subiaco. Very often, in order to save freight, an odd steer is also sent. The number of such stock sold at Subiaco is, I understand, very small, but nevertheless some stock, other than dairy cattle, is sold there. I also understand that butchers who buy such stock send them to Midland Junction to be slaughtered. It is much better that a farmer should be allowed to dispose of an odd steer in this way rather than that he should have to order a special truck to consign one animal to Midland Junction. The Bill gives the Government power to control its own yards; that is the main object of the measure. This clause seeks to prevent sales in yards other than those owned by the Government, if so desired. That seems to me to be undesirable.

Hon. G. B. WOOD: Mr. Baxter's objection is that the Government may order something to be done by Order in Council; the hon. member seems to think that that authority should remain with Parliament. I quoted the other night an instance that I experienced. I bought 1,300 ewes, apparently in a healthy condition, at Midland Junction but when they got to my farm they were, after inspection by a stock inspector, put in quarantine for six months because they had come from a ship at Robb's Jetty and had passed through an area affected by rinderpest.

Hon. L. Craig: This Bill will not affect such a position.

Hon. G. B. WOOD: It will.

The CHAIRMAN: That has nothing to do with the case.

Hon. G. B. WOOD: In my opinion, it has. The statement has been made that the health authorities could stop the sale of such animals. But why should those in control of the saleyards be compelled to run to the health authorities?

Hon. C. F. Baxter: It would be their duty to do so in that case.

Hon. L. Craig: The clause does not deal with that position at all.

Hon. G. B. WOOD: Those in control of the saleyards should have authority to say whether stock should be sold there or not. I oppose the amendment.

Hon. C. F. BAXTER: The cases cited by Mr. Wood and the Chief Secretary should be dealt with by the Health Department.

The CHAIRMAN: But this Bill deals with saleyards only.

Hon. C. F. BAXTER: That is so. The point is that Parliament should retain control. We are framing legislation and should not, when doing so, rely upon the intention of the Government. I do not want the door left open for the Government to do something by an Order in Council.

The CHIEF SECRETARY: The hon. member knows full well that everything cannot be included in an Act of Parliament; the Government must place trust from time to time in its officials. If the Government cannot be trusted in a matter of this kind I do not know who can. The hon. member is one of many who have approached the Government from time to time and asked that it do something for the saleyards associated with the abattoirs. Certain improvements have been effected and a lot of money spent. The Government proposes to spend more money to meet the desires of the people with whom Mr. Baxter is associated. Because of that the Government requires the right of prohibiting the establishment of private saleyards.

Hon. J. J. Holmes: It wants a monopoly.

Hon. C. B. Williams: That is an obsession with the hon. member.

The CHIEF SECRETARY: When introducing the Bill I said the Government desired the power to prohibit competition by the establishment of private saleyards. It is not necessary to hide that fact.

Hon. L. Craig: Is that in the Bill?

The CHIEF SECRETARY: The clause covers that. There is no necessity for an Order in Council to prohibit the sale of stock in any saleyard. The hon. member knows it is possible for saleyards to be used for purposes with which he would not agree.

Hon. L. Craig: The stock would have to be sent to Midland Junction to be slaughtered.

The CHIEF SECRETARY: Yes, and that is what happens to the few head of stock sold at Subiaco. I am told it would be impracticable to use the Government saleyards at Midland Junction for the sale of dairy stock and horses. That is not denied, and consequently no such danger exists to the only other saleyard I know of in the metropolitan area—that at Subiaco. Mr. Baxter referred to the Inspection of Machinery Act and to the action of the Government respecting an Order in Council affecting a section of the community in another part of the State. I am sorry he should have referred to it under this measure. Whatever was done under that particular Order in Council was done in a straightforward manner, and the hon. member can take no exception to it. I will deal with that matter at the appropriate time.

Hon. L. Craig: Why not add the words "stock for slaughter?" It is not the intention of the Government to interfere with other saleyards except those in competition with the Government saleyards.

The CHIEF SECRETARY: If that were done, one or other of the members opposing the clause as it now stands would object because it would mean stock could not be sold at Subiaco, as at present, from which place they are sent to Midland Junction to be slaughtered. Very often powers have to be included in an Act of Parliament which, if used to the fullest possible extent, would be ridiculous. There is nothing to be afraid of respecting any action of the Government.

Hon. L. Craig: I do not think there is.

The CHIEF SECRETARY: If that is so, why object? Is it not desirable that the Government should have this power? If it is desirable I am advised this is the method by which that power can be given. I support the clause as it stands and object to it being deleted.

Hon. G. B. WOOD: A lot has been said at times about cattle and sheep stealing. If this clause is not allowed to remain in the Bill it will encourage cattle duffing. A person could set himself up at Wanneroo or some such place with a bit of a saleyard for stolen stock. Mr. Holmes who interjected used the word "monopoly." It is desirable that the Government saleyards should have a monopoly. In the past many tens of thousands of sheep from the North-West have been sent to Midland Junction and were sold as slaughter sheep. The Government has to be trusted to a certain extent. It is desirable, in order to prevent cattle duffing, that the clause remain.

Hon. H. TUCKEY: It was stated by the Chief Secretary that protection against competition was desired because the Government proposed to spend a large amount of money on Government saleyards. The owners of private saleyards are also entitled to protection. I have no objection to new saleyards not being protected, but it is fair to give some protection to those yards already operating. I cannot see why this

clause should not say that much and no more. As it is, as Mr. Baxter has pointed out, it gives the Government very wide power and Parliament will have no say in it at all. I would like to see the position met by regulation, or the clause amended to apply only to existing yards.

Hon. G. Fraser: Try to amend in that way and see how involved it becomes.

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

Ayes	9
Noes	10
Majority against	1

AYES.

Hon. L. B. Bolton	Hon. W. H. Kitson
Hon. J. A. Dimmitt	Hon. T. Moore
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	Hon. G. B. Wood
Hon. W. R. Hall	*(Teller.)*

NOES.

Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. Sir Hal Colebatch	Hon. G. W. Miles
Hon. L. Craig	Hon. H. Tuckey
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. J. J. Holmes	Hon. W. J. Mann
	(Teller.)

Clause thus negatived.

Bill again reported with a further amendment.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

HON. J. CORNELL (South) [5.27] in moving the second reading said: This is a very small Bill. Its purpose is to amend Section 211 of the Criminal Code which, I understand, is the machinery to which the police resort in approximately 90 per cent. of prosecutions respecting illicit betting. The section as it stands provides that justices of the peace can adjudicate. As we know, two justices sit, under that section, with a magistrate, and the magistrate might as well not have sat at all if he disagrees with the two justices, because their decision prevails.

Hon. C. B. Williams: Is that in the Constitution?

Hon. J. CORNELL: I know of nothing more ludicrous than that. I hold no brief for or against the S.P. bookie. The person we all ought to endeavour to deal with is the chap who owns the business or occupies the premies. I understand that that person cannot be got at. Invariably a dummy is substituted. He is usually a young fellow supposed to be in charge of the premises. His name is taken and he appears in court. The conviction is recorded against that young man, but he may not be aware of it or of the fact that it may be used against him later on. With the exception of the position at Fremantle, it is the almost invariable experience throughout the State that justices fight shy of sitting on the bench to try betting cases. Only a few days ago, speaking from my place in the House, I referred to the North-East and South Provinces as parts of the State accused of not always observing the law, but even there we do not find justices of the peace sitting on betting cases. They leave such cases to the man who ought to try them, namely, the magistrate. It is quite possible—and indeed this has happened—for two justices to sit with and override the magistrate, and the anomaly is that had those justices been magistrates they could not have sat because of the age-limit bar. What could be more ridiculous than that?

For a considerable period I have followed the decisions in the Fremantle Court and have found that until recently the justices who over-rode the magistrate have invariably been the same two men. The fine imposed there has been £5 for a first offence and £10 for a second offence, whereas at Perth, Midland Junction, Northam, Kalgoorlie and other places the penalty for the second offence has been £75, and this penalty has been imposed by a magistrate. Some time ago the police went as far as Widgiemooltha to institute a prosecution for S.P. betting.

Hon. C. B. Williams: To their eternal shame.

Hon. J. CORNELL: Anyone who has been to Widgiemooltha knows what a small place it is. There the police picked up an individual for doing a little S.P. betting with prospectors and for a first offence he was fined £25. I am not sure whether he was tried at Norseman or at Kalgoorlie. Only a few days ago two men charged before the magistrate at Norseman were each fined £50. Can we reasonably stand for a continuance of this state of affairs?

I am given to understand on the best authority that it needs only a scratch of the pen on an Executive Council Minute and the men

who have frequently sat as justices and overridden the magistrate can be wiped off the list. Recently we were told, in answer to a question asked in this House—some time ago in answer to a letter I wrote to the Press the Under Secretary for Law replied similarly—that the Government could not interfere in the administration of justice. I have a fairly good memory and I know of cases in which Governments have interfered.

The object of the Bill is to bring Section 211 of the Criminal Code into line with provisions in the Illicit Sale of Liquor Act and the Gold Buyers Act. Let me again remind members that although we were told that the Government could not interfere with the administration of the law, notwithstanding the grave discrepancy between the fines imposed at Fremantle as compared with Perth, Midland Junction and elsewhere, only last evening we were asked to approve of a provision in a Government Bill that, where there had been an overcharge of rent, the case must be tried before a magistrate.

Hon. Sir Hal Colebatch: A magistrate sitting alone.

Hon. J. CORNELL: Yes, and the penalty was £50 with no provision for imprisonment, whereas Section 211 of the Criminal Code provides a penalty in betting cases up to £100, and the court may also order the offender to imprisonment up to one year. According to the Government, justices are not fit to sit and determine whether a landlord has charged a dollar a week more for house rent than he should have done. Only a magistrate may try such a case. Yet justices may sit and impose fines of £5 and £10 for betting offences at Fremantle, whereas at Perth the penalties imposed by a magistrate are £25 and £75. To use a digger phrase, the "tin hat was put on" the whole business only a week ago. Under striking headlines in the "Daily News" of the 17th September, the following appeared:—

> J.P.'s Refuse to Fine S.P. Man.
>
> Wongan Hills, Wednesday.
>
> Justices of the Peace on the Wongan Hills Police Court Bench on Monday refused to fine a man on an S.P. betting charge.
>
> They merely recorded a conviction and ordered the payment of costs.
>
> They explained that they had arrived at their decision because of the "anomalous and iniquitous position created by existing legislation and its administration."

Said the Chairman:

> "While we have no right to criticise the law we cannot escape seeing the effects of the law."
>
> They had noted that while the majority of Benches inflicted fines usually ranging from £1 to £5, Perth Police Court seemed to regard £75 as a fair thing.
>
> If all Benches had the courage to disregard precedent, did what they thought was right, and refrained from allowing themselves to be made a branch of the Taxation Department, the Government would realise that an intolerable situation should be rectified at once.
>
> [Before Messrs. N. C. Stonestreet and C. M. Jenkins, J.P.'s.]

Hon. G. W. Miles: The Government should have brought down this Bill.

Hon. C. B. Williams: But politicians could not be expected to do that when an election is due.

Hon. J. CORNELL: I have been a justice of the peace since 1911 and have sat on the bench only once, that being 30 years ago. Two cabmen were charged with fighting and my fellow justice wanted to fine one and let the other off. To that I could not agree as both men were equally culpable, so a fine of 10s. was imposed on each—and until the day each died neither man ever spoke to me again. My attitude is that whenever a magistrate is available to sit, there should be no place for justices on the bench, not even as ornaments. The magistrate should do the job. Let me quote the provision in other legislation. The Gold Buyers Act of 1921, Section 54, states—

> Any person guilty of any offence against this Act may be summarily convicted, but the complaint shall be heard before and determined by a magistrate.

The Illicit Sale of Liquor Act of 1913, Section 20, provides—

> All proceedings upon a summons or arrest under this Act shall be heard and determined before and by a police or resident magistrate.

I venture to say that the betting business has developed to such an extent that an amendment of the law is urgently needed.

Hon. G. W. Miles: It is a scandal and disgrace that the Government has not amended the law.

The Chief Secretary: This House had the opportunity, but turned it down.

Hon. J. CORNELL: The two Acts I have quoted provide for a variety of fines—minimum as well as maximum—and they also provide for imprisonment. I have not included a similar provision in my Bill, but if any member so desires, he may move an

amendment to that effect. If the Bill is agreed to, the administration of the law will be placed in the hands of police or resident magistrates. Objection may be taken that such cases could not be dealt with in the absence of a magistrate. There would be no necessity to deal with them immediately. If a man offended on one Saturday and could not conveniently be brought before the court during the following week, and if he again offended on the following Saturday, he could later be brought up for the two offences. The same thing would have to be done if a man were found leaving a mine with gold in his crib bag, or in a prosecution under the Illicit Sale of Liquor Act.

Let me now quote the remarks of the Commissioner of Police on S.P. betting—

I cannot too strongly draw attention not only to my remarks, but also to those of my predecessors extending over a number of years regarding the S.P. betting evil, which is increasing despite the attention by the department and the fines inflicted. If Parliament is unable to see its way to legislate, then no more can be done than is now being done to keep this rampant evil in check.

The Commissioner went on to say that legislation had been passed in South Australia to legalise betting and it had been a farce. A similar attempt was made here, and if the Bill had become law, it would have been a farce here also. Let me now give some figures to show what the betting business means. On the 25th September of last year, I asked the Chief Secretary a question about the amount of fines collected for S.P. betting offences and he supplied figures for four years. The following particulars include the figures furnished by the Minister for the four years from 1936-37 to 1939-40, together with others taken from the annual report of the Commissioner of Police, and will indicate the aggregate amount of fines paid during a period of five years:—

Year.	£
1936-37	13,777
1937-38	19,963
1938-39	28,534
1939-40	29,521
	91,795
According to the report of the Commissioner of Police the fines for 1940-41 in the metropolitan area were	32,285
Plus fines imposed elsewhere	6,786
Making in all for five years	£130,866

Hon. G. W. Miles: If it was tightened up, the fines would wipe out the deficit.

Hon. L. B. Bolton: Do they pay any income tax?

Hon. J. CORNELL: There is a discrepancy between the reply given to me by the Chief Secretary for 1939-40 and the figures of the Commissioner of Police. He stated that the increase in fines over the previous year was £11,000 odd. My figure was £2,764, but I accept the Commissioner's figure. In the figure given to me last September all the fines may not have been included.

The Chief Secretary: You are not suggesting that was a deliberate misstatement of facts?

Hon. J. CORNELL: Certainly not. The Commissioner also stated that from other districts, for the year ended the 30th June, 1941, the sum of £6,786 had been paid in fines. As the particulars I have placed before members show, all these amounts, representing payments of fines on the part of S.P. bookmakers since the 30th June, 1936, totalled £130,866. No effort, however has been made to curtail the practice of betting in this way, or to bring down any amending legislation to guard against it.

Hon. C. B. Williams: You mean, to legalise it?

Hon. J. CORNELL: When answering my question last session, the Chief Secretary said that last year the amount of £618 in fines was outstanding. I do not know whether those fines have yet been paid. He also said there was no record in the department of any owner, occupier, or lessee of a betting shop being prosecuted, or of any fines having been paid by those people.

Hon. G. W. Miles: Can you not tighten that up in your Bill?

Hon. J. CORNELL: I am coming to that. Over this brief period a sum of nearly £131,000 has been paid into Consolidated Revenue as a result of S.P. bookmakers being fined. Who pays that money? I maintain that the working man pays it.

Hon. Sir Hal Colebatch: The wives and children pay the fines.

Hon. J. CORNELL: I can recall the time when I was working on a mine in Kalgoorlie and used to attend the races there. I have invariably returned to my shift dead broke. When I married I found I could not sup-

port my wife and at the same time attend the races. When I had a wife to keep I gave up betting on horse racing.

Hon. G. Fraser: You are referring to betting on the racecourse, not to street betting.

Hon. J. CORNELL: The result is the same if a man bets whether he does it on the racecourse or in an S.P. shop. Years ago I asked my son whether he was still putting his half-a-crown on horses and he replied that since he had seen a particular bookmaker riding in a £1,200 car he had come to the conclusion that he (the lad) was one of many who had bought that car.

Hon. C. B. Williams: What about the mug share buyers on the goldfields from whom de Bernales has taken £4,000,000?

Hon. J. CORNELL: One rarely finds an S.P. shop elsewhere than alongside an hotel. Generally a few bright spirits go to an S.P. shop and each will have half-a-crown on a different horse. One of the party generally wins and the others say to him, "What about turning it on at the nearest hotel." In the end the publican and the S.P. bookie get the lot between them.

Hon. C. B. Williams: de Bernales took £4,000,000 out of the goldfields people by selling them "crook" shares.

The PRESIDENT: Order!

Hon. J. CORNELL: My Bill merely provides that all cases that come under Section 211 of the Criminal Code shall be heard and determined by a magistrate. If subsequently members think that the Gold Stealing Act and the Illicit Sale of Liquor Act should be brought into the matter, the Bill can be amended, and a minimum as well as a maximum fine laid down. The time has long since passed when action should be taken against the man who owns, leases or occupies betting premises.

Three years ago I had a Bill drafted, after careful investigation and inquiry, to meet that situation. I understand that attempts have been made to prosecute the owner, lessee or occupier of betting premises, but such attempts failed through a weakness in the law. I had an amendment prepared giving a definition of "owner and occupier" that would have had the effect of tightening up the law, and making it possible for the police to prosecute not only the bookmaker but the owner, lessee or occupier of the premises used as S.P. shops. Some of these owners are receiving double the rent they would get for their premises in other circumstances. I have less time for such individuals than I have for S.P. bookmakers, who are fairly honest in their way. The other type of individual works "under the lap" and is a veritable Shylock when it comes to charging rentals. The time is long overdue when this state of affairs should be discontinued. As things are today an S.P. bookmaker is convicted and fined, and he then goes off somewhere else and commits a similar offence. If that is the state of affairs, what value can be attached to the reply of the Chief Secretary, that the course proposed would represent an interference with the administration of justice?

We know what is going on, and surely all are agreed that it is time we rectified the position. The Bill will place no more hardship upon the S.P. bettor than is placed upon the man who sells beer "under the lap," or the other man who has bought a little gold on his own account. All such people must go before a magistrate. If a man committed an offence in Westonia he would have to go to Southern Cross for trial. He has to do that now if he offends against one of the Acts I have mentioned in order that his case may be heard before a magistrate. The offender at Widgemooltha has to go to Kalgoorlie; the offender at Salmon Gums has to go to the police court either in Norseman or Esperance. There is no sound argument against their not doing so. I know of the case of a digger who had a small store about 40 miles from Bullfinch and 30 miles from Westonia. The local branch of the R.S.L. was giving a social and he was asked to get in a case of beer. When the case arrived the police happened to find it and the man had to pay £25 as a punishment. He had to go to Merredin for trial. I hope both this House and another place will agree to this Bill so that we may have some consistency in the administration of justice. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

House adjourned at 5.55 p.m.