

Legislative Council,

Tuesday, 29th November, 1904.

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THE PRESIDENT took the Chair at 4:30 o'clock, p.m.

PRAYERS.

PETITION—LOCAL COURTS ACT.

HON. J. W. WRIGHT presented a petition praying for amendment of the Local Courts Act.

Petition received and read.

ASSENT TO BILLS (6).

Message from the Governor received and read, assenting to the following Bills: Supply (No. 3), £250,000; Street Closure (Kanowna), Fremantle Municipal Loans Validation, Friendly Societies Act Amendment, Bush Fires Act Amendment, Mines Regulation Act Amendment.

BILL—THIRD READING.

INSPECTION OF MACHINERY, read a third time, and returned to the Legislative Assembly with amendments.

PRIVATE BILL—KALGOORLIE AND BOULDER RACING CLUBS.

SECOND READING.

Debate resumed from the 17th November.

HON. R. F. SHOLL (North): Members will see by the preamble that the Kalgoorlie Racing Club hold a lease of 200 acres for a period of 99 years, and that the Boulder Club hold a lease of nearly 144 acres, also on a 99-years lease. The Bill is intended to give great powers to the clubs through their chairmen, to vest certain rights in the chairmen for purposes of the clubs. I think it is necessary that certain power should be vested in the chairmen of the clubs so that they can sue and be sued, and that the clubs may protect their property and have power to turn individuals off their racecourse.

They are spending there large sums in improving the course, and I think they should have certain powers to protect their grounds and the improvements they make in the interests of racing and in the interests of sport generally. Paragraphs (e) and (f) of Clause 16 appear to me to give certain powers to the club which are likely to run counter or to clash with powers given to the W.A. Turf Club coming under the Act. Members must recognise that there should be one supreme head in racing. It is so in all the other States, and it should be so here. I think all the clubs in the other States recognise one head. In Victoria it is the Victorian Turf Club; in South Australia the same; and here there should be also one court of appeal, as it were, and that should be the W.A. Turf Club. In the interests of pure racing, if racing can be kept pure, it is necessary that there shall be one head to appeal to. I believe that paragraph (e), for the general management of the said racecourse and for the working and management of the totalisator, is objected to as being an infringement of the W.A. Turf Club's powers; and these are the reasons given:—

- (1.) That under the West Australian Turf Club Private Act 1892, power was given to the committee of the Western Australian Turf Club to make by-laws for the working and management of any totalisator or betting machine, and for the general management of the racecourse and all races and race meetings.
- (2.) That 47 Victoria, No. 26, provides that it shall be lawful for any *bona fide* club to use the instrument known as the totalisator. 63 Victoria, No. 32, defines a *bona fide* race club as a club or company registered by the Western Australian Turf Club. (3.) That under the powers conferred by the private Act and the Totalisator Act, the Western Australian Turf Club have passed certain by-laws for the management of all race meetings and also the totalisator. The by-laws of the totalisator have been approved by the Governor-in-Council, in addition to which the rules governing the totalisator are included in the rules of racing of the West Australian Turf Club.

For these reasons it will be necessary, and I shall move it when we go into committee, that these paragraphs shall be struck out. It is necessary, as I have stated, that there shall be one head, one court of appeal as it were, in racing throughout the State. If we have two appeal courts in Israel, we shall have all sorts of dissension and confusion. Mr.

Loton pointed out the other day what appeared to be giving rather great powers to the club on the question of borrowing. At the present time the club holds a 99-years lease, and under Clause 26 it is empowered to borrow £10,000 with the consent in writing of the Governor-in-Council. It is alleged on the part of the club that they require a large amount of change during their race meetings, amounting to £7,000 or £8,000. This appears to me to be a very large amount of money for racing clubs to require, when we take into consideration that they receive the money before they pay it out, and that they take a percentage.

HON. R. D. MCKENZIE: That sum is absolutely correct.

HON. R. F. SHOLL: I believe that in Perth, on the West Australian Turf Club's Cup Day, £2,000 was sent for the purpose of change. One of the contentions by the evidence is that the members of the committee have to give a joint and several guarantee for this money at the bank. The only danger they have is that possibly this money may be stolen; but that could be provided for by insurance. If it is not stolen, the money is there. There is no risk. The club do not gamble. They play a very safe game. They issue their tickets and they take the money from the public and have 10 per cent., which means a large sum of money. So there is absolutely no risk whatever.

HON. R. D. MCKENZIE: How can we insure against highway robbery?

HON. R. F. SHOLL: You can insure against anything. I believe that the receipts, the profits, of the club can be insured upon for something like £2,000 or more a day. The enormous incomes that these clubs get provide them with funds, I believe, to improve their course and make it as perfect as possible. I compliment the clubs upon what they have done. I am not criticising in any antagonistic spirit, but I wish to point out that the position of the clubs is absolutely safe, and the reason given for obtaining this money is an erroneous one. These two clubs can provide themselves with funds without the necessity of mortgaging their lands for £10,000 each. Assuming that the House will approve of the clause allowing them to mortgage their lands for £10,000, what is the position? We

know of the existence of both these clubs. It is rather a pity that there should be two clubs in places such a short distance apart. I believe it is only two miles or under between the two areas. The existence of these clubs depends upon the permanency and prosperity of the Golden Mile and the auriferous production. If these mines pay, and I hope they will pay for 99 years or 199 years, what will be the position of the Government with regard to these leases? The position is that the Government will have either to pay £20,000 to redeem that land, or will let it be private land. The argument may be used that if it gets into private hands and these mines peter out, the land will not be worth much; so in regard to mortgaging of the land I do not know that there is very much in it.

HON. J. D. CONNOLLY: The last part of the clause safeguards it.

HON. R. F. SHOLL: The last part of the clause does not safeguard it. I do not believe in the Governor-in-Council having power to do these things. I think the sooner Parliament takes in hand the granting of large areas of freehold lands to institutions, the better. Very often hundreds of acres are given away for political purposes. I guarantee no Parliament would have granted leases to two race clubs two miles apart. I do not believe it is a safeguard, "with the consent in writing of the Governor-in-Council."

HON. J. D. CONNOLLY: Three-fourths of the members of the club, too.

HON. R. F. SHOLL: Yes. I believe the charter of the W.A. Turf Club is for racing purposes only. This Bill gives greater power. It is for the purposes of the club, and not for the purposes of racing only. It is compulsory on the W.A. Turf Club that the race club shall hold an annual meeting purely for racing. This is for a different purpose. There are plenty of reserves where people can get recreation down here, but these race-courses are used for other purposes than racing. I think it is right that they should be made into parks, so that people can have certain recreations which they would not otherwise obtain. So, of course, that is the difference with regard to that. But I must say I do not see the necessity of what is asked for in regard to borrowing. I think that the state-

ment that they require such a large amount of money for change may be got over in some other way. It may be surmounted by insuring the money they receive. With regard to Clause 17, it is a copy of the W.A. Turf Club Act, and I only wish we had an opportunity of amending the W.A. Turf Act as well. It gives power to the committee to make by-laws. Having decided on a by-law they send it to the Colonial Secretary. It is put into a pigeon-hole, and if it is not disallowed within one month it becomes law, and members may find it is a by-law they probably would have objected to if an attempt had been made to pass it at a general annual meeting. I know a case which happened not very long ago with regard to the W.A. Turf Club. A special meeting was called for a particular purpose, and notices were sent out, due notice being given. The meeting was called and a resolution carried unanimously; but the committee of the turf club, with these great powers which they have, quite ignored that resolution. I should like a provision inserted—and I will move it—that before a by-law is sent to the Colonial Secretary it shall be assented to and passed at a general or special meeting called for that purpose of which due notice shall be given; and I think it would be almost worth while to bring in a Bill to amend the W.A. Turf Club Act to make similar provisions there. Members of clubs should be consulted in all matters affecting by-laws before they are passed. I do not know that I need detain the House any longer. The Bill gives great power, and I believe that Subclauses (e) and (f) will not be persisted in by those who are interested in bringing forward this measure.

Hon. C. E. DEMPSTER (East): I think most members who are interested in racing feel at all times lenient to those gentlemen who take an interest in sport; and the greatest credit is due to the goldfields clubs for the very creditable and satisfactory manner in which they have carried out all their racing appointments and meetings. Their courses and appointments and everything connected with the clubs compare favourably with anything in Australasia. Nothing could be better; and I think nothing could be better than the way in which they manage things in connection with racing. I

should like to see anything done to create a good feeling between the W.A. Turf Club and the goldfields racing clubs; and from what I can see of this Bill it is a very necessary measure. Mr. Hale, the solicitor to the goldfields clubs, has informed me that the conditions contained in the Bill are a copy of the conditions under which the W.A. Turf Club's race-course has been handed over to the W.A. Turf Club. Therefore there cannot be anything objectionable in the Bill in that regard. It is necessary that the clubs should be able to do their business in a simple manner, and this Bill puts all matters in the hands of the chairmen, so that people need not deal with large bodies. Taking that view of it, the Bill must be regarded favourably. It seems a long-winded measure, and I think all that is embraced in it might have been embraced in a smaller number of clauses; but that is always a layman's view of a Bill drawn up by a solicitor. Subclauses (e) and (f) are the two provisions which I thought would clash considerably with the rules of the W.A. Turf Club in existence, but Mr. Hale assures me that they will not prejudice in any way the rules of the W.A. Turf Club, and that even if they did the W.A. Turf Club could refuse dates to the goldfields clubs, which of course would put those clubs out of existence at once. I would like to see the clubs have a free hand as far as possible, and I do not think it is desirable to put any unnecessary friction in the way. I would like to see everything done to create friendship and goodwill between the two big racing bodies. It is necessary in the interests of fair racing. Mr. Sholl has particularly referred to the matter of mortgaging the racecourses to enable large sums of money to be raised for the purpose of change for the race meetings; but there is no objection to this being done. The Government have full power, in the event of the land turning out to be rich from a mineral point of view or valuable land in any way, to resume it. What is it that makes the land valuable now? Nothing has enhanced the value of the land except the improvements that have already been made by the two clubs. These clubs have expended enormous sums of money in the perfecting of those appointments necessary to make good

racecourses, and they have done it in a satisfactory manner, so there should be no objection to the clubs being enabled to mortgage their land to raise sums of money that would be much less than the value of the land with the improvements put on it by the clubs themselves. In the event of the land being valuable from a mineral point of view, it can be resumed. Otherwise the land would be worth very little without the improvements put upon it by the race clubs. I think this Bill will strengthen the hands of the clubs. I thought it might create friction between the goldfields clubs and the W.A. Turf Club; but I have heard the explanation of Mr. Hale. That gentleman has gone thoroughly into the matter and he is anxious to establish goodwill between the two bodies. He is interested in the welfare of the two bodies and thinks it is desirable to bring about a better feeling than at present exists. There is friction now, but with a little discretion and moderation on the part of the two committees it should be got over, and good feeling should exist between both racing bodies, which good feeling I hope will always exist.

HON. W. KINGSMILL (in reply as mover): I wish to make a few remarks, and a very few remarks indeed. In the first place I should like to reply to some of the remarks which have fallen from Mr. Sholl. He has set out to prove that the old saying "what is sauce for the goose is sauce for the gander" is absolutely incorrect. He seems to find fault with the same provisions being applied to the racing clubs on the goldfields as apply to racing clubs on the coast. I do not think that is a fair attitude to take up. That the racing clubs on the goldfields have reached a sufficient stage of development and that their operations are sufficiently successful to entitle them to the same treatment as the others, I do not think any member will for a moment gainsay.

HON. J. W. HACKETT: You mean to have two independent bodies?

HON. W. KINGSMILL: Certainly; but recognising all through, which this Bill in no way disturbs, the absolute supremacy of the W.A. Turf Club which that body is endowed with through its own private Act passed a great many years ago, when I think the W.A. Turf

Club was not in nearly as flourishing a condition as these clubs at present. I wish to remove from the minds of hon. members any misconception that may arise from that interjection. The Bill in no way disturbs the supremacy of the W.A. Turf Club. It recognises all through that the W.A. Turf Club is the reigning body and the arbiter to which all racing matters shall be referred. It is not stated explicitly. That is not necessary. It is inferred. The explicit statement of the fact is to be found in the W.A. Turf Club Act, and it is not disturbed by this Act. This Bill simply gives the borrowing powers which the W.A. Turf Club has at present, only that the borrowing and mortgaging operations are more restricted. Not only is the consent of the Governor-in-Council necessary, but also the consent of a large majority of members of the Kalgoorlie and Boulder racing clubs. Allusion has been made to the fact that these grounds which it is possible to mortgage are to be used for the "purposes of the club" instead of, as is the phraseology of the W.A. Turf Club, for "racing purposes only." When introducing the Bill I thought I explained that pretty fully by saying that these grounds are at present used for purposes other than racing, and that, by the courtesy of the racing bodies, trades galas, meetings of gun clubs, and various other sports are held there conducive to the comfort and recreation of the people on the Eastern Goldfields. It is for these purposes only that the different phraseology is adopted. In regard to Subclauses (e) and (f) to which serious objection has been taken, I think it will be admitted that, by not depriving the W.A. Turf Club of the right to fix dates for racing clubs registered under it, perfectly sufficient protection is given in the case of any by-law which may be perhaps distasteful to the governing body of racing being passed by the committee of either of these clubs. The W.A. Turf Club has that power, and it is a great power to wield against these bodies if they should offend by the passing of any such by-laws. If that be so, may I not plead for the retention of these sub-clauses, and may I not ask members to remember that the W.A. Turf Club has always this power, which is not taken away from it

or in any way touched by the Bill under consideration—the power of refusing dates, and of, therefore, practically obliterating such clubs as offend by the passing of offensive by-laws.

Question put and passed.

Bill read a second time.

MOTION—SELECT COMMITTEE.

HON. M. L. MOSS moved that, the Bill be referred to a select committee of five members.

HON. J. D. CONNOLLY: The Bill had already been inquired into by a select committee.

THE PRESIDENT: The evidence taken by the select committee (Assembly) accompanied the Bill.

HON. M. L. MOSS: It was necessary to have a select committee of this House. When the evidence was taken by a select committee of another place, no members of the W.A. Turf Club were called to give evidence. He had been interviewed by a number of members of the W.A. Turf Club who were anxious to express an opinion as to the matters contained in the Bill, and particularly in regard to Clause 16, which enabled the goldfields clubs to make by-laws in reference to the matters contained in Sub-clauses (e) and (f). The passing of these by-laws might be the means of having divided control of racing clubs in the State, which would be prejudicial to the best interests of racing. There should be one governing body as in Victoria and New South Wales. Here the W.A. Turf Club was recognised as the governing body. He had discussed this matter with Mr. Hale, the solicitor for the goldfields clubs, and Mr. Hale had given him (Mr. Moss) the assurance that Mr. Dempster had pointed out; but on this matter we should be entitled to take evidence, while being satisfied we were doing nothing to interfere with the best interests of the clubs. There was no reason why the Bill should be rushed through Committee this afternoon. It would be better to hear the evidence of two or three members of the prominent racing clubs.

Question put and passed.

Bill referred to a select committee, consisting of Hon. W. Kingsmill, Hon. R. Laurie, Hon. R. D. McKenzie, Hon. R. F. Sholl, with Hon. M. L. Moss as mover; to report on the 6th December.

BILLS, FIRST READING.

LOCAL COURTS ACT AMENDMENT, MUNICIPAL INSTITUTIONS ACT AMENDMENT, received from the Legislative Assembly and read a first time.

PRIVATE BILL.

KALGOORLIE RACECOURSE TRAMWAYS, received from the Legislative Assembly and read a first time.

ADJOURNMENT.

The House adjourned at 5.38 o'clock, until the next afternoon.

Legislative Assembly,
Tuesday 29th November, 1904.

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Bills: Transfer of Land Act Amendment, second reading moved	1452
Factories Act Amendment, in Committee, resumed, reported	1452
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Annual Estimates resumed; Treasury vote, London Agency, progress	1469

THE SPEAKER took the Chair at 3.30 o'clock, p.m.

PRAYERS.

PETITION—ROADS ACT, TO AMEND.

MR. BATH presented a petition from 170 ratepayers of the Kalgoorlie Roads Board District, praying that the Roads Act be amended to entitle roads boards to levy rates on unimproved values over and above the maximum fixed by the Act.

Petition received.