the capital value for the purposes of rating, and there the rate is levied only on the area being used, regardless of the total area. Doubt has been expressed whether the provision as worded gives effect to the intention, and so I have framed amendments to ensure that the rate is limited to the current year's cutting. I move an amendment—

That the words "a subsection" in line 13, page 2, be struck out and the word "subsections" inserted in lieu.

The MINISTER FOR THE NORTH-WEST: The amendments have been considered by the department, and there is no objection to them. They will clarify the law and establish exactly what is intended.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

That on page 3 the following new subsection be added:—

(7) Nothing in this Act shall make the holder of any permit issued pursuant to Section thirty-two of the Forests Act, 1918, liable to be rated for any land comprised in any such permit in excess of the area of the defined coupe current at the date of the assessment.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 5 to 9, Title—agreed to.

Bill reported with amendments.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at its rising adjourn till 7.30 p.m. tomorrow.

Question put and passed.

House adjourned at 10.2 p.m.

Legislative Assembly

Tuesday, 16th November, 1954.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

(a) As to Loss on Suburban Lines.

Hon. A. F. WATTS asked the Minister for Railways:

What was the loss incurred on the metropolitan suburban railways for the year ended the 30th June, 1954?

The MINISTER replied:

The loss incurred on the operation of the metropolitan suburban railways for the year ended the 30th June, 1954, is statistically shown as £1,130,315, but a major portion of this amount represents charges which would be but little affected if the service were discontinued. These charges represent a share of the general costs involved in the operation of all the traffic passing through the metropolitan area, including general superintendence, maintenance of structures, track, signalling, workshops and stores costs and overheads, all of which would be but little reduced by

abandonment of the metropolitan passenger service, as they would be spread over the operation of country and passenger and goods services. The bulk of the charges would therefore become a cost transferred to other services.

However, it is estimated that, based on the figures of 1953-54, £427,650 would be the saving if the metropolitan passenger service were entirely discontinued. The use of over-age locomotives and rolling-stock of old design results in heavy additional maintenance expenditure. Substitution of diesel railcars for many of the steam services is confidently expected to appreciably reduce costs and increase earnings with added patronage.

(b) As to Conversion of Coaches.

Mr. HILL asked the Minister for Railways:

Has he commended those responsible for the design and workmanship of the conversion of the "AQ" coaches into the "AQZ," which are a credit to any railway administration?

The MINISTER replied:

The old four berth "AQ" coaches were completely out of keeping with modern accommodation. The following letter has been sent by me to the Railways Commission—

2nd November, 1954.

> Yesterday I had the pleasure to inspect one of the converted "AQ" passenger coaches that had been done in the Midland Junction Workshops.
>
> I was much impressed with the standard of workmanship in evidence and the comfort and convenience provided for passengers. It is pleasing to know that such work can be done in our own workshops and it reflects great credit upon all those concerned for the splendid job done.
>
> Will you please convey my appreciation to your officials and staff.

TOWN PLANNING.

As to Professor Stephenson's Report.

Hon. D. BRAND asked the Minister representing the Minister for Town Planning:

(1) In view of the Premier's advice that the Governor has not yet received Prof. Stephenson's report on regional planning, when is this plan expected?

(2) Is the plan to be completed by Prof. Stephenson before he leaves the State?

(3) As so many decisions of great importance to the future of the city and State are being delayed pending receipt of this report, will he make a special effort to obtain the plan?

The MINISTER FOR HOUSING replied:

(1) As stated previously, the report is expected during December next.

(2) Yes.

(3) Answered by Nos. (1) and (2).

LAND SETTLEMENT.

As to Eneabba Project.

Hon. D. BRAND asked the Minister for Lands:

(1) How many farms for land settlement will be obtained at the Eneabba project in the Midlands?

(2) What work has already been carried out there?

(3) What price per acre is being paid for ploughing?

(4) How many acres will be ploughed this year?

The MINISTER replied:

(1) Fifty.

(2) Sixty-five miles of main developmental roads completed by Main Roads Department one house and depot building erected, six succesful bores sunk and one equipped, 25 miles of fencing erected, 8,000 acres fallowed, 3,500 acres logged ready for burning and ploughing.

An experimental area of 100 acres has been fenced with rabbit netting, and experiments in conjunction with the Department of Agriculture have been conducted.

(3) Fifteen shillings.

(4) An area of 2,000 acres to be cropped, and further development to provide an additional 20,000 acres of fallow next season.

MINING.

As to Position at Big Bell.

Hon. D. BRAND asked the Minister for Mines:

(1) Will he inform the House as to the possibility of Big Bell mine being carried on?

(2) How many people will be affected if the mine closes down?

The MINISTER replied:

(1) The lessee company has signified that it proposes to close down once the present level is worked out, which is anticipated within the next three months.

(2) There are 268 men employed by the company.

The Government has done everything in its power, including the granting of substantial financial assistance, to prolong operations, and following the recent announcement by the Commonwealth Government of its intention to provide a gold subsidy, has again approached the company in this regard.

COLLIE COAL.

(a) Pilot Plant for Coking.

Hon. D. BRAND asked the Minister for Industrial Development:

(1) To what extent has the Government proceeded with the construction of a pilot plant for the production of coke from Collie coal?

(2) What is the estimated cost of such a plant?

The MINISTER replied:

(1) Construction is well advanced, but will still require several months for completion.

(2) The estimated cost is £25,000.

(b) As to Commercial Use of Coke, etc.

Hon. D. BRAND asked the Minister for Industrial Development:

Is it a fact that it has been proved that Collie coal can be coked for commercial use; and, if so, does the cost of production compare with cost of imported coke?

The MINISTER replied:

It has been established that an excellent metallurgical coke can be made from Collie coal. The cost of production is not known. One of the main reasons for building a pilot plant is to obtain data for estimating production costs.

EXPORT FRUIT CASES.

(a) As to Supplies from State Saw Mills.

Mr. HEARMAN asked the Minister for Forests:

(1) Referring to the question asked on the 10th November about fruit cases and the answer given, is he aware that the two biggest fruit exporting firms in the State placed orders for fruit cases for the coming crops with the State Saw Mills in July last?

(2) Is he aware that these firms also accepted delivery of cases from the State Saw Mills in July last for the coming crop?

(3) Is he aware that fruit exporting firms and fruit-growers generally for a number of years past have been pressing sawmillers generally to produce more cases?

(4) Would he reconsider that part of his answer given on the 10th November in which he said, "Up to date the practice has been for no intimation to be given until very late in the season and then, of course, it is necessary for sawmillers and others who cut cases to proceed with the utmost expedition"?

The MINISTER replied:

(1), (2) and (3) Fruit exporting firms and fruit-growers generally, have, for a number of years past, been pressing sawmillers to produce more cases. They have not, however, been prepared to place firm orders covering stated requirements early in the season or to finance any carry-over from season to season.

In July last, an assurance was given by State Saw Mills to representatives of case distributing firms, that State Saw Mills would supply 600,000 cases for the 1954-55 apple season and a production programme was prepared accordingly. Following pressure from State Saw Mills for clearance of production to that time, Westralian Farmers Co-operative Ltd. and Tropical Traders & Patersons Ltd., lodged orders for part and complete cases equivalent in total to 125,000 cases late in July and delivery commenced on the 23rd July.

On the 20th October, 1954, firm advice was given of requirements for the 1954-55 season by major case distributors totalling 310,000 complete cases and ends for a further 100,000 cases. These figures have been given as the total requirements for the 1954 season and State Saw Mills production programme has been varied accordingly. Firm orders have thus been placed for less than two-thirds of the cases State Saw Mills a few months ago were asked to guarantee.

(4) No. Everyone knows that some fruit cases will be required each season, but the supplier must have firm advice and orders for total quantities if he is to give satisfaction in delivery.

(b) As to Storage of Boards.

Mr. HEARMAN asked the Minister for Forests:

Is consideration being given, and if so with what results, to the erection of a storage shed at Pemberton to enable the proper storage of fruit case boards by the State Saw Mills?

The MINISTER replied:

State Saw Mills are not prepared to finance unlimited carry-over each season, but some consideration has been given to increased storage capacity for fruit cases at Pemberton.

(c) As to Improving Appearance.

Mr. HEARMAN asked the Minister for Forests:

Can he indicate what steps are being taken by the State Saw Mills to improve the appearance of sliced boards?

The MINISTER replied:

Some experimental work has been carried out in slicing practice at Pemberton and commercial operations are being carefully investigated in an endeavour to improve the quality of sliced boards at that centre.

CLAREMONT MENTAL HOSPITAL.

As to Provision of Additional Accommodation.

Mr. HUTCHINSON (without notice) asked the Minister for Health:

(1) Is it a fact that there is an urgent need either for—

(a) substantial additions to the Claremont Mental Hospital, or

(b) additional accomodation for the mentally sick to be provided on a different site?

(2) If so, which of the two abovementioned courses does the Government propose to carry out?

(3) If action is to be taken along the lines suggested in paragraph (a) of No. (1), when is it proposed to commence the additions?

(4) If accommodation is to be provided elsewhere, has a site been selected, and if so where?

The PREMIER (for the Minister for Health) replied:

I shall discuss these questions with the Minister for Health, and shall make some information available to the hon. member in the near future.

BILL—CRIMINAL CODE AMENDMENT (No. 2).

Introduced by the Premier (for the Minister for Justice) and read a first time.

BILL—STOCK DISEASES ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—BETTING CONTROL.

As to Committee Stage.

Order of the Day read for the consideration of the Bill in Committee.

The PREMIER: I understand the House is to be marched upon this evening. Therefore I move—

> That consideration of this Order of the Day be postponed till a later stage of the sitting.

Question put and passed.

BILL—MINING ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th November.

MR. WILD (Dale) [4.43]: The Minister when introducing the Bill opened by asking the House to agree to giving power to the Mines Department to grant, for the purpose of prospecting for diamonds, a much larger area of country than is now allowed. As his speech progressed, I thought the Bill was going to be an easy one. It looked as though I should only have to go to the Public Library and look up the early history of diamond mining in the Nullagine and I would have the answer to the Minister's address.

As the speech progressed, however, it rather made the position in regard to these diamonds look similar to what happens when we go into Woolworth's and try to buy something that looks bright, but it turns out to be glass. When starting off to deal with a most important amendment to the Mining Act by referring to the simple matter of diamonds, it seems that one can aptly use the old expression "All is not gold that glisters."

The earlier part of the Bill will receive the concurrence of the Opposition, but I can assure the Minister and the Government that we have no intention of agreeing to the second portion, which is loaded with dynamite, although only about a quarter of the time that the Minister spent on the Bill, was devoted to it. Clauses 3, 4 and 5 of the measure propose to undo something that Parliament did in 1949, in that they are aimed at deleting from the Act the provisions giving the right of appeal to the Arbitration Court from decisions of the Coal Industry Tribunal at Collie.

The right of appeal from this authority has existed for very many years. It even goes back to the time prior to when the National Security Regulations came into effect in 1942, because in those days there was the right of appeal against the decisions of the reference board, or the industrial tribunal as it was known, to the Arbitration Court. With the passing of those regulations and the establishment of the Central Coal Reference Board in the Eastern States, the Local Coal Reference Board at Collie could make decisions, but they were subject to appeal to the Central Coal Reference Board in the Eastern States.

In 1949, Parliament saw fit, because the National Security Regulations might cease to function—and that is something that did eventuate, because a number of appeals were made by different authorities to test the validity of the regulations—to take some steps to put this particular industry on a firm footing with respect to anything that might eventuate with arbitration. By an amending Bill in 1949, Parliament, therefore, gave the right to the litigants—the employers and the employees—to appeal to the Arbitration Court of Western Australia against the decisions of the Coal Industry Tribunal in this State.

But it was not until 1952 that the provision was actually proclaimed, because it was in that year that the National Security Regulations were found to be invalid. This measure, which has been on the statute book since 1949 was, therefore, ready to take over from the regulations. It is worth reading the portion of the judgment given by Mr. Justice Jackson, when he first had

occasion, in 1952, to give consideration to an appeal, as to the attitude he was going to adopt.

His Honour made it perfectly clear that he was not going to allow, by the union or the coalming companies, what one might call frivolous appeals that could be dealt with by the tribunal at Collie. So I intend to read the portion of his judgment dealing with that aspect. I do not want the Minister to think that I have just taken this out of the relevant part. He will find that I shall read, word for word, the judgment appertaining to this particular subject, namely, the type of appeal that His Honour would hear.

In 1952 the president of the Arbitration Court laid down the principles on which he would grant leave to appeal. The Minister, when introducing this Bill, said that the members of the tribunal understood the industry; they had at their fingertips all the necessary knowledge that the industry demanded, and he went on to say that the members of the Arbitration Court were not as well informed on the coal industry as those who comprised the Coal Industry Tribunal. I wish to quote from Mr. Justice Jackson's deliberations in 1952 in rebuttal of what the Minister had to say in his introductory remarks.

This is what Mr. Justice Jackson stated in his reserved decision given on Wednesday, the 10th September, 1954.

Mr. May: Did you say 1944?

Mr. WILD: No, 1954. He said—

> This section was introduced into the Mining Act by amendment in 1948 as part of Division 1 of Part XIII of the Act. That Division provided for the setting up of a Tribunal, to be known as the Western Australian Coal Industry Tribunal, to deal with all industrial disputes and industrial matters in the coalmining industry. Except as provided by Section 323, the decision of the tribunal is final. Division 1 of Part XIII was not proclaimed until the 7th April, 1952, and this is the first application under Section 323.

That is one of the sections that the Government is now endeavouring to strike out of the Act. It continues—

> It is important, therefore, that on this occasion I should indicate what, in my view, are the principles to be applied by the President of the Court when deciding whether or not to permit a decision of the Tribunal to be reviewed by the Court. It will be observed from Section 323, that Parliament did not give to a dissatisfied party a right of appeal to the Arbitration Court as a matter of course. It provided, in Subsection (1) of Section 323, that a review of the decision of the tribunal could only be heard with the permission of the President.

Let me interpolate there. It is important to bear that in mind because later on I shall show the House that so far there have been only four appeals to the Arbitration Court.

Mr. May: Do you know from whom they came?

Mr. WILD: Yes, and I shall tell the hon. member in a moment. As the president said, he would not give leave to appeal in every case; he had to be satisfied that the appeal was something that could not be dealt with adequately by the people on the spot. He went on to say—

> I think the proper inference to be drawn is that Parliament intended the President to have a discretion to refuse the right of review if he considered that the application was a frivolous one or that the subject matter of the Tribunal's decision was a relatively trivial matter or a matter of minor importance. On the other hand, if, in the opinion of the President, the decision of the Tribunal involved a question of considerable importance to the parties or the public, then I think it clear that it is the President's duty to permit the decision to be reviewed. Perhaps there is one proviso to this statement. Even if the matter were of considerable importance, no doubt the President should refuse leave if the decision of the tribunal was plainly correct and it would be a mere waste of time and money for the court to review it.

So one can see that Mr. Justice Jackson made the position perfectly clear from the outset; he made it clear both to counsel for the mining unions and for the coalmining employers at Collie. He said, in effect, that although there was a right of appeal under the Act, he would not review a decision of the tribunal in every tiddly-winking little case.

In support of that, it is interesting to note that since 1952 there have been only four applications for leave to appeal against decisions of the tribunal. The first was in September, 1952. Leave was granted to appeal against a decision on margins, and the appeal was partly successful. The next two appeals were in 1953, when leave was granted to appeal in two cases in regard to seniority. The facts in one case disclose that there must be this right of appeal in order to right wrongs that can take place down there. The employers appealed and before the case came before the court it was struck out because the union, finding that the appeal against the decision of the coal tribunal was correct, asked leave to withdraw. In the second case concerning seniority, Mr. Justice Jackson, and the other members of the court, decided that evidence on the facts of the case submitted should be placed before the bench and when the

union declined, the appeal was allowed by default. On the fourth occasion leave to appeal was refused.

So one can see that Mr. Justice Jackson, in 1954, showed exactly where he stood on the question and he told counsel for both sides that he would not listen to frivolous appeals. His attitude since that time has been consistent. He refused leave on one occasion, one application was withdrawn, one application was partly successful, and the other was fully successful.

Let us assume that there is no right of appeal and the Coal Industry Tribunal at Collie makes a determination on margins. What would happen to Western Australia if the tribunal, in its wisdom, determined that there should be an increase in certain margins and at the same time the Arbitration Court of Western Australia—let us forget for a moment the judgment recently given by the Federal court in the Eastern States because the applications for increased margins in Western Australia have not yet been considered—determines that there shall be no increase in margins for other unions in Western Australia.

If this measure were passed, there would be no right of appeal against a decision of the Coal Industry Tribunal, and in that case the miners at Collie would be receiving increased margins, while other workers in Western Australia would not. The mining of coal is the basic industry of Western Australia and if these increases were granted, it would mean increased costs and, consequently, an increased price of coal to the railways, the State Electricity Commission and other users of coal, and this in turn would mean increased costs for power, and so on.

Mr. May: You are not being very fair to the chairman of the tribunal.

Mr. WILD: It is a tribunal of three members.

Mr. May: It is a tribunal of five.

Mr. WILD: It may be but that makes no difference at all. As Mr. Justice Jackson said, those people could influence the decision; there are small matters down there of which the Minister says they have knowledge. Would the member for Collie say that those five people, good and trusted though they may be, would have knowledge of the economy of the State when it came to giving an increase of margins?

Mr. May: The chairman has.

Mr. WILD: He may or may not have that knowledge. I suggest to the hon. member that the type of cases they would hear at Collie would be minor ones, but when it comes to Mr. Justice Jackson and other members of the Arbitration Court, we must realise that they have to look at the broad picture. I do not think we could get a better example than the case I have quoted, where we could get the Coal Industry Tribunal giving an increase of margins that would be passed on to the cost of coal affecting such avenues as power and industry which use coal, while the Arbitration Court, which has the full picture before it, refuses, in the interests of the economy of the State, to grant that increase in margins to other unions. The whole thing is completely out of balance.

Accordingly, I suggest it is wise and fitting that we should retain the right of appeal from the Collie tribunal to the Arbitration Court, bearing in mind that the president has laid it down that he intends only to be interested in the broad picture, and not in those matters pertaining to minor matters, such as certain rates for certain types of workers. The Coal Industry Tribunal has specialised knowledge of that, and Mr. Justice Jackson would not be one to override its decisions in such matters. But when it comes to the broad economy of the State affecting margins for everybody, he is the right authority to whom anyone from Collie should have the right of appeal. While, in order to get this Bill to the Committe stage with a view to passing the first portion appertaining to diamonds, I intend to support the second reading, I can assure the Minister that it is the intention of the Opposition to oppose the three later clauses of the Bill.

On motion by Mr. May, debate adjourned.

BILL—DRIED FRUITS ACT AMENDMENT.

In Committee.

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

BILLS (3)—RETURNED.

1, Argentine Ant.
With amendments.

2, Loan £14,808,000.

3, Motor Vehicle (Third Party Insurance) Act Amendment.
Without amendment.

BILL—PHARMACY AND POISONS ACT AMENDMENT.

Received from the Council, and, on motion by Mr. Moir, read a first time.

BILL—BUSH FIRES.

Council's Amendments.

Schedule of 22 amendments made by the Council now considered.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Lands in charge of the Bill.

No. 1. Clause 8, page 4—Insert after the word "persons" in line 28 the words "at least three of whom shall be actively engaged in the business of farming."

The MINISTER FOR LANDS: The purpose of the amendment is to ensure that three at least of the five members of the Road Board Association are actively engaged in the business of farming. I have no objection to the amendment, although I feel it could have been left to the discretion of the people who have the responsibility of nominating the members concerned. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2. Clause 8, page 5—Delete all words after the word "held" in line 7 down to and including the word "prescribed" in line 9 and substitute the following:—"at least once every two months during the period between the first day of October and the first day of May following and during the remainder of the year."

The MINISTER FOR LANDS: I cannot take the same view on this amendment. It is most undesirable. The intention behind it is to insist that the bush fires advisory board shall meet every two months. If we look at it, we will find that they are meeting more often than that even now, and it should not be included in the Act as mandatory for the board to meet every two months throughout the year. On a number of occasions in the summer months it would involve the members of the board in long distances of travel when there was no work at all to be done. Most of the work is done in the winter months to prepare for the summer. It is asking too much of the members of the board to insist that they sit every two months; their responsibilities are heavy enough now.

With the delegation of authority to the chairman, we already have power for day-to-day decisions to be made. Even though it was felt necessary that the board itself should consider the day-to-day reckonings, especially those of an important nature, by forcing it to meet, it does not alter the fact that if we waited two months it would be far too long in certain cases where a decision must be made immediately. There is no advantage in forcing the board to meet every two months during the summer. I can assure members they would probably meet more often than that in the winter months. I move—

That the amendment be not agreed to.

Hon. A. F. WATTS: I hope the Minister will be prepared to modify his views on this. I suggest that one of the reasons for the amendment is, as the Minister mentioned, that the chairman has power to make emergency decisions which, I understand, has not been incorporated in the law in the past. In view of that, it was felt that there should be some statutory obligation on the board, not during the whole of the year, but during the prohibited period between the 1st October and the 1st May, to meet at least once every two months.

That does not mean that the board cannot meet more often than every two months. It can meet every other day if it so decides; but the minimum requirement proposed by this amendment is that during the prohibited period—and in my opinion because of the considerable power vested in the chairman to make emergency decisions—it is desirable that the board should meet at least every two months.

The Bill provides that meetings shall be held when convened by the chairman. In a matter of such importance as this, and seeing it is now proposed to set up a statutory board, not merely an advisory committee, we should not leave it entirely to the chairman to convene meetings, particularly during the part of the year when there is imminent danger of fire and when the reports of wardens and other officers should be readily available to the board.

For those reasons I hope the Minister will reconsider his opposition. From the phraseology of the amendment I am satisfied there is no ulterior motive behind it. It was felt that the board should meet regularly during the difficult part of the year, and that the calling of meetings should not be left entirely to the chairman. The amendment does not prohibit the chairman from calling meetings more frequently, if so desired. It does, however, negative the possibility of meetings not being called every two months.

The MINISTER FOR LANDS: With a board consisting of such responsible men, meetings should be left to their discretion.

Hon. A. F. Watts: This is a discretion of the chairman and not of the board.

The MINISTER FOR LANDS: The discretion of the chairman will be influenced by the board members. No doubt the board will make decisions in the time-honoured manner, and no one can convince me that such a board would do anything detrimental to the control of bush fires. I cannot understand the amendment which insists on the board sitting on occasions when there may be no work. Surely when there is work to be done, we can trust the board to call meetings on its own account!

Hon. A. F. WATTS: There is no power in this Bill for the board to call its own meeting. Admittedly, it is quite a common procedure with other boards, but such a power is not included in this Bill. The provision merely says that meetings shall be held as prescribed by regulation, and if not prescribed by regulation, then when convened by the chairman.

As I see it, the board has no authority to determine when it will call meetings. The chairman can do it and the regulations can do it, but the chairman is not obliged in view of the phraseology of this clause, to call meetings when requested by the board. When one considers the language used in other statutes one realises that specific powers are given to boards to determine the time of their own meetings, but that does not appear in this Bill. For this and other reasons that I have given, the Council's amendments should be agreed to.

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

Ayes	21
Noes	21
A tie	0

Ayes.

Mr. Andrew	Mr. McCulloch
Mr. Brady	Mr. Moir
Mr. Guthrie	Mr. Norton
Mr. Hawke	Mr. O'Brien
Mr. Heal	Mr. Rhatigan
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	*(Teller.)*

Noes.

Mr. Abbott	Mr. Nalder.
Mr. Ackland	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Bovell
Sir Ross McLarty	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. W. Hegney	Mr. Thorn
Mr. Nulsen	Mr. Hill
Mr. Graham	Mr. Hearman

The CHAIRMAN: The voting being being equal, I give my casting vote with the ayes.

Question thus passed; the Council's amendment not agreed to.

No. 3. Clause 8, page 5—Delete the word "four" in line 14 and substitute the word "five."

The MINISTER FOR LANDS: I have no objection to this amendment. When the Bill was originally drafted it provided for four representatives from the Road Board Association. However, when the Bill was in Committee the number was increased to five, making a total membership of ten. This amendment merely seeks to increase the number for a quorum from four to five. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 4. Clause 13, page 9—Delete the words "may make use of the services of" in lines 7 and 8 and substitute the words "shall co-operate with."

The MINISTER FOR LANDS: The Council's amendment seeks to delete certain words from Clause 13 which would have the effect of making the bush fire warden, a newly-appointed officer with specific duty covering a large area of the State, subservient and subordinate to a bush fire control officer. There are very good reasons why the warden should hold senior rank. One is because it is not known from day to day what situation will develop in a fire-ridden area, and whether the hazards will extend from one local authority to another.

There are occasions when it will prove of advantage to local authorities and bush fire control officers to have a senior officer responsible for making decisions on a very broad basis. If this amendment is agreed to, it will mean that the warden, in spite of his senior rank and of his being specially appointed for this work, will be compelled to co-operate with bush fire control officers. This would place the warden, if a proper interpretation is given to the amendment, in a subordinate position. For that reason alone, the amendment should not be accepted. I move—

That the amendment be not agreed to.

Hon. A. F. WATTS: I hope the Minister will change his view. The position can best be put in this manner: The whole bush fire brigade set-up depends on voluntary effort. Persons appointed as bush fire control officers under local schemes have a high sense of responsibility and are well versed in the problems of their own district. They would very likely resent too much direction and control by the fire warden. This amendment must be taken in conjunction with the next, with which it is closely connected.

If anything is done to break down the voluntary spirit and the spirit of local responsibility, then we will be doing a disservice to that system of fire control. The amendment recognises that the fire warden shall receive co-operation from the bush fire control officers. In my experience of the people concerned, such co-operation will not take the form of an attempt to dictate to the warden. They will consult with him at every possible opportunity, and carry out their work with mutual agreement.

I cannot agree that it is necessary to impose direction and control on local fire control officers who have considerable experience of bush fire problems, particularly in their own districts, so much so that they go many miles out of their way and at some expense to themselves, to assist in controlling bush fires. Very often they are physically exhausted from such duties. Had I been present when this clause was discussed in Committee—I was absent from the State at the time—I would have pointed out that to retain the wording in the Bill would be detrimental to the whole set-up.

Mr. PERKINS: I hope that the Minister will give the Council's amendment a trial. The appointment of a bush fire warden is somewhat of an experiment, and I have been attracted to the idea because, provided he was a man of the right type, he might be the means of raising the standard of fire control in some of the more backward areas. This could be achieved only if the warden co-operated with the local people.

The Minister for Lands: He would do that in any event.

Mr. PERKINS: If the warden is to be empowered to throw his weight about and tell the local bush fire control officer what he is to do, it will jeopardise the whole organisation. The Bill provides that the bush fire control officer shall be subject to the direction and control of the warden, whereas the amendment merely asks that he shall co-operate. The bush fire control officer is the man with knowledge of local conditions, and if the warden is not to co-operate with him, the experiment cannot be expected to work successfully.

Mr. NALDER: I support the remarks of the two previous speakers. Possibly the warden could go into a district where there was complete organisation and upset the apple cart by taking control. The officers in the district have a full knowledge of local conditions and the wholehearted support of the ratepayers. A meeting is called, of which the ratepayers are notified, and they elect the bush fire control officer. This man has the interests of the whole district at heart, and to interfere with these officers, particularly in the wheat and sheep areas, would be very unwise.

Let us give the amendment a trial. If a bad fire occurred, it might be necessary for an officer of the department to go to the district because the co-operation of all concerned would be desired, but to empower the warden to go to a district and more or less tell the local officer what he must do, would be wrong. This organisation has required some building up, and one step in the wrong direction would spoil it. Then years of work would be needed to restore it to the basis that exists today.

The MINISTER FOR LANDS: I should imagine that the local officers would be only too glad to accept the services of this new officer. If the warden could not be classed as senior in rank to local bush fire control officers, he would have no value. Probably a score of men could do the practical work better than he could, but organisation is required, which would be something outside the scope of a bush fire control officer unless it applied to his own area only. Anything beyond that should come under the control of the warden. This is one aspect in which the Act has been lacking. We need a warden to give directions in a broad way.

Mr. Nalder: Each district elects its fire control officer and there is a senior man over the lot.

The MINISTER FOR LANDS: If a fire passed over the boundary of a local authority, there would be nobody to control it. This amendment hinges on another that will be discussed later; the same question is wrapped up in both amendments. We must have someone in authority. If we merely provided for co-operation, which would be available in any event—

Mr. Ackland: That is all we want.

The MINISTER FOR LANDS: The amendment would make the warden subordinate to a local bush fire control officer, and I do not think that is the intention of the Council. If that is intended, the warden would be of no value, and he might as well take an axe and do some useful work in the South-West.

Mr. PERKINS: I cannot follow the Minister's reasoning. I cannot see how the provision in the Bill will operate. If bush fire control officers were paid men, they could be told to do certain things and the provision might operate satisfactorily, but we have to bear in mind that the whole organisation is voluntary.

The Minister for Lands: Do not these officers have to make unpopular decisions, and would it not be better to have a paid officer senior to them to make such decisions on their behalf?

Mr. PERKINS: I do not think that would work successfully. Conditions vary from district to district, and if the warden made an arbitrary decision that did not meet with the approval of the bush fire control officer, the organisation would disappear.

The Minister for Lands: You supported the proposal during the second reading stage.

Mr. PERKINS: I still support the appointment of a fire warden, but I expected that he would act in an advisory capacity and not in a dictatorial manner. The only purpose in retaining the wording in the Bill is to enable him to operate in a dictatorial

manner. Once that happened, the organisation would be in danger of disappearing and the Minister might as well save the expense of appointing the new officer.

No one would contend that the fire control officers have perfected their organisation. There might be a point regarding organisation or equipment that the warden would note in one district and communicate to others. Thus he would be able to develop a technical knowledge of the best methods of combating the fire menace and pass it on to the various organisations. Apparently this was what was envisaged by the Committee, because the clause provides for the warden to assist the local authority in the formation, organisation, training and equipment of a bush fire brigade. Why does he need dictatorial powers in order to carry out those duties?

The Minister for Lands: Then you might as well leave him out of the measure.

Mr. PERKINS: The several paragraphs in the clause indicate that, if the warden is going to be of any use at all, he must co-operate with the people on the spot. I think the Minister is on the wrong foot and if the officer is not to co-operate with the district organisations, he might as well not be appointed.

Mr. ACKLAND: I support what has been said on this side of the Chamber in regard to the amendment. This measure contains many good provisions, but unfortunately others objectionable to those who operate the brigades in a voluntary capacity—so objectionable that I think the usefulness of the country bush fire brigades will be eliminated if the Minister persists in being guided entirely by civil servants and not the practical men with experience of the work. Let it be this officer's function to co-operate with the local boards. If the Minister wishes to improve the Act, he will be well advised to accept some of the amendments made in another place and thereby avoid a fight between the two Houses.

Hon. D. BRAND: Surely we should commence in this instance by obtaining the co-operation of all concerned and ensuring that this officer is acceptable to the men with a practical knowledge of the problem! If it is found that the officer should have further powers I am sure Parliament will be willing to make the necessary amendments in due course. This amendment was moved in another place on the advice of men with practical experience in fighting bush fires, and I cannot understand the Minister's attitude in regard to it. I think he should try co-operation rather than direction to attain the objectives desired by this provision.

The MINISTER FOR LANDS: I can see what members opposite are driving at and I like the idea of having this officer in an advisory capacity, though not as another place has expressed the position in its amendment. Neither I nor those responsible for assessing the legal value of words doubt that the amendment would place this officer in a subordinate position. Perhaps we could amend the amendment and add after the words "shall co-operate with," which members of another place desire to insert, the words, "in an advisory capacity." Would that overcome the objection of members opposite? It would satisfy me that he would not be subordinate.

The CHAIRMAN: The Minister has already moved that the amendment be not agreed to. Does he wish to withdraw his motion so that he can move to amend the Council's amendment?

The Minister for Lands: I would like first to hear what members have to say.

Hon. A. F. WATTS: If the Minister is in difficulty under the Standing Orders I am prepared to move for the insertion of the words he wants added, because we are agreeable to them. I move—

> That the Council's amendment be amended by inserting after the words "shall co-operate with" the words "in an advisory capacity."

Amendment put and passed; the Council's amendment, as amended, agreed to.

No. 5. Clause 13, page 9—Delete the words "who is subject to his direction and control" in lines 8 and 9.

The MINISTER FOR LANDS: This amendment is complementary to the previous one and I therefore move—

> That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 6. Clause 18, page 13—Insert after the word "writing" in line 22 the words "or otherwise as provided in paragraph (a) of section nineteen of this Act."

The MINISTER FOR LANDS: I move—

> That the amendment be not agreed to.

This is an entirely different proposition and we must consider this amendment in conjunction with Nos. 12 and 13. Its effect would be to delete the requirement that notice of intention to burn must be given in writing. Unless notification is given in that way, there will be great difficulty in proving that notice has been given.

Mr. PERKINS: I realise the force of what the Minister says and the desirability of having something on record with regard to the notice having been given, but at present the notice is rarely given in writing; it generally being done verbally or by telephone, which works reasonably well in practice. If the provision that notice must be given in writing remains, I do not think the letter of the law will be

observed and things will just go on until there is an accident, following which someone will try to take advantage of the law not having been observed. That would cause as much trouble as would leaving the position as it is. It is better to take the risk of difficulties occurring because notice is not given in documentary form than to include in the Act a provision that will not be observed.

The Minister for Lands: That is a bad thing for a farmer to say.

Hon. D. Brand: It is a practical approach.

Mr. PERKINS: Even when burning stubble, a permit is necessary although there is little risk and obtaining it might entail a lengthy trip to deliver the notice in writing. Again, arrangements must sometimes be made at short notice. I do not think what the Minister proposes will work out well.

Mr. MANNING: I appreciate the Minister's viewpoint in some respects. Under the amendment a farmer would have to deliver, or have delivered, the notice to the owner or occupier of all land adjoining that on which, or part of which, the bush proposed to be burned was situated and that might involve half a dozen people. Then there would be the secretary of the local authority and the bush fire control officer.

If a farmer is within two miles of a forest, the officer in charge of the forest must be notified, which adds another to the list, making, in all, a total of eight or nine people who have to be notified if a fire is to be lit. Therefore, it would be fairly drastic to ask that a person should give notice to all those people at least four days beforehand. I think the Minister would be well advised to accept the amendment, with a view to seeing how it works out.

Mr. NALDER: It appears to me that we are trying to develop a Bill that will cover the whole of the State. Although I have no knowledge of the conditions that exist in the forest areas, I do have some knowledge of the conditions in the wheat-belt districts. In the electorate that I represent I do not think there is one individual who would attempt to light a fire unless he had all his neighbours on the spot before doing so.

That is the spirit that exists throughout the wheat-belt districts. No farmer would set alight any piece of bush unless every precaution were taken. Therefore, why make the administering of this legislation almost impossible? This clause will make the position so difficult that people will naturally evade it. If the Minister considers that the provision is necessary to cover one part of the State, the best plan would be to have zones, because I think it is unnecessary in my district.

The Minister for Lands: This provision has always been in the Act.

Mr. NALDER: I consider that the position existing at the moment is quite all right. However, members representing the South-West may consider it necessary that such notice should be given in writing, and therefore I would have no objection to the State being zoned.

Hon. D. Brand: The weakness of the Bill is that it covers the State as a whole.

Mr. NALDER: That is the point I am trying to make. If we are to have legislation that is workable, the State should be zoned and regulations proclaimed to suit each particular zone. I think the Minister is only making the position difficult for farmers in the wheat-belt districts.

The Minister for Lands: I am not making it difficult. This provision has been in the Act for years.

Mr. OWEN: As the Minister says, this provision is already contained in the Act, but so far as I know it has seldom been observed, and the penalties in the Bill far exceed those provided in the Act. In my area the usual custom is for a person not to give notice that he is about to light a fire but to contact his neighbours by telephone and, if necessary, to contact the forestry officer by the same means. On one occasion a forestry officer said to me, "I should have notice in writing, but the conditions appear to be quite all right, so go ahead and light the fire." Such co-operation has worked very well in the past and I think it will continue to work quite well in the future, so why insert this provision in the Bill? I hope the Minister will agree to the amendment.

Mr. PERKINS: There is a further point I wish to raise. If the Bill, as amended, is passed, the Act will be tightened up considerably and the risks will be greatly lessened. I am of the opinion that absentee owners are quite prepared to rely on the local fire control organisation to safeguard their interests. My experience of bush fire control officers is that before such an officer issues a permit to light a fire, he inspects the area personally or, if not, one can be sure that he has a full knowledge of the area in which the fire is to be lit and the conditions prevailing at the time.

If he is in any doubt, he will certainly question very closely the person applying for a permit to burn as to what precautions have been taken. If the Minister will look at Clause 18, he will notice that it specifically provides that no one shall burn unless a permit in writing is obtained from the bush fire control officer. It is only in recent years that the organisation has been tightened and the question of obtaining a permit has been strictly enforced. The

instruction given to bush fire control officers is to issue permits only on the day on which the fire is to be lit.

That is a valuable precaution because, in the circumstances, the bush fire control officer can be certain that if there is a fire hazard on that day—it need not be a day on which the Weather Bureau declares that a fire hazard exists—he could use his discretion as to whether to issue a permit in order to ensure that there is no danger of the fire getting out of control. Before we had such an excellent bush fire control organisation, many people were afraid to leave their properties during a period of fire hazard. Therefore, it would be logical for them to give notice to burn so that precautions could be taken, but with the fire fighting organisation that exists today, the risk is considerably lessened.

In these circumstances the need for issuing a notice, with the approval of a fire fighting organisation, is not so necessary as it was previously. Even if the Minister had his way and the Bill, as printed, were passed, I think that the law would still not be observed. It would be much better if we compromised to provide for more elasticity in the legislation.

Hon. A. F. WATTS: In general terms, I would like to support the observations made by the member for Roe. I consider that with the addition of the extremely heavy penalties which the Bill proposes, it will be more difficult for people who have had much experience with bush fires and associated happenings to observe the provisions in the Act.

It is a well-known fact that there are times, as the member for Roe has pointed out, when it is extremely difficult to give notice in writing, and if such a provision were insisted on, the opportunity for burning, which has received the approval of the authorities concerned, could very easily be lost as a result of the change in the weather, for example. So the practice has grown to advise the neighbouring farmers to be available when the fire is lit. That practice works quite well, as I know from experience and from conversations with people who have a knowledge of fire fighting.

Usually a farmer communicates with his neighbours by telephone, but if he does not possess a telephone, a message is sent in person. Following such communication, the neighbours turn up in force to the fire, because they have the preservation of their own assets in view as well as those of the settler who has to burn.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR LANDS: I have given a good deal of thought to what members have said about this amendment, and I think it is too much of a risk to ask anyone to take. What it actually does is to throw open the method of notifying the work that is to be done in connection with fire prevention to too wide an extent altogether. A man can do all sorts of things to indicate his requirements regarding burning off, but there is no proof after he has done them.

While I will admit that in 99 cases out of 100 it would be all right, odd cases occur in which perhaps a telephone is out of order, and it is too late to issue a notice in writing, and the man who should be notified is not notified. Somebody is negligent and culpable as a result; and it is most difficult to prove whether a message has been delivered or not, unless there is a hard-and-fast rule in the Act relating to notices in writing. It would be a grave mistake to remove something that has been in the Act from early days.

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

Ayes	20
Noes	18
Majority for	2

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Hawke	Mr. Moir
Mr. Heal	Mr. Norton
Mr. W. Hegney	Mr. Nulsen
Mr. Hoar	Mr. O'Brien
Mr. Jamieson	Mr. Rhatigan
Mr. Johnson	Mr. Sewell
Mr. Kelly	Mr. Sleeman
Mr. Lapham	Mr. Tonkin
Mr. Lawrence	Mr. May

(Teller.)

Noes.

Mr. Ackland	Sir Ross McLarty
Dame F. Cardell-Oliver	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Hearman	Mr. Perkins
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Bovell

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Styants	Mr. Hill
Mr. Graham	Mr. Abbott
Mr. Andrew	Mr. North

Question thus passed; the Council's amendment not agreed to.

No 7. Clause 18, page 14—Delete the word "the" where it appears secondly in line 11 and substitute the word "a,"

The MINISTER FOR LANDS: I have no objection to the amendment, which corrects a small error in drafting. I move—

That the amendment be agreed to.

Question put and passed; Council's amendment agreed to.

No. 8. Clause 18, page 14—Insert after the word "authority" in line 15 the words "if a bush fire control officer is not available."

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

The paragraph it is sought to amend provides that a permit in writing to burn the bush must be obtained from the bush fire control officer of the local authority in whose district the land upon which the bush proposed to be burnt is situated, or from the secretary of the local authority. The amendment proposes to add the words "if a bush fire control officer is not available." In other words, the Council is of the opinion that the bush fire control officer should have precedence over the local authority in the issuing of permits.

My objection is that over the years quite a number of road boards have adopted the practice of co-ordinating fire-control activities through the boards themselves, including the issue of permits. In that way they have been able to control the number of fires permitted to be burnt in any given area, and to prevent too many fires spreading. If it is insisted that permits should be issued first of all through a bush fire control officer if he is available, and only through the local authority if he is not available, it will take out of the hands of a local authority the power to pursue a policy of burning according to its own requirements, and the authority would lose command of the situation in its own district.

Mr. PERKINS: I have not much objection to the Minister's motion, but I cannot see the force of the reasons he has given for opposing the amendment. He says that it would complicate the position in the areas of local authorities, in that some, in order to co-ordinate burning, provide that permits shall be issued on some sort of system, and only the secretary of the local authority is in a position to do that. Actually, even if the amendment is not agreed to, the clause will still not do what the Minister desires, because a person wanting a permit need not go near the secretary of the local authority. He is still able to obtain a permit from the bush fire control officer. All the Council wants to do is to make it obligatory for the permit to be obtained from the bush fire control officer, if one is available. What obligation is there for a person to obtain a permit from the secretary of the local authority? The paragraph says expressly that a man may obtain a permit from a bush fire control officer.

The Minister for Lands: Or from the secretary of a local authority.

Mr. PERKINS: Yes. But if the man does not choose to go to the secretary and obtains a permit from the bush fire control officer, how would that do what the Minister says he wants to do—ensure that all permits come from the secretary of the local authority?

Question put and passed; the Council's amendment not agreed to.

No. 9. Clause 18, page 14—Delete the words "of at least ten feet or such greater width" in lines 21 and 22.

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

The amendment endeavours to strike out from paragraph (d) any stipulation as to the width for a firebreak.

Mr. Ackland: That is what we said we wanted during the second reading.

The MINISTER FOR LANDS: The way in which the amendments have been received by a number of farmers opposite indicates to me that they want to have an open slather so far as the Act may affect them and their fellow-farmers.

Mr. Nalder: You are entirely wrong there.

The MINISTER FOR LANDS: I am of that opinion, because they do not want any restrictions placed on them. The history of this State indicates that rigid restrictions should be placed on farmers with regard to causing bush fires.

Hon. D. Brand: It is a matter of how far you go.

The MINISTER FOR LANDS: Yes, and how far the hon. member is prepared to go. If the amendment is agreed to, it will apply to practically every case of burning off in the State. The advisory committee is strongly of the opinion that the Bill should provide for a minimum width for a firebreak, because there is no obligation on the part of the bush fire control officer to examine the area which a farmer proposes to burn. If he knows of some special circumstances which requires him to order a greater width than 10ft., he is enabled to order it under the Act.

Because a bush fire control officer cannot visit every farm when it is contemplated that burning off shall take place, the Act provides that the minimum in all cases shall not be less than 10ft. If this provision is not included, the bush fire control officer will not be able to examine all the applications, and men who are looking for a good burn will be able to say, "Hang the consequences." When the Bill was previously before us, one of the arguments in favour of striking out this provision concerned the small landholders. They are amply covered by Clause 23, because even in the prohibited burning times they can so arrange their burning as not to require a 10ft. break, provided certain other formalities are given effect to.

In this clause we are considering the effect of not having a restrictive firebreak for the whole State or for farmers generally. If we do not have the 10ft. restriction, it will be impossible for the bush fire control officer to do the job he is expected to do. In every case he would have to write out a permit for burning, regardless of what the farmer required. The measure rightly provides that where it is not necessary for other than ordinary circumstances to prevail, there shall always be the 10ft. provision. It is a reasonable proposition.

Mr. OWEN: During the Committee stage I tried to indicate that when a permit had to be issued the bush fire control officer could specify the width he required. In many cases a break of 10ft. is grossly inadequate. There are many places—particularly small ones—where people in farming areas who are desirous of burning off may have a section ready to burn tonight, and they burn it, and so, bit by bit, they burn the whole lot without danger to anyone. In many cases we get dry patches surrounded by as much as five chains of green grass and it is possible to burn without a break at all.

The Minister for Lands: Provision for that is included in the Bill now.

Mr. OWEN: No. Clause 23 provides that Clause 18 must be complied with.

The Minister for Lands: One deals with protective burning and the other with prohibited burning times. That is the difference.

Mr. OWEN: In the hill country, where it is impossible to plough, it might in many instances cost 30s. a chain to clear a break. If these people do not burn their paddocks the holdings will constitute a severe hazard later in the prohibited burning period, or they will catch alight accidentally. If the amendment is allowed to go through, the bush fire control officer will have the whole position at his fingertips.

The Minister for Lands: He would have to inspect every place.

Mr. OWEN: Not necessarily. He knows the country quite well. If there is any danger, he can stipulate 10ft. If he thinks it requires more or less, he can show it on the permit which he has to issue. The little extra required is neither here nor there. I hope the Committee will not agree to the motion.

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

Ayes	22
Noes	22
A tie	0

Ayes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May

(Teller.)

Noes.

Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. North
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Hearman	Mr. Thorn
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Bovell

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Styants	Mr. Abbott
Mr. Guthrie	Mr. Hill

The CHAIRMAN: My vote goes with the ayes.

Question thus passed; the Council's amendment not agreed to

No. 10. Clause 18, page 16—Delete Subclause (5).

The MINISTER FOR LANDS: We whittled this clause down and compromised on it previously. I do not think we should accept any further amendment to it. The original Bill provided for an amount of £200, and there was no reference to recouping local authorities and bush fire brigades. The Government agreed to the amendments which brought the Bill to its present state, but the Council wants to strike out the whole subclause in spite of the fact that it has been asked for repeatedly by many bush fire brigades as a means to recover some of their expenses when they assist other people to put out fires. The Legislative Council does not want any reference made to the matter of recovering expenses.

I know of men who have complained for years that they have not been able to interest all their farmers in becoming members of the bush fire brigade in the district. There is always the type of person who will let someone else do the job for him. As a result, we have had scores of requests from bush fire brigades to have inserted in the Bill a provision by which some amount of money can be recovered in the circumstances mentioned here. This is a reasonable proposition.

If a fire gets out of control on a person's property and the bush fire brigade puts it out, there is no reason why that person, if he will not subscribe in the ordinary way, should not be asked to contribute something towards the cost of the brigade. The members concerned with this amendment in another place apparently have no

knowledge of what goes on in the country that makes such an amendment as this desirable. I have no hesitation in moving—

That the amendment be not agreed to.

Mr. MANNING: Apart from this subclause, the whole purpose of the Bush Fires Act is to control the lighting of fires and to impose penalties where the conditions laid down are not complied with. But Subclause (5) departs from that principle and seeks to enable expenses to be recovered from a man who has complied with the whole of the requirements of the Act; a man who has done everything asked of him but who, through some unfortunate circumstances, has lost control of a fire. A person may have fought many fires through the years and yet, because of unfortunate circumstances, may be asked to contribute £100 for assistance rendered.

The Minister for Lands: A man such as that would not mind contributing.

Mr. MANNING: It is a bad principle and one that is found nowhere else in the Act. Even if it had been in the previous legislation, I think we would do well to strike it out now. A person is liable under common law for any damages caused to other people's property in the event of a fire breaking away and I think the position is adequately covered. I hope the Council's amendment will be agreed to.

Mr. HEARMAN: I would have had some sympathy with the Minister if he had not been so stubborn during the Committee stage of this Bill when I pointed out that the clause did not mean what he thought it did. Although he admitted that that was so, he would not give consideration to having it redrafted and would not reconsider it in any way.

The Minister for Lands: What are you talking about? I did.

Mr. HEARMAN: The Minister admitted that under this clause a man could have complied with every requirement in the Act and the fire could be burning in the area in which it was intended to burn—not outside the breaks—but because some forestry officer or fire control officer got the wind up and rushed out and extinguished the fire, the man starting it could be charged for the work done. Yet such a person would have had permission to burn, and the fire could be burning within the breaks. That was not intended. I approached the Minister about it one Thursday afternoon before tea and when we returned to the Chamber he said that what I illustrated could happen, but he would not consider an amendment to the clause. It is ridiculous.

The Minister for Lands: Not according to Crown Law opinion.

Mr. HEARMAN: The Minister agreed with what I said.

The Minister for Lands: A Minister must take Crown Law opinion into account when introducing a Bill.

Mr. HEARMAN: The Minister agreed that what I said was correct.

The Minister for Lands: I have found out to the contrary since.

Mr. HEARMAN: If the fire gets away, that is a different story. In the circumstances I outlined, a person could have complied with all the requirements of the Act. The Minister is stubbornly sticking to his Bill, apparently because he does not wish to lose face by accepting an amendment. I do not think the treatment I received from him was reasonable and, for the reasons I have outlined, I am prepared to accept the amendment of another place. As a result, I think the Minister must accept his responsibility.

The Minister for Lands: I will accept it.

Mr. HEARMAN: If we have to choose between the clause as it stands or no clause at all. I would sooner have no clause, because there is no excuse for the Minister not having had it redrafted and suitably amended in another place.

The Minister for Lands: This clause means what it says.

Mr. HEARMAN: The Minister has changed his grounds.

The Minister for Lands: I said I would make inquiries.

Mr. HEARMAN: But the Minister came back, after making inquiries, and said that I was right in my assumption. The clause says, "if in the opinion of a bush fire control officer it is out of control". A person could be burning a windrow and once it was alight, it could be regarded as out of control. In such a case, the person concerned could be charged. In my opinion this subclause is loosely worded. Apparently the Minister did not make any efforts to have the clause redrafted and is now trying to bulldoze the Bill through. We are entitled to some consideration.

The Minister for Lands: You have been given plenty.

Mr. HEARMAN: What consideration was I given?

The Minister for Lands: You have been given as much as you deserved on this point.

Mr. HEARMAN: Why do I not deserve more consideration? The Minister has simply taken up a ridiculous attitude and will not accept any amendments. He said that members on this side wanted an open slather on this measure. The Minister is taking up an unintelligent attitude and if he wants to behave in that fashion he cannot expect co-operation from us. His arguments have not been convincing and he said that the clause had been introduced as a result of a meeting of local

authorities at Calingiri. The Minister for Forests says that his department wanted it. The Forests Department is not active in Calingiri.

Mr. Cornell: It is having a dollar each way.

Mr. HEARMAN: Apparently, but the Minister is not impressing me when he puts forward conflicting arguments and reasons in support of this. I am prepared to agree to the Legislative Council's amendment.

Mr. ACKLAND: This is another instance of a great weakness in the Bill. The Minister is determined that he will regiment the whole of the State irrespective of the conditions that apply. We have a large area in this State and yet—to refer to a previous amendment—the Minister wants to put everybody on the same footing with reference to the width of firebreaks. That is absolutly ridiculous. In this instance the Minister considers that all landholders in Western Australia are apparently the same as they are in Warren. I can assure him that every landholder in the eastern districts contributes to the fire fighting costs. Provision is made for it and if the Minister insists on this clause, he will fail to get co-operation from all people in the country.

The Minister said that we want an open go. There is no foundation for that statement. Unless a man complies with all the conditions laid down in the Act, he cannot get permission to burn; and if he burns without permission we agree that severe penalties should be imposed. But if a person complies with all the conditions and through an act of God a fire gets away, this clause will penalise him. If the Minister insists on it, people will not make application to burn; they will not get in touch with their neighbours to tell them that they intend to burn, and a fire will just start. It could start in such a way that it would be impossible to get any evidence against the people who started it. We do not want that sort of thing. If the Minister insists, he will defeat the object of this Bill which is co-operation between those concerned with burning in country districts.

Hon. A. F. Watts: And the Bill itself.

Mr. ACKLAND: Yes. I do not think another place will agree to the clause as it stands in the Bill or the adamant stand that the Minister took on a previous clause. We badly want bush fires legislation, but we want something sensible and something which can be operated for the good of the State. This is killing it.

The MINISTER FOR LANDS: Finally, I want to say that members opposite, in spite of their experience, cannot trust their own mates too much—I mean their fellow farmers who are members of the bush fire brigades—because in spite of the fact that this clause creates a liability to pay, it can operate only at the wish of the local bush fire brigades themselves.

Mr. Hearman: Or the Forests Department.

The MINISTER FOR LANDS: So far as this is concerned, the money can be recovered by the local authority for payment to the bush fire brigades, the Forests Department or anybody who takes a hand and incurs expense in the extinguishing of the fire. It is no use saying that because a person has complied with the clause and the needs of the Act he is not liable in the case of a fire that gets away, because he is, under common law.

Hon. A. F. Watts: There is a law there, so do not impose a new one.

The MINISTER FOR LANDS: The liability in respect of expenses incurred refers to those incurred by one's own local people who have assisted in putting the fire out. Why should they not have an opportunity of recovering expenses when a fire has got away? What does it matter that a fire is alleged to have got away, and, in fact, did not get away. The point is that one of the officers will have a say as to whether the fire has got away or not, and it will only be on his recommendation that recovery of money can be sought. I have no doubt that in most cases no claim would be made at all.

There are isolated cases of people who contribute nothing themselves either in money, kind, labour, intention or enthusiasm trying to get away with it. If I were a member of a bush fire brigade and I knew such a person in my district, I would certainly put in a bill for expenses if I had to help him put a fire out. But that would not occur very often. I would have the utmost faith that the officers in my district would do the right thing, but apparently members opposite have not the same faith in the officers in their districts.

Mr. HEARMAN: The Minister is endeavouring to appeal to sentiment, but he knows well that the amount can be recovered by the Forests Department and it can be recovered in a court of competent jurisdiction.

Hon. A. F. Watts: It must be recovered if the fire escapes.

Mr. HEARMAN: That is so.

The Minister for Lands: It can be recovered.

Mr. HEARMAN: By the local authority or the Forests Department.

The Minister for Lands: By the local authority on behalf of the Forests Department.

Mr. HEARMAN: It does not say that.

The Minister for Lands: The local authority makes the collection.

Mr. HEARMAN: The clause does not provide that. It says to the local authority or the Forests Department; whether the local authority wants it or not. What would be the position if the Forests Department claimed and the local authority refused to pay? What could happen is that a person could light a fire, the Forests Department would spot the smoke and send a gang over; it might be a wild goose chase and the fire might not have got away, but the Forests Department could claim for sending that gang over.

The Minister for Forests: It would not! Read the Bill!

Mr. HEARMAN: That is what I have done, and it does not distinguish between the Forests Department and the local authority. I would refer members to Subclause (5) of Clause 18 which points out that a person shall be liable to pay to the local authority or to the Forests Department, as the case may be, any expenses up to a maximum of £100. Does the Minister say that the Forests Department cannot claim that £100?

The Minister for Lands: I say the local authority can collect it.

Mr. HEARMAN: It says that the person shall be liable to pay to the local authority or the Forests Department as the case may be. Why mention the Forests Department if it is only going to be paid to the local authority?

Mr. Johnson: Why mention the bush fires brigade, if you are not going to pay the money to it?

Mr. HEARMAN: I did not suggest that. It is no use the Minister saying that it is only paid to the local authority when the clause clearly states it can be paid to either the local authority or the Forests Department. That is only misleading the Committee and I cannot see how the Minister can justfy the stand he is taking. If the Minister is not sure what it means, let him report progress and get a ruling on it. Does the Minister suggest that the Forests Department will have no claim on the farmer, or does he suggest that all claims will be put through the local authority?

The Minister for Lands: What is the use of arguing with you? You do not understand what I say.

Mr. HEARMAN: The Minister should get a ruling because he has evaded the point so far. What would be the case if the local authority did not attend the fire and the Forests Department did? Who collects and how do they collect? If the bush fire brigade does not attend, it will have to be paid to the Forests Department.

Mr. ACKLAND: The Minister has been badly informed through the whole of this debate. Members may recall that during the second reading stage, he said by interjection that a meeting at Calingiri asked for these penalties to be put into the Bill. Members who have read the papers will know that that has been flatly denied by those who attended the meeting. I have had letters from road boards to say that that was not done. The Minister was misinformed because people who attended that meeting said that penalties should be stiff against the men who did not comply with the conditions laid down before they lit a fire. They dissociate themselves entirely from the Minister's statement that they asked for the imposition of a strict penalty on the man who after having got permission to light a fire, did so and the fire got away through no fault of his.

The Minister for Lands: There are no penalties in the Bill for people who obey the law.

Mr. ACKLAND: I have told the Committee what was asked for by the meeting at Calingiri.

The Minister for Lands: They got what they asked for.

Mr. ACKLAND: There is no justification for a penalty clause.

The Minister for Lands: This is not a penalty clause.

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

Ayes	22
Noes	22
A tie	0

Ayes

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. Heal	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May

(Teller.)

Noes.

Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Dame F. Cardell-Oliver	Mr. North
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Hearman	Mr. Thorn
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Bovell

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Styants	Mr. Abbott
Mr. Guthrie	Mr. Hill

The CHAIRMAN: The voting being equal, I give my casting vote with the ayes.

Question thus passed; the Council's amendment not agreed to.

No. 11. Clause 18, page 16—Delete the words "other than Subsection (5)" in line 21.

The MINISTER FOR LANDS: This amendment is complementary to amendment No. 10. I therefore move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 12. Clause 19, page 16—Insert after the word "personally" in line 32 the words "or in such other manner either verbally or in writing as will ensure (except in the case mentioned in paragraph (c) of this section) that every owner occupier or other person is made aware of the intention to burn and the date and time thereof."

The MINISTER FOR LANDS: This amendment relates to amendment No. 13 and to the method by which notice for burning should be given. Because I objected to amendment No. 6 which has been disagreed with, I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 13. Clause 19, page 16—Delete paragraph (b) in lines 33 to 38.

The MINISTER FOR LANDS: The same remarks apply to this amendment, as were applied to amendment No. 12. I therefore move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 14. Clause 21, page 17—Delete all words after the word "may" in line 26 down to and including the word "or" in line 28.

The MINISTER FOR LANDS: I have no objection to this amendment because it is covered quite adequately in another manner. I therefore move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 15. Clause 21, page 17—Insert after the word "such" in line 29 the word "other."

The MINISTER FOR LANDS: The same remarks which applied to amendment No. 14 apply to this. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 16. Clause 21, page 18—Delete Subclause (3).

The MINISTER FOR LANDS: The amendment seeks to delete this subclause altogether. I expect some support from Opposition members. Nothing is more vital than this subclause. A situation could develop where a fire could get away from a property and even from the district. The local authority concerned would then be unable to control it because it had extended to the district of another local authority. A fire has been known to spread to the districts of three local authorities and it was found that there was no one to take charge of control measures because each local authority was a law within its own boundary. Once a fire extends beyond the boundary of a local authority, there is no provision to indicate who should take charge of control. This subclause was inserted so that the Minister could appoint someone, such as the warden, to take charge where such an emergency occurred.

Hon. A. F. Watts: I do not think we disagree with you.

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 17. Clause 24, page 22—Delete all words after the word "permit" in line 21 down to and including the word "acres" in line 22.

The MINISTER FOR LANDS: The provision restricts the area of clover which can be burnt to 50 acres. It has always been the practice to limit the burning of clover to an area which the bush fire committee considered safe, as determined by past experience. Fifty acres is the very limit which can be effectively controlled, and a larger area would increase the spread of fires to other holdings, which could cause untold damage to the countryside. The amendment seeks to permit any person to burn clover plots in excess of 50 acres, even up to 200 acres, with all the risks attendant to a fire burnt at the time of the year when clover is generally burnt for seed purposes. I cannot agree to throw the whole countryside open to fire hazards merely to satisfy the selfish ends of contractors gathering clover seeds. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 18. Clause 35, page 34—Delete the word "conclusive" in line 26.

The MINISTER FOR LANDS: As there is no objection to this amendment, I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 19. Clause 37, page 36—Insert after the word "to" in line 21 the words "or from."

The MINISTER FOR LANDS: This amendment relates to paragraph (a), which deals with insurance cover for bush fire control officers and other volunteers

against personal injuries whilst engaged in fighting a fire and journeying to it. The amendment seeks to include the words "or journeying from the fire." The basis for this type of insurance has always followed the workers' compensation provisions.

Some time ago the Government introduced a Bill to amend the Workers' Compensation Act so as to include the "to and from work" clause. The Legislative Council has now subjected the Bill to the mercies of a select committee, and it is doubtful if the Bill will be passed this year. If that Bill had been agreed to and the workers' compensation legislation amended, then the insurance relating to bush fire fighters would have included the "to and from" clause. Without exception, insurance companies in the past have followed the compensation paid under the Workers' Compensation Act. As that Bill has not been passed, it will create a financial burden for local authorities if this amendment is agreed to.

I am informed that the premium for insurance would be raised if we include the words referred to. It would be most difficult to determine when a fire fighter ceased to be "returning from" a fire. Would it cease at the outskirts of the fire, when a fighter returns to his home, or when he goes to a hotel for a drink after fighting the fire? For that reason, the premium would be very costly. As it has been the policy for insurance under this Bill to follow the workers' compensation benefits, we ought to carry on until those benefits are altered. For that reason I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 20. Clause 37, page 36—After the word "brigade" in line 24 add the following proviso:—

Provided that the provisions of this paragraph shall not apply in respect of an injury sustained after the work of controlling or extinguishing a bush fire has been completed unless such injury occurs during the journey back to the place of employment, business or residence of the person concerned without any deviation or interruption thereof unconnected with the work of extinguishing or controlling the bush fire.

The MINISTER FOR LANDS: As the situation would be amply covered for the time being, even without the inclusion of this amendment, I move—

That the amendment be agreed to.

Hon. A. F. WATTS: We cannot agree to this amendment because it deals with injuries sustained after the work of controlling a bush fire has been completed. That was the matter dealt with in the preceding amendment, to which we have disagreed.

The MINISTER FOR LANDS: Yes, I made a mistake. I ask leave to withdraw my motion.

Motion, by leave, withdrawn.

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 21. Clause 38, page 36—Delete the word "may" in line 34 and substitute the word "shall."

The MINISTER FOR LANDS: This involves the age-old argument of "may" and "shall." It appears to be a minor amendment, but it will affect local authorities, such as those in the metropolitan area and on the Goldfields, that have little concern with fire prevention matters. It would oblige those local authorities to incur all the expense of establishing bush fire brigades when they were neither warranted nor necessary. I move—

That the amendment be not agreed to.

Hon. A. F. WATTS: The Minister has got the bull by the horns. He seems to be under the impression that the word "may" in line 31 is proposed to be deleted and the word "shall" inserted in lieu, but the amendment relates to line 34 and would not require a local authority to establish a bush fire brigade. The meaning would be that after such a brigade had been established at the volition of the local authority, it shall determine the seniority of the bush fire control officers.

The MINISTER FOR LANDS: The hon. member is quite right; I have been wrongly advised, and I ask leave to withdraw the motion.

Mr. PERKINS: Before leave is granted, I desire more information. What if a local authority did not desire to set out the order of seniority? The officer living nearest to the point of the outbreak would be the one to take charge of operations. That is logical because he would be most conversant with the area of country where the fire was burning and would be most likely to organise the fire-fighting operations in the best possible manner. Consequently, a local authority might desire to leave matters on that basis. If the word "shall" were inserted, would it be obligatory on the local authority to set out the order of seniority? Most local authorities give overriding powers to the captain of the brigade, and I am wondering what complications might arise there.

The MINISTER FOR LANDS: I see no objection to the Council's amendment, seeing that we now understand exactly where the substitution is proposed to be made. If a local authority has decided of its

own volition to do certain things, it should exercise the power as regards seniority. We should not allow any option in the matter.

Mr. PERKINS: If the amendment be agreed to, would it be possible for a local authority to arrange that, irrespective of seniority, the bush fire control officer living nearest to the point of the outbreak would be the one to take charge?

The Minister for Lands: Of course.

Mr. PERKINS: If a local authority appointed 10 or 15 bush fire control officers and set out the order of seniority, and the one farthest distant from the outbreak was highest on the seniority list, would it be obligatory for him to take charge even though he had not the knowledge of the area possessed by a man living there?

The MINISTER FOR LANDS: The local authority would pay due regard to all the circumstances, either for a specific period or at the time of outbreak. I see no objection to the amendment.

Mr. HEARMAN: I should like to know where a forests officer would rank in the matter of seniority.

Motion, by leave, withdrawn.

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 22. Clause 40—Delete.

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

The necessity for retaining the clause is shown by Subclause (2), which provides that if a bush fire control officer of the local authority in whose district the fire is burning is not present, an officer of "the local authority whose district is adjoining or adjacent but not contiguous" may exercise the powers. If a fire got away and crossed a road into the area of another local authority, there would be nobody to follow the fire and extinguish it. If a bush fire control officer did so—and that would be the normal thing to do—he would not be covered by insurance or by other provisions of the Act.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported and the report adopted.

A committee consisting of the Minister for Agriculture, Mr. Perkins and Mr. May drew up reasons for disagreeing to certain of the Council's amendments.

Reasons adopted and a message accordingly returned to the Council.

ANNUAL ESTIMATES, 1954-55.

In Committee of Supply.

Resumed from the 10th November; Mr. J. Hegney in the Chair.

Votes and items discussed as follows:—

Votes—Legislative Assembly, £8,609; Joint House Committee, £21,087; Joint Printing Committee, £16,130; Joint Library Committee, £500; Premier's Department, £31,606; Treasury, £104,000; Governor's Establishment, £17,953; Executive Council, £5; London Agency, £23,390; Public Service Commissioner, £11,262; Government Motor Car Service, £10,170; Audit, £60,000; Compassionate Allowances, £2,576; Government Stores, £90,652; Taxation, £12,000; Superannuation Board, £12,650; Printing, £319,525—agreed to.

Vote—Miscellaneous Services, £1,801,259:

Item, Boy Scouts' Association, £100.

Hon. Sir ROSS McLARTY: I notice that the figure here is £100 for both the expenditure and the estimates and I think that was the amount provided during my time as Treasurer, when I realised that it was a very small sum. The Girl Guides' Association, mentioned in Item No. 7, has a figure of £150, and as both these associations are of similar character and are highly desirable organisations which should be encouraged to the same extent, I feel that the £100 provided for the Boy Scouts' Association should be raised at least to £150.

Mr. Johnson: Why did not you do it when you were Treasurer?

Hon. Sir ROSS McLARTY: Mind your own business! I am talking to the Treasurer. I suggest that the Treasurer might consider raising this amount to £150 or even more if he can see his way clear.

The TREASURER: I note that the Leader of the Opposition said that this was the amount paid to the Boy Scouts' Association each year by his Government and that he thought the amount small. It is not a large amount but I cannot recall the association ever making representations to the Government for the payment of a larger sum and therefore it would appear to be satisfied with the present payment. If that is not so, there is nothing to prevent the association or anyone on its behalf, approaching the Government with a request for consideration to be given to the payment of a larger grant.

It is probable that the difference between the amount paid to this association and the Girl Guides' Association could be explained by the suggestion that the Boy Scouts' Association would be more capable of raising funds on its own account than would the other organisation. The

amount to be paid this year is the same as previously. No representations have been made for an increase and therefore there is no justification, to date, in estimating for a larger amount.

Item No. 9, Historical Society, £50.

Hon. Sir ROSS McLARTY: Recently an appeal was made by the society for some assistance. This organisation should certainly be encouraged. Members have a fair knowledge of the work it does. It is trying to preserve certain historical buildings throughout the State and to keep a record of historical events from the time the State was first founded. I know that certain records are kept in the archives. This society shows great interest in its work and I think members will agree that it should be encouraged.

When I was Treasurer I provided a small amount to the society and I would like to see it increased. The work done by the members is honorary and the historical records of any country are well worth preserving. When there is a band of enthusiasts, such as those that comprise the Historical Society, who devote so much time to preserving the records of historical events and places, I think that they are well worthy of the Government's support. Therefore, I ask the Treasurer to give sympathetic consideration towards increasing the amount granted to this organisation.

The TREASURER: This society is in the same position as many others. It has the right to approach the Government for consideration to be given to increase the amount of assistance granted to it and the Historical Society would have to justify strongly a request for additional assistance before it could be granted. It seems to me that on looking through the large number of associations that the Government assists, there would be many more far more deserving of increased assistance than this particular body.

The Leader of the Opposition referred to the work that is done at the Public Library, some of which has direct relationship to that performed by the Historical Society. By way of illustration, if members would look at Item 35, they would see that the Government last year paid to the trustees of the Public Library £22,000 more than the vote and they will also notice that the estimate this year is £16,000 more than the vote for last year. Presumably some of the additional money paid by the Government to the trustees of the Public Library would be used to assist the work of the Historical Society. Nevertheless, that society has the right to approach the Government, if it considers it has a case to justify it, for further help.

Item No. 10, Kindergarten Union, £22,350.

Mr. JOHNSON: It is noted that the estimate under this item last year was £17,000 and that the expenditure was £19,375. The estimate for this year is £22,050. I am not criticising that, except to say that the Kindergarten Union is doing very useful work and that the money is well spent. I would like to see its activities in general extended in such a manner that kindergarten training may be made available to all children. The experience I have had of the present situation in my district is that only a limited number of children can take advantage of the kindergarten training, which is a most expensive type of education. It is sometimes criticised on the score of expense, particularly the amount spent in training teachers, most of whom marry young and cease to be of value to the Kindergarten Union except as providers of pupils.

The principal reason why I rose to speak on this item is that matters such as this should appear under the heading of the appropriate department instead of appearing under the heading of Treasury "Miscellaneous Services." This item, the Historical Society item and a number of others, should appear under the heading of the Department of Education. Also all the university grants, the Public Library item, and several others should be listed under the education division.

The TREASURER: I quite agree with the remarks made by the member for Leederville on the value of the work being carried out in this State by the Kindergarten Union. The amount of financial assistance given by the State in recent years to the union has increased substantially and the Government today shoulders other responsibilities than those undertaken previously in connection with the general work of the Kindergarten Union. Close consultation proceeds all through the year between the representatives of the Education Department and those of the union. The Government is sympathetic towards the work done by this organisation and has shown its sympathy in a very practical way. It would have no objection to assisting the union further in the activities which it carries on.

It is true, as mentioned by the member for Leederville, that the union is having extreme difficulty recruiting students that meet with its requirements. I have an idea that some kindergarten centres have closed in recent years because the number of young women available to be trained as kindergarten teachers has not been sufficiently high. I think the union is carrying on propaganda—if that is the correct word—all the time for the purpose of trying to attract young women to undertake the necessary training course, which I think has been made less severe than it was some

years ago. The financial and other conditions for trainees have been greatly improved.

However, I think the main difficulty confronting the union in this matter is to find the right type of young woman; that is, a young woman who is prepared to undertake the necessary training in order to equip herself to become a teacher and subsequently a director of a Kindergarten Union training centre. Not every young woman is fitted to undertake the training successfully. They have to possess special qualifications and understandings and that type of young woman is not always freely available. Consequently, the union has a battle to maintain its numbers in the teaching field.

The other point raised by the member for Leederville seems to have some merit, namely, that these particular items might more appropriately be placed under the headings of the respective departments, such as the Education Department, instead of being included in a mass under the heading of Treasury "Miscellaneous Services." His suggestion will receive consideration before next year's Estimates are presented to the House.

Item No. 16, St. John Ambulance Association, £2,200.

Mr. BRADY: The vote for this association last year was £2,200 and that also was the expenditure. I notice that the estimate this year is the same amount. In other words, there is no increase. I consider that this organisation is well worthy of support by the Government and that its grant should be increased. I know that in my own electorate, as a result of there being no hospital in the district, many patients have to be conveyed from there to the Royal Perth and other hospitals in the metropolitan area for attention, which throws a great strain on the St. John Ambulance Association.

I have also noticed that the Guildford-Midland branch of this association is about to launch an appeal to the general public for assistance to provide new ambulances both at Midland Junction and at Bassendean. I consider that the grant of £2,200 this year is not nearly sufficient to provide adequate facilities for this association. In the last seven years there has been an increase of approximately 1,000 people in my electorate. To cater for this increase in population, a much greater strain will be thrown on the St. John Ambulance Association. I would like the Treasurer to give greater consideration to this association.

The TREASURER: We all recognise the great work done by the St. John Ambulance Association, and I think that the Government would be very sympathetically inclined to increasing the grant. I put it to the hon. member that he might suggest to the officers at the headquarters of the association that they approach the Government in connection with the matter.

Progress reported.

BILL—BETTING CONTROL.

As to Committee Stage.

Order of the Day read for the consideration of the Bill in Committee.

The MINISTER FOR RAILWAYS: I move—

> That the Speaker do now leave the Chair in order that the Bill may be considered in Committee.

Speaker's Personal Explanation.

Mr. SPEAKER: Before putting the motion, I would like to offer an explanation in connection with a decision I made during Thursday's sitting, as a result of a division on a motion moved by the Minister for Works, "That the House do now divide," immediately following an amendment moved by the member for Greenough to delete the word "now" from the motion, "That the Bill be now read a second time."

The motion "That the House do now divide" was carried on a division, which I correctly stated to the House, but incorrectly added the words, "This means the amendment to delete the word 'now' is lost." What I should have done was to put the amendment to the House. That is where I erred as, instead, I put the motion, "That the Bill be now read a second time." This was carried on a division.

I apologise to the House and to the member for Greenough for this mistake. I was probably not mentally alert enough to sum up a rather puzzling situation at the end of a prolonged sitting. Nor was any member of the House alert enough at the time to draw my attention to the mistake. I make this statement to keep the records straight in view of the fact that a future Speaker may be confronted with a similar position.

Points of Order.

Hon. A. F. Watts: With reference to the points you have raised, Sir, and which I rose to make before you took the opportunity of doing so, I question whether the position is as far in order as you would have us believe; and I wish to submit the difficulty as I see it so that I may obtain your ruling. Standing Order No. 165 reads as follows:

> If the motion, "That the House do now divide," be carried, the House will vote on the question before it without further debate or amendment; but if the motion to divide be lost, the discussion on the original question shall be resumed where it was interrupted.

It appears to me that the motion for the second reading, as you have just informed the House, was put at the wrong time, and contrary to the Standing Orders, and therefore was not validly put. In consequence, I would ask for your ruling whether, with a view to putting the matter in order, the motion for the second reading should be submitted again; alternatively, what other course of action should be followed?

Mr. Speaker: I would rule that the fact that I made a mistake in a question of procedure has no bearing whatever on the validity of the carrying of the motion for the second reading. If any objection could validly be taken, it should have been taken at the time. Neither the mover of the amendment nor anyone else in the House drew my attention to the fact. I do not think members will dispute that they were in no doubt as to the position that occurred when I put the motion for the second reading. Everybody knew upon what motion he was voting. There was no doubt in members' minds; and I therefore rule that nothing further can be done about the matter now, and everything is in order.

Mr. Perkins: Mr. Speaker—

Mr. Speaker: Is the hon. member going to disagree with my ruling?

Mr. Perkins: No.

Mr. Speaker: Then there can be no further debate.

Mr. Perkins: It is a point of order.

Mr. Speaker: The hon. member will resume his seat. Unless he wants to disagree with my ruling, I cannot allow any further debate.

Mr. Perkins: In explanation, Mr. Speaker, I am not discussing the point of order raised by the member for Stirling. Mine is another point of order.

Mr. Speaker: We will hear what it is.

Mr. Perkins: The minutes state that the Minister for Works moved, "That the House do now divide." That question was put. The House divided and the motion was carried. The division list is given in the minutes, which go on to state—

> Following the decision of the foregoing division, Mr. Speaker declared the amendment as moved by Mr. Brand, negatived.

The minutes seem to indicate that the amendment moved by the member for Greenough was never put to the House. You say, Mr. Speaker, that you were in error in stating that the amendment to delete the word "now" had been lost. I submit that the amendment moved by the member for Greenough to delete that word was never put to the House and the minutes seem to bear out my contention. If there is another point to it, I am not aware of it, Though you declared it carried, you said there was no call made on it.

Mr. Speaker: I told the House that in the statement I made. I said that as a result of that division the amendment moved by the member for Greenough was negatived. Neither the hon. member who moved the amendment nor anyone in the House was dissatisfied with the decision. Had anyone been dissatisfied, I contend that the matter could have been brought to my notice then; but it was not. I have admitted that I made an error; but I made no error whatsoever when the motion for the second reading was put to the House. Members had a full knowledge of what they were voting on. As far as I am concerned the subject is now closed.

Motion Resumed.

Question put and passed.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Police in charge of the Bill.

Clause 1—Short Title:

Mr. COURT: I move an amendment—

> That the words "Betting Control" in line 7, page 1, be struck out with a view to inserting other words.

I want to reaffirm my opposition to the Bill lest there should be some misunderstanding that, in moving an amendment, I am supporting the measure to some extent. What I said at the second reading in opposition to the Bill still stands with as much emphasis as I gave it on that occasion, if not more. As it appears that, through the Government majority, this measure has a prospect of becoming law, those of us who are opposed to it are forced into the position of having to move amendments—although we may be reluctant to take such action—with a view to taking the edge off some of the worst provisions of the measure.

If I am successful in having the words deleted, I intend to move for the insertion of the words, "the legalisation of betting on horse-racing". In my view it is important that the short Title should give a fair indication both to the layman and the legal practitioner of the object and the contents of the Bill. The present short Title does not give an accurate indication of the main purposes of the Bill; on the contrary, my amendment does do so. A survey of the Bill makes it clear that its intention is to legalise betting on the course and off the course in respect of horse-racing, whether the horses be ridden or driven. I submit that it is grossly wrong to refer to this measure as a betting control Bill.

There is no doubt that if it becomes law in its present form, it will provide for increased facilities for betting off the course

in respect of horse-racing. Once increased facilities are provided, it follows that the degree of temptation is increased. Rather than restrict betting on the horse-racing off the course, the Bill will considerably expand the volume of betting on horse-racing.

Mr. Lawrence: To what degree?

Mr. COURT: If we have any indication from the South Australian figures, there will be at least double the number of bets made. I prefer to think in terms of the number of bets made rather than the amount involved, because it is the number of bets made which is the incidence of the practice of betting, rather than the amount of money. In South Australia, the number of bets increased from approximately 11,000,000 to 35,000,000.

Even allowing for some change in the economic conditions between the time when the betting shop provision was first introduced in South Australia and the time when the 35,000,000 bets were recorded, the figures still indicate that there was a major increase in the number of bets made in South Australia as a result of the legalisation of off-the-course betting. In support of my contention, I said it was wrong and misleading to refer to this as a betting control Bill. I am positive that the measure in its present form will not achieve a confinement of the amount of betting, nor will it control the amount of off-the-course betting. In his second reading speech, the Premier referred to the proposition before us and said—

> We should say to ourselves that the choice we have at the moment is between a Bill that will legalise these operations—one that will strictly control them and keep them strictly under supervision—and the prevailing system of widespread, illegal s.p. betting operations with no control, with no supervision and with those who indulge in it, and must break the law, being left to the discretion of the local policemen.

I also refer to the Bill itself. The long Title starts off by saying that it is an Act to authorise, regulate and control betting and bookmaking on horse-racing. I submit that the dominant thought in the long Title is the authorisation or legalisation of betting on horse-racing. The provisions in respect to the control board do not refer to its duties with regard to the control of off-the-course betting, but, on the contrary, it sets out what its duties shall be.

Mr. BOVELL: Personally I consider the amendment does not go far enough. I opposed the Bill on the second reading, and I still oppose it; and in supporting any amendments, I make it clear that I do so in an endeavour to make a bad job out of a very bad job. The member for Nedlands should go further and insert the word "encouragement"—betting encouragement—because the legalisation of betting will mean, as has been proved in South Australia, the encouragement of betting in this State. I shall support the amendment, but even so I consider it is not indicative of what the measure, if it becomes an Act, will mean to Western Australia.

The MINISTER FOR POLICE: I do not agree to the amendment.

Hon. A. V. R. Abbott: It is very appropriate.

The MINISTER FOR POLICE: Appropriate to what?

Hon. A. V. R. Abbott: To the intention of the Bill.

The MINISTER FOR POLICE: Give me an opportunity, and I will tell the hon. member what I think of it. I agree that the Title of a Bill should be descriptive of the intention of the measure; and that is precisely what the Title is here. The Bill proposes to control betting—something that has been absent from this State from time immemorial, including the six years when the Opposition was the Government.

Hon. L. Thorn: And the 14 years when you were in power.

The MINISTER FOR POLICE: I said from time immemorial.

Hon. D. Brand: Something that nobody has been able to do.

The MINISTER FOR POLICE: As a matter of fact, there has never been any control in this State of betting by bookmakers either on the course or off the course. It has been illegal ever since horse-racing and trotting have been conducted here.

Mr. Oldfield: Why not keep it illegal?

The MINISTER FOR POLICE: The hon. member seems to think that there might be some merit in keeping betting illegal in this State and winking our eyes to what is, to say the best of it, a deplorable state of affairs.

Mr. Ackland: He never said the last sentence.

Mr. Oldfield: Enforce our existing legislation.

The MINISTER FOR POLICE: Members opposite know that it is illegal to bet with bookmakers at headquarters. They have no right to bet any more than has the man on the street-corner or in the alley-ways into which the s.p. bookmakers have been chased. It is true, as the member for Nedlands said, that in South Australia the number of bets and the amount of turnover did increase. The advocates of what occurred in South Australia, however, have not told the whole story. I have not noticed any mention

in the newspapers of the fact that in South Australia off-the-course bookmaking is legalised today.

Mr. Court: In Port Pirie only.

The MINISTER FOR POLICE: That does not matter. Statutory means are in existence by which it can be legalised in all portions of South Australia with the exception of the metropolitan area.

Mr. Ackland: Apparently the people do not want it.

The MINISTER FOR POLICE: It might be apparent to the member for Moore, but many things are apparent to him that are not apparent to others. It is quite true that the number of bets did increase. I would say that the failure of the system in South Australia was due to an almost total lack of administration. Why did it not fail in Tasmania—

Hon. A. F. Watts: It did.

The MINISTER FOR POLICE: —where it has operated since 1932?

Hon. D. Brand: Has it been successful?

The MINISTER FOR POLICE: Would any member opposite say that the people of Tasmania are of a lower class or have less morals, or morale, or Christianity than the people of this State? The Tasmanian system has operated successfully for a number of years. While it is true that the number of bets did increase, it is just as true to say that since 1945 legalised betting on the courses and through the totalisators in South Australia has increased four-fold.

I have two or three reports of the South Australian Betting Control Board. About five or six years ago the turnover with respect to totalisators and legalised bookmaking on the courses there, was approximately £11,000,000. Last year's report shows that the turnover for legalised betting had gone up to £25,000,000. Not only did the number of bets increase, but also the amount and volume of the betting. Whereas in 1938 the average bet in South Australia was four shillings, today it is £1 2s. 6d. So the turnover there has increased enormously.

Mr. Court: To what year does the £25,000,000 apply?

The MINISTER FOR POLICE: Last year.

Hon. A. V. R. Abbott: Is that Tasmania or South Australia?

The MINISTER FOR POLICE: Tasmania. That is the figure for 1952-53. I have not the report for 1953-54. The turnover was within a couple of hundred thousand pounds of £25,000,000. It had dropped slightly from the previous year when the turnover for legalised betting was over £25,000,000. There was no outcry about that. This is a Bill, the objective of which is to control betting by bookmakers, not only on the course but off the course in Western Australia.

The CHAIRMAN: Order! Will the Minister resume his seat? I would like the party in the gallery who is displaying a notice there to withdraw it. I draw the constable's attention to it.

The MINISTER FOR POLICE: I believe that the Title is descriptive of the measure which is to be an Act to control betting. I do not agree to an alteration to the Title because I believe it will be an appropriate one for the measure if it becomes law.

Mr. PERKINS: It sounds to me as though the Minister has now made the speech that he should have made at 5.30 a.m. on Friday.

The Minister for Police: I had some pity on you. Most of you were asleep, anyhow.

Hon. D. Brand: Were we?

Mr. PERKINS: As far as I am concerned, the Title is the part of the Bill to which the least exception can be taken. As most of us on this side of the Chamber dislike the contents of the Bill as much as we do, we might as well start with the Title as anywhere else. I agree with the attempt to amend it. Legislation might as well be forthright in stating what is seeks to do. To refer to this measure as betting control legislation is certainly running under false colours.

Where this sort of legislation has been tried elsewhere, it has not resulted in any control at all. The prime purpose of the measure is to legalise betting on horse-racing. If the amendment is carried, I shall be pleased to support the member for Nedlands in his attempt to insert the other words he mentioned. Surely we have enough statistics from elsewhere in Australia to show how the legislation will work, and to know that it will not have the effect of controlling betting.

In South Australia there has been a considerable increase in the volume of betting. Although some members on the other side of the Chamber seem to see some virtue in the set-up in Tasmania, there appear to be many conflicting opinions as to how the legislation is working there. Authentic information coming from that State seems to indicate that it is very doubtful whether the volume of illegal betting transactions there has decreased. It has certainly caused some complications for the Police Department in dealing with the problem.

Obviously, once we give a legal facade to this betting problem, it will be much more difficult to cope with. If legal betting shops are set up in this State, it will bring into business a set of individuals carrying on a perfectly legal activity, and who is to say that a portion of that business will not be carried on outside the law as well as

the portion carried on within it? Obviously, there is a strong incentive to carry on as big a proportion outside the law as possible.

The Bill provides that a certain proportion shall be paid to the Government and to racing clubs. But obviously there will be no deduction as far as the proportion outside the law is concerned, and it is doubtful whether the Commissioner of Taxation will ever catch up with income from that source. On all counts, I contend that the short Title of the Bill does not give an indication of how the measure is likely to operate, and I support the amendment.

The MINISTER FOR WORKS: Taking the contrary view to that expressed by the member for Roe, I believe that the Title is aptly chosen; it is for the purpose of endeavouring to control and regulate something which has been growing in this State for many years.

Hon. L. Thorn: I am glad you qualified it and said that it will endeavour to do it. That is all it will do.

The MINISTER FOR WORKS: Which is something the hon. member's Government did not have the backbone to do during its six years of office.

Hon. Sir Ross McLarty: And something yours did not do in 14 years of office.

The MINISTER FOR WORKS: I will tell the hon. member what he did. In the 1947 elections, he complained about the lack of action by the Labour Government during the previous six years and gave an indication that he would do something about it. What did he do?

Mr. McCulloch: Nothing!

The MINISTER FOR WORKS: He appointed a Royal Commission, and when it recommended that phone betting should be legalised, he took no notice of it. That is what his Government did after having appointed a Royal Commission.

Hon. Sir Ross McLarty: But we did nothing to encourage it, as you are doing now.

Mr. Bovell: On a point of order, Mr. Chairman. What the Minister for Works is now discussing has no reference to the short Title of the Bill.

The MINISTER FOR WORKS: Cannot you take it?

Mr. Bovell: You could not take it on Thursday night.

The CHAIRMAN: Order!

Mr. Bovell: You moved the gag.

The CHAIRMAN: This is a highly controversial subject, and I ask members to try to keep order. They will have every opportunity to express themselves, and I will endeavour to keep order. The point of order raised by the hon. member has no point. The Minister may proceed.

The MINISTER FOR WORKS: One would expect the truth to hurt members opposite because they know that what I am saying is the absolute truth. They complained about the lack of action by the previous Labour Administration, but the McLarty-Watts Government, in its six years of office, did absolutely nothing.

Hon. Sir Ross McLarty: The same as you did for 14 years.

The MINISTER FOR WORKS: But the hon. member was going to clean it up. He appointed a Royal Commission as a matter of show, and that is all.

Hon. L. Thorn: Are you going to clean it up now?

The MINISTER FOR WORKS: We are attempting to do so.

Hon. L. Thorn: With your experience, you must know.

The MINISTER FOR WORKS: We are attempting to control and regulate betting.

Hon. A. V. R. Abbott: And to legalise it.

The MINISTER FOR WORKS: All right. We will see how much humbug and hypocrisy there is on the other side because the hon. member's Government continued to take revenue from something that was illegal. He knows very well that betting on the racecourse today is no more legal than is betting off it.

The Premier: Betting with bookmakers.

The MINISTER FOR WORKS: Betting with bookmakers on the racecourse. There is no more legality attached to that than there is to betting with a bookmaker off the course.

Hon. A. V. R. Abbott: It is not the betting that is illegal.

Mr. Heal: What is?

Hon. A. V. R. Abbott: The congregating. Let us be technical about it.

The MINISTER FOR WORKS: Let us have it the hon. member's way. It is just as illegal to congregate on a racecourse and bet with a bookmaker as it is to congregate off the course and bet with a bookmaker.

Hon. A. V. R. Abbott: That is so.

The MINISTER FOR WORKS: Yet the hon. member's Government, along with others—

Hon. Sir Ross McLarty: Yours, too.

The Premier: We did introduce legislation.

The MINISTER FOR WORKS: —continued to charge taxation on tickets used by bookmakers betting illegally on the racecourse. It did not hesitate to take that revenue from an illegal transaction.

Mr. McCulloch: And it brought in a winning bets tax!

The MINISTER FOR WORKS: Let us get down to an honest basis and face the problem squarely.

Mr. Oldfield: On a non-party basis!

The MINISTER FOR WORKS: Yes, on a non-party basis. Members opposite ought to laugh, knowing very well what they have done for it.

The Minister for Police: They just missed by one!

The MINISTER FOR WORKS: How can members square with their own consciences when they say it is wrong to bet off the course but right to bet on the course, when both are equally illegal?

Hon. L. Thorn: We never said it was right.

The MINISTER FOR WORKS: The hon. member's Government took revenue from an illegal transaction without making any attempt to regularise it.

Hon. L. Thorn: You are still taking it.

The MINISTER FOR WORKS: No, we are trying to regularise it.

Hon. L. Thorn: But you took it last year.

Hon. A. V. R. Abbott: You are going to make it legal. Why not call the Bill by the right name?

The MINISTER FOR WORKS: Members opposite want to keep it illegal, but if their party were returned it would continue to take revenue from an illegal source.

Hon. Sir Ross McLarty: You will take it in much larger lumps if you get this Bill through.

The MINISTER FOR WORKS: If this became law and there were a change of Government, would the hon. member hesitate to take the revenue from it?

Hon. Sir Ross McLarty: We will wait until you get all these little shops going, and see what effect they have.

The Minister for Housing: They are going now.

Hon. Sir Ross McLarty: There will be no vested interests in them.

The MINISTER FOR WORKS: Members opposite know full well that there is a vast volume of illegal betting off the course today.

Hon. L. Thorn: And still will be.

The MINISTER FOR WORKS: And during the six years the hon. member's Government was in office it did little, if anything, to curb it.

Mr. Hearman: What has this to do with the Title of the Bill?

Mr. Bovell: That is what I wanted to know.

The MINISTER FOR WORKS: Are we to continue to say it is all right and do nothing, or are we to attempt to confine it and control it in such a way that many of the evils associated with it will be eliminated?

Hon. A. V. R. Abbott: What evils do you suggest will be eliminated?

The MINISTER FOR WORKS: You, Mr. Chairman, would not permit me to follow that line of argument as I would wish to do. Members opposite are not so innocent that they do not know the real evils associated with off-the-course betting, and the temptation which is there to allow it to flourish.

Mr. Bovell: This Bill will offer a far greater temptation.

The MINISTER FOR WORKS: That is a matter of opinion.

Mr. Bovell: Well, that is my opinion.

The MINISTER FOR WORKS: The hon. member is entitled to his opinion.

Mr. Bovell: And I have voiced it.

The MINISTER FOR WORKS: In South Australia an attempt was made to establish premises for the conduct of off-the-course betting and this principle was commenced and put into operation. The war altered the position and we know that, with the exception of those shops operating in one town, no others are open today; but we also know that s.p. betting is still rife in South Australia.

Hon. Dame Florence Cardell-Oliver: Not nearly as rife as it was.

The MINISTER FOR WORKS: How would the hon. member know?

Hon. Dame Florence Cardell-Oliver: Because I read.

Hon. A. V. R. Abbott: How would you know?

The MINISTER FOR WORKS: Because of my experience in various places and the hon. member would not not have the same experience.

Hon. Sir Ross McLarty: You would be surprised at the experience the hon. member has.

Hon. L. Thorn: Does this go on in spite of the law in South Australia?

The MINISTER FOR WORKS: The hon. member knows that it does. The same as it goes on here and in New South Wales and Victoria where they are thinking about the same problem. Western Australia is not the only State that is trying to take action to deal with this matter. It is a question of taking the right action, and somebody has to try something. If this measure does not effectively deal with the problem and control it, it does not mean that it has to remain as it is. We can attempt to do something else, but I would say that an attempt to do something is better than doing nothing.

Mr. Hutchinson: Would you legalise two-up?

The MINISTER FOR WORKS: I am not dealing with two-up and I certainly have not played it.

Mr. Hutchinson: You are certainly not dealing with the amendment.

The MINISTER FOR WORKS: So this is definitely a Bill to control betting.

Hon. A. V. R. Abbott: And legalise it.

The MINISTER FOR WORKS: And to authorise it.

Hon. A. V. R. Abbott: And to legalise it.

Mr. Bovell: And to encourage it.

The MINISTER FOR WORKS: So when the Government takes revenue from bookmakers operating on the course, it will have a perfect right to do so, which it has not today.

Hon. L. Thorn: If your conscience is worrying you so much—

The MINISTER FOR WORKS: The hon. member's conscience would never worry him.

Hon. L. Thorn: —why do you not refund to the bookmakers what you have taken away from them?

The MINISTER FOR WORKS: I submit that there is a responsibility on every member of this Chamber to take the course of action which he honestly believes is the correct course to follow in dealing with a problem that is prevalent today and has been growing for years.

Hon. A. V. R. Abbott: You do not think that this is the best course, do you?

The MINISTER FOR WORKS: It has been growing in volume and intensity. Just as we in Western Australia think that some attempt should be made to control it, so they are thinking along the same lines in Queensland, New South Wales and Victoria.

Mr. Bovell: And are they not going to refer the question to a referendum in Queensland?

The MINISTER FOR WORKS: That is only one method.

Mr. Bovell: It is the right method.

The MINISTER FOR WORKS: Oh, is it? The hon. member's Government referred the question to a Royal Commission, but took no action. So what sense is there in that? Therefore, an honest attempt has to be made to deal with the situation.

Hon. Dame Florence Cardell-Oliver: But it is not honest.

The MINISTER FOR WORKS: So, if members opposite prefer to do nothing, as they did before, and allow it go on as it is now, it is merely a question of burying one's head in the sand and making one's self believe that everything is all right; that there is nothing wrong and there is nothing that requires remedying. I suggest that no more appropriate Title could be selected than the one set out in the Bill because it indicates that the Government desires and intends to control this matter. The Bill represents an honest attempt to deal with the situation which every honest man and woman will freely admit requires some attention in some direction.

Mr. COURT: When I moved the amendment, I had in mind that it would deal only and specifically with the Title and in my submission of it I did endeavour to restrict myself to the matter under discussion.

The Minister for Police: You started dealing with the conditions in South Australia.

Mr. COURT: However, in the comments that have ensued the subject matter has been covered considerably. Nevertheless, I will comment, as briefly as I can, on the points raised. I still dispute that the Bill is a control measure. Its Title reads, "A Bill for an Act to authorise, regulate and control betting and bookmaking on horse-racing;" and if one reads the Bill the predominate feature of it is that it proposes to regulate all on-the-course and off-the-course betting.

The Premier: How could you control it without legislation?

Mr. COURT: I submit to the members who are in favour of the measure that if the church bodies had to choose between legalising betting off-the-course—and I refer to off-the-course betting specifically—and allowing the present system to continue, they would choose the present system because all the time an act is illegal, it can be dealt with much more satisfactorily and much more rapidly than it could be if it were legalised, extended and developed with certain interests which would be extremely difficult, if not impossible, to overcome.

Mr. Johnson: Was that the experience with prohibition in the United States of America?

Mr. COURT: The experience in South Australia—seeing that that State has been referred to—was that whilst the betting shops existed, there was, parallel with them, an elaborate system of illicit betting. I claimed during the second reading—and I still claim—that if we have a legalised system of off-the-course betting there will be, parallel with it, an illicit system. Today, whilst off-the-course betting is still unlawful, there are a large number of s.p. bookmakers and, under the Bill, many of them will not be granted permits. They will not take this quietly and will continue to operate illicitly.

Mr. Lawrence: Do not you think that the penalties would be adequate to deal with them?

Mr. COURT: I do not think they will be. I am sure the operators will still get around them, no matter how hard we try. The

Minister referred to the position in South Australia and claimed that there is legalisation of off-the-course betting in that State. Nominally, that is so; but it is only practised in one town, namely, Port Pirie. I think members are entitled to know that there were 90 separate inquiries made in different centres before a decision was made not to re-license off-the-course betting shops in South Australia.

The Minister for Police: That is a slight exaggeration, but it is not bad.

Hon. A. F. Watts: I think the figure given by the Royal Commission was 86.

Mr. COURT: For the purpose of accuracy, I will substitute the total of 86. However, only one of those inquiries that were going on as a Royal Commission in each case, found a town that wanted to continue betting shops, and it is important to know that they were conducting the inquiries in towns that had had experience of betting shops and the information obtained in regard to the reinstatement of betting shops in South Australia came from a very wide cross-section of the community.

The Minister for Works: What action is being taken in Port Pirie to close the shops?

Mr. COURT: I cannot answer that truthfully because I do not know the answer. But had the same opposition been organised in Port Pirie as resulted in the other 85 places, Port Pirie would not be licensed with betting shops today.

The Minister for Works: Surely they have enough evidence to enable them to get rid of those shops!

Hon. A. V. R. Abbott: They cannot get them at Whyalla.

The Minister for Works: Why cannot they wipe them out in Port Pirie?

Mr. COURT: I venture to say that the shops at Port Pirie will disappear. But, the shops, having been established, the task of those that fight this issue has been made increasingly difficult. The Minister also referred to Tasmania. I understand that Tasmania is actively exploring different systems. I do not know the Tasmanian system from personal knowledge and it would be improper for me to comment on it, but they are endeavouring to see if they can find some improvement on the present set-up, and it is well known that they have examined the New Zealand system.

During his remarks the Minister referred to the fact that on-the-course betting in South Australia has increased and had risen to a figure of £25,000,000 in 1952-53. I do not doubt that, and I can see it happening. It should be borne in mind that at no stage has the organised church opposition to the legalisation of betting off the course opposed the on-the-course system. The churches realise, with a degree of practical commonsense, that try as they may, it is well-nigh impossible to eliminate gambling from our midst and it is better, in their opinion, for it to be concentrated within the confines of the racecourse because of the fact that it entails a deliberate act by a man to get himself ready and transport himself to the course and bet on horses which he sees.

The Premier: You think that is all right?

Hon. L. Thorn: That is what he goes there for; to see the horses gallop.

The Premier: That is not what you went for.

Mr. COURT: I still think the present Title does not correctly summarise what will be achieved if this measure in its present form becomes law.

Mr. HEARMAN: Second reading speeches seem to be the order of the day.

The CHAIRMAN: With this difference, that the hon. member has only 15 minutes.

Mr. HEARMAN: I would not have risen at all but for an interjection by the Premier when he asked "How could you control it without legalising it?" If those are the Premier's views, then we should legalise cards and other forms of gambling. Are we to understand that legalised horseracing is only a start and that legalised two-up and gambling on cards will follow later? I do not know what standard of ethics one must have to feel that it is proper and legal to bet on horse-racing and not to bet on the turn of a card or how two pennies will fall! Apparently, one is legal and the other is not. Perhaps the Premier will explain how he will control betting by legalising it.

Mr. Lawrence: You can control the amounts of the bets.

Mr. HEARMAN: There is no point in the member for South Fremantle trying to draw red herrings across the trail. I do not know whether the hon. member suggests that more money is bet on pennies than on racehorses and that where an evil is more frequently practised it should be legalised.

Mr. Lawrence: You are only wasting time.

Hon. Sir Ross McLarty: Well, you have wasted plenty of it here.

Mr. HEARMAN: The member for South Fremantle should know all about wasting time. There seems to be some confusion between the Premier with his interjection and the remark made by the Minister. The Premier seems to think that we cannot control betting unless we legalise it, and

the Minister seems to think that we should legalise betting but not other forms of gambling.

I cannot see any objection to the proposed amendment; it will not in any way misrepresent what the Bill sets out to do. It is more apt than the existing Title, particularly in the light of the Premier's interjection. I remember last year when we had a discussion on whether two-up should be allowed or not. At that time it seemed the policy was that the Gaming Act should not be altered and that two-up should be permitted in certain areas, which seems to me an inconsistent way of enforcing the law. Why control betting and not other forms of gambling?

The MINISTER FOR POLICE: There are only a couple of matters I want to correct. The first is the opinion that the member for Roe hazards that in Tasmania the police are having difficulty where the licensing of off-the-course premises are concerned. Recently a conference of Commissioners of Police from the Australian States and New Zealand was held in Perth. I had a long conversation with the Commissioner of Police for Tasmania. He said they were having no trouble in relation to legalised off-course shops. He said there is no more objection to them than there is to bookmakers on courses. He added that there are those, of course, who have an objection to betting in any form, and I have a very high regard for their opinion; they are entitled to it.

During my second reading speech I said that anyone gambling to excess in any form was very foolish, whether it be on a racecourse, off-course or at two-up. People are ill-advised to bet beyond their means. There is a trait in the average Australian that causes him to indulge in gambling. With regard to the remarks of the member for Roe, the Commissioner of Police told me he has no difficulty as regards the betting shops which, he said, were an improvement on the systems which operate in the other States.

The member for Nedlands said there would be illegal betting even if there was registration of betting shops. Evidently he does not know much about that sort of thing. I cannot conceive that any person wanting to make a bet would go down a lane-way or into a backyard to lay a bet with a chance of being picked up by the police, when there is a licensed shop in that area in which he can place his bet without interference or fear of arrest.

Is it logical to expect that a person wanting to have five shillings each way on a horse would take the risk of being arrested in going to an illegal bookmaker when there is a licensed shop? I have no doubt that some s.p. operators who are refused registration will attempt to conduct illegal betting, but where will they get their patrons? It is not logical to expect the ordinary punter to patronise an illegal bookmaker, for fear of the penalties.

South Australia has been held up as an example, and in this respect I quote from the report of the Queensland Royal Commission which journeyed throughout Australia to obtain evidence. As a result, a referendum is being held in Queensland. The member for Mt. Lawley stated that the Government was doing nothing in Queensland, but he does not seem to know what he is talking about, because some months ago I received information from Mr. Gair, the Premier, indicating that his Government proposed to hold a referendum.

Illegal betting in Queensland is conducted with impunity in the northern portion of the State. I have the evidence given by the Commissioner for Police in South Australia before the Royal Commission on the 22nd November, 1937. Despite the assertions that such betting had got completely out of hand, this is the impression given by the commissioner in South Australia in regard to off-course betting and other matters.

Hon. J. B. Sleeman: Was it Commissioner Lean?

The MINISTER FOR POLICE: I do not know. This was his evidence—

> The situation in regard to betting prior to the amendment of the Lottery and Gaming Act, 1933, which made it lawful for bookmakers to operate on racecourses and in licensed premises, was extremely bad, for although the amendments enacted since 1920 enabled the police to clear the racecourses of illegal bookmakers, this did not apply to illegal bookmakers operating off the course. Nearly 600 persons were known or suspected by the police to be illegal bookmakers.
>
> There were almost as many bookmakers operating as there were members of the police force in South Australia.
>
> The betting public broke the laws with impunity. This was against the best interests of the State and reduced the prestige of the police force in the eyes of the public. Since 1933 the position has been extremely changed. The citizen who wishes to "back his fancy" can do so lawfully. The prestige of the police force has considerably increased and few illegal bookmakers operate. Police officials have now the goodwill and co-operation of licensed bookmakers and the public.
>
> Most of the illegal bookmakers detected are doing telephone betting aided by broadcasting of race results.

> Where you have the Federal authorities providing facilities for illegal betting as a matter of business, it is obvious that the State difficulties in enforcing the Lottery and Gaming Act are considerably increased.

That was the opinion of the Commissioner for Police in 1937, after having had four years of legalised control of off-course bookmaking. He was of the opinion that it had increased considerably. Let us go to more recent times and see what the Premier for South Australia had to say on the matter and to see if the law in South Australia has done away with illegal off-course betting as has been suggested.

Hon. D. Brand: It has not been suggested at all.

The MINISTER FOR POLICE: It has not only been suggested, but definitely stated during the second reading debate that off-course illegal bookmaking in South Australia does not exist. The report of the Queensland Royal Commission had this to say—

> The statement of the Premier was—
>
> > Betting premises in the metropolitan area were prohibited. There has been no expressed desire for their reinstatement. Even habitual bettors have said they hoped they would never be reopened.
> >
> > The Board was given power to register betting premises outside the metropolitan area if, after inquiry, it was satisfied that betting premises at particular places were reasonably necessary in the public interest. The Board held 83 inquiries and registered premises in only one town.
> >
> > There is nevertheless a good deal of illegal betting in the metropolitan area, and reports indicate that it is growing in the country. The country reaction at the inquiries was largely one of indifference, evidence being given mainly by bookmakers and their associates and by those strongly opposed to betting on religious grounds.

It is quite evident that in South Australia there is legalised off-course bookmaking operating in one portion; but in the other portion where there is no legalised betting, according to the Premier there is a considerable amount of illegal off-course betting in the metropolitan area. That is the position of South Australia which has been held up to us as a model of what should operate in regard to off-course betting. According to the finding of the Queensland Royal Commission, off-course illegal betting is rife in every State—Victoria, New South Wales, Queensland—with the exception of Tasmania. We know it is very rife in this State and it is growing from year to year. The Title of the Bill is a description of what the Act will do and I therefore cannot accept the amendment.

Mr. COURT: The Minister referred to the control of illicit betting when there is a legalised system. It is common knowledge that in New Zealand where there is a legalised totalisator operating, a bet can be placed with an illicit bookmaker on the course.

The Minister for Police: I am not aware of that. That is only your statement. I do not know where you get the common knowledge.

Mr. COURT: In Singapore, no bookmaker is allowed officially on the course, but it is possible to make a bet with a bookmaker at any time and he pays 20 per cent. over the totalisator odds.

The Minister for Police: I do not believe it.

Mr. COURT: If the Minister took a trip there, he could find out. It has been said that I claimed that there was no illicit betting in South Australia. I said that during the time of the betting shops, illicit betting was going on off the course. I was at pains to explain that, and no doubt there is more now than there was during the period of the betting shops, but the church authorities would rather have the present state of affairs in South Australia than return to their eight years of betting shops experience.

Some comments by South Australian parliamentarians are set out in a pamphlet issued by the Methodist Social Questions Committee, Perth, of which members have received a copy. Here are some of them—

> Mr. Nieass (Norwood): When betting shops were open, I , as a union official, had more worries and troubles in trying to settle the domestic affairs of many of the workers as the result of the betting shops than I had in the whole of my experience previously. Since bettings shops ceased to operate, I have not had one of these cases to deal with.
>
> Hon. E. Anthoney (Central No. 2): It was said that they (the betting shops) would eliminate illegal betting, but there was as much as before they operated.
>
> Hon. L. H. Densley (Southern): Betting shops definitely affected sports in the country as they attracted to them many lads who would otherwise have been taking part in cricket, football, tennis and other sports.

Coming from members who had had eight years' experience of betting shops, I think it is convincing testimony to the fact that South Australia has no desire to return to these licensed premises.

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

Ayes	23
Noes	24
Majority against	1

Ayes.

Mr Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Bovell
Sir Ross McLarty	*(Teller.)*

Noes.

Mr. Andrew	Mr. McCulloch
Mr. Brady	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Styants
Mr. Lapham	Mr. Tonkin
Mr. Lawrence	Mr. May
	(Teller.)

Pair.

Aye.	No.
Mr. Hill	Mr. Guthrie

Amendment thus negatived.

Clause put and passed.

Clause 2—Commencement:

Hon. A. F. WATTS: I have an amendment to provide that the measure shall not be proclaimed until a referendum of electors qualified to vote for the Legislative Assembly has approved of the proclamation. This is an addendum that the Minister should be only too willing to accept, and I think it hardly needs any argument from me to substantiate its desirability. I feel sure that the Minister would not wish to bring into operation legislation which was opposed by a majority of electors entitled to vote for this Chamber. On the other hand, the amendment could ensure that a majority favoured this legislation, which I consider unlikely. If he obtained a majority, he would be fortified by that fact. In a matter of this sort, the Minister can hardly deny that there is a great conflict of opinion and it is highly desirable that the course I suggest should be followed. I move an amendment—

> That after the word "proclamation" in line 10, page 1, the following proviso be added:—
>
> > Provided that no such proclamation shall be made unless the majority of electors qualified to vote for elections for the Legislative Assembly have approved of the coming into operation of this Act at a referendum conducted as hereinafter in this section prescribed.
>
> (2) The Chief Electoral Officer for the State appointed under the Electoral Act, 1907-1953 shall conduct the ballot.
>
> (3) The question to be submitted to the electors shall be—
>
> Do you agree that the Betting Control Act, 1954, shall be proclaimed?
>
> (4) The ballot paper to be used for taking the ballot on the question referred to in Subsection (1) of this section shall be substantially in or to the effect of the form in the Second Schedule to this Act.
>
> (5) (1) It shall be the duty of every elector to record his vote at the taking of the said ballot.
>
> (2) Any elector failing to record his vote without good cause shall be guilty of an offence.
>
> (3) Every elector convicted before any court of summary jurisdiction of such offence on complaint by the Chief Electoral Officer shall be liable to a penalty not exceeding two pounds.
>
> (6) In so far as the regulations made under the Electoral Act, 1907-1953, cannot be applied or made applicable, or are not sufficient for the purposes of this Act, the Governor may make regulations not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

I have endeavoured to make this a reasonable proposition. The provision for compulsory voting is similar to that which exists in regard to Legislative Assembly elections at the present time. It it obvious that there may be some aspect of the regulations governing the conduct of elections which would not be sufficient to cope with a ballot on this question. Therefore, the provision at the end is to empower the Governor to make such additional regulations as may be desirable for that purpose.

Fundamentally, it is, I think, sound practice in a matter of this kind when an obvious controversy is raging, and strong opinions are held on both sides, that the best way of doing what the adult members of the community want is to submit the matter to a referendum. I conclude by saying that I do not intend to support the Bill, but, the House having decided that the second reading ought to be carried, I

want, if the Bill is going to be an Act, and there are indications that it will, the matter referred to the electors of the State.

The MINISTER FOR POLICE: I do not propose to agree to the amendment; not that I would be at all afraid of what the verdict of the people would be. I feel certain that there would be a substantial majority in favour of giving the Government an opportunity of trying to effect an improvement upon the deplorable conditions that have been allowed to develop over the years. There is room for considerable improvement.

Mr. Hutchinson: You want to make betting easier.

The MINISTER FOR POLICE: A matter of this kind is not one for a referendum. Referendums are rarely held in this State because the electors vote us into Parliament and they expect us to come to decisions without running back to them every now and then to ascertain their opinions on various matters. If the hon. member is in touch with his electors—I think most State members are, because the majority of the electorates are of a reasonable size—he should be able to judge pretty accurately their opinions.

Mr. Perkins: You are going to get an awful shock in the near future if you think that.

The MINISTER FOR POLICE: The very stubbornness of the Opposition would belie that. If members opposite considered we were not representing the opinion of the majority of the people, they would urge us to get on with the job so that we would, as the member for Subiaco said the other night, commit political suicide. The member for Roe does not believe what he has said, because he would be one of the most ardent urgers if he thought that the Opposition and his party in particular were going to get any political kudos out of it. Since 1935, Labour Governments have made four attempts to place this matter on a reasonable, decent and respectable footing.

I have no illusions with regard to s.p. betting. Many of its evils can be eliminated and controlled. Members should be prepared to record a vote in accordance with what they think is the opinion of their electors. I think, having come in contact with hundreds of my electors, that they would support a measure of this kind and at least allow us to give it a trial to see whether it will mean an improvement. If it is passed, it will not be irrevocable because if it is found that an improvement is not effected, it can be repealed. An Act of Parliament can be repealed at any time.

Mr. Court: Had there been no war, and a complete cessation of racing in South Australia, the Government there could never have done what it did.

The MINISTER FOR POLICE: The war was not the cause of the repealing of the legalisation of betting in South Australia. The other evening the member for Maylands said that racing was banned in South Australia and mentioned three or four years rather vaguely—

Mr. Oldfield: It was in 1942, I think.

The MINISTER FOR POLICE: The hon. member mentioned every year but the correct one which, I think, was 1942 and seemed to be under the misapprehension that the suspension of horse-racing in South Australia was the cause of legalised betting being abolished there.

The CHAIRMAN: The amendment before the Chair provides for the taking of a referendum and members must address themselves to that question.

The MINISTER FOR POLICE: I would remind members opposite and especially the member for Stirling that the Government of which he was Deputy Leader legalised hotel trading hours on Sunday and, of course, did not call for a referendum on that question.

The Premier: Why did they legalise Sunday trading in hotels?

The MINISTER FOR POLICE: That might stand investigation, also.

Hon. Sir Ross McLarty: That was a non-party measure in the true sense of the word.

The Premier: Why did your Government legalise Sunday hotel trading?

Hon. Sir Ross McLarty: Why did some of your members support it?

The CHAIRMAN: Order!

The MINISTER FOR POLICE: The legalising of Sunday liquor trading was a much more drastic step and fraught with greater social evils for the people of this State than is the proposal to clean up the unsavoury mess that betting has developed into over the years; but the member for Stirling, then Deputy Leader of the Government, did not consider a referendum on that question. Neither did members opposite favour holding a referendum to decide the continued existence of another place, so they are not hard and fast advocates of referendums, except when it suits them.

Hon. Sir Ross McLarty: Do you think this would suit us?

The MINISTER FOR POLICE: It suits the hon. member's purpose, but I do not think the result would suit him, because it would disappoint him. He evidently has the idea that a referendum of the people might coincide with the attitude which his party has adopted and, despite the jibes made at the Government about this being a party measure, I say the hon. member's party just escaped it by one person deciding not to fall in with the views of the others on that side of the House.

Hon. D. Brand: Because we made it a non-party measure.

The MINISTER FOR POLICE: In the circumstances, there is no justification for a referendum. Members should know the views of their constituents and, if they have the courage of their convictions, should be prepared to vote on a question such as this without putting the State to the expense of holding a referendum.

Hon. D. Brand: The Anglican Archbishop of Perth did not think so.

The MINISTER FOR POLICE: He is entitled to his opinion.

Hon. Sir ROSS McLARTY: I was hoping the Government would accept the amendment. Recently New South Wales, where there is a Labour Government, held a referendum as to the closing hour of hotels being 6 p.m., 9 p.m., or 10 p.m.

The Minister for Police: I do not think they considered 9 p.m.

Hon. Sir ROSS McLARTY: At all events, the referendum was held.

Mr. McCulloch: Do not tell us the result will be its downfall?

Hon. Sir ROSS McLARTY: Undoubtedly betting is a great social question on which thousands of people in this State hold strong views, and if the Bill is forced through Parliament they will resent it.

The Premier: That applies to many Bills.

Hon. Sir ROSS McLARTY: It does.

The Premier: I will mention some later.

The Minister for Works: It applied to Sunday liquor trading. A lot of people object to that.

Hon. Sir ROSS McLARTY: I do not wish to depart from what I was saying—

The Minister for Police: The churches did not approve of the legalisation of Sunday hotel trading.

Hon. Sir ROSS McLARTY: When that Bill was introduced, it was treated by my Government as a non-party measure. In the party room and elsewhere, I told members on this side of the House that they must please themselves and vote as they liked. We did have a discussion with ministers of religion in regard to that measure. As the Minister knows, the liquor trade was in a very unsatisfactory position at that time. The bona fide traveller provision was being abused and there were no end of complaints about it. We therefore opened the hotels for certain hours on Sundays to abolish that abuse. We had to do that or let things continue as they were—

The Premier: That is right.

Hon. Sir ROSS McLARTY: We did not make it in the slightest degree a party measure and Parliament agreed to the opening of hotels from mid-day to 1 p.m. and from 5 p.m. to 6 p.m. on Sundays.

The Premier: No Bill becomes law unless Parliament agrees.

Hon. Sir ROSS McLARTY: I know that.

The CHAIRMAN: The amendment deals with the taking of a referendum and if the Leader of the Opposition cannot connect his remarks with that, he will be out of order.

Hon. Sir Ross McLARTY: I will do that.

The Minister for Lands: Why excuse yourself?

Hon. Sir ROSS McLARTY: I am not doing that. Let me remind the Premier that Parliament agreed to Sunday liquor trading, on a non-party basis, as members will see from the recorded divisions, if they look them up in "Hansard." They were mixed divisions.

The Minister for Mines: But the Opposition was honest then.

Hon. Sir ROSS McLARTY: Did the Premier tell the electors that if his Government were returned he would bring down legislation of this sort?

The Minister for Housing: Yes.

Hon. Sir ROSS McLARTY: No. In numerous letters that I have glanced at since I returned from the Eastern States, I find that the writers say that this class of legislation will affect not only the lives of people today, but also the future of our children. We are very concerned with the future that faces our children.

The Premier: Does not the present s.p. betting do that?

Hon. Sir ROSS McLARTY: It does. They hold the opinion that if this legislation is passed it will greatly encourage betting.

Mr. Heal: That is only their opinion.

Hon. Sir ROSS McLARTY: That is so. But if this amendment is carried, it will give the public of this country an opportunity to say whether or not they agree to the legalisation of betting. Surely that is a fair proposition! The Minister in charge of the Bill said that we do not want to refer everything to the people by way of referendum. That is true. We have referred very little to the people of Western Australia by way of referendum, but I repeat, this is a great social question and where there are so many mixed opinions about it and such strong opinions held by the people, I think they have a right to express their views, to campaign if they wish and to take any steps they desire in regard to the proposed legislation.

The Minister for Lands: Will you tell me this: When you appointed the Royal Commission to inquire into this subject in this State, why did not you have a referendum instead?

Hon. Sir ROSS McLARTY: The Minister may consider that to be very clever; he is trying to draw me away from my line of argument. But what has that to do with the amendment.

The Minister for Lands: I am trying to test your sincerity on the question of a referendum.

Hon. Sir ROSS McLARTY: Never mind what happened in the past. We are concerned about the future.

Mr. Heal: Do not worry about what happened in South Australia. Worry about what is happening here.

Hon. Sir ROSS McLARTY: I am worried about what has happened in South Australia. Many members of Parliament in South Australia who belong to the same party as the hon. member, have said what they think of licensed betting shops.

Mr. Heal: That is their opinion.

Hon. Sir ROSS McLARTY: The hon. member, if he read them, might possibly agree with them. I cannot see why the Government should refuse the amendment. In this Chamber we often hear speeches about democracy. What is more democratic than putting a great social question such as this to the people of Western Australia? Why should they be denied an opportunity to vote on this question? Is there any reason why they should be denied that opportunity? The Minister said that if they were given an opportunity, he had no doubt that they would agree with the views put forward by the Government. Many people will disagree with him in that regard. But if the people do agree with him, he will have a mandate to implement this legislation.

Mr. McCulloch: They will get that opportunity in 18 months time.

Hon. Sir ROSS McLARTY: I suggest to the Premier, who often talks about democracy, that this is not a democratic proposal. Does he intend to foist this legislation on the people irrespective of the fact that many thousands are strongly opposed to it? I think the Leader of the Country Party is to be commended for moving his amendment because, if it is agreed to, it will give the people an opportunity of expressing themselves in regard to this legislation.

The PREMIER: It has been most refreshing to listen to these new champions of the instrument of the referendum. If one could believe that they were sincere, one might be inclined to listen with some respect to what they have to say. However, most of us here know their previous history in connection with this principle. We know that when proposals have been put forward previously to consult people by way of a referendum upon vital issues, they have found no good at all in the use of a referendum.

Hon. Sir Ross McLarty: What were the vital issues?

The PREMIER: If the Leader of the Opposition will exercise a little patience, he will learn about the issues. This assumed belief on their part in the greatness of the principle of the referendum is just a pose—a pose taken hold of in their all-out endeavour to impress favourably certain people in this community who are opposed to the present Bill.

Mr. Bovell: Rubbish!

The PREMIER: They no more believe in the principle of the referendum than they believe fully in the true principle of democracy. In this State, for instance—and I mention this by way of illustration only—we have a parliamentary set-up which is not democratic except in regard to one Chamber only; the other Chamber is extremely undemocratic, so much so that a majority of the people of this State are not given the right to enrol and therefore the right to vote for that other place. Most of the people disfranchised in that regard are the womenfolk of Western Australia.

Hon. Sir Ross McLarty: There are hundreds of thousands who could enrol if they wished to do so.

The Minister for Housing: Make it millions!

The PREMIER: In 1946 the Government of this State introduced a Bill providing for the taking of a referendum of the people of Western Australia as a whole to decide, firstly, whether the people of this State favoured the abolition of the Legislative Council or, alternatively, whether every adult person in the State should have a vote for that Chamber. Where were those champions of the principle of the referendum at that time?

The Minister for Housing: Let us have a look at them.

The PREMIER: Were they asking in earnest tones, "Was the Government afraid to trust the people?" "Was the Government afraid to consult the people on that great democratic issue?" No. They were fighting the proposal for the referendum with all the power at their command.

Mr. Bovell: That was vastly different.

Hon. Sir Ross McLarty: You are following our example, are you?

The PREMIER: The Leader of the Opposition is in a spot, and I will keep him there.

Mr. Bovell: You are at this moment dealing with a social evil and the Legislative Council is not a social evil.

The Minister for Housing: Of course it is, and the member for Vasse is another.

The PREMIER: I think all the people in the gallery can decide which of the two of us is looking the more uncomfortable. So when we search into this issue, when we trace back over the activities and actions of those who now become the champions of the instrument of the referendum, we find that they have been strong opponents of that principle. No one would argue that the question of giving all the people of Western Australia full democratic rights of voting for both Houses of Parliament would not be a tremendously vital issue. One follower of the Leader of the Opposition, in a desperate attempt to get his Leader out of a spot, suggested that the question of the abolition of the Legislative Council would not be a social one. I think he said that the Legislative Council could not be regarded as a social evil.

Mr. Bovell: I did.

The PREMIER: I would suggest that the Legislative Council is a great social evil.

Hon. Sir Ross McLarty: You would not abolish it, even if you could!

The PREMIER: I suggest that the Legislative Council, under the present democratic set-up, is more than a great social evil; it is a legislative dictatorship operating under what is supposed to be a democratic system of parliamentary government. We know what the Legislative Council has done since the present Government has been in office. We know that it refused to continue legislation to prevent profiteering in the community, and we know how profiteering is going on at present. It is strange that when that legislation was before Parliament, those who are interested and who are crowding our gallery now, were not here.

Hon. Sir Ross McLarty: What about getting back to the Bill?

The Minister for Housing: You do not like it, do you?

The PREMIER: At least, I am as close to the Bill as the Leader of the Opposition was in his talk, and I can understand the overwhelming anxiety shown by him at the mention of these matters. In the meantime, I am drawing attention to some valuable angles in regard to this question.

Mr. Perkins: But you are wasting time. Your time will expire very shortly if you are not careful.

Mr. Bovell: If all you say is true, two wrongs do not make a right.

The Minister for Housing: You are the last one who is in a position to preach.

Mr. Bovell: What do you know about it?

Hon. Sir Ross McLarty: What does the Minister know about preaching?

The PREMIER: The Leader of the Opposition said that some Bills are forced through Parliament and cause a great deal of resentment amongst a great number of people outside.

Hon. Sir Ross McLarty: This one has been forced through even to the extent of using the gag. You are not giving members a chance to put amendments on the notice paper.

The Minister for Works: Every member who wanted to speak was given an opportunity to do so.

The CHAIRMAN: Order!

The PREMIER: The other angle, in opposition to what the Leader of the Opposition said on this point, is that there are many Bills introduced in this Parliament which are defeated in the Legislative Council, the defeat of which causes a great deal of resentment outside, and they are defeated in the Legislative Council only because of the legislative dictatorship to which I referred a few moments ago. Yet when the Government that was in office at that time wanted a referendum on that vital issue, the Leader of the Opposition, the Leader of the Country Party and their colleagues all voted against the proposal.

In my judgment there is no necessity to take a referendum upon this issue. This is a question revolving around the State-wide problem of starting-price betting and illegal betting by bookmakers on the racecourses and the trotting courses. The subject is well known. It has been debated in this Parliament on occasions over the past 20 years or so. Members know their own views. They know what they think is best to be done. I know that all members on the other side of the Chamber, with the exception of one, say, "Do nothing! Leave the question as it is!" That is the easy way out.

What did their Government do when it was in office? It did nothing. Naturally it would have nothing to do with the question because they realised that to do so would have been political suicide. So it was politically afraid to touch the issue and just allowed it to ride. It is true that it appointed a Royal Commission, but that was only a stunt; a stalling-off of the problem. And when the Royal Commission's report was received by the Government, it went into the pigeon-hole and became covered with dust and cobwebs.

Hon. Sir Ross McLarty: We did not want to give betting further impetus. We did not want to encourage it further.

The PREMIER: Before I sit down, I would like to repeat what the Leader of the Opposition said, because it justifies,

more effectively, the Bill now before us than anything said by one on this side of the Chamber. I have studied very closely what the Leader of the Opposition said in order to justify what his Government did in regard to the legalisation of Sunday trading in hotels.

He said that his Government had found that illegal trading was being conducted in many parts of the State; that the bona fide clause was being exploited; that illegal trading was going on to a great extent in some places and not to the same extent in other places; that there was great dissatisfaction arising because of this Sunday illegal trading and that because it was such a serious problem, his Government had ascertained that the most effective way to overcome it was to legalise Sunday trading. So it introduced a Bill to legalise Sunday trading in hotels outside the metropolitan area.

Mr. Bovell: It was truly a non-party Bill.

Hon. Sir Ross McLarty: Some of your members supported us.

The PREMIER: What difference does that make?

Hon. Sir Ross McLarty: It does make a difference.

The PREMIER: It makes no difference.

Hon. Sir Ross McLarty: It gave members some opportunity to do as they wanted to do.

The PREMIER: Every member in this Chamber has freedom to do as he wishes on this Bill.

Hon. Sir Ross McLarty: That is a good story!

The PREMIER: The Leader of the Opposition can laugh, but it is the truth. If the Leader of the Opposition is going to argue that we have made this measure a party Bill because all the members on this side of the Chamber have supported the second reading, he has to argue, if he is logical, that the Country Party has made the Bill a party measure because every member of that party has followed the same course in opposing it.

Hon. D. Brand: And they have shown just where they stand in respect to it.

The PREMIER: I am dealing with the interjection made by the Leader of the Opposition when he suggested that, because everyone of our members supported the second reading, it was a party Bill. I suggest that that is not true, but on the same reasoning we ought to say that the Country Party has made it a party Bill because all of its members have voted the same way.

Mr. OLDFIELD: I cannot understand the Minister's line of logic in opposing the provision put forward by the Leader of the Country Party. The Minister said members should have the courage of their convictions and be prepared to record a vote. That is what we did at 5.30 on Friday morning; we recorded a vote of our opinions on legalised off-course and on-course betting. All members on this side, with the exception of one, voted against the measure and all on the other side of the Chamber voted for it.

So our votes have been recorded and our opinions made known to Western Australia for all time; they appear in "Hansard." The Minister went further and said a referendum would be carried. If that is his opinion, and he wants the measure carried, why is he afraid to have a referendum? The reason why the Minister will not agree to a referendum is that he knows full well the commonsense of the electors will prevail and the Bill will be thrown on the scrap heap where it belongs.

The Minister for Police: What was the result of the last Gallup poll?

Mr. OLDFIELD: The Government has accused us of stalling on the findings of the Royal Commission. The Government in Queensland has done exactly the same thing, and it is holding a referendum, and permitting the electors to decide the issue. This is more far-reaching than the question of liquor, and it is only fair that the people of the country should express their opinions.

In the course of the debate, the Premier mentioned what happened when the Licensing Act Amendment Bill was introduced by the member for Mt. Lawley, who was then the Attorney General. I would remind the Government that that Bill was so much non-party that even the Cabinet of the day was divided on the question. I am pleased to say that I voted against it, along with three or four members of the Cabinet and three or four members of the present Government. If that measure were brought back to Parliament today, I feel sure that part of the Licensing Act would be repealed because members who supported that provision now realise their error and consider it was the worst mistake they made; they readily admit that it was because of their vote on that Bill that we have the conditions which persist in the country today.

In a measure such as this, there are principles involved that will affect almost every family in Western Australia, and it would be only fair and democratic for the people in the country to voice their opinions on it through the ballot box. It would be undemocratic to deny them that right. It has been said that the Bill is a non-party one. Everything has pointed to the contrary. The Bill was only introduced last Tuesday afternoon and rushed through on

Thursday night. On previous occasions we have been allowed an adjournment of a fortnight to consider the matter.

The Minister for Police: When was notice given of the Bill?

Mr. OLDFIELD: We saw the Bill for the first time on last Tuesday afternoon. Certain interested parties may have seen it before that, but members of Parliament did not. Does the Minister think 48 hours is sufficient to consider a Bill of this nature? Not only was the Bill brought in 48 hours after, but we were kept here till 5.30 a.m. on Friday in order to push the Bill through the second reading. When an amendment was moved by the Deputy Leader of the Opposition, the gag was applied.

The Premier: That was a time-wasting amendment.

Mr. OLDFIELD: It was an amendment designed to kill the Bill.

The CHAIRMAN: I would ask the member for Maylands to keep to the amendment before the Chair.

Mr. OLDFIELD: I am sorry I have been called to order, Mr. Chairman, because we have heard several second reading speeches made in Committee; besides which the Premier has consistently referred to the Legislative Council and so on, and if I am not to be accorded the same privileges as the Premier in this matter, will content myself with supporting the amendment.

Mr. PERKINS: The Minister said that members should know the opinion of the electors and be able to interpret it. There can be two opinions about whether members are correctly interpreting the wishes of their electors, and if this Bill is passed we shall not be able to judge the opinion until the next elections. In some safe seats, the opinion cannot even be gauged after those elections, because no election is fought only on one issue. With safe seats, even if there is considerable opposition to this legislation, it would not be sufficient to unseat present members.

Several Government members hold metropolitan seats, such as West Perth, North Perth and Leederville. How will they know the opinion in their electorates until after the election? Many of us hold the opinion that some members opposite will receive a rude shock when the next elections are held, and consider that some faces now appearing in front of us will then disappear.

The Premier: You will not have to worry about that. That will be your joy.

Mr. PERKINS: Members cannot be expected to be returned if they support this sort of legislation. On the question of a referendum, if the Bill is passed, with a proviso that it be enforced after a referendum is held, the situation could be decided in the next two or three months, or early in the New Year; but if we are to rely on the feelings of electors as suggested by the Minister, then we must wait another 18 months until the next election.

Should the Bill pass both Houses in the meantime and become law, then the machinery would be set up to bring into operation legalised betting shops. Once those have been established, they will have a devastating effect on the community, and they will tend to increase the number of people who indulge in horse-racing in a big way, particularly in off-the-course betting. When more people are so infected with the gambling spirit, a referendum might then be carried in favour of the Bill. Those of us who oppose any facility which might increase gambling are not likely to agree to any proposal such as this.

Regarding the contention that this Bill is a non-party measure, it seems extraordinary that all members of the Labour Party should be supporting it so strongly. Looking at the debates on other measures before this House, designed to do exactly what this Bill proposes to do, one must be impressed with the force and vehemence of the arguments put forward by prominent members of the Labour Party, including the late Hon. Philip Collier. No member on this side of the House could have put forward more ably and more eloquently arguments against facilities being provided for off-the-course betting than he did. Even though some of us disagreed with his political opinions, we cannot help admiring his force of character and the vehemence with which he expressed his opinion when he spoke on a similar measure which tended to undermine the morals of the community. The Minister's argument that we should wait until the next general election is not sound.

The Minister for Police: I did not suggest that.

Mr. PERKINS: The Minister said that we should be able to interpret the opinion of our electors, but we would not know that opinion until the next election is held.

The Premier: That is silly, because more than one issue would be brought forward then. How would we know?

Mr. PERKINS: The Premier is now knocking down the argument of his own Minister. How are we to obtain the opinion of the electors except by agreeing to a referendum? I agree that a referendum cannot be held on every question before Parliament, but this matter creates such division and cuts across party platforms so much, that a referendum should be taken.

Hon. D. BRAND: I move—

That progress be reported.

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

Ayes	23
Noes	24
Majority against	1

Ayes.

Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Bovell
Sir Ross McLarty	*(Teller.)*

Noes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. J. Hegney	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
	(Teller.)

Motion thus negatived.

Hon. D. BRAND: If the answer to the betting problem is to be found in a Bill of this sort, Governments in the past would have adopted such means of solving it, but for many years successive Governments, here and elsewhere, have not faced up to the problem by legalising betting shops. It was done in South Australia, and if the pamphlet that has been circulated is correct, all parties were unhappy about the situation that developed there. In Tasmania betting has been legalised, but I repeat that the Government there is seeking an alternative, thus indicating that it is not happy with what is going on.

We claim that the Bill will not solve the problem of betting because it has been acknowledged by other States and by interested parties that a statute cannot stamp out betting or absolutely control it; all it can do is to restrict and retard betting. Those who oppose the measure claim that it would lead to facilities being offered to the public that would encourage all and sundry to patronise the betting shops and create a social evil. The reason why past Governments have not brought forward such legislation is that they were afraid of the consequences.

The Minister for Housing: Previous Governments did so.

Hon. D. BRAND: But Parliament did not accept the measures because members feared the consequences. The legalising of betting shops would create vested interests, which is something that must cause Parliament serious thought.

The Minister for Housing: There are vested interests now, and you know it.

Hon. D. BRAND: There are not, but there will be real vested interests if the Bill be passed. As regards the legalising of Sunday trading to which reference has been made—

The CHAIRMAN: I hope that the hon. member will connect his remarks with the amendment.

Hon. D. BRAND: I shall do so. This is a highly controversial measure. We have evidence that a very large percentage of the people is anxious that the Bill be defeated, and so we have suggested that they be given an opportunity to vote on it at a referendum.

The Minister for Housing: How can you say a large percentage?

Hon. D. BRAND: Of course there is.

The Minister for Housing: It may be a noisy minority.

Hon. D. BRAND: A referendum would be a complete answer to the question. If I may refer to Sunday trading by hotels, we decided upon certain hours for drinking on that day. I can now go through my electorate and hear the very people who pressed for it questioning the wisdom of the move. Even at the expense of allowing existing conditions to continue, I am not prepared to legalise betting. To close hotels on Sunday would now be most difficult politically.

Let us maintain the existing position in regard to betting. I believe that the matter of illegal betting has been made a bogie out of all proportion to the real position. Supporters of the Government say that we must do something, that we must legalise it, but if that course be adopted, a real social problem will be created as has been proven by the experience in South Australia. If we believe it is wrong to use the Traffic Act to restrict and control betting, let us tackle our existing laws and put them right. Let us decide whether we shall have betting or not.

The Minister for Police: You had six years in which to do that.

Hon. D. BRAND: Plus the 14 that the hon. member's party had previously.

The Minister for Police: Two wrongs do not make a right.

Hon. D. BRAND: A large percentage of the people are rising and asking us to have a second look at the Bill. They say they would prefer to have the position as it is at present rather than the danger arising out of legalised betting. Give the people the opportunity to say what they

think about this. I am sure their reaction would be overwhelmingly in favour of saying, "Do not lead us into this danger."

Hon. Dame FLORENCE CARDELL-OLIVER: My few words are in favour of a referendum. That is the fairest way to deal with a question such as this. Are members opposite afraid of a referendum?

Mr. Bovell: Of course they are.

The Minister for Lands: Were you when you were in office?

Hon. Dame FLORENCE CARDELL-OLIVER: I was never afraid of anything.

The Minister for Lands: If you were not afraid, why did you not do it?

Hon. Dame FLORENCE CARDELL-OLIVER: There was no social problem like this one. When a referendum is held, some education is given to the public on the subject that is to be dealt with. I would sooner not discuss whether this is right or wrong because I am sure all members know it is a question which is vital to the family life of Western Australia. If members discussed it with their wives and families, they would realise that it was very vital, and they would be glad to hold a referendum or get rid of the Bill altogether. The Premier spoke about the proposed abolition of the Legislative Council in 1946. I can remember on three occasions hearing a Labour Premier in this Chamber say "Thank God for the Upper House."

The Minister for Police: In derision.

Hon. Dame FLORENCE CARDELL-OLIVER: In the Upper House we certainly have a number of members who will decide this particular question. I am not going to say "Thank God for the Upper House," because I do not know how it is going to vote on this matter, but it is a wise provision to have another House whether it votes for or against the Bill. I am sure that the Upper House would agree to a referendum. As the time is so late, I think the Premier should adjourn until tomorrow or the next day.

Mr. BOVELL: I support the amendment because it provides the only democratic way of overcoming the position that has arisen. The Minister, when introducing the Bill, said it was a non-party measure, but the divisions have shown that it is anything but a non-party measure as far as the Government side of the Chamber is concerned. Why the unseemly haste in endeavouring to get the Bill through?

We have on the notice paper other matters of more vital importance. One is a Bill in regard to the redistribution of electoral districts boundaries and provinces boundaries. The measure we are now discussing is No. 2 on the notice paper whereas the other is No. 22, or thereabouts. Another important measure is the Local Government Bill. I cannot comprehend why the Government has adopted the attitude it has in regard to this so-called non-party measure.

It has been said by the Leader of the Opposition and other members on this side of the Chamber that the referring of such questions as this to a referendum has not occurred very often in Western Australia. Queensland at this very time is giving a lead in regard to holding a referendum on this vital subject. It is the only solution to the question that has developed. The Premier referred to a referendum concerning the Legislative Council and I interjected and said that the Legislative Council, the oldest legislature in this State, was not by any means a social evil.

That Chamber has done immeasurable service over a great number of years in the interests of the people of Western Australia; but no person could say that the encouragement of a social evil such as starting-price betting could be classed in the same category as the Legislative Council. The Premier endeavoured to brush over the subject; he brought forward the matter of the Legislative Council only as a red herring. Why will not the Government agree to the amendment? Has it an ulterior motive in requiring the Bill to be passed hastily? It is not too late for the Minister to agree to the amendment, and so I ask him to give it favourable consideration.

Hon. Sir ROSS McLARTY: If betting shops are licensed here, there will be a tremendous increase in betting generally. In Melbourne last week I was told of the huge crowds to be seen at Tattersall's, which has recently shifted from Hobart to Melbourne. My informant said there were just as many people going into that establishment as into the great chain stores. I found that it was not an exaggeration—

Mr. Lapham: Had they not every right to go there if they wanted to?

Hon. Sir ROSS McLARTY: Of course. They were lined up in queues at about 50 windows, waiting their turn to buy tickets. There is no doubt that the coming of Tattersall's to Melbourne increased the demand for lottery tickets by hundreds of thousands, and the young people particularly seem interested, although I also saw many older people buying tickets.

Hon. J. B. Sleeman: Previously the money went to Tasmania and New South Wales.

Hon. Sir ROSS McLARTY: But not in the same volume, because people had to post their applications. The fact that they can walk in and buy tickets greatly encourages them to do so.

Mr. Andrew: There is little harm in buying a lottery ticket.

Hon. Sir ROSS McLARTY: It is not good greatly to encourage investment in lottery tickets, which is akin to betting.

I believe a great impetus has been given to people in Victoria to invest in lotteries, though the overwhelming majority, of course, can get nothing out of it.

Mr. Lapham: Charitable organisations in this State have had plenty out of our lottery.

Hon. Sir ROSS McLARTY: I do not think it desirable to argue that we should gamble in order to aid charities, as the more of that we do, the more charity we will have to provide. In view of the importance of the question and the facts I have given, I hope members will realise the desirability of giving the people a chance to express themselves by referendum.

Mr. JOHNSON: I rise to speak because the amendment has been linked with referendums concerning the franchise or removal of another place. I will quote from the "Current Affairs Bulletin" issued by the Commonwealth Office of Education on the 17th January, 1949, as it could hardly be regarded as in preparation for this debate. Those familiar with that publication know it is an attempt to present the facts on subjects with which it deals as impartially as possible. On the subject of gambling, the final sentence here reads—

> People will certainly continue to gamble, in one way or another, whilst the basic motive continues.

Among other things the pamphlet deals with the psychological reasons for gambling and points out that one of them is an urge brought about by insecurity of life under our current system; the tensions under which we live and particularly the economic insecurity.

One of the major causes of that insecurity in this State is another place, and one of the greatest causes of tension and economic distress in Western Australia has been its action in preventing social legislation proposed by this and previous Labour Governments from being passed.

Mr. Ackland: On a point of order, Mr. Chairman, has this lecture anything to do with the amendment?

The CHAIRMAN: I understand that the hon. member proposes to connect his remarks up with the amendment. In that case he is in order, and, if not, he is out of order.

Mr. JOHNSON: I was connecting the referendum referred to in connection with another place up with this proposed referendum. If we are to hold referendums, let it be on primary objects. The primary and major social evil under which the people of this State live is the stultifying effect of another place which has been a direct cause of some of the economic tensions which lead to gambling.

Mr. Oldfield: You would never have thought of that had the Premier not mentioned it.

Mr. JOHNSON: No matter what I thought of, it would be a long way ahead of the first thought the hon. member ever had.

Mr. Ackland: Kirwan Ward should hear you.

Mr. JOHNSON: If he heard all the hon. member said, he would never run out of material. I believe a referendum on the licensing and control of betting on and off the course would be carried by a handsome majority. The amendment of the member for Stirling appears to me to be designed particularly to make it possible for a great majority to be persuaded to vote against the proposal because of the way in which the amendment is framed. It is based upon the provisions of the Bill before us and, as we know, there are a number of differing opinions on the best method to control gambling.

Mr. Hutchinson: Do you think the method in the Bill is the best one?

Mr. JOHNSON: In my opinion it is the best first step and we have to take a step at a time. That is fairly obvious even to those like the member for Cottesloe. There are many opinions about the correct and easiest method of dealing with gambling and many who would vote for a control of gambling, could conceivably—and I am sure the member for Stirling, who is a wise old bird, is aware of it—vote against this particular provision although approving of its intention. I have no doubt that he thought of that in wording his amendment and thought it might be possible to squeeze a majority of people into voting against it. I have my doubts about that.

I have listened with great interest to the splash of the crocodile tears shed by members opposite in regard to the women and children. A neighbour of mine yesterday borrowed a ticket which is provided for all of us to visit the illegal horse sports. I was surprised to learn that he intended to take not only his wife, but also his family, down to the baby who is under five years of age, to the races.

Hon. Dame Florence Cardell-Oliver: Are you supposed to lend that ticket?

Mr. JOHNSON: The lady's ticket is transferable and the lady went as my guest.

Mr. Oldfield: Horse-racing is not illegal; it is the betting on the racecourse which is illegal.

Mr. JOHNSON: I am led to believe that a degree of betting did take place yesterday on certain horse sports.

Mr. Oldfield: You said "illegal horse sports".

Mr. JOHNSON: Well, illegal betting did take place there. Although these children did not bet their own few pence, at least they were well aware of the transactions which were taking place.

Hon. J. B. Sleeman: Do they allow them there at that age?

Mr. JOHNSON: Yet members opposite complain about children being led astray! They are being led astray now.

The CHAIRMAN: I would point out to the hon. member that we are dealing with an amendment and although I know it is difficult to keep strictly to its intentions, I have given him considerable latitude and I hope he will keep somewhere near it.

Mr. JOHNSON: I hope, when dealing with an amendment such as this, members will deal with the matter honestly and make some attempt to bring the question of gambling under control. I doubt if there is any member who is completely opposed to gambling. I think practically everyone holds a life insurance policy, which is nothing but a large-scale bet that the holder will live beyond or less than a certain age.

Mr. Hearman: A whole-life policy?

Mr. JOHNSON: That is definitely a gamble on how long one will live. Nearly every member on both sides has taken part in some Stock Exchange transactions, and that is only a type of gambling the same as a crop or wool sale. Let us be honest with ourselves. Every time we cross the road—especially with the sort of drivers we get these days—it is a gamble.

There is no need for members to whip up people who have sentimental reasons, which are, to some extent, unreal on occasions, for opposing betting on horses when they themselves take part in what is nothing but a direct form of gambling. On a number of occasions members have mentioned the question of a non-party Bill. No member on this side has been pressed to support this measure and there has been no intimidation or coercion.

Mr. Ackland: There has been a change of view since 1946.

Mr. JOHNSON: Members on this side are capable of changing their views, because they are capable of taking an intelligent interest in matters.

Hon. Sir Ross McLarty: Not all of them.

Mr. JOHNSON: I know that members opposite change their minds as soon as they change on to the other side of the Chamber.

Mr. Manning: But we do not change our principles.

Mr. JOHNSON: Of course not, because members opposite have no principles. I think I can speak with authority when I say that there have been no party decisions on this matter and every member is free to please himself. But we sit behind the Government and we have a responsibility to do what is right for the country.

Mr. Oldfield: Do you think it is right for the country to deny the people a referendum on an issue such as this?

The CHAIRMAN: I suggest to the hon. member that he keep to the amendment and disregard interjections.

Mr. JOHNSON: For the reasons I have given I oppose the amendment.

Mr. O'BRIEN: I have listened attentively to the various good speakers and I rise to oppose the move for a referendum. Like the Leader of the Opposition, I was not present during the debate on the second reading. The Leader of the Opposition was in the Eastern States and I thought it my duty to tour part of my electorate. I found that the majority were in favour of this Bill, which has been introduced on a non-party basis. My predecessor, the late Mr. Marshall, was of a similar opinion and he was pressed by his electors to introduce legislation to control this vital issue.

At present, we have no legislation to control on-the-course betting or s.p. betting activities. The Bill, although not perfect, will, if it becomes an Act, be of great benefit to the State. If it is passed, and after it has been given a trial, it does not do all that it should do, I propose, at a later stage, to introduce some amendments. At present, however, I am convinced that it will do much to stamp out a great deal of the illegal betting that is indulged in today.

The CHAIRMAN: I cannot allow the hon. member to carry on a general discussion. The question before the Chair is whether a referendum should be held, and I suggest that the hon. member confines his remarks to the amendment.

Mr. O'BRIEN: If a referendum were held, it would only be a waste of time and would delay the issue.

Mr. Yates: The public would be more satisfied, though.

Mr. O'BRIEN: I am against the holding of a referendum because I do not think it would do anything towards solving the problem.

Mr. McCULLOCH: The member for Stirling knows as well as I do that if this question were put to the public, a decision would not be reached for a couple of months. This session would then have concluded and Parliament would not meet again until next August when a new Bill would have to be introduced and, even if the people voted for this legislation, the Opposition would still oppose it. I have heard a great deal of talk about people in the country opposing this measure. Strange to relate, people on the Goldfields are apparently in favour of it. "The Kalgoorlie Miner," a newspaper that is more anti-Labour than pro-Labour, published a leading article on the subject, dated the 15th

November, 1954, and, for the information of members, I propose to read it. It is as follows:—

Control of Betting.

No doubt, if it comes into force—and it has yet to pass the Legislative Council—defects will be found in the new legislation to control betting but whatever its merits or detractions, the Government is to be commended in bringing down this measure, which is long overdue. The fact has at last been recognised that there are large sections of the public who wish to bet on racing but who have no wish nor perhaps the means to attend race-meetings.

For years, the law has been broken to meet the requirements of these people because previous Governments lacked the moral courage to face an obvious fact. To outlaw betting is no cure for gambling and it is far preferable to bow to necessity and exercise some control over off-course betting. The whole business has been furtive and unwholesome and it is a matter for gratification that at last this form of betting is to be recognised and legalised.

As the law stood, there was almost active connivance of what was illegal and this fact was demoralising to the community as a whole. Some defects may occur when off-course betting is under control but at least it will be possible to detect them and, if necessary remedy them.

The new legislation will recognise the need of racing clubs to participate in taxation on betting and for this reason, the clubs should have little to complain that the new measure will affect course attendances. It will, in fact, make little difference as for years it has been obvious that the number of people attending race meetings has been but a small proportion of those who have been betting.

No doubt there will be opposition to the measure from well-meaning organisations and individuals but it is hoped the Government will stand fast in its decision and at last implement legislation which will control a social feature that has grown enormously with the passing years. It will at least remove the unpleasant associations now attached to starting price bookmaking.

That is what "The Kalgoorlie Miner" put in its leading article.

Mr. Ackland: If that is what people on the Goldfields think, why do you fear a referendum?

Mr. McCULLOCH: People on the Goldfields have said that the control of betting is urgently required and that the holding of a referendum will only delay a decision on the question.

Hon. A. F. Watts: Nonsense!

Mr. McCULLOCH: The House will conclude its business in December, and will not meet again until next August.

Hon. A. F. Watts: Nonsense!

Mr. McCULLOCH: It is a fact that the matter would not be brought forward again until next session.

Hon. A. F. Watts: It would never be raised again.

Mr. McCULLOCH: My opinion is that the amendment seeks not only to delay the passage of the Bill now before us but also is an attempt to have the Bill thrown out. No pressure has been brought to bear on me, either by my party or the people I represent. When the Bill was in the second reading stage, I was free to vote as I wished. I definitely oppose a referendum because I know the feeling that exists at present on the Goldfields. If a referendum is agreed to, it will be nearly 12 months before another Bill is presented to this Chamber, and even if, by referendum, the people agreed to this legislation to control betting, members of the Opposition would still oppose it.

Hon. A. F. WATTS: Had it not been for the remarks of the member for Hannans I would not have taken any further part in the debate. First of all he observed that the referendum amendment is being employed by way of delaying tactics, and says that if the referendum is carried Parliament would have to be summoned in August to consider the Bill and the Opposition would still oppose it and so on. Obviously the hon. member does not understand the terms of the clause if it were amended as I desire.

Mr. McCulloch: The purpose of the amendment is to have a referendum.

Hon. A. F. WATTS: It proposes that the Bill should come into operation on a date to be fixed by proclamation, but not to be proclaimed unless a referendum of the electors had approved. That could be done in three months at the outside, and if the electors did agree there would be nothing to stop the Government from issuing a proclamation and making the legislation operative. I did not seek to amend the second part of the clause.

The member for Hannans is on the wrong track. I moved this amendment because I am opposed, and will continue to be opposed to the principles of the Bill; but if it is going to be passed and becomes an Act of Parliament, then it should not become effective unless it has been submitted to a referendum of the people. That is the only reason I have proposed the amendment.

Mr. McCulloch: You would still oppose the Bill.

Hon. A. F. WATTS: If the referendum were to have an affirmative result, I would not have any right to do it. The proclamation would be in the hands of the Executive Council and there would be no need to bring the measure to Parliament again. It would be out of the hands of Parliament if it had been approved by the electors. The query has been raised as to why a referendum was not proposed in the other three Bills which were introduced to do the same thing as is now proposed —in other words, to legalise betting, particularly off the course. The answer is that there was no need to ask for a referendum because none of the Bills passed the second reading stage, until this one did.

The 1946 measure was defeated by one vote; the other two also failed at the second reading. In this case, one has to consider whether or not the electors of the State ought to have the final say in the matter. One only conceives the idea of a referendum being required on a matter which, like this, is of the greatest importance socially and also one on which there is tremendous conflict of opinion. Accordingly, if we are to have legislation such as this foisted upon us, let it be with the consent of the majority of the electors. I think the electors would not agree to it; the Minister holds the opposite view. In all the circumstances, the electors are entitled to say whether this measure should be placed on the statute book and that is why I moved the amendment.

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

Ayes	22
Noes	23
Majority against	1

Ayes.

Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Hearman	Mr Thorn
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Bovell

(Teller.)

Noes.

Mr. Andrew	Mr. McCulloch
Mr. Brady	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. O'Brien
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	

(Teller.)

Amendment thus negatived.

Mr. OLDFIELD: I move an amendment—

That after the word "proclamation" in line 10, page 1, the words "but no such proclamation shall be made until after the holding of a general election for the Legislative Assembly next following the passing of this Act," be inserted.

The reason for the amendment is the attitude adopted by the Government to the one submitted by the Leader of the Country Party. The last amendment which sought to give the electors of this State the right to voice their opinion in a referendum has been defeated, and the present amendment aims to give voice to their opinions at the next general election. Some members have stated that if this question goes to a referendum, there is no doubt as to the way the vote will go. Therefore no valid objection can be raised to my amendment.

Amendment put and negatived.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Interpretation:

Hon. A. V. R. ABBOTT: I move an amendment—

That the definition of "agent" in lines 31 to 34, page 2, be struck out.

this clause envisages the licensing of certain persons to conduct bookmaking operations. It will permit an additional person, known as an agent, to carry on such a business for this principal. That is not at all usual in Bills of this nature. It does not apply in the Licensing Act. This clause will virtually enable a bookmaker to engage a dummy while he may be elsewhere in Australia or outside the country. The agent becomes responsible and subject to prosecution under the Act.

I see no reason why an agent should be defined unless it is intended to allow limited liability companies to be formed for this purpose. I notice that corporate bodies have been included to carry on betting. Is it the intention of the Minister to permit the formation of limited liability companies to carry on bookmaking businesses, as is done in England? Is this Bill intended to control betting and to limit it to certain persons? If it is, then the definition of "agent" is unnecessary. I propose to limit the carrying on of the business of bookmaking to the principal himself and not allow dummies to be appointed.

The MINISTER FOR POLICE: Bookmakers will have to be licensed by the board. If a bookmaker obtains a licence to operate on a trotting or race course from the body controlling such course, to enable him to operate on and off the course, then while he is conducting his operations on the course he will find it necessary to engage an agent to look

after his business off the course. Furthermore, the principal may be sick or may decide to go on a holiday in which case an agent will have to look after his betting premises. However, after considering the matter further, I agree to the amendment.

Amendment put and passed.

Hon. A. V. R. ABBOTT: The interpretation of "occupier" is—

> "occupier" used in relation to a place includes a person by whom or on whose behalf, and a company or other corporation which or on behalf of which, the place is actually occupied, or who or which is the lessee or sub-lessee, not being the owner, and an attorney, agent, or manager, who has the control, supervision, or management of the place on behalf of the person, company or corporation.

This, in my opinon, is quite unnecessary and I move an amendment—

> That the definition of "occupier" in lines 33 to 42, page 3, be struck out.

The MINISTER FOR POLICE: Earlier in the sitting the hon. member communicated a number of amendments that he proposed to move, but this is something new and on principle I oppose it. I have had no opportunity to consider what its effect might be.

Amendment put and negatived.

Hon. A. V. R. ABBOTT: The word "person" is frequently used in the Bill and, under the Interpretation Act, "person" means a body corporate. I do not want a body corporate to be a bookmaker. I move an amendment—

> That after the word "rent" in line 9, page 4, the following words be inserted:— "A person, notwithstanding anything contained in the Interpretation Act, 1918, does not include a body corporate."

The MINISTER FOR POLICE: While it is not intended to allow a body corporate to conduct a betting shop, I do not agree with the hon. member's method of meeting the position. The hon. member's best course would be to strike out the reference in provisions that would permit of a body corporate conducting a betting shop.

Amendment put and negatived.

Hon. J. B. SLEEMAN: I move an amendment—

> That after line 22, page 5, the following definition be inserted:—
>
> "Starting price" shall mean the price the winning horse starts at.

This is necessary to protect the poor old punter. The bookmaker can look after himself. A person rang me up and told me that he had been on a horse on Saturday that paid £6 and all he got from an s.p. bookmaker was 10 to one.

The MINISTER FOR POLICE: I agree with the definition in principle, but will the hon. member tell me how we shall find out at what price a horse starts? Are we going to take "The West Australian" as a guide?

Hon. J. B. Sleeman: I think "The West Australian" would be near enough.

The MINISTER FOR POLICE: If that were incorporated in the amendment, I would be prepared to accept it. Off-the-course bookmakers should pay the same odds as do those on the course.

The CHAIRMAN: I suggest that the member for Fremantle should withdraw his amendment and move the complete amendment.

The PREMIER: I think this is not so much a definition as a directive. The member for Fremantle proposes by his amendment to lay down that bookmakers in legalised betting shops shall pay out on a winning horse at the price at which it is returned on the course. This seems to be a directive or laying down of the law, and not a definition. I think, too, the member for Fremantle would want to provide for the placed horses in the same way. I suggest that the hon. member might withdraw his amendment, at least for the time being.

After this clause has been completed, I propose to ask the Committee to report progress and then to adjourn the House. Therefore I suggest to the member for Fremantle that he withdraw the amendment and discuss the matter tomorrow with the Parliamentary Draftsman. He will find that the Parliamentary Draftsman will probably advise him that what he, the member for Fremantle, seeks to achieve in his amendment would not be achieved in the definitions clause, but in a separate clause.

Hon. J. B. SLEEMAN: I do not mind withdrawing the amendment, but I think it is necessary to have a definition of the meaning of "starting price".

The Premier: You can do that in the clause.

Hon. J. B. SLEEMAN: Very well. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause, as previously amended, put and passed.

Progress reported.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. A. R. G. Hawke—Northam): I move—

> That the House at its rising adjourn till 7.30 p.m. today (Wednesday).

Question put and passed.

House adjourned at 1.14 a.m. (Wednesday).