FRIDAY SITTING.

As to Hours.

The PREMIER: Before moving to adjourn the House I would like, with your permission, Mr. Speaker, to advise members that the House will be asked to sit on Friday next at 2.15 p.m. and that I hope it will be possible to adjourn at teatime.

House adjourned at 11.12 p.m.

Legislative Council

Wednesday, 24th November, 1954.

CONTENTS.

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

QUESTIONS.

POLICE ACT.

As to Issuing of Warrants.

Hon. H. HEARN asked the Chief Secretary:

Will the Minister for Police consider introducing legislation to amend Section 85 of the Police Act, to provide that warrants under that section shall be issued under the hand but not the seal of the justice issuing the warrant?

The CHIEF SECRETARY replied:

Yes. Consideration will be given to the amendment as suggested.

STATE HOUSING COMMISSION.

As to Resumption and Sale of Business Sites, Queen's Park.

Hon. A. F. GRIFFITH asked the Chief Secretary:

In regard to the three Maniana business sites situated in Wharf-st., Queen's Park, which were sold at auction on Saturday, the 20th November, for £3,360—

(1) What are the lot numbers and areas of the three blocks in question?

(2) When were they resumed by the State Housing Commission?

(3) What price was paid to the owner on the resumption?

(4) If the owner has not been paid, what will be the price that will be paid to him?

The CHIEF SECRETARY replied:

(1) Lot 1: 4.5 perches.
Lot 2: 4.5 perches.
Lot 3: 6 perches.

(2) 25/9/53.

(3) No claim for compensation has been lodged and no assessment has been made

(4) Answered by No. (3).

S.P. BETTING.

As to Number of Convictions.

Hon. J. J. GARRIGAN asked the Chief Secretary:

How many starting-price betting convictions were there in Western Australia from the 30th June, 1953, to the 30th June, 1954?

The CHIEF SECRETARY replied:

There were no convictions for starting-price betting, but 134 convictions were obtained for keeping or using premises as a common betting house; and for obstructing the traffic in the street under the traffic regulations where such obstruction was associated with betting transactions, 2,006 convictions were obtained.

MOTION—ADDITIONAL SITTING DAY.

On motion by the Chief Secretary, resolved:

That for the remainder of the session, the House, unless otherwise ordered, shall meet for the despatch of business on Fridays at 2.15 p.m. in addition to the ordinary sitting days.

BILLS (3)—THIRD READING.

1, Forests Act Amendment.

2, Mines Regulation Act Amendment (No. 2).

Passed.

3, Traffic Act Amendment (No. 2).

Returned to the Assembly with amendments.

BILL—DENTISTS ACT AMENDMENT.

Third Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.42] in moving the third reading said: There was certain information asked for by Dr. Hislop which I should like to give. The present fee of £2 2s. has not been increased for many years, although costs have been enormously inflated. There are only 270 dentists, so the maximum possible income is 540 guineas. This is insufficient to meet basic needs. The finances of the board are in such a state that an increase in fees to £4 4s. per annum is necessary.

Although the Bill allows for fees to be fixed, under the rules, up to a maximum of £6 6s., it is not proposed to increase them to this figure. However, in years to come an increase above £4 4s. may become necessary. If the Bill provided a maximum based on present needs, it would mean that the matter would again have to be submitted to Parliament. The figure of £6 6s. gives a liberal margin which would obviate this.

The matter of the library need not concern the board, as I am informed that the Australian Dental Association has now concluded an agreement with the University of Western Australia under which the association will pay an annual subsidy to the university library. I think I previously answered the other point raised. The amalgamation of the medical and the dental libraries could be brought about if and when the medical school is established in this State. I move—

That the Bill be now read a third time.

Question put and passed.

Bill read a third time and *passed.*

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Report of Committee adopted.

BILL—LIMITATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 8—Second Schedule added (partly considered):

The CHIEF SECRETARY: I was right when I said last night that instead of the words "First Schedule" on pages 5 and 6 of the Bill, the words "Second Schedule" should appear. This is a printer's error; and if it can be corrected by the clerks, I will not move an amendment to have it done.

The CHAIRMAN: The clerks will make the necessary alteration on pages 5 and 6.

Clause put and passed.

Title—agreed to.

Bill reported with an amendment.

BILL—PLANT DISEASES ACT AMENDMENT.

Reports of Committee adopted.

BILL—NATIVE WELFARE.

In Committee.

Resumed from the previous day. Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 8, as amended, had been agreed to.

Clause 9—agreed to.

Clause 10—Section 7 amended:

Hon. N. E. BAXTER: I move an amendment—

That paragraph (g), page 5, be struck out.

This paragraph is bound up with the next one, which gives the Commissioner the right to delegate his powers to a deputy. That is a function which I think should be exercised by the Governor or by Executive Council. In paragraph (h), reference is made to the exercise of a power or the discharge of a function by the commissioner being dependent upon his state of mind. I will read a letter which shows what is the state of mind of the commissioner concerning natives generally.

The Minister for the North-West: What has that to do with the amendment?

Hon. N. E. BAXTER: It indicates that it could be dangerous to give the commissioner the right to delegate his powers to a deputy. In no other instance is the head of a department given the right to declare his own deputy.

The Minister for the North-West: That is not done in this case.

Hon. N. E. BAXTER: It certainly is. Power is taken away from the Governor to appoint a Deputy Commissioner of Native Affairs though power is left with him to appoint inspectors.

The Minister for the North-West: You have read it wrongly.

Hon. N. E. BAXTER: I have not. The principal Act gives the Governor the power to appoint travelling inspectors. I now propose to read the letter to which I previously referred, though I will not mention the name of the man to whom it was written. It is as follows:—

Dear Sir,

In reply to your letter of 1st inst., I have to advise as follows:—

(1) Holders of a certificate of citizenship are entitled to all rights, privileges, etc., of full citizenship, and the police officers have no authority to prohibit the supply of liquor, bottled or otherwise to them.

Admittedly there is nothing wrong with that. The letter proceeds—

(2) Under Section 118 of the Licensing Act—"Any holder of a publican's General Licence, an hotel licence . . . . who, without reasonable cause refuses to receive any person as a guest into his house, or to supply any person with food, liquor, refreshment or lodging . . . commits an offence against this Act. Penalty £50."

That was signed by Mr. S. G. Middleton, the Commissioner of Native Affairs.

The Minister for the North-West: He was explaining something, was he not?

Hon. N. E. BAXTER: Yes. But I am showing how irresponsible he was when he wrote this letter, because the person referred to happens to be a coloured person. But never at any time has he come under the definition of a native, and he has never had to acquire citizenship rights. I agree with the commissioner's statement that police officers have no authority to prohibit the supply of liquor; but the arrangement in this area is that the police officer requests hotels not to serve coloured people with bottled liquor because of the trouble that occurs. That was exemplified by the Minister's statement concerning the prosecution of natives for drunkenness.

The Minister for the North-West: All in the city.

Hon. N. E. BAXTER: They covered the State.

The Minister for the North-West: What has this to do with the amendment?

Hon. N. E. BAXTER: A lot. It has reference to the phrase in paragraph (h) relating to the commissioner's state of mind, and I am showing how dangerous it would be to give the commissioner power to elect his deputy. Instead of inquiring who this person was, before writing the letter I have read, the commissioner went straight ahead. He did not consult the police. He prefers to work without consulting them on matters concerning natives. In fact, this person is a reputed thief. He has been charged twice with drunken driving, and is serving six months' imprisonment at present. That shows the irresponsibility of the commissioner in replying to a letter without making inquiries.

The Minister for the North-West: If someone wrote to you, would you make an inquiry about him?

Hon. N. E. BAXTER: I would do so in a matter like this; and the commissioner should have done so, because he is responsible for the native population. It would be different in dealing with white people, but when one is handling natives—

The Minister for the North-West: But the man concerned is not a native.

Hon. N. E. BAXTER: No; that is where Mr. Middleton fell down and showed his irresponsibility by not finding out the facts. Yet it is proposed to take from the Governor power to appoint a deputy and pass it to the commissioner himself.

Hon. C. W. D. Barker: You are trying to draw an inference from the letter.

Hon. N. E. BAXTER: Why did the commissioner not make inquiries?

Hon. C. W. D. Barker: From his departmental files, he would know whether the man was a native.

Hon. N. E. BAXTER: The man is not a native and never has been. I ask the Committee to agree to the amendment.

The MINISTER FOR THE NORTH-WEST: I am rather surprised at the hon. member objecting to an improvement in administration and then making an attack on the commissioner.

Hon. N. E. Baxter: Was it not warranted?

The MINISTER FOR THE NORTH-WEST: I imagine that anybody who wrote to any department would receive a reply giving the details requested. Evidently this man desired an explanation of certain matters and he received it. He was given a reply without anybody making an inquiry as to who he was or what he was. That is the normal procedure.

Hon. N. E. Baxter: It is a weak way to go about things in a case like this.

The MINISTER FOR THE NORTH-WEST: Weak? What is the hon. member talking about? If we had to inquire about everybody's private life before answering correspondence, I do not know what would happen.

Hon. N. E. Baxter: The commissioner is dealing with natives.

The MINISTER FOR THE NORTH-WEST: As a matter of fact he was not dealing with a native in this instance; the hon. member said so himself. The hon. member is only making an attack on the commissioner, who is doing a good job.

Hon. N. E. Baxter: It is quite justified.

The MINISTER FOR THE NORTH-WEST: I must refer to both paragraphs (g) and (h). On the assumption of office of the present commissioner, the administrative staff of the department was decentralised by the establishment of districts and sub-districts and the appointment of field officers in charge of each throughout the State. In order that this system and these officers may be permitted to operate to their full capacity, it is essential that the commissioner be given power to delegate to his field officers all or any of his powers and functions under this Act as he may deem necessary.

Decentralisation of the department's administration was recommended by Mr. H. D. Moseley, Royal Commissioner, in 1934; and again in 1947 by Mr. F. E. A. Bateman, R.M., who conducted a survey of native affairs in Western Australia. Section 7 of the parent Act does not allow for the implementation of a decentralised system of administration; it vests authority only in the commissioner, deputy commissioner and travelling inspectors. The present staff establishment of the department provides for district officers, assistant district officers, patrol officers, cadet patrol officers and female welfare officers approved by the Minister and the Public Service Commissioner; and these appointments are now listed as classified items on the State Public Service List. The designation "travelling inspector" is no longer in use.

I cannot see where there is any objection to what is proposed in the Bill, because it merely means that the administration will be channelled into the lines recommended by a Royal Commission; and, later, as the result of another inquiry. The previous amendments simply enabled the Governor to appoint the officers, and paragraph (h) only gave the commissioner the power to delegate his authority. It is necessary that he should have that power of delegation. I advise members to oppose the amendment.

Hon. C. W. D. BARKER: I hope the Committee will not agree to the amendment. I do not think that the hon. member who moved it knows too much about native affairs, or the administration of native affairs. Prior to the appointment of the Royal Commission there were, in the North, just one or two scattered native protectors. Since Mr. Middleton's appointment the whole of the administration has been reorganised, and districts have been established, and travelling inspectors appointed. In the old days, when we had to rely on headquarters for everything, the delays at times were embarrassing. If the commissioner is allowed to delegate his powers and decentralise administration, there will be a big improvement. I do not think Mr. Baxter understands the long distances involved in the administration of native affairs.

Amendment put and negatived.

Clause put and passed.

Clause 11—agreed to.

Clause 12—Section 9 amended:

Hon. N. E. BAXTER: I move an amendment—

That paragraph (a), page 7, be struck out.

The deletion of the words mentioned in the Bill would give anyone the right to move a native, whether male or female, from one part of the State to another. The State being of such vast dimensions, it would be dangerous to take these words out of the Act. The police want to keep a check on certain natives.

Hon. C. W. D. Barker: Do you think they are all criminals?

Hon. N. E. BAXTER: I said "certain" natives. The whole attitude seems to be that the Police Department should not interfere, yet it is expected to handle these natives in outlying districts and keep a check on them.

Hon. C. W. D. Barker: The police do not want to keep a check on them any more than on you.

Hon. N. E. BAXTER: They have the right to keep a check on white people of bad character. A white man who has been in trouble is known from police district to police district, and his photo is in the rogues' gallery. It is necessary for the Police Department to be aware that troublesome natives are in a certain district, and to know that no one has the power to move them to another district. This applies to females as well, because there may be trouble if someone takes a female to another part of the State.

Hon. C. W. D. Barker: You have a wrong slant on life altogether.

Hon. N. E. BAXTER: I have not. The removal of these words from the Act, would not only do a disservice to the natives but would make the position awkward for the police officers.

The MINISTER FOR THE NORTH-WEST: The hon. member has got the wrong idea about this amendment. He seems to imagine that it will keep a native in a particular district. It has nothing to do with that aspect at all. This refers to the fact that a person who, without authority in writing from a protector, removes, or causes to be removed a native, shall be guilty of an

offence. A drover crossing from the Ashburton to the Gascoyne, or from one district to another, must always get a permit. The Bill proposes to do away with the permit system, but it will still be necessary to write to the protector and get permission. Mr. Baxter said that this would help to keep a check on wayward natives.

I suggest it does not keep a check on such natives; because, if they want to go anywhere, they will go. It is the job of the police, and not of the department, to keep an eye on the wrongdoer. In every instance the Native Affairs Department protects natives in law courts. The hon. member wants the department to be policeman and protector. It cannot be both. Under this provision, no one can take a native out of the State without written permission.

Hon. Sir CHARLES LATHAM: I remember the discussion that took place in 1936, when this provision was first included. It was inserted by the then Labour Minister who was administering the Act. The story told was that drovers had been in the habit of bringing natives from the Kimberleys and leaving them deserted.

The Minister for the North-West: We have provided for that later.

Hon. Sir CHARLES LATHAM: It was not an easy subject at that time, and it necessitated an all-night conference to come to an agreement. I do not think we need chastise Mr. Baxter for bringing this matter forward. As a matter of fact, a near-white child was found in some camp up North; and the people, thinking they were doing a great service, brought the child down here, where it was put into a home. That created a great deal of trouble.

Hon. C. W. D. BARKER: This is intended to make it easier for employers to work natives. In the past a native could not be taken from one district to another without all kinds of permits first being obtained. This provision clears away that hindrance. No girl or boy can be brought down for education without a permit having to be obtained. Nowadays the natives know the value of money; they have advanced a lot. I do not know of natives being dumped and left today.

Hon. Sir Charles Latham: They could not be, because under the Act they could not be taken from their district.

Hon. C. W. D. BARKER: Let us cut the dead wood out of the Act, and make it workable.

Hon. Sir Charles Latham: There must have been a lot of fools in the Labour Party when that provision was inserted.

Hon. C. W. D. BARKER: That has nothing to do with it. The point is that times have altered, and the hon. member should advance with the times.

The CHAIRMAN: I ask the hon. member to confine his remarks to the amendment. I think he has got off the beam once or twice.

Hon. C. W. D. BARKER: The intention behind this clause is to make the Act workable. If an employer wants to take a native from one district to another, he should be able to do so. That is not asking too much. If members lived in the North, they would realise what an encumbrance the existing restriction could be. I ask members not to agree to the amendment.

Hon. N. E. BAXTER: Sir Charles Latham referred to a debate on a similar question in 1936. He informed the Committee that one of the principal reasons for inserting these words in the Act was that a native wanted to be returned to the district in which he resided. The Minister stated that that was provided in the Bill. If an employer engaged a native and took him 50 or 100 miles away, left him at that spot, and did not provide any transport for his return, we would have only the word of the employer that the native did not go there himself. However, if he obtained a permit, there would be definite evidence that he had transported the native for employment. I trust the Committee will agree to the amendment.

The MINISTER FOR THE NORTH-WEST: The years 1936 and 1954 are a long way apart.

Hon. Sir Charles Latham: Yes; some Labour members have seen the light since then.

The MINISTER FOR THE NORTH-WEST: There might have been five or six Labour members at that time, but the House agreed to it.

Hon. Sir Charles Latham: The other House.

The MINISTER FOR THE NORTH-WEST: It takes both Houses to make an Act. It was not vigorously opposed then; so why oppose it now?

Hon. Sir Charles Latham: The Minister should not look at me. It is needed.

The MINISTER FOR THE NORTH-WEST: There is no use for it. It is a question of a man taking a native to another place.

Hon. Sir Charles Latham: Do not try to convince me against my will. I know what it means.

The MINISTER FOR THE NORTH-WEST: In my opinion, the amendment should be defeated.

Hon. Sir Charles Latham: It probably will be.

Hon. L. CRAIG: The principle underlying the amendment in the Bill is to give the native further status. The Act says that a certain person "must not take", which puts the native on a lower level. The object of the Bill is to give a native a different status, so that nobody can take him anywhere. In other words, he has the right of any human being to go where he likes, and cannot be taken to any place against his will. The object of the Bill is to absorb natives into our community; but by giving them a lower status, we are treating them as human beings that are different. A native should not be taken anywhere he does not want to go. Therefore, I think Mr. Baxter's amendment is not a good one.

Hon. N. E. BAXTER: I would like to point out that there might be a native at Esperance; and, according to the provision contained in the Bill, an employer could not take that native 200 or 300 miles over the Western Australian border, but he could transport him 1,000 miles to the Kimberleys.

The Minister for the North-West: Yes, because he would still be under the Department of Native Affairs.

Hon. N. E. BAXTER: That seems rather ridiculous. A different view was held by members when we were discussing legislation in regard to obtaining permits for moving machinery, and there is not much difference between the two questions.

Amendment put and negatived.

Clause put and passed.

Clause 13—agreed to.

Clause 14—Section 11A added:

Hon. N. E. BAXTER: I trust the Committee will vote against this clause because it gives the Department of Native Affairs power to resume land under the provisions of the Public Works Act. In a part of the Bill to which we have already agreed, power is granted to the Minister to acquire land. I consider that the Committee should not agree to the power of resumption being granted to the department; therefore, it should vote against the clause.

The MINISTER FOR THE NORTH-WEST: This clause is necessary so that land can be acquired.

Hon. N. E. Baxter: Resumed.

The MINISTER FOR THE NORTH-WEST: Resumed or acquired, for the purposes of housing or settling natives. All it seeks is to make power automatic to acquire land. Even if the clause is struck out, I still do not think the department, with the co-operation of the Public Works Department, would be prevented from acquiring land in the normal manner. We are not amending the Public Works Act. All the clause seeks to do is to authorise the department to use the Public Works Act for resumptions.

Hon. Sir CHARLES LATHAM: The clause will only grant authority to do what has been done for ages. Similar provisions have been used in the past. There is no objection to the clause generally, except that the Public Works Department is the proper authority to resume land. Of course, in recent times, we have granted authority to other departments, such as the State Housing Commission, to resume land for housing.

Hon. C. H. SIMPSON: I would like Mr. Baxter to look at the clause in that light. The power of resuming land for public works purposes has always been granted under the Public Works Act. Generally speaking, the Public Works Department has performed its work extremely well. The State Housing Commission has certain limited powers of resumption now. My opinion is that there should be one resumption authority only, and that should be the Public Works Department. If any other department desires to acquire land, there must be some section of our administration that grants power to resume.

Hon. L. CRAIG: The wording of this clause is not clear. The Committee is asked to approve of the right of the Department of Native Affairs to resume land for public works. Under the Public Works Act land can be resumed almost anywhere. The State Housing Commission resumes land under its own authority for a specific purpose, and this Bill proposes to give the Department of Native Affairs the power to resume land for the purposes of native welfare. If that department desires to acquire land to provide farms for natives, it would be able to do so under the provisions of this Bill. In my opinion it should acquire land in the normal way, by negotiation and purchase.

Hon. C. W. D. Barker: You are not clear on that.

Hon. L. CRAIG: It appears that this clause will allow the Public Works Department to resume land for native welfare purposes. Does Parliament agree that the acquisition of land, perhaps in very large quantities, should be permitted? I am not sure that the welfare of natives should come under the Public Works Act, as though land to be resumed for native welfare would be for the welfare of the general public. If the Department of Native Affairs decides to acquire 10,000 acres in the Wickepin—

Hon. C. W. D. Barker: It will not do that, but only resume a block here and there for building purposes. What would the department want with 10,000 acres?

Hon. L. CRAIG: It is likely that the Department of Native Affairs has in mind the establishment of natives on the land. If my interpretation of the clause is correct, then power should not be given to the Department of Native Affairs to resume land. I would like more information on this clause.

Hon. A. F. GRIFFITH: Members know my beliefs in regard to land resumption. When first introduced, the Public Works Act empowered the Government to resume land for public works, and it never envisaged that very large parcels would be acquired. That Act provided that land could be acquired for the purpose of building bridges, etc.

The Minister for the North-West: We did not think Kwinana would be resumed.

Hon. A. F. GRIFFITH: That was done by a special Act of Parliament, because the Government of the day had no power under the Public Works Act to resume all that land. The Public Works Act provides that the Government can resume land to construct a bridge, a railway, or some other public utility. In 1946, when the State Housing Act came into operation, the Government thought it did not have the power under the Public Works Act to resume large parcels of land for housing projects. Let us assume that I bought a block of land on £1 deposit and the balance in 20 days; and then two days later I sold it for over £3,000. Where would I be? But the Housing Commission can do that, because it has the power.

Hon. C. W. D. Barker: You are against all resumptions?

Hon. A. F. GRIFFITH: Yes.

The Minister for the North-West: Only this year.

Hon. A. F. GRIFFITH: Yes; I am against the type of resumption that is taking place. The Chief Secretary can put a political tag on this.

The Chief Secretary: I wonder how you can dovetail your present attitude with the resumption of land at Kwinana. You praised the action of the Government at that time.

Hon. A. F. GRIFFITH: The small attitude of the Chief Secretary is that because land has been resumed before, it is right to do it now. I share the views expressed by Mr. Craig. Here is the case of a man with some land which the Housing Commission resumes; and before it pays for the land, it sells it for £3,500. What is to stop the very same thing being done under the provisions of this Bill? I, too, would like some clarification from the Minister. If the Government wants the Department of Native Affairs to acquire land, why should it not purchase the land on the open market, instead of acquiring it by resumption?

Hon. A. R. JONES: I support the views of the last two speakers. According to the wording of this clause, the Department of Native Affairs will be given the same powers as are given by the Public Works Act, and it can resume anyone's property if so desired. The clause says that where land is resumed for giving effect to a purpose of this Act, the Public Works Act applies.

Hon. F. R. H. LAVERY: I would also refer to the wording of this clause, and would point out that in Section 2 of the Act referred to, there are 23 paragraphs.

Hon. L. Craig: But it brings this clause into Section 2 of the Act.

The MINISTER FOR THE NORTH-WEST: This amendment will not give power to the Department of Native Affairs to undertake resumptions at all. Where land is required, that section of the Public Works Act enabling it to resume land for public works will be read as though it applied to land to be resumed for the purposes of the Native Welfare Act.

Hon. L. Craig: The Department of Native Affairs will then become a public works.

The MINISTER FOR THE NORTH-WEST: That is the substance of the clause.

Hon. L. A. LOGAN: I would draw the attention of members to Clause 9, which must be read in conjunction with the present clause. If this does not mean resuming land under the Public Works Act for a specific purpose, then I do not know what does.

Hon. F. R. H. Lavery: The department can buy it.

Hon. L. A. LOGAN: I know that; but it also brings the proposed new section under the Public Works Act. Therefore, under the latter, the Government will be empowered to resume land to set up farms for natives.

The Minister for the North-West: That would be a correct interpretation.

Hon. L. A. LOGAN: That is what we do not want. If the Department of Native Affairs requires land it should buy it. There are millions of acres reserved for soldier settlement, but not one acre was resumed. It was all done by negotiation, and the same practice should be followed by the Department of Native Affairs.

Hon. A. F. GRIFFITH: Mr. Logan is quite correct. Clause 9 empowers the Minister to acquire land and enter into contracts, but does not authorise him to resume land; whereas Clause 14 does, and that is something we do not want.

Hon. N. E. BAXTER: The clause would empower the department, operating through the Public Works Department, to resume the farm belonging to Mr. Jones, Mr. Roche or anyone else for the purpose of establishing a native institution. Such wide power should not be granted. I object to resumptions of this nature without reference to Parliament.

The Chief Secretary: We have come to Parliament now.

Hon. N. E. BAXTER: I hope that the clause will be negatived.

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

Ayes	12
Noes	14
Majority against	2

Ayes.

Hon. C. W. D. Barker	Hon. R. F. Hutchison
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. J. D. Teahan *(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. J. G. Hislop
Hon. L. Craig	Hon. L. A. Logan
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. J. McI. Thomson
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. A. R. Jones *(Teller.)*

Pair.

Aye.	No.
Hon. G. Bennetts	Hon. Sir Chas. Latham

Clause thus negatived.

Clause 15—Section 13 repealed:

Hon. N. E. BAXTER: Under Section 13 of the Act, the commissioner might decide that, in the best interests of the State, a native should be kept within certain boundaries or in an institution, and I cannot understand why the Government should desire to remove this provision from the Act. It represents a safeguard for the native, as well as for the community. I hope that the clause will be negatived.

THE MINISTER FOR THE NORTH-WEST: Section 13 of the Act could be made very restrictive. For instance, if a native refused to go on to a reserve, he would be committing an offence. The desire is to remove the restrictive provisions so that this legislation may be a welfare Act. If a native had to be placed in an institution or hospital, the requisite power exists under the Health Act. If he had committed an offence and it was thought desirable to put him in an institution, he is entitled to a fair trial, and that would be a matter for the police. The common law would operate in lieu of the section in the Act and would remove the responsibility from the Minister and the department. Many years ago the section was required when natives were natives.

Hon. N. E. Baxter: They are natives still.

The MINISTER FOR THE NORTH-WEST: They have grown up, though not in the eyes of the hon. member.

Hon. N. E. Baxter: It will take a hundred years to do that.

The MINISTER FOR THE NORTH-WEST: Once prejudice creeps in, it cannot be removed. Everybody concerned considers that the section is obsolete and that the position is adequately covered by other statutes.

Clause put and passed.

Clauses 16 to 38—agreed to.

Clause 39—Section 37 repealed and re-enacted:

Hon. N. E. BAXTER: The clause needs to be tidied up. To this end I move an amendment—

That the word "or" in line 25, page 16, be struck out.

Amendment put and passed.

On motions by Hon. N. E. Baxter, clause further amended by inserting after the word "soon" in line 27 the words, "as possible;" by striking out the words "as possible" in line 28; by striking out the letter "(b)" in line 31 and inserting in lieu the figure, "(i)"; by striking out the figure "(i)" in line 34; and by striking out the words "for the native" in lines 34 and 35.

Hon. N. E. BAXTER: I move an amendment—

That the word "or" in line 37, page 16, be struck out.

The Chief Secretary: I think this word should remain.

Hon. L. CRAIG: This imposes on the employer the responsibility of sending a sick native to the nearest hospital; or, if the protector so desires, first to the protector and then to hospital. Apparently that decision rests with the protector. I would point out that the sick native might be at Hall's Creek, while the protector was at Carnarvon. If the employer rang the protector that officer might ask that the native be sent to him. The sick native would have to be brought down by plane to Carnarvon and then transported to a hospital, as the protector might decide. That could involve a serious imposition on the employer. We do not know where the protector might be when he asked that the sick native be sent to him, and perhaps we should specify that the native should be sent to the protector at his headquarters.

Hon. N. E. Baxter: I maintain that there is no necessity for the word "or."

The MINISTER FOR THE NORTH-WEST: It is essential that the word "or" remain, as without it the protector would lose control and all the employer would need to do would be to transport the native to the nearest hospital.

Hon. J. G. HISLOP: Whether or not the word "or" is necessary will depend on the fate of proposed new subparagraph (ii). Would we be in order in discussing the question on that basis?

The CHAIRMAN: I will allow it to be discussed in that way.

Hon. J. G. HISLOP: When the employer becomes aware that the employee has an illness or injury that necessitates hospital treatment I think he fulfils his obligation

by sending the employee—irrespective of colour—to hospital. I do not think the protector should have power to direct that the sick native be sent first to him. Once the individual is in hospital his care is the responsibility of the hospital authorities. The protector could then notify the hospital of his desires. I do not think we should depart from medical principles which have been laid down for hundreds of years past.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. G. HISLOP: I was emphasising that I can see no reason why we should depart from the age-old custom that once the employer has sent a sick employee to hospital, his responsibility is finished, and from then on the native is the responsibility of the hospital. Unless this provision is for any particular purpose, such as to cover an infectious disease—in which case it should say so—I do not know that it should be accepted. I shall vote against the clause, unless the Minister can give us an adequate reason for it. Why should a protector have the right to say that, if a native is badly injured, he must be sent 200 or 300 miles further on? That does not seem to be fair. It should be the responsibility of the hospital to say, "We cannot treat him and he should be sent elsewhere." I want a further explanation.

The MINISTER FOR THE NORTH-WEST: This provision has been in the Native Administration Act for many years, and I refer members to Section 37 of that Act. Under the section, a native with leprosy could be sent to the nearest hospital or the protector could direct that the native be taken to the leprosarium.

Hon. L. Craig: It does not say that. The clause says "sent to the protector and then to the nearest hospital."

The MINISTER FOR THE NORTH-WEST: That is so; and pay for the transport. I can see no harm in this provision and no objection was raised to its being in the old Act.

Hon. L. Craig: But you are altering the status of a native, and the employer will not need a permit to employ.

The MINISTER FOR THE NORTH-WEST : No; the native will be covered under the Workers' Compensation Act.

Hon. Sir Charles Latham: That will not cover him for sickness.

The MINISTER FOR THE NORTH-WEST: But it will cover him for injury. A native might be badly mangled while mustering bullocks.

Hon. L. Craig: If this Bill is agreed to, the native will be protected under the Workers' Compensation Act.

The MINISTER FOR THE NORTH-WEST: Yes; it places him on a different plane.

Hon. J. G. Hislop: Why should the employer be liable if a native is covered under the Workers' Compensation Act?

The MINISTER FOR THE NORTH-WEST: I should imagine that the employer would receive some recompense from the insurance company. In the Kimberleys, where the natives are semi-civilised, the stations have no objection to this provision. Some stations have as many as 50 or 60 natives usefully employed, and probably 150 who are not. If one of those natives becomes sick, he is taken straight to the nearest hospital or transported by the flying doctor service. It is in the interests of the stations to do that. Station-owners have not quibbled about this provision, and I do not see why it should not be agreed to. Dr. Hislop said that he had no objection provided they went to a major hospital.

Hon. J. G. Hislop: I did not say that.

The MINISTER FOR THE NORTH-WEST: The hon. member mentioned a major hospital.

Hon. J. G. Hislop: Quite.

The MINISTER FOR THE NORTH-WEST: The hospitals at Fitzroy Crossing and Hall's Creek are really only nursing posts; they are not major hospitals. Doctors are not stationed at those two points; they are stationed in Wyndham, Derby and Broome.

Hon. Sir Charles Latham: They fly out.

The MINISTER FOR THE NORTH-WEST: Yes; they have a fortnightly circuit in the Kimberley area. If a doctor cannot go, a nurse does the trip. I hope members will agree to the provision.

Hon. L. CRAIG: Under this measure we are removing from the native many of the restrictions that have been imposed upon him through the years. A person will not need a permit to employ a native; in other words, a native will be an ordinary workman, who will be able to get a job wherever he likes. Under the Native Administration Act, when a permit was required, the employer had certain obligations to look after the native because it was considered that he could not look after himself. If this Bill is agreed to, a native, if injured, will be compensated under the Workers' Compensation Act, which was not the case before. But while doing that, we are not removing any of the obligations of the employer. An employer will still have to provide free transport to send the native to the nearest or most accessible hospital; or, if directed to do so by a protector, provide free transport to send the native to the protector, and then to convey him to the nearest or most accessible hospital.

Probably the native would have to be taken by air, and it could be from Hall's Creek to Carnarvon, or any other place.

The Minister for the North-West: There are dozens of protectors spread throughout the country.

Hon. L. CRAIG: It says "the protector." It does not say any protector.

The Minister for the North-West: It would be the nearest.

Hon. L. CRAIG: While we give this freedom to the native, and give him the rights and status of a white man, we impose these restrictions on his employer. We all agree, I think, that as the native is not as good an employee as the white man, there should be an obligation on the employer to send him to hospital free of cost if he is injured. But I do not think we should impose the further burden upon the employer of sending the native to the protector; and, if the protector so desires, of conveying the native from the protector to the nearest or most accessible hospital. I think we should eliminate subparagraph (ii).

Hon. C. W. D. BARKER: I have seen this provision in operation. These people are still natives; they are not given citizenship rights. When I was stationed at La Grange, the natives would be brought to me from Anna Plains, and I would take them on to Broome when they were sick; that is, if they were under permit and working at Anna Plains. The natives are still only receiving 5s. a week; they are not being given the basic wage.

Hon. L. C. Diver: You do not believe that.

Hon. C. W. D. BARKER: I know a native gets £1 a week or so; but on that he has to keep his own grandmother, his wife's grandmother and several hangers-on. This will not lift the native in any way. Surely he must be looked after when he is sick, and some provision must be made for that purpose! The only obligation is for the employer to take the sick native to the nearest protector; and there is a protector in almost every district. Nearly all station managers are protectors; and once a native has been taken to a protector, the employer's obligation finishes.

Hon. L. Craig: Oh no, it doesn't!

Hon. C. W. D. BARKER: If it is not possible for the employer to take the native to, say, Broome, then the protector will arrange to do so at the employer's expense. This is not going to make a white fellow of the native; it would not do so if it had a bucket of whitewash added to it!

Hon. L. Craig: If it worked as you say it does, I would have no objection.

The MINISTER FOR THE NORTH-WEST: I would stress the fact that it is only necessary for the employer to go to the nearest protector and notify him.

Hon. L. Craig: Is there a protector in every district?

The MINISTER FOR THE NORTH-WEST: There are numerous protectors.

Hon. Sir Charles Latham: Are not police constables protectors?

The MINISTER FOR THE NORTH-WEST: If they are appointed as such. Since setting up a number of offices, the department has dropped the practice of appointing police constables as protectors, because they often found themselves in the position of being protectors and prosecutors.

Hon. L. Craig: Can a native be taken to any of these honorary protectors?

The MINISTER FOR THE NORTH-WEST: Yes.

Hon. L. Craig: Then I withdraw my objection.

Hon. J. G. HISLOP: I would like the Minister to explain a statement he made. He said that if a native were suffering from leprosy, the instructions from the protector would be to take him to the leprosarium. Is the diagnosis of leprosy made by the protector? If a native is suspected of leprosy, the case should be referred to a doctor before the man is confined to a leprosarium.

The Minister for the North-West: I only used that as an illustration, but many managers of Kimberley stations know leprosy when they see it. They do not diagnose it; they leave that for the doctor to do.

Hon. N. E. BAXTER: We are dealing with the deletion of the word "or". If members will read paragraphs (a) and (b) and then read on to subparagraphs (i) and (ii), they will see that the word "or" is not necessary and that it should be struck out.

The MINISTER FOR THE NORTH-WEST: I do not agree. It is necessary if the following provision is to remain.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 40—agreed to.

Clause 41—Section 40 repealed:

Hon. N. E. BAXTER: I trust the Committee will vote against this clause. It seeks to repeal a section in the Act which provides a safeguard for the natives by keeping undesirables out of their camps and reserves. Members seem to think that by removing these provisions we are uplifting the native. These restrictive provisions are not placed on the native but on the white man. While it can be said that people may go to the reserves lawfully, undesirable characters also visit the camps. If a man visits a reserve lawfully, the commissioner will not take any action; action will only be

taken in the case of undesirables. For the good of the native, the provision should be left in the Act.

Hon. C. H. SIMPSON: I also have on the notice paper an amendment along similar lines. It would be wrong to remove this protection from the native, particularly the adolescent native woman. We know that some people have reasonable excuse to visit the camps, and no action would be taken in those cases. Unfortunately, there are men of an undesirable class who visit these camps, and sometimes take liquor with them; the object of their visits can readily be imagined. The retention of the necessary protection for these young natives is most desirable, as pointed out by the Commissioner of Police in his report.

Two years ago we had an eloquent speech by Mr. Craig on this point. He indicated how necessary it was to preserve this protection. According to the commissioner's report, these undesirable associations are taking place. Unfortunately, the Commissioner of Native Affairs believes that young native women should be in the same category as white women, and therefore it is not his business to intervene. The police are not able to get the necessary evidence against the white men; or, if they do, they cannot be charged without the sanction of the Commissioner of Native Affairs. Recently, a magistrate asked why these offenders were charged under the Native Administration Act instead of being charged as disorderly persons. I think the removal of this protection would cause serious trouble.

The MINISTER FOR THE NORTH-WEST: The case to which Mr. Simpson refers was not in a native camp.

Hon. C. H. Simpson: There are so many of them. The one the magistrate referred to did not concern a native camp; but there are cases like it.

The MINISTER FOR THE NORTH-WEST: The one to which the hon. member referred happened in the precincts of the city. There seems to be some confusion between camps and reserves. A camp can be anywhere.

Hon. C. H. Simpson: The provision has been in the Act for a long time.

The MINISTER FOR THE NORTH-WEST: It is considered that an obstruction is placed in the way of those people who want to go to the camps lawfully. Every day of the week some person finds it necessary to go to a camp, even in a supervisory capacity, and if he did so he would be breaking the law. If a person wanted to visit a native camp unlawfully, he would not be deterred by the fact that this provision is in the Act.

Section 47 remains in the Act, and no danger is involved in the removal of this provision. Undesirable characters will go to camps, and nothing will stop them, whether there is a provision in the Act or not. They are just as liable if they associate with natives outside the camps. As Mr. Simpson explained, there have been cases near our city areas. The reason it is proposed to remove this section is to enable people to go to these camps who wish to go there for a lawful purpose. For instance, if a drover wants to engage labour, under the law he is not allowed to enter a camp, unless he is a protector.

Hon. C. H. Simpson: He could obtain a permit.

The MINISTER FOR THE NORTH-WEST: Yes; but he might have to wait some time.

Hon. C. W. D. BARKER: I cannot see any reason for retaining this provision in the Act. It has been said on several occasions that we are trying to uplift the natives. We are making one step forward to the goal of assimilation; but it is said that people should not be allowed to go to a blackfellows' camp. How are we going to get to know these people, and how are we going to effect assimilation if we segregate them? Under the policy for housing natives, the idea is to scatter homes for natives amongst the white population, and not to segregate them. In what position would a white man be if he had a family of natives living next door to him and he went into their backyard or called on them at the house? That would be unlawful. If one is found on a native reserve or camp one is liable under the Act.

Hon. N. E. Baxter: Tell me where it is.

Hon. C. W. D. BARKER: I do not know. But it has been carried out many times.

Several members interjected.

The CHAIRMAN: I will ask members to refrain from interjecting.

Hon. C. W. D. BARKER: Father O'Brien of Port Hedland was fined for being in a native camp. He went there to help the natives, but he had no authority from anyone to be there. Unless one is a protector or has authority from the department one is liable if one is found in a native camp. If a man wants to employ a native, he drives as near as he can to the camp, and yells until the boys come out and then talks to them. What is wrong with anyone going into a native camp? Mr. Simpson referred to a camp, and I know he was talking about Bassendean. That is correct, is it not?

Hon. C. H. Simpson: Yes.

Hon. C. W. D. BARKER: Surely the Bassendean camp is not going to be held up as an example! I could point to places in Perth frequented by white people which

are on a par with the Bassendean camp. If Mr. Simpson thinks that white men want to go to native camps for the sole purpose of raping young native women, I do not believe that at all. I have better thoughts of our white men than that.

Hon. H. Hearn: The hon. member never said that.

Hon. C. W. D. BARKER: If any of our white men want to go to a native camp they desire to do so for a good reason; they have friends there. Suppose a native has citizenship rights, and his father and mother have not obtained such rights. If he visited them, and his other relations in a native camp, he would commit an offence against the law. Surely we are not going to leave matters like that! Are we going to say, in effect, "You are to be afraid of white men. We will not allow you to mix with them"? What is wrong with a white man wanting to know a coloured woman? I cannot see anything wrong with it. In other countries it would not be looked upon as something horrible. The best thing we could do to solve the problem of the half-castes would be to encourage our chaps to get to know native women and marry them and breed out the colour. That would be the best way to tackle this problem. Are we going to give a native citizenship rights, improve his status, and then segregate him and tell him he cannot visit his father and mother?

Hon. H. Hearn: Of course he can! You are exaggerating.

Hon. C. W. D. BARKER: He could not do so unless he obtained special permission. That is what the Act provides.

Hon. A. F. Griffith: What is a lawful excuse?

Hon. C. W. D. BARKER: It is hard to establish. If one were found in a native camp, I do not know what excuse one could give that would be acceptable. One is grabbed, and one is gone!

Hon. Sir Charles Latham: It is the only thing you do not know then.

Hon. C. W. D. BARKER: That may be so. There is a lot the hon. member does not know, and I am giving him a chance to learn. Has he got into his head what I am trying to tell him? I do not know whether he has.

Hon. Sir Charles Latham: You are not the Crown Prosecutor at the moment.

Hon. C. W. D. BARKER: I cannot see any harm in white men going into native camps. I cannot see any harm in letting men go into camps, and particularly natives with citizenship rights.

Hon. L. A. LOGAN: I was very concerned about the deletion of this section in the first instance; but after giving the matter consideration, I do not believe the situation is as bad as members may think. Section 15 makes it an offence for any person to be on a native reserve. In the southern areas, camps are mostly situated on native reserves, so it will still be unlawful to go into those camps. Section 47 covers the points raised by Mr. Simpson. It would allow persons to frequent houses or camps of natives which are not on native reserves, for the purpose of mixing with the natives. The reason for such visitations does not come into the picture. The situation is adequately safeguarded by Sections 15 and 47, and for that reason I support the Minister.

Hon. L. CRAIG: We must not get apoplexy over this matter. This section has been in the Act for a long time and has worked very well indeed. It was inserted to protect the natives, because of their various weaknesses, from being imposed upon by the bad section of the white people. We are endeavouring to uplift the natives; but that does not mean to say we can do it immediately and that—hey presto!—they are different people.

Hon. J. G. Hislop: The whites have not altered, have they?

Hon. L. CRAIG: No, not for centuries; and the natives have not altered either. This section in the Act makes it an offence for any white person to visit a native camp unless he has a lawful excuse. In view of the present condition of the natives, is it not wise to retain that protection? The honest man who wants to go into a native camp can still do so, because he has a lawful excuse. There should not be indiscriminate visits to native camps by anybody. Reference has been made to natives living in houses, but generally they live in structures that are worse than humpies. Mostly there are 30 to 50 of them camped down by a river, and it is not good that white men should be allowed to visit them without lawful excuse.

Hon. C. W. D. Barker: Have you seen the improvements that have been made in native camps on the stations?

Hon. L. CRAIG: Lots of them.

Hon. C. W. D. Barker: There is not much squalor about them now.

Hon. L. CRAIG: They are still native camps.

Hon. C. W. D. Barker: But they are not as bad as you are trying to paint them.

The CHAIRMAN: Order! I will ask the hon. member to address the Chair.

Hon. L. CRAIG: Yes, Sir. Mr. Barker is an attractive looking chap! The point is that we have a restrictive section in the Act which has never been disputed before. It has been retained in the interests of the natives. Now we have a Bill to uplift the natives; and, in effect, it is contended that they are different people. But they are not different people—yet. This measure will help them to be different; but until the natives are able to protect themselves, the least we can do is to give them protection. Unless one has a lawful excuse for

visiting a native camp, one should keep away from it. If a man has a lawful excuse, he can go there as often as he likes.

The MINISTER FOR THE NORTH-WEST: The Act sets out who shall be lawfully in a camp. It provides that it is not lawful for any person other than a superintendent, or a protector, or one acting under the direction of a superintendent, or having a written permit, to enter or remain in a native camp without lawful excuse. Those are the only persons who have a lawful excuse.

Hon. H. Hearn: Anybody can get a permit.

The MINISTER FOR THE NORTH-WEST: The department says the provision does prevent members of a family with citizenship rights from visiting their relatives in a camp. Natives move about frequently; and when they do, they all go to the one camp.

Hon. L. Craig: For a long time we have had citizenship rights for natives. Have they been any detriment up to date?

Hon. C. W. D. Barker: Yes.

The MINISTER FOR THE NORTH-WEST: It is pointed out that natives with citizenship rights break the law by going to a native camp while this provision remains. The same thing applies to a station manager who is not a protector.

Hon. H. K. Watson: The lawful excuse is still preserved.

The MINISTER FOR THE NORTH-WEST: It is not lawful for any persons, other than those mentioned in the Act, to enter a native camp. A person may visit a camp only with a written permit from a protector.

Hon. J. G. Hislop: Any person with a lawful excuse can go into a camp.

The MINISTER FOR THE NORTH-WEST: If that is the case, why the objection to taking out this provision? The baker, butcher or anyone else has a lawful excuse to go there.

Hon. H. Hearn: What about the man who takes wine into the camp?

The MINISTER FOR THE NORTH-WEST: He is there for an unlawful purpose. I see no harm in this provision. No one is allowed to enter a native camp, such as the one at Bassendean, that is on a native reserve. Such a reserve is more or less a sanctuary. A native can pitch a camp anywhere if the owner of the land or the local authority allows him to.

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

Ayes	14
Noes	12
Majority for	2

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. L. A. Logan
Hon. L. C. Diver	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. R. J. Boylen *(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. J. Murray
Hon. H. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. A. F. Griffith *(Teller.)*

Pair.

Aye.	No.
Hon. G. Bennetts	Hon. Sir Frank Gibson

Clause thus passed.

Clause 42—Section 41 repealed:

Hon. N. E. BAXTER: I trust the Committee will vote against the clause. In this case the protector may cause natives who are camped or are about to camp near any town to remove their camp. To take this provision out of the legislation will be to leave the protector, the police, and the local authorities in the position of having no power to remove undesirable native camps.

Hon. C. W. D. Barker: What about undesirable white camps?

Hon. N. E. BAXTER: They can be shifted.

Hon. C. W. D. Barker: These can be shifted in the same way.

Hon. N. E. BAXTER: The hon. member has lost sight of the fact that these people are natives under the protection of the commissioner. If anyone interferes with them, the commissioner can take action. The police and local authorities have the power to remove these people when necessary. Action under this section has not been taken very often, but what is provided here is a protection.

Hon. H. L. ROCHE: It seems to me that Mr. Baxter is under a misapprehension; because under this provision, neither the police nor the local authority has the power to remove these people unless the removal is requested or decided by a protector. The Commissioner of Native Affairs is a protector of natives, and most of the other protectors who have been appointed are officials of the department. If the commissioner wants this out of the Act, is he likely to apply the provision which needs his assent before it can be applied? It might just as well be out.

The MINISTER FOR THE NORTH-WEST: The local authorities have control of their own towns, and they can remove any camps. There is quite a lot in what Mr. Roche said. There will be no protector to argue the point with. Natives have on occasions been removed. At one place the local authority used a bulldozer to put the camp out of existence.

Clause put and passed.

Clause 43—Section 42 repealed:

Hon. N. E. BAXTER: The Act provides that a police officer or justice of the peace may remove from a town any native found loitering or improperly clothed. This provision has worked very well in the past. The police have had the right to decide when the natives became undesirable, and they could then ask them to leave the town. If the section is taken out of the Act, the police will be rendered powerless to order natives out of a town.

Hon. C. W. D. Barker: No.

Hon. N. E. BAXTER: The hon. member wants to throw this wide open.

Hon. C. W. D. Barker: No. I will tell you all about it in a minute.

Hon. N. E. BAXTER: From the trend of this and other legislation in the last few years, it appears that the department wants to prevent the police from doing anything that will interfere with, protect, or help the natives. The people in the country districts have to put up with them. It is all very well for Mr. Barker to speak as he does, because he lives in the metropolitan area, and only goes to the North Province now and again.

Hon. C. W. D. Barker: I lived there for 35 years.

Hon. N. E. BAXTER: This applied while you lived there.

Hon. C. W. D. Barker: I have been—

The CHAIRMAN: Order! I request the hon. member to look at Standing Order 398.

Hon. N. E. BAXTER: I have been called on by a police officer to help him deal with natives at night. At times it is not easy to deal with these people. The retention of this clause is a protection for the country folk, and is in the best interests of the natives. If we take it out, we will render a great disservice to those who live in the country, and to the natives in the rural districts.

The MINISTER FOR THE NORTH-WEST: The section was included in the Act in the good old days, as they are often termed, when natives wore no clothes, but merely a girdle; and the object, so far as the clothing portion of it is concerned, was to enable those natives to be removed from townships. The children were naked. Should a policeman be able to say to anybody, "You are not decently clothed"? How many whites have members seen in the city in shorts and shirts; or, on weekends, in bathers only? What would be the position with respect to some of the costumes that are to be seen at the beaches? The natives were dirty when this provision was inserted; they had no soap. Under common law, loiterers can be moved on.

Hon. Sir Charles Latham: Under the Police Act, they can.

The MINISTER FOR THE NORTH-WEST: The provision is out-dated and unnecessary, because it is governed by other laws. They could be accepted to some extent, but that does not do any good. That is what creates irresponsibility in the native. I see no harm in repealing the section.

Hon. C. W. D. BARKER: I hope the Committee will not agree to the amendment. The Minister has given reasons why the section was inserted in the Act. It was quite necessary then. However, how many natives do we see today that are not properly clothed? In regard to loitering, even a white man can be arrested on that charge. What Mr. Baxter would like to do would be to bar all natives from entering a town. Those days are gone. This is the country of the native, and he has every right to be in it. What right have we to say that a native shall not enter a certain town? If he loiters in it or commits an offence, he will be subject to the same laws as the white man. We should ignore Mr. Baxter's amendment. He is trying to keep the native down, instead of trying to uplift him.

Hon. F. R. H. LAVERY: This clause is creating a great deal of unnecessary controversy. Not many years ago, natives were indecently and badly clothed, but today the opposite is the rule. Recently, several members of this House took a trip to Exmouth Gulf. On that occasion, whilst we were at Carnarvon, I was amazed at how beautifully and cleanly dressed were the native women in that town. I also had the pleasure of attending the Coolbaroo ball; and in talking to and dancing with some of the natives in attendance I felt no different than if I had been attending a ball attended solely by white people. Surely any native who becomes an undesirable character can be picked up at any time by the police! This clause is not required for that purpose. Mr. Baxter has the wrong attitude to this question altogether.

Hon. N. E. BAXTER: I am not concerned about the indecently clothed native, and I am surprised that the Minister did not take steps to have those words struck out of the Act. However, I am concerned about the native who loiters around a town. I know some natives who visit a town with the express purpose of obtaining liquor. I have spoken to police officers on this matter; and they consider that if this section is taken out of the Act, they will have little power to deal with such natives. We are dealing with people who come under the jurisdiction of the Department of Native Affairs, and I know the commissioner is very jealous in regard to how police officers deal with his wards.

The Minister for the North-West: Under many laws, the police can tell a native to leave a town.

Hon. N. E. BAXTER: The first thing that would happen if a police officer did that would be that the Commissioner of Native Affairs would take strong exception. I trust that this clause will not be agreed to.

Hon. C. W. D. BARKER: We are dealing with people whom we are attempting to help along the road to citizenship rights. Are we going to aid them to do that by preventing them from entering certain towns? The Minister has pointed out that natives who loiter around a town can be dealt with under common law. Some policemen abuse the section under discussion, and will not allow any native to enter a town. We want to show the native that we are keen to assimilate him into our community. The repeal of this section will not grant him the right to break the law. I do not think we have anything to fear if it is struck out of the Act. What we must not do is to turn the native against our way of life.

Hon. C. H. HENNING: It would be entirely wrong for us to take this section out of the Act. Mr. Baxter referred to natives who loiter around a town with the purpose of obtaining drink. He is quite right. I could take members down to Brunswick Junction on any Saturday night and show them natives who do just that. What would happen if we were confronted with the situation referred to by Mr. Barker the other evening? Speaking to the Dog Act Amendment Bill, he said that he had seen a native with 60 dogs hanging around him.

Hon. C. W. D. Barker: On a point of order, Mr. Chairman, I object to the remark made by the hon. member. He said that I had mentioned that I objected to a native having so many dogs, but that I did not object to his having drink.

Hon. Sir Charles Latham: You are wrong. He did not say that at all.

Hon. C. H. HENNING: If I made such a statement I did not mean it. Nevertheless, I could take Mr. Barker to Brunswick Junction and show him the facts. We are not granting this right to people who have no responsibility. A justice of the peace is not going to take action against a native merely for the sake of kicking him out of town. He will take action in the public interest. I hope the section will remain in the Act.

The MINISTER FOR THE NORTH-WEST: We all know that natives hang around the towns even with this section in the Act. That is why we consider it is ineffective, and that it should be repealed. The police can move a native on at any time. If a native is hanging around a town to obtain liquor he is there for an unlawful purpose and is committing an offence.

Hon. A. F. Griffith: When is he committing an offence?

The MINISTER FOR THE NORTH-WEST: If he asks someone to obtain liquor for him, he is committing an offence. If there is a doubt about this clause, I will be prepared to postpone consideration of is to that perhaps we can delete the reference to a native not being decently clothed.

Progress reported.

BILL—BUSH FIRES.

Standing Orders Suspension.

On motion by the Minister for the North-West, resolved:

> That so much of the Standing Orders be suspended as is necessary to enable message No. 81 from the Legislative Assembly to be taken forthwith.

Assembly's Request for Conference.

Message from the Assembly received and read requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

The MINISTER FOR THE NORTH-WEST: I move—

> That the Assembly's request for a conference be agreed to, that the managers for the Council be Hon. C. H. Henning, Hon. H. L. Roche and the mover, and that the conference be held in the Chief Secretary's room at 9.30 a.m. on Thursday, the 25th November, 1954.

Question put and passed, and a message accordingly returned to the Assembly.

BILL—HEALTH ACT AMENDMENT (No. 1).

Assembly's Further Message.

Message from the Assembly received and read notifying that it no longer disagreed to the amendment on which the Council had insisted.

BILL—MILK ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 2, and 4 made by the Council, and had agreed to No. 3 subject to a further amendment.

BILL—VERMIN ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT (No. 2).

Received from the Assembly and read a first time.

BILL—BETTING CONTROL.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [8.50] in moving the second reading said: This Bill is a very simple one and is easy to understand because it covers only three main principles. The first is the legalising of betting on and off the course; the second is the abolition of the betting tax; and the third is the institution of a betting control board. There are many other clauses but one can safely say that those are the three main provisions.

Regarding the first—the legalising of betting off and on the racecourse—it does not need me to tell members that all betting, except through the totalisator, is illegal in this State.

Hon. C. H. Simpson: Even by telephone?

The CHIEF SECRETARY: That is a moot point. We know that if such betting were reported to the P.M.G. Department, which looks upon telephone betting as illegal, it would—and it has done so in the past—disconnect the telephones concerned. I know there is a legal doubt as to whether a person can be prosecuted for betting over the telephone. I am led to believe that a prosecution on those lines would be unsuccessful. I do not care whether betting is carried on over the telephone or not; no statute allows it.

Hon. L. C. Diver: Your Government legalised the betting tax.

The CHIEF SECRETARY: Parliament has done many strange things in its time.

Hon. Sir Charles Latham: It will continue to do them.

The CHIEF SECRETARY: That is so. The only legal form of betting in this State is through the totalisator. This Bill seeks to set a wrong position right. It will legalise betting on racecourses, and also off the courses.

The second point I mentioned was the abolition of the winning bets tax. I have not found anybody in favour of that tax As a matter of fact, I was a very severe critic of it when it was first presented in this House and became law.

Hon. H. Hearn: Have you paid any such tax?

The CHIEF SECRETARY: Since that time I have not been on a racecourse. Without going into the details of the winning bets tax, one must realise that a person paying it may be a loser. Many punters on the racecourse do not back a winner until the last race, when they are almost "broke," and with little chance to recoup their losses; yet when they have a win on the last race they have to pay a "winning" bet tax. A popular clause in the Bill is the one abolishing this tax; and in its place it is desired to institute another tax. This Government is no different from any other Government anywhere else in the Commonwealth. Once it has its hand on a tax, it will not voluntarily relinquish it.

Apart from benefiting the Government, the winning bets tax has been a source of revenue to the clubs. The loss of this revenue will be very severe. A new tax, to be known as a turnover tax, will take its place. Of the amount collected, it is proposed to allocate 20 per cent. to the trotting and race clubs. From this amount the clubs will have to make 10 per cent. available for increased stakes, and the other 10 per cent. for club activities.

From the money collected off the course, from the turnover tax, 10 per cent. will be distributed among racing and trotting clubs, in proportion to the stakes paid by them. Whilst no tax is popular, I am satisfied that the proposed turnover tax would be much more popular than the one it is sought to replace.

Another feature in the Bill is the setting up of a betting control board to be comprised of five members. One will represent the racing clubs and one the trotting clubs. The other three will be selected by the Governor, and one of them will be the chairman. All authority for the licensing of betting, bookmakers, etc., will rest with that board.

There are many other clauses in the Bill dealing with the powers of this board, and certain restrictions have been placed on people who obtain licences from it. The licensees will be subject to severe penalties if they permit persons under 21 years of age to be on the premises. They will also be subjected to similar penalties for betting with intoxicated persons.

In mentioning the three main points I have described the principal provisions in the Bill. I know that many other points will be raised in the debate, and I shall reply to those at the close of the debate. My other comments will be few. I hope this House will treat the Bill on its merits.

Hon. Sir Charles Latham: On non-party lines?

The CHIEF SECRETARY: The hon. member has forestalled me on that point. I hope the House will treat it on non-party lines.

Hon. Sir Charles Latham: We will see how members supporting the Government will vote.

The CHIEF SECRETARY: Surely members can discuss a Bill such as this without a party tag! All members have some ideas on betting. They either agree or disagree with it. Surely each can be

expected to act according to his own conscience without being dictated to by anybody!

Hon. J. Murray: I hope that will apply.

The CHIEF SECRETARY: That will apply so far as this side of the House is concerned. Whether members on this side vote for the Bill or not is their own business. I would like to see the same spirit from members opposite.

Hon. H. Hearn: You will have it.

Hon. L. Craig: For whom are you speaking?

Hon. H. Hearn: Myself.

The CHIEF SECRETARY: I did not want to be so uncharitable as to ask that. I hope members will treat this Bill on its merits. I ask those who intend to oppose the Bill if they are satisfied with present-day conditions. Then I wish to ask them to make a comparison and to decide whether this Bill will improve the present position. After answering those two questions, members can decide.

Hon. C. H. Simpson: Is it your intention to reduce the volume of betting?

The CHIEF SECRETARY: I would not be so foolish as to give an opinion. As the population increases, so will betting increase.

Hon. H. Hearn: But taken per head?

The CHIEF SECRETARY: I do not know whether it will increase per head. I will not be so foolish as to promise anything. I have no control as to whether betting will increase or not. This is a matter for the individual himself.

Hon. A. F. Griffith: Is the Bill directed to reducing the amount of betting.

The CHIEF SECRETARY: It is not directed to increasing or reducing betting.

Hon. H. Hearn: What is the experience of the other States?

The PRESIDENT: Order! I ask the Chief Secretary to address the Chair.

The CHIEF SECRETARY: Before I finish, I shall have a word or two to say on that. The question could be asked whether betting will increase if the Bill is defeated, so we arrive at the same position. In my opinon, whether the Bill is passed or defeated, betting in this State will increase, the same as it has increased everywhere else. I do not think there is any member or any person in this Chamber who could honestly say he is satisfied with the present set-up. Are members satisfied that, in order to charge people who are breaking the law, it should be necessary to camouflage and take action under another law so that the prosecution may be successful? Are members satisfied with that?

Hon. C. H. Simpson: I think the police are.

The CHIEF SECRETARY: The Police Commissioner's report to every Government down through the years has been asking Parliament to tackle the question and do something about it, but the Government of which Mr. Simpson was a member never had the courage to do it.

Hon. C. H. Simpson: It had lots of courage.

The CHIEF SECRETARY: However, I do not wish to deal with that phase. I wish plainly, fairly and squarely to put before the House a statement of what the Bill contains. In doing so, I am asking members to make a comparison between what is occurring now and what is likely to occur if the Bill becomes law.

Hon. A. F. Griffith: Are you going to hurry it through this House?

The CHIEF SECRETARY: No.

Hon. A. F. Griffith: That is what was done in another place.

The CHIEF SECRETARY: I am not concerned with what occurred in another place. While I have been Leader of this House, I have never hurried any measure through, and whether we are considering a betting Bill or any other measure, my tactics will be no different. I ask members not to be stampeded in coming to a decision. I ask them, as men of mature years and experience of the world, to consider all the aspects and satisfy themselves before recording their votes as to what is best for the community.

Hon. H. Hearn: And what is right.

The CHIEF SECRETARY: On that, the hon. member and I might differ. The conditions prevailing today are shocking, and we would not be a Government worth the name if we did not attempt to grapple with the situation. We have introduced a Bill and thus given the elected representatives of the people an opportunity to say what ought to be done. We cannot allow things to drift as they have been drifting all these years. Consequently, I ask members to forget all other questions and consider this one from the point of view of the State. We read of prosecutions every week. Are those prosecutions for betting? No; they are prosecutions for obstructing the traffic. In most instances, where are the offenders picked up? In side lanes where there is no traffic. Are members satisfied that that sort of thing should be allowed to continue? If they are, they will vote against the Bill. If not, they will endeavour to remedy that state of affairs.

Whether this Bill contains the right remedy I do not know, but, as a member of the Government, I consider it to be an attempt to find the right remedy. The measure would have a duration of three years, and thus we are providing a reasonable time in which to determine its success or otherwise. At the expiration of that time, the matter will have to come before before Parliament again in order that the

measure may be re-enacted or dropped. I think a three years' trial would be a fair thing. We have had 20 or 30 years' trial of the existing state of affairs, and surely to heavens that is long enough, seeing that it has failed!

I have been rather amused when I have walked down the Terrace, and in saying this I expect to find a few red faces amongst those who are listening tonight. Probably some of the people who are loud in their protestations against the Bill were amongst those I saw congregated around the stockbrokers' offices studying the oil share reports. It is all right if one gambles on a hole in the ground, but all wrong if one gambles on the races! The stockbrokers' offices are just the same as betting shops would be under this measure.

Hon. C. H. Simpson: No, very different.

The CHIEF SECRETARY: It is a gamble, no matter what difference the hon. member may see in it. Those people are gambling on a hole in the ground and what might come out of it, and that is gambling just the same as in the case of a person who bets on a race in the hope of getting something out of it. I may be a peculiar sort of individual, but I cannot see any difference between the two forms of gambling. Of course, one is legal and respectable, and the Government says it is time the betting business was made respectable.

Hon. A. F. Griffith: Is there any difference between s.p. betting and two-up?

The CHIEF SECRETARY: Probably two-up is a fairer game.

Hon. C. H. Henning: Why not include it in the Bill?

The CHIEF SECRETARY: Two-up is a fairer game because it is impossible to work tricks with the pennies that can be worked with the racehorses.

Hon. Sir Charles Latham: I suppose you will legalise two-up schools next?

The CHIEF SECRETARY: If the hon. member introduces a Bill with that object—

Hon. Sir Charles Latham: I shall not.

The CHIEF SECRETARY: I would give it consideration, though whether I would support it or not does not matter. Perhaps the greatest gamble in life is marriage, but there are many successful marriages. The Government has set out to let the elected representatives of the people say whether they are satisfied with the present set-up or whether they consider that the proposals in the Bill would be better. If they are not satisfied with the Bill, let them indicate how we should grapple with the problem. It is very easy to be a destructive critic. This is not the time for destructive criticism; it is the time for constructive criticism, and I suggest that any member opposing the Bill should make a constructive speech. I should like to hear every member speak, but I say that those who support the measure will be taking it as a basis, and we believe that that represents a constructive effort.

Hon. L. C. Diver: What is Queensland doing about s.p. betting?

The CHIEF SECRETARY: I do not know what Queensland is doing. We should bear in mind, however, that sometimes when a Government proposes to do a certain thing, something very different is actually done. The Queensland people might be asking tonight what is being done here. Until a measure becomes law, we cannot take any notice of what is occurring elsewhere. We have received reports, but I do not wish to anticipate what may be said in the course of the debate in regard to what is happening in other parts of Australia.

It has been suggested that the totalisator system would be better than the method suggested by the Bill. Before Cabinet decided on this method, it investigated the totalisator system exhaustively and was satisfied that it would not be workable in this State. In this connection, New Zealand is often mentioned, but conditions there are entirely different.

Hon. L. C. Diver: In what respect?

The CHIEF SECRETARY: New Zealand is a country on its own and betting there is conducted on New Zealand races. The betting in Western Australia, however, is conducted not only on local races but also on races in other parts of Australia, particularly Melbourne and Sydney.

Hon. C. H. Simpson: That should not make any difference whatever.

The CHIEF SECRETARY: The hon. member might know a lot about other matters, but, judging by his interjection he has not studied the totalisator system. Let me enlarge a little on that point. In this State it is an accepted fact, rightly or wrongly, that approximately twice as much betting occurs on Sydney and particularly on Melbourne races as on the local races.

Hon. C. H. Simpson: I think it is 53 per cent.

Hon. H. Hearn: What are you going to do about it?

The PRESIDENT: I suggest that the Chief Secretary makes those comments in the course of his reply.

The CHIEF SECRETARY: I shall do so. Anyone who knows anything about racing would be aware that the statement I am about to make is correct, and I should like Mr. Simpson particularly to listen to it.

Hon. C. H. Simpson: I am listening.

The CHIEF SECRETARY: Twice as much betting takes place on Eastern States events. A majority of those people who bet on Eastern States races are guided by the tips that appear in the Melbourne newspapers. On many occasions, it has been found that the four or five papers that do the tipping select two or three horses between them. A totalisator in this State, operating on the Melbourne races, would result in a man who invested on published tips not getting his money back, even though he was on the winner. The totalisator pays out less about 13½ per cent. of what it receives. Imagine what a dividend investors in this State would receive from a win on Raconteur!

Hon. N. E. Baxter: You are only presuming.

The CHIEF SECRETARY: But I have a lot of information to back my presumption. I made inquiries from several bookmakers in connection with this matter. I asked them what investment was made on that horse and, without exception, they told me that 98 per cent. of the money in that race was on Raconteur. How would the bettor in this State fare in those circumstances? On the totalisator, he would not get one-half of his money back. That is merely one little example showing that it is impossible to operate the totalisator in this State. Tasmania considered adopting the totalisator before it decided on its system.

Hon. C. H. Simpson: It has worked in New Zealand.

The CHIEF SECRETARY: Because the betting there is on the local races. I am speaking of races held outside the State, when at least twice the betting takes place on those races. This indicates how impossible the totalisator system would be in this State. I would be glad to listen to the hon. member and see if he can show where I am wrong; but it will be difficult for him to do so. Tasmania investigated that system before deciding on its present method and that State is in a position similar to that of Western Australia. The figures for betting there are in about the same ratio as those I have mentioned and twice the number of bets are placed on mainland races as on local races, which makes it impracticable for the totalisator to operate there. I believe the Royal Commission in Queensland recommended along the same lines and said the totalisator was impracticable of operation in that State. We have heard a great deal about South Australia and I have here the report of the commission which investigated the position there.

Hon. A. R. Jones: Are you going to read it all or just pick out the bits that suit you?

The CHIEF SECRETARY: We have heard so much about what is being done in South Australia that it is as well that members should have this information.

Hon. Sir Charles Latham: What is the date of that report?

The CHIEF SECRETARY: The hon. member is impatient. It is obvious that the registered premises were not a success in South Australia during the years they operated. In commenting on this the British Royal Commission on Betting reported in 1951 in these words:—

> It seems clear, however, that two general conclusions can be drawn, first that the restrictions imposed on the facilities for off-the-course betting in South Australia in the period from 1934 to 1938 were not sufficiently strict and, secondly, that the fact that legal facilities for off-the-course betting are no longer generally available has had no effect in reducing the volume of betting.

That is not a newspaper report but the considered opinion of the British Royal Commission on Betting.

Hon. J. J. Garrigan: What did our Royal Commission say on the question?

The CHIEF SECRETARY: The hon. member will be able to refresh my memory on that. The fact that the disappearance of licensed premises has not curtailed the incidence of betting in South Australia was corroborated by Mr. Playford, the Premier, who in January, 1952, stated that a good deal of illegal betting was occurring in the metropolitan area of Adelaide and reports indicated it was increasing in the country. I am not just quoting the man in the street but am giving the opinions expressed by the Premier of South Australia.

Hon. Sir Charles Latham: Was that when they had the licensed premises?

The CHIEF SECRETARY: Yes, they still have them at Port Pirie.

Hon. Sir Charles Latham: That is the only place where they have them.

The CHIEF SECRETARY: That is so, but if they are as degrading as some members suggest, is it not logical to assume that those betting shops would have been closed by now?

Hon. H. Hearn: No more logical than the difference in the position regarding betting as between Perth and Collie, and the answer is the same.

Hon. Sir Charles Latham: The Chief Secretary knows it.

Hon. A. F. Griffith: Why have they betting shops at Port Pirie and not at Adelaide?

The CHIEF SECRETARY: I would not know. The hon. member has been given the answer. Notwithstanding all

the drastic things said to occur where there are licensed betting shops, they are still to be found in Port Pirie.

Hon. Sir Charles Latham: The wages and salaries there are so high that people can afford to bet.

The CHIEF SECRETARY: There are more moneyed men in Adelaide than at Port Pirie. I will quote to the House the views of Mr. Justice McCardie. I am giving this information because there has been so much noise and display made about this Bill with the idea of influencing members as to how to vote on it. I have seen more lobbying in connection with this measure than on any other for many a long day, the idea being, of course, to get members not to use their own consciences but those of someone else—

Hon. H. Hearn: There is such a thing as public reaction.

The CHIEF SECRETARY: Public reaction in this instance was so great that with the 40,000 electors over 21 years of age in my province I received only eight letters on this subject and a couple of them were from organisations outside my province.

Hon. Sir Charles Latham: They knew it would be hopeless to approach you.

The CHIEF SECRETARY: It shows what the public reaction has been. Might I say that with the expenidture of over £50 to organise the meeting on the Esplanade on Sunday the highest estimate of the attendance—in a metropolitan area with a population of about 280,000—was 3,000 people. I might add, further, that on the same day there was another event, in the suburbs, that drew a crowd of 11,000 people—an event that I did not even know of at the time. Those were the attendances, although one meeting was held in the centre of the city and the other out in the suburbs. We often hear of noisy minorities in the community—

Hon. L. C. Diver: We do indeed.

The CHIEF SECRETARY: That is so—

Hon. A. F. Griffith: How many letters did you get in relation to the Local Government Bill?

The CHIEF SECRETARY: I did not count them. That was a matter of far greater public importance and I had more correspondence on that question than on this. I repeat that on this occasion I received only eight letters including some from outside my province.

Hon. N. E. Baxter: Did they frighten you?

The CHIEF SECRETARY: They would frighten the hon. member. He came in wrongly there, but I will not tell tales out of school though someone else might. Mr. Justice McCardie, one of Great Britain's greatest judges, once wrote—

> It seems clear that the instinct for gaming and betting is rooted as deeply in the British as in any other nation. That instinct has never been eradicated in the past and it can never, I assume, be eradicated in the future. Frankness on this subject is plainly desirable.

Truer words were never spoken.

Hon. H. Hearn: When did he say that?

The CHIEF SECRETARY: I do not know, but they were his words. He continued—

> It may, on the whole, be better in the general interest that a legalised and reasonable indulgence should be allowed in respect to several things now prohibited rather than that the present state of affairs should continue.

This is a time for frankness and I do not care how frankly members speak on the Bill as long as they are honest in what they put forward and are not swayed by outside influences. I repeat that the Bill has three main purposes: the legalising of betting on and off the course, the setting up of a betting control board; and the wiping out of the winning bets tax and the substitution for it of a turnover tax. All I ask members to do during the debate is to treat the Bill on its merits and give us their genuine opinions in connection with it. I move—

> That the Bill be now read a second time.

HON. C. H. SIMPSON (Midland) [9.26]: I was expecting that the Leader of the House would give us a more factual account of the circumstances leading up to the introduction of the Bill into this House. He did explain to us roughly what its provisions are and what it sets out to do, but did not tell us what was behind the Government's desire to introduce it, or whether it was being introduced in response to any public demand. If the Government believes that the measure will succeed in the presumably valid idea of the Government to reduce the incidence of betting, we can assure him that on the evidence we have been able to collect it will fail in that object; and I think the story, as I will try to reveal it, will convince most members that this attempt is going to make an evil, which we recognise it to be—the abuse of betting—worse instead of better. In some respects the Bill is an old familiar issue, but this is the first time that this Chamber has been called upon to consider the question.

The Chief Secretary: Some of your supporters asked us to introduce the measure.

Hon. C. H. SIMPSON: It has been presented four times in another place in recent years; in 1935 and again in 1937 as a private member's Bill, introduced by the late W. M. Marshall, and in 1938 it was introduced, apparently with Government blessing, by Mr. Frank Wise.

The Minister for the North-West: The Premier of the day voted against it.

Hon. C. H. SIMPSON: No.

The Minister for the North-West: Then the ex-Premier did.

Hon. C. H. SIMPSON: In 1946 it was introduced for the third time by the late W. M. Marshall, then Minister for Mines, but on each of those occasions it was treated as a non-party Bill.

Hon. E. M. Davies: It is that now.

Hon. C. H. SIMPSON: I am glad of that assurance; and I hope members will accept the Chief Secretary's assurance that there is no undue haste in connection with the Bill, and that members should give themselves ample time to digest the facts and give them consideration. I will not deal with the 1935 and 1937 Bills at the moment, as they were private members' Bills, which we do not have in this House, but which we know are not unduly rushed. They can be discussed only once a week, and often remain on the notice paper for a long time. The 1938 Bill was introduced on the 15th November of that year by Mr. Wise and Mr. Latham, then Leader of the Opposition in another place, secured the adjournment of the debate for one week. The actual time of debate extended over two days only; and then the Bill was defeated on non-party lines, three Labour members and two Independents voting against it. On that occasion, the late Hon. Philip Collier spoke in an eloquent manner and was strongly against the Bill. He said that it was a measure which a Labour Government, or one having the interests of the working man at heart, should not introduce. I shall not quote from his speech, but I believe it was a model of eloquence. I will leave it to my colleague on my left, who was there at the time and can re-create that atmosphere for members, to give us some idea of the impression which his speech made.

The other Labour members who voted against it were the late Hon. W. D. Johnson; Mr. Fred Withers, who is now the Mayor of Bunbury; and Mr. James Hegney, who is at present the Chairman of Committees in another place. In 1946, when a further Bill was introduced on the 18th September by the late Mr. W. M. Marshall, the adjournment was taken by Hon. A. F. Watts, and he was allowed until the 2nd October, a period of 14 days, in which to consider it. On the 6th November that Bill was defeated, again on a mixed division, and three Labour members and two Independents voted with the noes.

The Chief Secretary: This is still a non-party measure. I hope you will give me an assurance that you will treat it as such.

Hon. C. H. SIMPSON: It is as far as we are concerned, because we have no firm policy on this matter; we leave it to the individual's conscience.

The Chief Secretary: Thanks!

Hon. C. H. SIMPSON: On that occasion the Bill was under review for 49 days, so there was ample time for discussion. This year there was no question about it; the Bill was rushed through in another place. It was introduced on the 9th November; the notes were handed to the leader of the Country Party, Hon. A. F. Watts, 24 hours later; and he had a further 24 hours to consider those notes. He made his speech the following afternoon. That meant a total of 48 hours from the time the Bill was introduced.

Hon. E. M. Davies: You could have moved that the debate be adjourned this evening.

Hon. C. H. SIMPSON: We have had more time, since the Bill was introduced in another place, to know of the principles contained in it. I promised the Leader of the House that I would speak tonight with the object of giving my side of the case, and then I will suggest that members sleep on it; take their time; weigh up the facts as presented; and make their decision after due deliberation. That is my intention.

Hon. F. R. H. Lavery: What is the point of telling us what happened in the other House?

Hon. C. H. SIMPSON: Because I feel that the Government in another place was distinctly unfair. A total of seven adjournments—

The PRESIDENT: Order! I must ask the hon. member not to refer to debates which occurred in another place in the current session. I refer him to Standing Order 392.

Hon. C. H. SIMPSON: Very well. I shall content myself with saying that members of this Chamber must be well aware of the actual events in another place. In his speech, on the introduction of the Bill in 1938—and I recommend that members read it—Hon. F. J. S. Wise gave an interesting account of the incidence of betting over the ages. He gave some useful items of information concerning attempts to regulate betting in England and in this country.

The Chief Secretary: I did not want to treat you as schoolchildren. I thought you knew all that, and I merely explained the essentials of this Bill.

Hon. C. H. SIMPSON: I would remind the Chief Secretary that this is the first time that a measure of this description has actually been presented to this House, and I think members should be given some of the background. I, and some others who have made a special study of this subject, are well aware of all the facts. But that is not the case with all members, and therefore I am proceeding along these lines. I am glad to have the assurance of the Leader of the House that this measure will not be rushed, and that it will be treated on a non-party basis. Legislation governing betting in Australia is based substantially on the legislation that obtained in England. Over the years the problem of betting in England became most involved. There are a number of statutes in that country dealing with it, and a number of attempts were made to regulate it.

The first recorded attempt to regulate betting was in 1388; that was an attempt to regulate gaming and betting. Further attempts were made in 1409 and 1477, and there was a famous Act introduced in 1541. They all dealt comprehensively with the question of gambling, and were attempts to regulate it. From 1566 to 1823 lotteries, which are another form of gambling, were very popular in England. Sometimes they were run as governmental and sometimes as semi-governmental propositions, the objects being stated. In the 18th Century, about 1720 to be exact, a betting fever broke out in England; it was called the South Sea Bubble, and it had serious repercussions on the economic structure of that country. That state of affairs continued until—

Hon. E. M. Heenan: Was not that something to do with the share market?

Hon. C. H. SIMPSON: —about 1845 when, as a result of inquiries made, fresh legislation was introduced which was substantially the same as that now on the statute book. Lotteries were declared illegal in England, and I understand that is the position today.

Hon. E. M. Davies: Is that so?

Hon. C. H. SIMPSON: There are pools and such like. I admit there is a lot of betting in England, and it is something that goes back to the dawn of recorded history. There has always been an urge to bet; that is one of the difficulties associated with human nature.

Hon. F. R. H. Lavery: It will go on for another thousand years.

Hon. C. H. SIMPSON: This is not a simple problem; it is certainly not as simple as the Chief Secretary would have us believe. It cannot be cured by a simple Bill, which has been introduced in an attempt to regulate betting. Attempts have been made in all countries with relatively little success, and I shall touch upon the reasons for that later.

The Minister for the North-West: It has never been tried here.

Hon. C. H. SIMPSON: I understand it is the desire of the Government, and I should say its intention, to minimise the volume of betting in the State. The question is: Will this Bill do it? We believe, not only that it will not do it, but that it will intensify the volume of betting and defeat the object which it is designed to achieve. I would not call the Bill a betting control measure; rather would I call it a betting promotion Bill or a betting encouragement Bill, because I believe that that will be the result.

It will throw the cloak of legality over the betting that takes place today. The man who now bets in discomfort will, if this measure is passed, be able to bet in comfort, and it will drag into the betting circle as has been the case in other places, a lot of people who do not now bet in betting shops because they believe it is against the law. They might be too frightened to bet in a betting shop because they would not like being found out and punished. In any case, that will be the general effect.

The Chief Secretary: Do you approve of the present system?

Hon. C. H. SIMPSON: I think a different approach would have been better. My own firm conviction is that if the Government had taken the public into its confidence earlier; and if more time had been given for public reaction; or if the Government had invited an all-party conference to consider it, there might have been some chance of doing something—certainly something more satisfactory than this.

The Minister for the North-West: It is in your hands.

Hon. C. H. SIMPSON: I believe the Government has acted without any mandate, and I think we are at liberty to believe that there must be some pressure from somewhere. We do not know all about it.

The Minister for the North-West: You do not blame the Government for trying to control it?

Hon. C. H. SIMPSON: From where is this pressure coming?

The Chief Secretary: There is no pressure.

Hon. C. H. SIMPSON: There has been no public outcry for it.

The Chief Secretary: There is no pressure on our side, but there is on yours.

Hon. C. H. SIMPSON: We know that the churches do not want it; the W.A.T.C. does not want it; the W.A.T.A. does not want it; the sporting bodies do not want it; the business community does not want it; the licensed bookmakers do not want it; and the small s.p. operators do not

want it, because they realise that once operators are licensed, there will inevitably be a combing out and many of them will not be amongst the favoured licensed few.

The Minister for the North-West: I thought you said this would increase betting.

Hon. C. H. SIMPSON: Under the Bill there could be a chain store monopoly operating throughout the country, in which case some of those now operating will find their businesses gone. I have no personal disrespect for many of the operators, some of whom I know personally. On the whole, they are fine people.

Hon. E. M. Davies: But they are not respectable now.

Hon. C. H. SIMPSON: Apart from the one special feature they are well respected citizens.

Hon. E. M. Davies: But they are not respectable in law.

Hon. C. H. SIMPSON: The attitude they adopt is this: There is a certain amount of profit in it for somebody, and that somebody might as well be us. But if these men were deprived of that avenue of livelihood—they are capable men who could run businesses, as many of them have done—they could set up in business that would be of benefit to the community. I wonder if the Government has given thought to that fact? I wonder if it has considered what may happen to the State lotteries if this Bill becomes law?

The Minister for the North-West: Or the Stock Exchange.

Hon. C. H. SIMPSON: I do not think they are comparable. We know that the lotteries, which I regard as a form of taxation rather than a form of gambling, disburse a big proportion of their receipts in the form of benefits to various sections of the community. I think people are accustomed to that idea and are prepared to accept it. But would the lotteries get the same amount of revenue if there were licensed betting ships where a person could back his own fancy; and where the odds would be much greater than could be obtained by buying a lottery ticket? Although the lotteries have probably not expressed an official opinion, I am sure the officials concerned are not at all anxious to see this Bill passed.

Hon. E. M. Davies: Would you agree with the charities consultation, which is a legalised lottery?

Hon. C. H. SIMPSON: Yes, it is.

Hon. R. J. Boylen: Do you approve of it?

Hon. C. H. SIMPSON: As I said before, I regard that as a form of taxation.

Hon. R. J. Boylen: Do you approve of it?

Hon. C. H. SIMPSON: Yes. I think it is academic to say it is an infringement of the law or of morality, because everyone knows that a great deal of the receipts are distributed in the form of support to very worthy objects.

Hon. R. J. Boylen: It is a gamble.

Hon. L. Craig: Does that make it moral?

Hon. C. H. SIMPSON: As a form of contributing tax it is optional; but I think it does lend sanction to that practice which has been accepted by all and sundry. But before we consider whether we shall adopt a Bill of this nature, we must ask ourselves what has been the experience in other States. Fortunately we are in a position to be able to find out what is happening there and what they have to say about it. We have this information from a number of reliable sources. We know that in South Australia and Tasmania s.p. betting has been legalised. We should look at and examine their experience, and see if it justifies our adopting a similar course.

New South Wales has the same state of affairs as we have. But while there has been no suggestion of altering the betting set-up in New South Wales. I may say they had a referendum on the question of the sale of liquor at certain hours, and I think that does indicate at least that they would be prepared to consult the wishes of the people before they introduced a measure of this kind. This Government introduced this Bill without consulting the people at all.

Hon. R. J. Boylen: For what purpose is it elected if it is necessary to take a referendum on every question that crops up?

Hon. C. H. SIMPSON: There are certain social questions on which the people have a right to be consulted, unless they were dealt with in the policy speech, which was not the case with this subject: I might interpolate here that Switzerland has a power of initiative and the people presented a monster petition demanding that the Government take a referendum. They also set out the form of the referendum and how it should be presented to the people. It was to deal with the question of whether they should or should not have betting facilities. The majority of the people voted against any form of betting in Switzerland. It is probably done privately; but that is the position there in regard to legalised betting.

A question was asked about Queensland. I have a copy of a telegram which came only yesterday giving the latest details in regard to the set-up in that State. It reads as follows:—

> Severe penalties illegal betting contained Queensland Government's new racing betting Bill which brought down State Parliament. Stop. Penalties will apply immediately Bill becomes law regardless any moves legal s.p. betting.

Stop. Definition common gaming house enlarged include places where telephone bets taken and places where settling bets takes place. Stop. For first offence keeper common gaming house be fined between 50 and 200 pounds and for third offence there is provision for fine not less than 175 pounds or more than 750 pounds or six months' imprisonment or both. Stop. However Bill does not compel term imprisonment. Stop. Punter who bets with illegal bookmaker be fined from five to 50 pounds for first offence and for third offence from 30 to 100 pounds or one month's imprisonment or both. Stop. Convictions before Bill becomes law will not count in determining penalties. Stop. Explaining reason for heavy penalties Treasurer Walsh said if gambling not controlled it could take charge State as happened in some overseas countries. Stop. Bill provides for referendums in any electoral zones on legalising of s.p. betting following presentation of petition signed by 10 per cent. electors. Stop. If approved off course betting will be controlled by board three members. Stop. Licensed off course bookmaker may not be any person convicted of serious offence or any member Parliament public servant or police officer. Stop. His premises may not be situated in hotel or private home or near church school hospital or hotel. Stop. No other business may be carried on in premises and there may be no liquor or games and no seating accommodation. Stop. Premises may not be occupied when race meeting being held within 20 miles. Ends . . . Broadnews.

That was received by the A.B.C. news service last night and given to me; and its sets out the position in Queensland. The Government there has apparently passed a Bill creating four zones and making provision for a referendum. If the people want the facilities they must demand them; it is left entirely to the people to decide whether they will have these legalised shops or not. When they do legalise them there is machinery to keep them within their specified limits, and very heavy penalties are prescribed for infringement of the law.

The Minister for the North-West: There is no mention of shops in this Bill.

Hon. C. H. SIMPSON: Yes there is; betting shops are referred to.

The Minister for the North-West: They are called premises.

Hon. C. H. SIMPSON: Annual reports are not printed in Tasmania as they are in South Australia, so it is not easy—particularly when there is a permanent Government of one complexion, possibly not over-anxious to publicise what its board is doing—to get a factual picture of what is happening in Tasmania. I remember that in 1946, when I was collating some data for Sir Ross McDonald, who was then Leader of the L.C.L., I found out there was an under-current of dissatisfaction in Tasmania. They were annoyed because most of the betting was taking place on the mainland events instead of on the events in Tasmania. Attempts were made to alter the set-up; they found the betting shops were interfering with sporting bodies and having a detrimental effect on the moral tone of the community. I have cuttings supplied to me by Sir Ross McDonald who had collated them from Tasmania.

I think it is significant that in 1952 Col. Crisp was commissioned by the Tasmanian Government to examine a totalisator system in New Zealand. Whether the Tasmanian Government has accepted his report, or considered it, I do not know. But I think the fact that it decided that such an examination and investigation was necessary showed it was not too well pleased with its present set-up.

From South Australia we have a much clearer picture. There the betting board prepares an annual report, and the story is that in 1933 legislation was introduced in South Australia and betting shops were legalised. In 1934 there was an election, and public reaction, with the result that nine of the members lost their seats; among them being Sir Richard Butler who was one of the prominent members—he had been Premier at one time. From 1935 to 1938 there was a great growth of betting. I do not want members to run away with the idea that values had altered; money values had remained constant.

The Minister for the North-West: That was the time of the depression.

Hon. C. H. SIMPSON: By 1935 conditions were much more normal. They deemed there was an alarming increase from 1935 to 1938 and the Government of the day appointed a Royal Commission to consider and report on the question. Some time during the war the next step was taken when the Premier, Mr. Playford, acting under his war-time powers, decreed that racing in South Australia be suspended and betting shops closed. In 1945 the Premier knew the war-time powers would shortly expire and unless something were done there would be a reversion to the old state of affairs. There were then introduced amendments to the Act as a result of the report of that commission, and the betting shops in the metropolitan area were closed; and the betting board consisting of three members was commissioned to consider country applications and to grant those it thought necessary and desirable.

The Minister for the North-West: Why did they reopen the shops?

Hon. C. H. SIMPSON: The shops were only reopened in one place. The story is that there were 90 applications from

various country centres for the board to consider before allocating betting-shop facilities. Of those, seven were immediately ruled out because the board considered they were too close to the metropolitan area. Five did not present any evidence, and their applications lapsed. Out of the 78 applications dealt with, three were actually granted: namely, Port Pirie, Quorn, and Peterborough. Quorn and Peterborough licenses were later rescinded because, in the opinion of the Betting Control Board, no active steps had been taken, and the board felt it could rescind its decision without monetary loss to those concerned.

The case presented in Port Pirie was submitted by four expert lawyers; and on the evidence put up and the wealth of signatures and petitions presented, the board felt it had no option but to admit the application; and that was done. There are eight shops in Port Pirie today. However, the anti-betting forces got busy, and saw that from then on both sides of the case were presented; the result was that not a single application was accepted for the whole of South Australia. Although evidence was put up, the board felt that on the evidence it was not warranted in granting the facilities sought.

Each case was considered on its merits and the control board having the report of the Royal Commission before it and knowing the fairly pronounced attitude of members of Parliament on both sides of the House to this question, decided it would not grant these facilities unless a very good case were put up. The Premier, Mr. Playford, had this to say on the betting Bill when it was introduced; it is to be found on page 667 of the South Australian "Hansard" of 1945:—

> I feel I have a very strong public opinion behind me when I say that so far as the betting shop system in the metropolitan area is concerned it stands condemned and should not be approved again by Parliament.

I will now read the following extracts from the report of the Royal Commission appointed in South Australia in 1938—

> We state for the purposes of this chapter certain of our findings of fact with regard to betting in South Australia:
>
> (a) There exists a strong desire by a portion of the community to gamble on racing. This portion is a minority of the population but constitutes a substantial number.

To digress a moment. Experts have estimated that minority as being about 10 per cent. The report continues:

> (b) Only a small section of the bettors is interested in racing as a sport. The majority regard it merely as a means of gambling; they do not even wish to see the events run. Approximately 95 per cent. of the number of bets made on horseracing is on events which the bettors do not see run.
>
> (c) These bettors demand the provision of every facility to enable them to gratify their desire.
>
> (d) If this gratification cannot be achieved legally a great number are prepared to bet illegally. They have no public conscience with regard to this disrespect for the law.
>
> (e) Illegal betting is attended by many other evils.
>
> (f) A great number of people believe that the present facilities extend beyond what is reasonable or proper.

At paragraph 102 the commission deals with the economic aspect, as follows:—

> We find that—
>
> (a) The amount expended by South Australians in betting is beyond what is reasonable.
>
> (b) A large number of people lose money which they cannot afford to lose.
>
> (c) A large amount of money which is spent in betting could and should be profitably applied to legitimate channels of trade.

The Chief Secretary: A lot of people spend more money on drink than they can afford, but you still allow hotels to be licensed.

Hon. C. H. SIMPSON: I admit that excessive drinking and excessive betting are twin evils. The extract I was reading concludes as follows:—

> (d) On mid-week race days much time is wasted by bettors to the detriment of industry.

At paragraph 105, appears the following:—

> We find that betting premises as they exist today have an undue influence on juveniles and inculcate a desire to bet when they become adults. This finding is also a contributing factor to our general conclusions as to betting premises.

At paragraph 109 the commission states—

> The present facilities for off-the-course betting in South Australia have created a state of affairs which is deplorable, and give rise to social evils.

The Chief Secretary: You favour totes, do you?

Hon. C. H. SIMPSON: Personally I would have no objection to a totalisator. I think there is something impersonal about it that does not encourage people to go and bet.

The Minister for the North-West: What would be the difference?

The Chief Secretary: Do not make me laugh!

Hon. C. H. SIMPSON: I have no desire to do that. Paragraph 109 continues—

> On the other hand, a desire for betting off-the-course is so strong that if no facilities are provided, illegal betting will recur with its concomitant evils. Such evils are not limited to the mere bet. Perjury, bribery, assaults on the police and various means of trickery are the usual weapons of the illegal bookmaker.

The Chief Secretary: All those things occur here. We have plenty of illegal bookmakers.

Hon. C. H. SIMPSON: What was done in South Australia was done under a legalised system.

The Chief Secretary: Why not talk about what is happening here, the place for which we are legislating?

Hon. C. H. SIMPSON: I want to tell the Minister what happened there, because there is no State more like our own than South Australia. Paragraph 109 continues—

> The legislature must therefore as far as possible reduce both classes of evil to a minimum. The ideal must give way to some extent to the inevitable and a compromise is therefore unavoidable.
>
> But whilst the legislature may sanction off-the-course betting, we emphasise that it should never be recognised as a right but only as a concession to necessity. It should never be given preferential treatment, or pandered to, and it must at all times be under strict supervision. The ground for its legal existence is not one of principle but merely one of expediency.

The Chief Secretary: It is a funny thing that all those things occurred in South Australia, but nothing in Tasmania.

Hon. C. H. SIMPSON: Reports were not prepared in Tasmania, but in 1946 I found that there was evidence that a similar state of affairs occurred there. At paragraph 130 of its report, the Royal Commission states—

> We conclude that:—
>
> (a) Betting is more widespread.
>
> (b) Many more people are betting.
>
> (c) The predominant cause is the existence of betting premises which furnish complete facilities for supplying the bettors with betting information and enable bets to be made during the progress of the race meeting.

At paragraph 145 appears the following:—

> One of the consequences of this policy of increasing betting conveniences to meet the supposed needs of the community was that a vicious circle was created. The danger was that every increase in the opportunity to bet would itself induce more people to bet. It is our view that this danger has materialised, and that the opening of many of the premises was unnecessary and created the demand rather than met the reasonable needs that then existed.

Hon. R. J. Boylen: There is a reference to "our" view. To whom does the "our" refer?

Hon. C. H. SIMPSON: The South Australian Royal Commission of 1938. I propose to give figures relating to the increase in betting in South Australia. In 1935, the amount involved in on-the-course betting was £1,161,300. In 1938, it was £1,712,275. That was an increase of approximately 50 per cent. The betting on licensed premises increased by 77 per cent. in three years, the respective figures being £3,499,000 and £6,028,000.

The Chief Secretary: There would not be an increase in population or anything like that which would have contributed to that increase?

Hon. C. H. SIMPSON: In the opinion of the commissioners there was a greater increase than was warranted by any stabilisation of prosperity; and the increase was certainly not due to money values, which had remained constant throughout. I am giving the House the opinions of the commissioners, and not my own. They stated—

> The figures of betting from 1933 show a progressive annual increase that is alarming, and they support the evidence of the Commissioner of Police, the Chairman of the Betting Control Board, and others, that betting has increased.

The commission also revealed that bets recorded with s.p. shops for 1937 were 36,000,000, but according to the report of 1952, when the shops were not operating, it had dropped to 13,800,000.

The Chief Secretary: How would they know, when the shops were not operating?

Hon. C. H. SIMPSON: Those were the bets that they were able to record.

The Chief Secretary: Mr. Playford said they had increased.

Hon. C. H. SIMPSON: Without any question, what I have quoted shows that the incidence of betting increased with the establishment of the betting shops. I now propose to read a few extracts from the

speeches of members of Parliament in South Australia who had eight years' experience of betting-shop operations. I want members to realise that I am quoting the remarks of Labour members. The extracts are as follows:—

> The Hon. R. S. Richards (Leader of the Opposition): Parliament has to face the problems associated with betting shops, which it created.
>
> Mr. Lacey (Port Pirie): Betting shops in the metropolitan area eventually became objectionable and insulted the susceptibilities of people living in the vicinity 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 betting shops ceased to operate I have not had one of these cases to deal with.

I have quite a number of quotations—as a matter of fact there are 11 others.

The Chief Secretary: You could pick out Labour members of this State like the late Phil Collier, and like Jack Willcock, who might give similar opinions.

Hon. C. H. SIMPSON: There are not many Labour members in the South Australian Parliament, and the 14 I have referred to represent a pretty substantial proportion.

Hon. E. M. Heenan: Would you give me the date those statements were made?

The Chief Secretary: It was 1838 B.C.!

Hon. C. H. SIMPSON: They were made when the Bill was being considered in 1945. I think it is no wonder that the Rev. Harry Woolacott said at the protest meeting at the Esplanade on Sunday, at which 3,000 people were present—

> For God's sake and for the well-being of Western Australia, do not let your Government make the terrible mistake of passing the Bill here. Do not let the Government make this blunder which would be worse than a crime.

There were many other protests and a spate of letters appeared in the Press well worth reading. They were well put together and logical. I have received quite a number of letters, some of them very pointed. I do not propose to read them, but they are very pertinent. One man sent me a copy of a letter he had forwarded to the Premier; but as it was a little offensive, I will not read it, though it did give some idea of his reactions. He signed his name and address, so his political affiliations could be easily checked. Some questions have been asked which I think require an answer. One is: Why does the Church poke its nose in?

The Chief Secretary: You would expect it to.

Hon. C. H. SIMPSON: I am glad the Chief Secretary agrees with me on that. Speaking of the Christian Church as a whole, I think it can claim to be the custodian of public morals. It is, in a sense, the voice of public conscience; and its duty, as I see it, is to draw the attention of the Government of the day to any legisaltion which it thinks is going to be harmful, or which does not conform to its standard of ethics.

A quotation was made which I think is worth repeating. It was the opinion of the Archbishop of Canterbury, who said—speaking of the relationship between Lambeth, the headquarters of the Church of England, and Westminster, the home of the House of Commons—that is was the duty of Lambeth to advise Westminster, but not to dictate to Westminister.

The Chief Secretary: You have to remember that these views come from a very narrow section.

Hon. C. H. SIMPSON: I think that the people who support the Church, though they may be very vocal, do represent a pretty considerable section of the community.

Hon. R. J. Boylen: Do you not think that we should look after the affairs of Caesar and let the Church look after the affairs of God?

Hon. C. H. SIMPSON: I have given the reason why I think the Church is justified in making a protest.

The Chief Secretary: You admit that its view would be a narrow one?

Hon. C. H. SIMPSON: No. Clergymen, possibly above all other people—though the same applies to some extent to doctors and lawyers—are the recipients of confidences, and have a personal relationship with people that is denied most others.

Hon. F. R. H. Lavery: It is not denied to many politicians, though!

Hon. C. H. SIMPSON: It does not exist to the same extent with politicians. People will unburden their hearts to clergymen, and explain exactly what their circumstances are. Clergymen know the incidence of broken homes and ruined prospects, and the injuries being inflicted on quite innocent people because of excessive gambling; and they believe, on the experience they have had, that to legalise betting would give sanction to something which they regard as inherently wrong; and, worse than that, that it would actually increase the very evil which presumably it was designed to diminish.

We had a Royal Commission of our own in 1948; and the McLarty-Watts Government, which appointed that commission, has been accused of doing nothing about it. As a matter of fact, it did quite a lot. It obtained a report from the Royal Commission, which was a very good one. The commission made quite a lot of recommendations, which I will outline very briefly, because I think it is advisable that such matters should be set down in "Hansard" for people to read.

The McLarty-Watts Government applied police pressure to the shops that were then operating openly with the sanction, I might say, of the previous Government. It closed those shops. There was then more obstruction, because people collected on the footpaths and so on to lodge their bets. It instructed the police to apply extra pressure, but it did not interfere with the police by dictating just how and where the pressure should be applied. I think the intention was that further consideration should be given to the matter; but there was a snag in the report; because, while it was not suggested for one moment that starting-price shops should be opened, it did recommend the setting up of a betting control board.

The members of Cabinet at that time felt that the setting up of such a board and the introduction of necessary legislation to implement it would pave the way to a very simple amendment later which would give the control board the power to legalise shops. They considered that could be done as a simple amendment without any appeal to the people. They felt that on an issue such as this the people should be taken into their confidence. No further action was taken because there was no public demand in connection with the matter, and the Government had more important things to do because of the rapidly expading industrial development in the State. Those are the reasons why the Government did not then go on with the recommendations of the Royal Commission.

The Chief Secretary: It just sat down and did nothing.

Hon. C. H. SIMPSON: That is not true. The Premier asked this question—

> If the present Government is wrong in requesting starting price betting shops, why was the McLarty-Watts Government not wrong in requesting Sunday hotel trading?

I do not think the two things are comparable. That is rather confused thinking. I make it quite clear that I deprecate excessive drinking just as much as I deprecate excessive gambling, but we must remember that drinking in itself is not inherently illegal.

The Chief Secretary: Neither is betting; tell me how it is.

Hon. C. H. SIMPSON: There is no law for public betting; and there is no provision, as far as liquor is concerned, for its regulation. There was definite abuse of the bona fide traveller's provision in regard to Sunday trading. I think the action taken did effect considerable improvement. It did not make legal something that was not legal before.

The Chief Secretary: It was illegal?

Hon. C. H. SIMPSON: The Government introduced other amendments to the Act to prevent the drinking of beer near dance halls, and so on. It followed the practice of the English system which allows for certain trading hours.

Hon. E. M. Heenan: Do you say that before we amended the Act it was legal to drink on Sunday?

Hon. C. H. SIMPSON: For bona fide travellers, yes. That was one of the reasons why the present system was introduced, and I think it has gone a long way towards removing the abuses which undoubtedly existed.

The Chief Secretary: We think this will do the same with betting.

Hon. C. H. SIMPSON: I hope the Minister is right, but I am certain he is wrong. All the evidence we have been able to collect has been definitely against it.

The Chief Secretary: You have not quoted anything from Tasmania.

Hon. C. H. SIMPSON: I will give some of the recommendations of the Royal Commission that we appointed. The first was that race-course facilities and totes and bookmakers on the course be legalised.

Hon. L. A. Logan: That is not the first one.

Hon. C. H. SIMPSON: I am talking about the final recommendations of the commission. That is the first recommendation. The second is that betting control on courses be in the hands of the W.A.T.C. and the W.A.T.A.

The Chief Secretary: Bodies over which the Government has no control.

Hon. C. H. SIMPSON: They operate under their own Acts.

The Chief Secretary: You were prepared to hand the control to someone over whom you had no control.

Hon. C. H. SIMPSON: On their own courses, yes. The third recommendation is that a betting control board should be created with the object of minimising off-the-course betting. The fourth recommendation is that office betting, whether on credit or for cash, by persons who do not resort to registered premises be permitted with licensed bookmakers.

The Chief Secretary: People who can afford to ring up.

The PRESIDENT: Order! The Chief Secretary will have the right to reply.

Hon. C. H. SIMPSON: The fifth recommendation is that no betting premises shall be open after 1 p.m. on days when a race meeting is held within 25 miles of the premises. The notes on recommendation No. 5 are that 90 per cent. of the bets made in South Australia are made in betting premises and the 53.6 per cent. of all bets, including those on local racecourses, are on events run outside the State. The experience in South Australia shows that off-course betting there is responsible for the fact that attendances have fallen by more than 50 per cent. since 1927-28; that in each club the membership has decreased; that the aggregate sum wagered on the totalisator is now less than 20 per cent. of the 1927-28 total, is less than 40 per cent. of the depression level, and is getting smaller; that stakes have decreased by more than half since 1937-28. Evidence was furnished by the representative of the Kalgoorlie Racing Club, who said that his club had to abandon racing on Saturdays in 1939 because the meetings were ill-attended and unprofitable, as the s.p. shops were operating. Members will have noticed a report by the sporting editor of one of our papers to the effect that the state of affairs in Kalgoorlie now, owing to starting-price shops operating while races are on, is such that if it were not for the attendance from Perth the chances are that the Kalgoorlie fixture would be simply considered another country meeting. The commission's recommendations continue—

(6) (a) Recommended settlement of bets by post.

(b) Registered premises not to be used for any purpose on race days.

(c) Any person (other than licensed bookmaker or clerk) found on such premises will be prosecuted.

(7) Registered premises to be open during prescribed hours to police and Betting Control Board.

(8) That comprehensive restrictions be placed on advertising, canvassing and the employment of agents by bookmakers.

(9) That all forms of off-course betting be illegal (other than credit or cash postal betting at prescribed premises).

(10) Only bookmakers registered with clubs to operate on racecourses.

(11) Publication of betting odds or information relating thereto prior to a race meeting be prohibited.

(12) Communicating information regarding betting from course to outside during a race meeting be prohibited.

(13) Tipping or forecasting probable race result except by a bona fide newspaper and not for gain be prohibited.

(14) Betting with or by persons under 21 be prohibited. Persons under 18 not allowed on racecourse.

(15) That it be an offence to bet with any bookmaker except in accordance with the Act.

(16) Heavier penalties for breaches of betting laws by illegal bookmakers.

(17) Introduction of specific betting laws to assist police in law enforcement.

(18) (a) Penalties on persons using premises as means of escape from illicit gaming houses.

(b) Owners of premises being used as gaming houses to have summary rights of ejectment.

(c) Supreme Court to have power (on application by police) to declare premises common gaming houses.

(19) Betting board to consist of three members (including chairman) to be appointed by Governor.

(20) Functions of board to be—

(a) To control off-course betting in the interests of public welfare and in the interests of persons and bodies liable to be affected thereby.

(b) (i) Power to license bookmakers and their clerks;

(ii) Register premises on which off-course bookmakers may operate.

(iii) Generally administer the Act and make rules for that purpose.

(21) It is further recommended that the betting control board be financed from proceeds of taxation to be paid by licensed bookmakers.

The report refers, in one instance, to the fact that increased leisure is a contributory factor, and suggests that in country centres sports be held on Saturday afternoons instead of Sundays, the object being to divert the people, particularly youths into other and more healthy sports and pastimes. The footnote recommendation, No. 18, quotes, with approval, Queensland as having applied measures designed to reduce illegal betting to a minimum. The second term of reference does make some allusion to the question of betting shops, because it states—

> To what extent, in what form or forms (other than by the licensing of betting shops), and subject to what controls and safeguards it is expedient that such betting should be permitted or prohibited by law.

If the Commission had considered that betting shops should be established, it would have furnished specific recommendations, because its report was very full. Another question was asked by the Chief Secretary—

> Why do you not have one super law for betting; Why prosecute them under a traffic regulation?

In Western Australia there are three Acts under which prosecutions can be launched. One is the Police Act; another is the Criminal Code, and the third is Traffic regulation No. 327; and it is the function of the police to choose which will be the most convenient for their purpose.

The Chief Secretary: Not whether it fits their convenience, but just which is the most convenient.

Hon. C. H. SIMPSON: I have heard a lot of loose talk in connection with this matter. The police have the choice of those three Acts. In connection with the first two—the Police Act and the Criminal Code—the police, after apprehending an offender, must produce evidence that he was doing a certain thing, although everybody knows just what was being done. Anyone who is an illegal betting operator is well known to the police, and even if he goes from the country to the metropolitan area, a report follows him, and the police know how he makes his living. If a policeman saw me with 5s. in my hand, and an s.p. operator with a ticket in his, he would have no proof in the eyes of the law that we were betting. I could say that I was paying the s.p. operator some money that I owed him, and he could say that his ticket had nothing to do with me whatever. As I say, everyone knows what is being done under the traffic regulation.

The Chief Secretary: That does not make it right.

Hon. C. H. SIMPSON. I think it does in this sense—

The Chief Secretary: You are satisfied with it—that you can be fined for an offence that you have not committed!

Hon. C. H. SIMPSON: I say there is a lot of loose talk about this. These people are infringing a traffic regulation. There is no question about that. The bookmaker accepts that position and so does everyone else. If it were challengeable, why has not some bookmaker launched an appeal to a superior court here or to the High Court? No one has done so. The bookmaker knows quite well that he is, in fact, paying something, by way of a fine, which is equivalent to the tax he would have to pay if he were a licensed operator.

The Chief Secretary: You are satisfied with that?

Hon. C. H. SIMPSON: I think it substantially meets the necessities of the case. The bookmaker is not complaining, and the police are doing a job which results, in substance and in fact, in a punishment for doing something which the law says must not be done.

The Chief Secretary: How can you have a traffic offence when there is no traffic?

Hon. C. H. SIMPSON: There have been many instances of traffic having been obstructed.

The Chief Secretary: I am referring to the general run of things.

Hon. C. H. SIMPSON: When the betting shops were closed, often there were cases of traffic obstruction and, as far as I know, there may still be some. In any case, there is an offence being committed. It is accepted by all parties, a fine is paid and here there is no objection.

The Chief Secretary: You are satisfied with the position of a person being fined without committing an offence?

Hon. C. H. SIMPSON: I am satisfied with that in certain cases. There are other Acts which are used to deal with this problem. For instance, Section 96, of the Licensing Act dealing with hotels, is often used and there are the Turf Club Act and and the Totalisator Act of 1919. In case members think there are too many of such Acts, if they go to Victoria and New South Wales they will find that those States have a multiplicity of statutes dealing with the incidence of betting, much more than we have in Western Australia.

Two questions were asked in regard to this problem. One was; Would a referendum do any good? The other was: If gambling in all its forms cost £550,000,000 a year, why do the Federal authorities permit the A.B.C. to devote so much time to the broadcasting of racing, and so encourage it? Taking those two questions in conjunction, I consider that if such steps were taken in connection with them, the results would be excellent. It would give the public a chance to learn a great deal that they do not know now about gambling, about the difficulties of finding some solution; of its incidence not only in our country but also in other countries.

The public would then realise that it is not the simple problem that they might think. They might say the same as the Minister did, this evening when he introduced the Bill, that if £550,000,000 per annum is being spent on all forms of gambling, many people must be getting a cut out of it. I admit that. Among such people would naturally be included bookmakers quite a few gaming operators, some punters—although the majority of them would be losers—broadcasting stations, newspapers sporting agencies, the Postal and Telephone Departments and a lot of hangers on. They would all get something out of that sum. I am not objecting

to publicising the sport. It is the emphasis on the betting angle which I am interested in. The question is kept before those who listen to the broadcast.

The following figures might be interesting. When the Royal Commission on Betting was preparing its report in 1948 it asked the A.B.C. what time was devoted to weekly broadcasting of racing over a period of three years and these are the figures that were presented:—

> Year ended 30/4/1946—Broadcasting time (sporting and racing): 241 hours 35 minutes; weekly average, 4 hours 39 minutes.

The Chief Secretary: Is that in this State or all over Australia?

Hon. C. H. SIMPSON: That was for this State. Continuing—

> Year ended 30/4/1947—Broadcasting time (sporting and racing): 290 hours 45 minutes; weekly average, 5 hours 35 minutes.
>
> Year ended 30/4/1948—Broadcasting time (sporting and racting): 327 hours 47 minutes; weekly average, 6 hours 18 minutes.

That was, of course, for all forms of sport.

The Chief Secretary: Yes, that was including football and every other sport.

Hon. C. H. SIMPSON: It does not give the proportion of broadcasting time for each sport but the time is specified in the figures given by the daily newspapers which are as follows:—

Sporting Information	Per cent. of Total	Racing Per cent. of Sporting
"West Australian"—fortnight 24/4/48	12	58
"Daily News"—fortnight 24/4/48	13	67.3

I have no later figures dealing with that aspect.

I will now refer to the economic effects. Betting of any kind is rooted in the desire either for excitement or the uncontrolled expression of one's desire for gain or greed. I have no objection to a man having a small bet if he feels so inclined. I do not bet myself, but I do not claim any virtue on that account. However, the evil springs from the excess of betting which does mean a tremendous lot of misery to those mostly concerned.

Hon. R. J. Boylen: That is the object of the Bill—to control it.

Hon. C. H. SIMPSON: And it does mean that a lot of useful time is spent on something that produces nothing.

Hon. E. M. Davies: What about the betting on racecourses?

Hon. C. H. SIMPSON: If we could spend £550,000,000 on education, hospitalisation and the povision of homes, it would be much better than spending it on gambling.

Hon. F. R. H. Lavery: You say that money was spent by the State or by the punters and others?

Hon. C. H. SIMPSON: That was the total amount spent by all those who indulged in betting or games of chance. I will now deal with the ethical and social effects. In the Queensland report, which is referred to in the report by the Royal Commission on Betting in this State, it states—

> We are of the opinion that the betting shop is a corrupting and destroying influence, and that it has nothing to commend it ethically, socially or economically.

The remarks made by the English Commission which was held in 1932 were also contained in the report made by the Royal Commission here. The English commission enumerated the social consequences to the State as follows:—

> Impoverishment of homes.
>
> Deterioration of character.
>
> Inducement to crime.
>
> Prevalence of fraudulent practices.
>
> Loss of industrial efficiency and public disorder.

I trust that if the Bill is not defeated—I hope it is—that those ill consequences do not flow from what I regard as a tragic blunder on our part if we pass this Bill. The circumstances that prevailed in South Australia have been referred to and we have been told of the spectacle of crowded halls attracting the women and youth of the community; large numbers of prams and babies outside the legalised betting shops whilst the mothers were inside—sometimes for long intervals—betting and listening to racing broadcasts; women sitting and listening to racing information while they peeled potatoes for the home meal; conveyances waiting outside betting shops for players to complete teams for cricket, football, tennis, etc.; marked effect on attendances at sporting fixtures, including racing events; the undoubted increase in betting accompanying the sanction of respectability which legislation gives.

It might be asked if I have any constructive suggestions to make. I suggest that if we asked the racing and trotting clubs to co-operate in some constructive scheme, I think they could—as they did in Adelaide—work out a system of cheaper admission prices on their courses which would enable people to go to the racecourse or trotting course to conduct their betting. Despite the accusation that betting is illegal on the racecourse, it has never been regarded as such, and after all is said and done, the Act that controls the different racing clubs—

Hon. R. J. Boylen: Do you not think that by decreasing the admission prices, it would increase gambling?

Hon. C. H. SIMPSON: I am saying that if it were requested, it could be done. That was the recommendation by the Royal Commission.

Hon. E. M. Davies: You say that betting is all right if it is done on the racecourse?

Hon. C. H. SIMPSON: That is the recommendation of the Royal Commission, and I believe it is right. That would not increase the incidence of betting, but legalised betting shops would. That is what I have been trying to tell members right through my speech. The recommendation in regard to telephone and postal betting is one with which I wholeheartedly agree. We should amend the betting laws and take the public into our confidence by drawing up an educational programme to outline the effects and dangers of betting. Although we in this House are not in the position to pass a resolution to that effect, we could recommend to the Government that a referendum on this question would be a valuable means of advising the public of what the pros and cons of the evil are.

The Chief Secretary: That would be a lovely show, would it not?

Hon. C. H. SIMPSON: I was strongly impressed by the remarks made by the Premier when he said that people might be educated with respect to the evil of this problem which he admitted exists. I remember entering this House in 1946 and I touched on the question of gambling and on the inherent trait of the average Australian individual to indulge in gambling. By and large, I do not think he is any better or any worse than the average individual in other countries. However, if he has some distinguishing trait of character among people who are tall, short, fat or thin and people of varying temperaments, and coming from pioneering stock with an infusion of new blood through migrants entering the State—and to them life is an adventure coming here—there might be that urge to adventure which could be channelled into more useful avenues.

Personally, I think that during the past 50 years we have, as a nation, raised our standard of living and created for ourselves a great deal more leisure than our forefathers used to enjoy. Nevertheless, whilst we have the benefit of that leisure, apparently we have given very little thought to educating people on how to make the best use of it. I know that many do make good use of it by performing valuable work at home. Others pursue courses of study or indulge in healthy recreation, but there is evidence that the growth of s.p. betting has been more marked as a result of us having more leisure.

I have here an extract from an article written by Douglas Wilkie who is a well-known Australian journalist and trained observer. He has been round the world about four times and he is qualified to make a report. This is what he says—

> Officially Australians have a shorter working week and more leisure than any other people in the world. Australia has done most to abolish work, but has done very little to promote leisure in the best sense.
>
> By all statistics, our facilities for leisure are less culturally profitable and enjoyable than they were 50 years ago.
>
> On the purely physical side we don't do too badly..... But more people watch games than play them..... Our pubs are more crowded and less hospitable than ever before.
>
> Intellectually we're much worse off. We have fewer libaries, fewer theatres and fewer public lectures. The family fireside is no longer the social centre that it was. We go to church less than ever before.
>
> Despite this, Australian Governments do less to nurture the improvement of leisure than the Governments of other countries where people have less leisure.
>
> Our subsidies for the theatre and other cultural entertainments are niggardly compared with what is taken for granted in Europe.
>
> Nor have we many examples of private philanthropy on the scale which has endowed other countries with concert halls, playing fields, art galleries, swimming pools and a multitude of public amenities. Our union leaders, while rightly recognising that their main concern is with conditions of work, do not follow the examples of unions in many countries abroad, where they are also concerned with the worker's conditions of leisure.

That is constructive thinking. It should give us cause for thought. I know that we cannot correct an attitude towards betting in a few weeks or even years, but with a programme for education and for providing facilities to interest people in other directions, we will travel some distance in minimising this evil. After all, it is difficult to defeat betting without supplying an alternative interest. If it is intended to abolish starting-price bookmaking or betting, we should introduce something else so that the people will have some other interest to occupy their leisure.

The Chief Secretary: Now tell us something about the Bill.

Hon. C. H. SIMPSON: I have been talking about the effects of the Bill all the evening and I am hoping the members who are in favour of this Bill will profit from the experience of other places. I do not think the machinery of the Bill matters very much; we know exactly what it is designed to do. The intention is to

minimise betting. I have tried to convince members that that is the very thing it will not do. I hope members will not rush this measure through before they have given it deep consideration. If members give it full consideration and realise the result that might flow from this legislation, they might see my point of view and adopt some other method of meeting this problem than by passing the Bill. I oppose the Bill.

HON. E. M. HEENAN (North-East) [10.47]: I shall not be speaking at great length although this is no doubt a most important Bill. Mr. Simpson, who has just made a very long and interesting speech, stated more than once that the intention of the Government was to minimise betting. I would refer members to the title of the Bill which is "An Act to authorise, regulate and control, betting and bookmaking on horse-racing; to regulate the assessment, collection, and allocation of a tax on money paid or promised to bookmakers as consideration for bets; to repeal certain Acts; to amend certain Acts; and for other purposes." Neither the title of the Bill nor the remarks of the Chief Secretary indicate that the Government claims to minimise betting by introducing this Bill.

Hon. C. H. Simpson: Is that not envisaged?

Hon. E. M. HEENAN: I submit that Mr. Simpson might have unconsciously misled some members by that statement. My understanding is that the Government's main intention is to restore the rule of law and order in this State, which, as appertaining to betting in recent years, has been flagrantly ignored and flouted. The problem of s.p. betting is not of recent origin. I can remember 30 years ago when such betting was carried on but on a more minor scale than today. Over the years it has grown until today it has reached such proportions that the majority of the people in the community realises that something must be done.

That is the position which confronts us today. It is important if democracy is to survive, that the law must be upheld. Everyone must respect the law, and, irrespective of his social status, everyone must comply with it. Once we allow the laws to be broken, and once we grant privileges to one section to the exclusion of another we are heading for trouble. This Bill has been introduced as a result of such a state of affairs. Year after year, members in this House and in another place have told us of the serious position in relation to the betting laws.

Similarly the Commissioner of Police, year after year, has told Parliament that the situation is becoming very serious and something should be done about it. He not only told us this year, but the year before and in preceding years that the problem of s.p. betting is assuming large proportions as time goes on, and he urged Parliament to take some action. In all those years Parliament has done nothing about it. The reason is that no proper approach has been made to the subject. This question concerns every section of the community. Are we to assert the rule of the law? Frequently we hear the remark that people do not respect the law in these days. All sorts of problems face the community, and social leaders tell us that these are due to the growing up of the present generation without a proper respect for law.

Parliament and the community itself have not fairly and squarely faced up to the situation in years gone by. Whether this measure is perfect or not, I cannot say. I do not think that anyone claims it is perfect, but it is a genuine attempt to grapple with a situation which, for 30 years or more, has baffled everyone. I am sure we are all grateful for the contribution made by Mr. Simpson; he traced the history of betting back to 1500 and dealt with what happened in South Australia many years ago, and what people said in that State 12 years ago. However he ended up by simply opposing the Bill. He said he felt constrained to make some constructive proposal. All he offered us was the suggestion that racing and trotting clubs should reduce their entrance fees.

Hon. C. H. Simpson: And a consultation with the people.

Hon. E. M. HEENAN: Yes, so that more people will go to the courses.

Hon. C. H. Simpson: And a referendum to be held.

Hon. E. M. HEENAN: I shall deal with that. He also made a proposition that the clubs should reduce the entrance fees to make it cheaper for people to go to the courses to do their betting. He made a suggestion to hold a referendum. What such a referendum will achieve I cannot imagine.

Hon. C. H. Simpson: The people in Queensland will be holding a referendum on this matter.

Hon. E. M. HEENAN: I do not know what question would be submitted at a referendum. This is a sorry state of affairs which has existed for many years, and we are doing nothing while Rome burns. Year after year, the Commisioner of Police has said that this problem was increasing, and everyone knows about it. Betting has become an accepted order of the day. It is all very well for people in Perth and the suburbs to go to the Perth Cup next month and to the trotting carnival. If prices are reduced, twice as many people might go in the future as in the past, but what is to be done for the people in Kalgoorlie, Leonora, Mt. Magnet and other centres in my electorate?

Hon. L. A. Logan: They are not worthy of mention.

Hon. E. M. HEENAN: Those people are interested in the Perth Cup and the Trotting Cup, just as much as the people down here, but because they are working in a distant part of the State and under conditions much harder than those enjoyed by people living in and around the city, they are to get no consideration. They are to be told that they cannot bet. That is not a practical approach to the subject at all. We must realise that the people in those distant parts have been betting for years, and undoubtedly Parliament and the community have condoned it. Now that it has become an accepted practice in those parts, it should be legalised. The only alternative is to stamp it out altogether. If it is to be legalised, an Act of Parliament such as this should be passed to regulate or control betting.

Those are the alternatives, and will any member say that the first alternative is the one that ought to be adopted? If the police were directed tomorrow to stop betting all over Western Australia and permit it only at Perth racecourses, Gloucester Park, Bunbury, Northam, or wherever races are held, what would be the reaction of people in other parts of the State? I think the opinion they would form would be fully justified.

If it is legal for people to go to the races and trots on Saturday and to bet there, why should not the people in the country districts and on the Goldfields be entitled to bet? No Government has ever done or will ever do that. We have to face squarely up to the problem. The alternative is to do nothing, and just go on as at present. If that happens, we shall undoubtedly have the Commissioner of Police reporting next year a further increase in starting price betting with all the dreadful consequences associated with it.

Hon. C. H. Simpson: He has the power.

Hon. E. M. HEENAN: That is not a very good contribution to the debate. He has had it in his power for years, but he has not been able to do anything effective simply because the existing situation was accepted. The Government of which Mr. Simpson was a member did a very wise thing in legalising Sunday trading under the Licensing Act. Sunday drinking on the Goldfields had been carried on for years. The climatic and other conditions justified it on practical and other grounds, and the correct course was to alter the law and legalise it, and the result has been quite satisfactory.

Now we are confronted with this s.p. betting situation and surely the proper and practical approach is to appreciate its existence and do something about it! I quite realise that there are a lot of evils associated with gambling and I, for one, have no objections to the churches putting their point of view. As a matter of fact, I think they are fulfilling their proper role in giving a lead in these matters, However, this is a matter which we as men of the world who travel around and know the State and understand how the people live must deal with in a practical way, and who should be able to reach a practical solution better than we can? Can we expect it from the well-meaning church leaders who perhaps have not the practical and realistic approach to the problem that we have?

For years I practised as a lawyer in Kalgoorlie. After the weekend, Monday was always a busy morning in the police court. Often there had been a raid on the betting shops on the Saturday. Let me draw a picture of what happened. In the court, there would be the magistrate, the prosecuting sergeant, and a number of lawyers, a few policemen standing about, the reporters, and people in the gallery at the back. The prosecuting sergeant would step forward and a number of names would be called. One would be Bill Smith who was probably a poor old pensioner or an old miner badly in need of the chance to earn a pound.

The sergeant would state that a raid had been made on betting shops in Hannan-st. at 3 o'clock on Saturday and that Bill Smith had stated that he was the keeper of the shop. The magistrate would fine him £40, or some such amount, and the same thing would happen to seven or eight others. This always filled me with shame and I am sure the magistrate and others present felt likewise. The same sort of thing happens in Perth and I suppose in every country centre; and that state of affairs will continue unless we do something. Also there is constantly a temptation for the police to be corrupted.

Hon. C. H. Henning: Will this Bill completely wipe out illegal betting?

Hon. E. M. HEENAN: I earnestly hope that it will. If we get a good board, I believe that illegal betting will be almost wiped out. This might be a fond hope, but the severity of the penalties will be a great deterrent.

Hon. C. H. Simpson: It has not wiped out s.p. betting yet.

Hon. E. M. HEENAN: We have strict laws to deal with motorists who drive while under the influence of liquor, but I would not say that we will ever completely wipe out that offence. These are some of the reasons why I consider that we have to treat this measure very seriously. The people who are opposed to the Bill will have to offer something better than Mr. Simpson has put forward, because this is a genuine attempt to deal with the problem. One course before us is to defeat the Bill and wipe out betting by enforcing the law.

Hon. E. M. Davies: On the racecourses too?

Hon. E. M. HEENAN: To be honest, if we deal with the one, we must deal with the other, or give this measure a trial. If

a satisfactory board is appointed, we may be sure that the premises are located in suitable places and are properly conducted, and that licences are granted only to men of repute. Anyone who allowed children on the premises or permitted drunkenness or was guilty of any other offence would find that his licence would not be renewed. I think that is the practical approach to the problem. The alternative, as I have stated, is to do nothing. Mr. Simpson suggested a referendum, though he did not enlarge on that point. Whether a referendum would get us anywhere, I do not know. As for his other suggestion to reduce admission prices, I think that would have the effect only of encouraging more people to attend the gallops and trots.

Hon. C. H. Simpson: It was so in South Australia.

Hon. E. M. HEENAN: But what about people living in Esperance and Norseman and suchlike places? They do not have race meetings or, at best, perhaps one a year. Kalgoorlie has races, but the people there are interested in the Perth Cup and the Melbourne Cup, just as are the people of the metropolitan area. Admittedly, some people drink to excess; some invest in oil shares to excess; some bet to excess, but the majority of people are sensible, and anyhow we cannot legislate always to protect fools from their ultimate destination.

Hon. C. H. Simpson: Would you class investing in oil shares in the same category as gambling?

Hon. E. M. HEENAN: I would not split straws about that. Quite a lot of people would put £100 into an oil flotation, not with the object of helping the production of oil, but in the hope that the shares would rise in price and return a profit. The person who goes to the racecourse to bet does so in the hope of making a profit, and I do not see any difference between the two forms of speculation. Other people with more money buy blocks of land in anticipation that a boom will occur or that a certain district will go ahead and that the price will double or treble and the investment return a handsome profit. For my part I have nothing to say against that.

I can understand the attitude of a lot of people who oppose the Bill. They say that they do not like gambling and that they do not want to see any increase in it, because they have the welfare of the community at heart. A lot of people do not like drinking, and they are entitled to their views. If they could cure people of drinking and gambling, they would be doing a good job. However, we must bear in mind that betting exists and that the present set-up is disgraceful. Consequently, there is a heavy obligation on us as members to try to do something about it now that we have the opportunity.

This Bill has been given very careful consideration. The men who prepared it went to endless pains in investigating the set-up in Tasmania, South Australia and other parts of the Commonwealth. They did not ignore the experience that South Australia had many years ago. But betting has continued to increase and although Mr. Simpson quoted what men said in South Australia some 12 years ago, nothing has been done about it. Surely, in the light of the experience we have from South Australia, this board will be able to avoid the majority of the evils sustained by that State when the legislation was introduced there. I think the Bill has considerable merit. There is not much in it and I do not see why we should have to think it over for very long, as the problem is 30 years old. It has been a problem for each of us ever since we entered Parliament, and when we visit our electorates we realise that the present set-up is disgraceful.

We are not fulfilling our duty to the State if we allow the present bad state of affairs to continue. The Bill is not claimed to be perfect and it is open to us to amend it, but it does seek to grapple with a serious situation in a practical way. We are living in a hard and practical society and must deal with affairs as practical men. Before deciding how to vote on the measure. we must ask ourselves: What is the alternative? Are we to do something or just continue to do nothing in this matter, as preceding Governments have done for the last 30 years? The problem will not become easier but harder of solution as years go by. I believe the measure is well worthy of a trial and I hope the second reading is agreed to.

On motion by Hon. N. E. Baxter, debate adjourned.

BILL—MINING ACT AMENDMENT.

Received from the Assembly and read a first time.

Sitting suspended from 11.20 to 2.15 p.m. (Thursday).

THURSDAY, 25th NOVEMBER, 1954.

(Continuation of Wednesday's Sitting.)

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The PRESIDENT resumed the Chair at 2.15 p.m.

BILL—BUSH FIRES.

Conference Managers' Report.

The MINISTER FOR THE NORTH-WEST: I beg to report that the conference managers met in conference on the Bill.

The conference agreed to delete amendment No. 2, which proposed to make it compulsory for the Bush Fires Board to hold meetings at least every two months between the first day of October and the first day of May. Amendment No. 6 was agreed to. It provides for service of notice to be made in writing or otherwise as provided in paragraph (a) of Section 19 of the Act.

Amendment No. 12 proposed to amend Section 19, and was further amended in conference by the deletion of the words "or in such other manner either verbally." The Bill now requires such notification of intention to burn to be given, personally or in writing, as will ensure that every owner or occupier or other person is made aware of the intention to burn and the date and time thereof.

Amendment No. 8 was agreed to. This amendment deals with obtaining a permit to burn. The person signing the permit is now required to secure it from a bush fire control officer. If one is not available, he can then go to the secretary of the local authority.

Amendment No. 9 was amended in conference by the deletion of the word "greater." Permits can now be issued for a width of at least 10 ft. or such width as is specified in the permit.

Amendment No. 10 was agreed to. It deletes from the Bill the provision for payment of expenses to brigades which are called out to fight fires which have got out of control. Amendment No. 11 was agreed to. It was consequential to the previous proposal.

Amendment No. 13 has been deleted. It concerned the delivery of notices to neighbours advising of intention to burn. The paragraph remains in the Bill.

Amendment No. 17 has been amended by substituting for the proposed amendment another amendment reading as follows: "Delete the word 'fifty' in line 22 and substitute therefor the word 'seventy-five.'" The Bill now limits the acreage to burn for clover seed gathering to 75 acres.

Amendment No. 19 was agreed to. It provides insurance cover for employees returning from a fire to their place of employment.

Amendment No. 20 adds a proviso consequential to the previous item; and it was agreed to.

Amendment No. 22 deals with clause 40, which concerned the duties of bush fire control officers on the outbreak of fire. Conference agreed to the amendment deleting the clause. I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

House adjourned at 2.40 p.m. (Thursday).

Legislative Assembly

Wednesday, 24th November, 1954.

CONTENTS.

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