

The SPEAKER: The voting being equal, I give my casting vote with the Ayes.

Question thus passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE

MR. GRAHAM (Balcatta—Deputy Premier) [11.46 p.m.]: With your indulgence, Mr. Speaker, I wish to indicate to the House that it is probable there will be a longer dinner break than is usual on Thursday evening because of a certain function to which, it is understood, quite a number of members of Parliament have been invited. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 11.47 p.m.

Legislative Council

Wednesday, the 2nd May, 1973

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

QUESTIONS (11): ON NOTICE

1. EXMOUTH DISTRICT HIGH SCHOOL

Reticulation

The Hon. G. W. BERRY, to the Leader of the House:

When is it anticipated that work will be undertaken on the reticulation for Exmouth District High School?

The Hon. J. DOLAN replied:

A test bore is to be sunk on the school site in conjunction with a drilling programme shortly to be undertaken for the Town Water Supply.

The results of the test bore will determine the extent of any reticulation which can be carried out.

2. EDUCATION

Guidance Officers at Senior High Schools

The Hon. V. J. FERRY, to the Leader of the House:

- (1) How many Senior High Schools are in the Metropolitan Region?
- (2) Of these schools, how many have the benefit of qualified guidance officers on—
 - (a) a full time basis;
 - (b) a part time basis; or
 - (c) no appointment?
- (3) (a) How many Senior High Schools are outside the Metropolitan Region; and
 - (b) where is each situated?

- (4) Of the Senior High Schools situated outside the Metropolitan Region, which schools have the benefit of qualified guidance officers on—

- (a) a full time basis;
- (b) a part time basis; or
- (c) none?

- (5) Where Senior High Schools do not have the benefit of a qualified guidance officer in any capacity, who is charged with the responsibility of offering advice on career opportunities for students?
- (6) By what method are qualified guidance officers appointed to schools?
- (7) If the Education Department has insufficient qualified guidance officers to meet all needs throughout the State, what remedies are being implemented to correct the unsatisfactory situation?

The Hon. J. DOLAN replied:

- (1) 31.
- (2) (a) 31.
(b) Nil.
(c) Nil.
- (3) (a) 16.
(b) Albany, Bunbury, Busselton, Carnarvon, Collie, Eastern Goldfields, Esperance, Geraldton, Hedland, Katanning, Manjimup, Merredin, Narrogin, Newton Moore, Northam, Pinjarra.
- (4) (a) Albany, Northam, Bunbury, Eastern Goldfields, Geraldton, Narrogin, Newton Moore.
(b) Busselton.
(c) Carnarvon, Collie, Esperance, Hedland, Katanning, Manjimup, Merredin, Pinjarra.
- (5) The school Principal is responsible to ensure that advice in career opportunities is available to students.
- (6) Guidance Officer positions are advertised.

- (7) The Education Department has recruited personnel as counselling assistants to train as guidance officers.

3. LOCAL GOVERNMENT

Caravan Parks and Camping Sites

The Hon. T. O. PERRY, to the Minister for Local Government:

- (1) What is the definition of a—
 - (a) Caravan park; and
 - (b) Camping site?
- (2) Where on the South Coast of Western Australia are there camping sites, as distinct from Caravan parks, situated where the public can erect tents and have ready access to beaches?
- (3) In view of the report on a recent weekend camp at Dunsborough, referred to in *The West Australian* dated 30th April, 1973, and relating to a future plan for Cape Naturaliste, will the Government undertake to make provision in this area for a Camping site as distinct from a Caravan park?

The Hon. R. H. C. STUBBS replied:

- (1) (a) In the Draft Model By-laws (Caravan Parks and Camping Grounds) No. 2 "Caravan park" means land that is registered as a caravan park, with the local authority, containing sites for the parking of caravans for the erection of camps.
- (b) Camp site is not defined, but "camp" includes portable shed or hut, tent, tent fly, awning, blind or other structure which is erected and designed or fitted or capable of temporary use as a habitation for dwelling or sleeping purposes.
- (2) This information is not available in the records of the Local Government Department.
- (3) No such undertaking could be given at present, but the matter will be investigated.

4. HISTORIC ANCHORS

Esperance

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) When is it expected that the treatment of the anchors found near Esperance will be completed by the Western Australian Museum Conservation Laboratory?
- (2) Which of the two anchors has the Federal Minister for Transport given to South Australia?
- (3) Is it expected that the remaining anchor will remain in this State?

- (4) From what public authorities, historic organisation, or other bodies, has the State Government received requests to house and display such an anchor?

The Hon. J. DOLAN replied:

- (1) The Federal Minister for Transport will give authority for active treatment to commence shortly. When active treatment commences, it can be expected it will take about 8 months to complete.
- (2) We have no information.
- (3) The State Government has approached the Commonwealth Government with a request for an anchor to remain in the State.
- (4) (i) The Esperance Shire Council, supported by the Member for South Province in the Legislative Council.
- (ii) The Esperance Bay Historical Society, supported by the Royal Western Australian Historical Society.
- (iii) The Trustees of the Western Australian Museum (with a view to its eventual display in a municipal museum in Esperance).

5.

EDUCATION

Uncontrollable Children

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) What departmental action is taken when any child disrupts classes by destroying teaching aids, attacking the teacher, discarding genital covering, using obscene language or being generally uncontrollable to the point where the class cannot absorb the teaching because of the disruptive pupil's presence?
- (2) Who assesses the situation for corrective action?
- (3) What type of institution is established to train, discipline or house uncontrollable pupils?

The Hon. J. DOLAN replied:

- (1) The child is suspended from school.
- (2) The Headmaster reports this action to the Education Department and an officer with the required qualifications and experience is asked to investigate the matter.
- (3) Institutions controlled or supported by the Community Welfare Department are used for such children.

6. BINGO

Use of Trades Hall

The Hon. A. F. GRIFFITH, to the Chief Secretary:

- (1) What is the maximum number of bingo games permitted in any one year to "a charitable organisation" making application to play the game?
- (2) Upon how many occasions is the game being played at Trades Hall, Beaufort Street, Perth?
- (3) What organisations are being permitted to play bingo at Trades Hall?

The Hon. R. H. C. STUBBS replied:

- (1) Not more than 25 Bingo sessions will be granted to any one body or organisation during a calendar year.

A Bingo session means any period not exceeding three hours in duration in which a number of Bingo games not exceeding thirty are played.

- (2) There has only been one session played at the Trades Hall up to 2nd May.

- (3) Trades Hall Social Club.

A permit has been issued to a joint committee of Lions (201-L) and the Torchbearers for Legacy for five sessions commencing on 3rd May.

7. EDUCATION

Isolated District High Schools: Upgrading

The Hon. G. W. BERRY, to the Leader of the House:

- (1) Is it the Government's intention to have fourth and fifth year classes in isolated District High Schools?
- (2) If so—
 - (a) when can schools such as Exmouth expect fourth and fifth year classes;
 - (b) when can such schools expect to have Library Resource Centres provided;
 - (c) will additional classrooms be provided to allow for greater flexibility and timetabling;
 - (d) will staffing be provided to allow for greater specialist supervision?

The Hon. J. DOLAN replied:

- (1) The Education Department's policy with regard to the development of District High Schools is set out in the Education Circular for June,

1972. The relevant quotation is as follows:—

"While District High Schools, in their ultimate development, may cater for grades one to twelve, such a development will be subject to the educational restrictions of being able to provide viable upper school courses, the special teaching facilities and such other courses as the Department considers are warranted."

- (2) (a) No District High School has been provided with fourth and fifth year classes as yet and no timetable has been determined for the establishment of such classes. Intensive investigative work is being carried out at present by Departmental officers.
- (b) Answered by (2) (a).
- (c) Yes, in cases where there is need.
- (d) Yes.

8. ELECTRICITY SUPPLIES

Wyndham

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) Does the State Electricity Commission propose to take over the Wyndham Electricity undertaking?
- (2) If the answer to (1) is "Yes" when is the proposed date of take-over?
- (3) If the State Electricity Commission takes over the Wyndham undertaking—
 - (a) will it increase the domestic rates and service charges to align with the current State Electricity Commission charges within the Shire; or
 - (b) will the current State Electricity Commission charges be reduced to align with the current Wyndham charges?

The Hon. J. DOLAN replied:

- (1) to (3) The Commission proposes to approach the Wyndham-East Kimberley Shire Council to negotiate the inclusion of the Wyndham Electricity Undertaking in the Country Towns' Assistance Scheme before the end of this month. Takeover dates and tariffs cannot be set until the negotiations are concluded.

9. ESPERANCE SCHOOL

Staff Room and Offices

The Hon. D. J. WORDSWORTH, to the Leader of the House:

Is it intended to include the renovating and extensions of the

teachers' amenities room and staff offices at the Esperance Primary School in this year's budget?

The Hon. J. DOLAN replied:

Yes. It will be included in the 1973-74 budget.

10. *This question was postponed.*

LAND RESUMPTION

Joondalup-Moore River Area

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

Further to my question on Tuesday, 1st May, 1973—

- (1) How many owners were interviewed concerning sale of their properties?
- (2) What were the reactions of those owners interviewed?

The Hon. J. DOLAN replied:

- (1) Eleven.
- (2) Seven owners expressed opposition to sale of their properties. The remaining four were prepared to negotiate.

LIQUOR ACT

Disallowance of Licensing Court Rule: Motion

Debate resumed, from the 1st May, on the following motion by The Hon. I. G. Medcalf—

That Rule 13A of the Licensing Court Rules made under the Liquor Act, 1970-1972, relating to the production of accounts on objection being lodged to the granting of a licence or a provisional certificate, published in the *Government Gazette* on the 30th March, 1973, and laid upon the Table of the House on the 10th April, 1973, be and is hereby disallowed.

THE HON. R. THOMPSON (South Metropolitan—Minister for Community Welfare) (4.46 p.m.): In moving to disallow rule 13A of the Licensing Court Rules as published in the *Government Gazette* on the 30th March, 1973, The Hon. I. G. Medcalf made a number of criticisms of the rule.

The honourable member first pointed out that the rule in its own terms places no limit on the period back for which books and statements of account of a licensee objector must be produced for inspection, whereas the present practice is that an objecting licensee is required to produce at the hearing only the past two years' trading results.

The honourable member has also drawn attention to the fact that it would be possible for a person to make one application for a license in a particular area, and thus be able to inspect the books of account of licensee objectors to that application when, really, his only motive may have

been to use it for another purpose on another occasion in support of a different application. The honourable member proceeded to say that while that sort of use of the process was doubtless not what the court intended in making the rule, it would be impossible for the court to prevent such an abuse of the process; because, in his view, the court would have no way of proving the purpose for which an application was made.

The honourable member then drew special attention to the question of confidentiality of the information which would have to be submitted by objecting licensees under the rule. He points out that even if the terms of the court's instruction were followed, there would be nothing to prevent a person entitled to examine the books of account from making extracts or notes of the confidential information contained therein. There would appear to be little doubt that the period of seven days provided for inspection under the rule would give much greater opportunity for extracting confidential information from books of account than is available under the present practice, whereby the books of account are really only open for examination during the course of the hearing.

The honourable member also expressed a view that it is making a farce of the rules if the court, having made the rule, then issues an instruction which he says cuts down its effect. I must say that I would have thought it quite regular and in the ordinary course of proper conduct by the court of its affairs for it to issue instructions of this nature, so long as those instructions do not contravene or infringe the terms of its rules.

However, while it appears that the rule might be capable of modification to meet some of the honourable member's objections, I do not see that it would be easily capable of amendment to meet all his criticisms. The rule, of course, is one which the court did not initiate in its own interest; it is one which it made in response to representations by counsel practising in its jurisdiction for a better opportunity effectively to cross-examine objector licensees on issues concerned with the necessity for a new license and the question whether the reasonable requirements of the neighbourhood or the affected area were being met.

Accordingly, the Government takes the stance that if members opposite feel that the rule is so unsatisfactory as to warrant its being disallowed, then the Government will not oppose the motion for disallowance.

THE HON. I. G. MEDCALF (Metropolitan) (4.50 p.m.): I thank the Minister for his very prompt comments on what I said last night. I appreciate that he has repeated a number of the arguments I put in order to substantiate the view that this rule should be disallowed.

I would like to comment very briefly on one point he mentioned; which is, that he believed it was quite proper for the Licensing Court to issue an instruction which was not contrary to a rule of Parliament. I quite agree that there is nothing to prevent the Licensing Court issuing an instruction which is not contrary to a rule of Parliament. I concede that there is nothing wrong with the Licensing Court taking such action. My criticism was that in the same breath—and I think those were the words I used, if they can be used in connection with the Licensing Court—the court had promulgated a rule and an instruction which cuts down the effect of the rule. I made that point to illustrate that even the Licensing Court believed the rule was too wide, and this appears to have been substantiated by the Minister's comment that the rule was not initiated by the court at all but resulted from representations made to it by one or more members of the legal profession who apparently required more time to examine the books.

I also agree it is quite legitimate for counsel to have time to examine the books, and that was my object in proposing an amendment to the rule. I believe where the rule went wrong was that it was too wide from the beginning. Had it not been so wide it would not have been necessary for me to move for its disallowance. However, I appreciate the views expressed by the Minister and the indication that the Government will not oppose the motion for the disallowance of the rule.

Question put and passed.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and transmitted to the Assembly.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 18th April.

THE HON. G. C. MacKINNON (Lower West) [4.54 p.m.]: This Bill is not one which is likely to excite anyone very much. I was rather interested to note that when the original Act was passed in 1963, Mr. Wise, who was then the Leader of the Opposition in this House, said on page 2520 of *Hansard*—

It would be a remarkable thing if universal approval among them could be obtained for any single method of control of their operations by a board. He was referring to the taxi drivers. Further down on the same page he said—

So they are engaged in an industry which is difficult to regiment or control by legislation that is likely to meet with the approval of a majority.

I mention that because it speaks well for the Act which was finally passed in that it has operated so satisfactorily. I think it has worked exceedingly well in regimenting the industry.

I believe we could have just as easily done without this Bill, but it has been printed and it is here, and I see no reason why we should oppose it. It emanates from a report to the Minister following the investigations of Mr. Smith, who did a worthy and careful job. I believe the investigation was instituted mainly because of a few dissidents who were members of the Transport Workers' Union, which has received some publicity of late, and I understand it would be difficult for the Minister to deny them.

Mr. Smith's report was noteworthy mainly for the lack of any great desire to make changes. He suggested some tidying up moves and the like, the bulk of which have been accepted by the Minister and written into this Bill to amend the parent Act. A few of the definitions will be changed, and a new one for "taxi-stand" will be inserted to make it possible to take action against anyone who utilises a taxi-stand as a convenient parking place.

The representation on the board is to be changed, and this is a matter about which one could argue. It does not seem to make much difference to the way the Taxi Control Board will operate. Previously the members of the board were the Commissioner or the Deputy Commissioner of Transport, a member of the Police Force, a representative of local authorities, a representative of the W.A. Taxi Operators' Association, a representative of the taxi owners, and a representative of the Metropolitan Transport Trust. It is proposed that the board should now comprise the Commissioner or the Deputy Commissioner of Transport, a representative of local authorities, a representative of the Metropolitan Transport Trust, and three persons representing taxi owners, operators, and drivers. This is a very minor amendment.

I would like to query the method of financing the board. Members are aware that the board receives some revenue from premiums paid for taxi plates. In 1968-69 this revenue amounted to about \$13,500; in 1969-70, \$36,000; in 1970-71, \$46,000; in 1971-72, about \$59,000; and in 1972-73, about \$67,000. The premiums are paid over a period of five years, and much of this revenue will run out.

It seems to me a haphazard method of financing a board, and I would have thought it preferable for the premiums to be paid into Consolidated Revenue, and to arrange a method of financing the board other than from the receipt of premium payments and the annual registration fees of \$25. Again, it is a minor matter, because if the premium payments run out

the Government will have to introduce an amendment proposing another method of financing the board.

The matter of the repossession of plates has been tidied up and the board is to be given the power to repossess plates if fees are not paid, or if for some other reason that action is deemed necessary. On occasions substitute vehicles are used by taxi operators, and the Bill provides that a substitute vehicle must carry the original plates in order that it may be identified.

The matter of the repurchase of taxi plates has been adjusted so that a fellow who has paid his premium for two or three years will receive a proportionate amount for the sale of his plates, because he is deemed to have received a certain amount of service from them. The new provision takes cognisance of the use of the plates during the period the taxi operator has held them.

The measure contains one or two other matters of a tidying up nature, which I do not think will unduly excite anybody. Suffice it to say that the provisions should make it a little easier for the industry to be controlled. I see no reason to cavil at those provisions or to split straws about them. I think the industry will continue to proceed in a reasonably amicable fashion. My only comment is that I think we should be careful of small groups within an industry which can create sufficient trouble as to induce the Government to conduct an expensive inquiry, which in this case produced only machinery amendments of little real importance. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.02 p.m.]: I thank Mr. MacKinnon for his support of the Bill. Perhaps I could comment that some of the requests for an inquiry came from members of the T.W.U.; but the majority of requests came from lease drivers who seemed to be concerned about the industry.

I take advantage of this opportunity to pay public tribute to Mr. Smith. He carried his investigations into the other States and examined all aspects of the taxi industry to see whether he could introduce to our city something really worth while.

The Hon. G. C. MacKinnon: He was extremely thorough.

The Hon. J. Dolan: He was very thorough and did not miss any aspect. We are just beginning to realise the benefits we can expect in the future. We have a new chairman of the board. He is a very stern man and is ensuring that taxi drivers themselves make the industry work not only to their own satisfaction but to the satisfaction of the public. After all, the

taxi industry's main concern should be the welfare of the public, and that is the policy the present board intends to follow.

As Mr. MacKinnon suggested, we will always have amendments brought down to this Act. Probably they will be minor amendments which will become necessary as we see what effect the legislation has on the industry. If we find any mistakes I am sure the Government will bring further measures to the House to correct them.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILLS (2): RECEIPT AND FIRST READING

1. Distressed Persons Relief Trust Bill.

Bill received from the Assembly; and, on motion by The Hon. R. Thompson (Minister for Community Welfare), read a first time.

2. Resumption Variation (Boulder-Kambalda Road) Bill.

Bill received from the Assembly; and, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

FIREARMS BILL

Second Reading

Debate resumed from the 1st May.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.08 p.m.]: Firstly I would like to refer to the incident which occurred in this Chamber a little over a week ago when this Bill was being debated and we saw what one might call a mild demonstration in the public gallery. I refer to this only to point out that even in such an excellent organisation one finds people who lack a certain amount of control. This is particularly disturbing when those concerned are associated with the use of firearms. Such people should be extra careful.

I was a little surprised to see in *The West Australian* yesterday the following advertisement—

SHOOTERS are invited to attend in the Gallery of the Legislative Council at 7.30 p.m. Tuesday May 1 to hear the debate on proposed amendments to the Firearms Act.

PLEASE LISTEN TO RADIO 6IX at 5.55 p.m. in case change of time.

Signed **SHOOTING SPORTS FOUNDATION.**

G. Pow, Hon. Sec.

I had never heard of that organisation; it has made no approaches to me or to my department. Consequently I was a little concerned about the organisation and I had inquiries made to see whether anything was known about it. I did, of course, know the name "G. Pow" because that gentleman happens to be the President of the Sporting Shooter's Association. The investigation revealed something which I regard as not being in keeping with my standards, at any rate.

The Hon. A. F. Griffith: Before you go on, would you tell us who made the investigation?

The Hon. J. DOLAN: I made personal investigations and asked my officers whether they knew anything about the organisation, and they furnished me with certain information.

The Hon. A. F. Griffith: Does the expression "my officers" mean the Police Department?

The Hon. J. DOLAN: Yes, the officers were from the section of the Police Department which is concerned with firearms and guns. I was informed that a notice appeared in the window of a shop in Murray Street. As a result of short notice I was unable to glean the actual store from which this notice was obtained; all I know is that it was obtained from a firearms dealer. The notice is as follows—

Dear Sir,

Attached please find a Membership Sheet to Join "The Shooting Sports Foundation."

It would be appreciated if you could earnestly solicit as many "Shooters" or interested people to join this FOUNDATION as URGENTLY as possible to support our amendments to the "FIREARMS BILL" which is at present going through the Committee stage in the Legislative Council, or any other oppressive Legislation which may develop in the future.

Kindly forward the completed form together with the membership fee's direct to the Hon. Tres. R. J. FRANKLIN, at the above address and a receipt will be issued and a new form returned. It may be added that any donation over the 20c would be most helpful.

YOUR CO-OPERATION IS MOST URGENTLY REQUIRED.

Yours faithfully,

R. J. FRANKLIN,

Hon. Tres.

R. J. Franklin & Co. happens to be a licensed firearms dealer at the address mentioned; that is, 519 Murray Street. I feel that an undesirable element is creeping into this matter.

The Hon. A. F. Griffith: I would like you to tell us what you feel.

The Hon. J. DOLAN: I feel pressures are being exerted on people.

The Hon. Clive Griffiths: We will have something to say about pressures being brought to bear later on.

The Hon. F. D. Willmott: This always happens in regard to legislation.

The Hon. J. DOLAN: Perhaps it does; but I have not experienced this sort of pressure.

The Hon. A. F. Griffith: I can remember an occasion when you must have experienced a certain amount of pressure. Do you remember the occasion when you placed on the Table of the House a petition regarding another member's abortion reform legislation?

The Hon. J. DOLAN: Does the Leader of the Opposition think that placing a petition on the Table of the House is yielding to pressure?

The Hon. A. F. Griffith: I did not say that.

The Hon. J. DOLAN: The honourable member intimated it.

The Hon. A. F. Griffith: I said that somebody must have exercised some pressure upon you or made some representation to you.

The Hon. J. DOLAN: I am prepared to place on the Table of the House petitions with which I totally disagree if the people in my electorate ask me to do so. The fact that I placed a petition with which I happened to agree on the Table of the House does not mean that pressure was placed upon me to do so. I do not yield to pressure.

The Hon. G. C. MacKinnon: You are angry with Mr. Franklin only because his opinions do not coincide with yours.

The Hon. J. DOLAN: No, the people he represents are engaged in the business of selling firearms and ammunition; they are not the people with whom the Bill is mainly concerned. The Bill is mainly concerned with the users of firearms. That gentleman has entered into this argument for the same purpose as many others have entered into it; that is, for what they can get out of it.

The Hon. A. F. Griffith: You seem to be upset about it.

The Hon. J. DOLAN: He did really upset me because in this House we set excellent standards and we do not want any groups putting on a demonstration such as the one we witnessed the other night.

The Hon. Clive Griffiths: What demonstration the other night?

Several members interjected.

The PRESIDENT: Order!

The Hon. J. DOLAN: First of all I wish to refer to the Victorian Act because some people seem to think that Victoria has introduced an Act which is the be-all and end-all concerning firearms. As far as my department and I are concerned we will continue to oppose what is contained in the Victorian Act; that is, the principle that all one must do is get a license, after which it is possible for one to have as many weapons as one pleases, because no record is kept. That is one thing I will not stand for while I remain the Minister. What anyone else does subsequently is his business, but I will not be a party to anything which lessens the control the Police Department in this State has over firearms.

The Hon. G. C. MacKinnon: Would you not abide by a Cabinet decision if the majority of your colleagues overruled you?

The Hon. J. DOLAN: Under some circumstances I would have no hesitation whatever in resigning my position in order to be true to my principles.

Another aspect is that one group is interested in one angle, but other groups—such as women's organisations and so on who write me letters regularly—seem to think that this Bill is so wide that almost anyone can obtain a firearm on demand.

The Hon. F. D. Willmott: Have such people read the Bill?

The Hon. J. DOLAN: I think they have read it more closely and more disinterestedly than many others who come here and stage demonstrations.

The Hon. Clive Griffiths: What is this demonstration business?

The Hon. A. F. Griffith: What were the demonstrations?

The Hon. J. DOLAN: Do not members call it a demonstration when the President has to call people to order and when, on a number of occasions, the policeman has to complain about behaviour?

The Hon. A. F. Griffith: On a number of occasions?

The Hon. J. DOLAN: Yes, on at least three occasions, and then on another occasion the President had to call those in the gallery to order. If that is not a demonstration I do not know what is.

The Hon. G. C. MacKinnon: The President has called me to order once or twice, but no-one would suggest I was demonstrating.

The Hon. A. F. Griffith: My recollection is that some of them clapped because you made a comical remark.

The Hon. J. DOLAN: It was not because of something I said, but because of something someone else said.

The Hon. A. F. Griffith: That should not upset you then.

The Hon. J. DOLAN: It did not upset me.

The Hon. A. F. Griffith: You seem rather upset now.

The Hon. J. DOLAN: It might be advisable if members were aware of what the Victorians think of their so-called wonderful Act. I have here a leading article from a well-known column in a Melbourne newspaper, the *Melbourne Truth*. I might add that I am not a regular subscriber to this publication. The article appeared on Saturday, the 14th April, which is a little over a fortnight ago. I consider it would be well worth while for members to listen to it and then they will obtain first-hand knowledge of what a newspaper in the State which is supposed to have the be-all and end-all in firearms legislation thinks about that legislation. The headline, in great black letters is, "Criminals laugh at our crazy gun laws". The article reads—

VICTORIA'S gun laws are a farce!

The legislation, which was implemented on January 1 this year, provides that anybody who wants to shoot firearms must pay \$2 a year for a licence.

SIMPLE ANSWER

All the shooter has to do is hand over his cash, record his name and address and sign the licence.

It would have been simple to provide on the licence—and a copy to be filed—a space to write the serial number of the weapon or weapons. All firearms have such numbers.

That way, a firearm found at the scene of any crime could quickly be traced to the owner.

A lot of top policemen confidently expected that would happen. They expected the legislation to help them in their jobs.

Otherwise it would have been merely a method of raking in more cash for the Government coffers.

NOW IT MUST BE EXPOSED AS THAT—PRECISELY.

OPPORTUNITY

One would have assumed that legislators would grasp any opportunity to catch offenders using guns.

A policeman, questioned by Strehweth, estimated there are 250,000 rifles and shotguns in this State.

That represents a cool \$500,000 a year for MR. HAMER'S GOVERNMENT TO SPEND—for killing a single bird with a single stone and allowing the real prey to escape.

Such legislation is fairly easily reversed.

It would at least justify to the thousands of honest, responsible shooters the paying out of \$500,000 a year!

The Hon. I. G. Medcalf: Surely you did not get your information about the Victorian Act from the *Melbourne Truth*?

The Hon. J. DOLAN: I am quoting an article in relation to that Act, just as every member has at some time or other read from newspaper articles in support of his argument.

The Hon. I. G. Medcalf: Would it not be better for you to read the Act itself and not from the *Melbourne Truth*?

The Hon. J. DOLAN: I am giving an expression of opinion by a Melbourne newspaper.

The Hon. A. F. Griffith: You must admit you read that article with great emphasis.

The Hon. J. DOLAN: Of course I do when I consider that the article I am reading contains a message which I wish to put across.

The Hon. G. C. MacKinnon: You will be quoting from the *King's Cross Whisper* next.

The Hon. J. DOLAN: I now wish to refer to a number of comments by various members concerning the definition of "firearms" in the legislation. One of those members was Mr. Willmott who was the first speaker following the introduction of the Bill. He read a submission he had received from the Shooters Suppliers Association. The members of that association are engaged in the business of selling guns and ammunition. That is their business.

The Hon. F. D. Willmott: Of course it is.

The Hon. J. DOLAN: I am delighted the honourable member agrees with me. Of course, the more the members of that association can sell and the easier it is for people to obtain guns the more their businesses will thrive. I have another view to present and I intend to do so. The association writes—

In general we feel the whole Act is out of step with the recent Acts—

I do not know why the association has used the plural in this instance. To continue—

—brought into Victoria and proposed legislation in N.S.W.

This letter was written by a group which seems to know all when really it knows nothing. The submission continues—

It seems likely that S.A. and QSLD. will adopt the Victorian Act.

Since I have been the Minister for Police I have had the opportunity to attend and open a conference of Police Commissioners from all parts of Australia and from New Zealand and their opinion about Acts relating to firearms and guns is that West-

ern Australia has the best in the Commonwealth or in New Zealand; and what is more it is the sort of Act they would love to have in their own States and New Zealand. The only person who evidently does not fall into line with that belief is the Minister for Police in Victoria. I could not believe that Victoria would come into line with New South Wales. That will be the day when New South Wales and Victoria get together on anything, whether it be a legal matter or a matter of any other kind!

The Hon. F. D. Willmott: There is always a first time.

The Hon. J. DOLAN: For example, New South Wales had a standard gauge railway, but that was not good enough for Victoria which introduced a 5 ft. 3 in. line. In sport, Victoria has one code for football and New South Wales has another. Even the racehorses run in different directions. In Melbourne they run anti-clockwise while in Sydney they run clockwise. One State will not have a bar of what is done in the other State. Victoria has an Act which throws open the position concerning guns and it exercises no control over their acquisition; yet it is thought by some people that New South Wales would go along with it. I guarantee that New South Wales, Queensland, and South Australia will not have a bar of that legislation. They may include little snippets of it here and there, but they will not go along with the main principle.

The Hon. A. F. Griffith: You know those two lots of horses to which you referred, do they both try to win?

The Hon. J. DOLAN: Horses are most adaptable animals. I often wish humans were like them. They win races in Melbourne and then go to Sydney and win them there and some from Sydney will win races there and then go to Melbourne and win in that city. In fact I know the name of one which is quite applicable to the legislation under discussion; that is, Gunsynd. He won in both places.

The Hon. Clive Griffiths: Tell me why you went to a great deal of trouble to tell us when you introduced the Bill that certain provisions were identical with those in the Victorian legislation.

The Hon. J. DOLAN: Perhaps in Committee the honourable member can quote the passages in which I went to great pains to tell members something about the Victorian Legislation.

The submission of the Shooters Suppliers Association continues—

The Commissioner of Police has informed us many times over the past few years that they desired the adoption of a uniform National Firearms

Act. On the basis of this bill and what has been adopted by Victoria and we believe—

The members of the association are about the only ones who do. To continue—

—will be adopted by other States, W.A. will be the only State out of line.

The following is the statement to which I really wish to refer—

Eastern States—

Members will notice how the association refers to the Eastern States and not just to Victoria. To continue—

—are licensing the person not the firearm.

That throws the position wide open for criminals and anyone else to obtain possession of a weapon. Of course people can always obtain them illegally by breaking into a shop which sells them.

The association states that the Commissioner of Police has informed it many times that he desires a uniform national firearms Act, and I go along with that because it would be most desirable. However, such an Act must have some teeth and must exercise the control which most people want. I am not including, of course, the irresponsible people and those in the criminal classes because they do not desire any restrictions.

I asked the commissioner whether he would comment on the submission and he confirmed that he would go along with a national firearms Act with the proviso that the national Act did not in any way weaken the police control of firearms in this State. He indicated that should the Act be inclined to do this, he would be opposed to it. In other words, he would support a national Act provided other States were prepared to strengthen their legislation to fall into line with the Western Australian standards.

I would now like to refer to the latest submission which was that of Mr. Medcalf who spoke last night. One thing I must say is that he did obtain and study a copy of the Victorian Act. I value Mr. Medcalf's opinion and I took particular note of what he said. I would like to comment on a few of his remarks so that he will know the attitude of the department. I must emphasise that what I intend to say is not submitted in any critical sense because some of the suggestions the honourable member made are well worthy of further consideration.

The provisions of the Victorian legislation in regard to the issue of firearm permits to primary producers, free of charge, was considered. However, the only advantage when compared with our legislation is the saving of a license fee. The Victorian legislation is more restrictive than ours in this respect.

I cannot see the justification for any differentiation. Primary producers should not have any more right to special consideration in connection with firearm licenses than anybody else. Each case must be considered on its merits. I am sure primary producers would not want special consideration.

The Hon. L. A. Logan: They have to control vermin.

The Hon. J. DOLAN: The measure before us makes ample provision for that. Employees or members of their families can use the firearms of primary producers, under their supervision, provided permission has been given to shoot vermin. Under the Victorian legislation the only type of firearm which an employee may use is a pea rifle—that is, a .22—or a shot gun. Furthermore, the farmer can only use these firearms himself on his own property. Apparently the farmer must license any firearm he wishes to use elsewhere. Likewise, the employee must obtain a license to use any firearm—other than a pea rifle or shot gun—on his employer's property.

Clause 8(1)(i), of the proposed Firearms Bill provides for an employee to use any of his employer's firearms on the property for the purpose of destroying vermin. The employee may be a better shot, perhaps, than the farmer, but the farmer is entirely responsible for his employee exercising, under his direction, the greatest possible care. This is identical to the exemption contained in our current legislation; namely, the Firearms and Guns Act, in section 9 paragraph (g).

Furthermore, regulation 29B of the current Act—the Firearms and Guns Act—provides—

Where the owner of a firearm which has been licensed desires that any other eligible person residing in his household shall also hold a licence in respect of such firearm and endorses the latter's application in writing, no fee shall be payable in respect of any such further licence.

I wish to comment next on clause 11 of the Bill in respect of which a query—or perhaps it was only a comment—was made. Clause 11 does not refer to restrictions but to the circumstances under which a license may be approved. The provision is similar to that contained in the current Act and is not used to discriminate against any *bona fide* applicant. The honourable member is correct in suggesting that *bona fide* membership of an approved shooting club, or *bona fide* engagement in primary production is a sufficient "reason" for requiring a firearm on license. In other words, if a person is a member of a reputable shooting association of any kind or is a primary producer, provided he is a normal person a license would be granted without any trouble whatsoever.

At present the only condition imposed on a firearm license is in regard to a license granted in respect of a pistol, the license for which was approved in view of the applicant's *bona fide* engagement in target shooting competition within a recognised club.

In fact, over the Easter period the Australian Pistol Shooters' Association championships were held in the Fremantle area. Mr. Harman, a member in another place, opened the championships. People came from all parts of the Commonwealth. The Australian Pistol Shooters' Association is a reputable organisation and, of course, the participants received permission to bring their pistols into this State.

One or two members said that pistols and firearms can be brought into Western Australia from another State. The people in reputable organisations, such as the one I have mentioned, do it in the correct way. They notify the police and care is taken. Of course there is always a possibility that a firearm or pistol could be stolen. For this reason, there is a close check on the numbers.

Clause 21 of the Firearms Bill provides the authority whereby a restriction, limitation, or condition, may be imposed on the issue of a license, permit, or approval and provides a penalty for failure to comply with such restriction, limitation, or condition.

The intention is to allow discretion for a restriction to be imposed if such seems desirable in the public interest, having regard for the particular circumstances concerned.

If any restriction, limitation, or condition imposed by the commissioner under clause 21 were unreasonable it would not withstand an appeal under clause 22. In other words, if a person feels aggrieved in any way he has the right to appeal. At this stage I mention that I am quite prepared to delete the clause which restricts any person—say, a manufacturer—from appealing to a higher court. Mr. Medcalf referred to this and I have given the matter my keen consideration. I had his comments sent to my office so that I could re-examine the position. By deleting this provision, opportunity would be given for an appeal to a higher court. I thank Mr. Medcalf for bringing this to my attention. If a person feels aggrieved he will have the opportunity to appeal. During the appeal all the reasons for his wanting it, the type of person he is, and whether he has fulfilled the conditions would be brought out. Every safeguard would be taken. Even if a person went to the High Court, and won the appeal every aspect would be aired. When he eventually won the right to a weapon, we would be quite safe, I guarantee, in letting him have that weapon.

The provision, allowing a license to be issued subject to a restriction, limitation, or condition, may well allow the issue of a license which would not be approved without such restriction. Sometimes, of course, there is difficulty in connection with a license. If there is no restriction, limitation, or condition imposed, the commissioner or his appointed officers would not be prepared to grant a license. They are granted only under certain conditions.

I will draw an analogy with driving licenses. Sometimes people's licenses are withdrawn. Sometimes a person can obtain a particular license which will entitle him to use a vehicle between certain hours. Consequently, no great hardship is imposed on him.

The Hon. A. F. Griffith: A person can apply for such a license.

The Hon. J. DOLAN: Yes, a person applies and goes to the court where the license may be granted with certain restrictions. Licenses would not be granted unless the applicant was prepared to abide by the limitations.

The honourable member also referred to clause 23, subclauses (3) and (4). I suggest that a closer examination of these subclauses will show that they both refer only to unlicensed firearms—or firearms not provided for in clause 8. The only difference is that a greater penalty is provided if the offence occurs at night; that is, between the hours of seven in the evening and seven the following morning. Section 12 subsections (2) and (3) of the Firearms and Guns Act makes similar provision. Subclauses (3) and (4) of clause 23 of the Bill in no way restrict the use of licensed firearms.

I seriously suggest that this provision was taken from the present Act in which the penalties are greater if a person is in possession of an unlicensed firearm between 7.00 p.m. and 7.00 a.m. I think this is a little out of date. Criminals now hold up banks in broad daylight. Former generations used to regard daylight robbery as a more serious offence than nighttime robbery! I am sure members see the point I have made.

The Leader of the Opposition said that, with the exception of the Dividing Fences Act, legislation on firearms has received more attention than any other legislation brought before the House.

The Hon. A. F. Griffith: It is one of the pieces of legislation which usually receives a fair amount of attention.

The Hon. J. DOLAN: I am sure it will receive attention in the future and possibly an amendment will be brought down to clarify that position. I am not suggesting that we should bring down an amendment to suit people who hold up banks.

The Hon. I. G. Medcalf: The bank shooters' association!

The Hon. J. DOLAN: I wonder what qualifications the honourable member would suggest for membership! In regard to clause 22, subclause (3), this proviso was drafted in the measure so that appeal proceedings could be concluded with a minimum of delay and cost. It is considered equitable to both parties. However, no strong views are held on this point. I do not have any strong views on it and I am prepared to delete the provision in the Committee stage. There is no need to put an amendment on the notice paper but, in Committee, I will move that subclause (3) of clause 22 be deleted.

The honourable member referred to safety precautions. I think he said that certain things were not done when he went to license a gun. I think I have an answer which will satisfy Mr. Medcalf. Over a long period of years the police have been doing all they possibly can not only to teach people how to use guns on all occasions but also to teach the safety measures which Mr. Medcalf and other members have mentioned. I have on my staff a particularly fine man in the lecturing branch. I will not mention his name because I do not discriminate. As far as I am concerned, all my officers do a good job.

When I was teaching, this particular man came to the school and educated the pupils in safety methods on the road. He showed them how to give proper signals when riding their bikes. He was a wonderful lecturer. Today, he is one of the finest lecturers I know for his ability to get a message over. I am delighted he is engaged in this type of work. I can mention all this without mentioning his name.

The information I am about to give relates to the Police Lecturing Branch. The memorandum is headed, "Information relative to lecturing programme in relation to Firearms Safety and Explosives". When members of the lecturing branch visit schools to lecture the children they also demonstrate with visual and mechanical aids. This applies not only to the use of firearms but also to the use of explosives. I am sure goldfields members will appreciate this, and Mr. Stubbs certainly will. Many children on the goldfields grew up and went through life suffering the loss of fingers, toes, or even eyes caused by the use of detonators. I have used detonators many times for blowing up stumps and I know that the youngsters were probably fascinated by the glistening stuff at the bottom. Perhaps it was a temptation to pick up a pin or a stick and poke it down. Many kiddies have done that to their lifelong regret. Instruction in the use of explosives is very important. The memorandum states—

The present Syllabus for lectures delivered by Police Lecturing Branch includes and covers the following as-

pects in relation to Firearms Safety and Explosives which are usually dealt with concurrently.

Legal requirements for possession of and use of firearms—Moral Obligation—Safety rules for use of firearms.

Culpable negligence is, I feel, associated with the act if a person uses a firearm in a way which is unsafe and he is responsible for the death of somebody else. This is why there is a moral obligation on a person using a gun. In the same way, there is a moral obligation on a person using a car—he should drive in such a way as to allow other motorists to proceed with absolute safety. To continue with the memorandum—

Danger of explosives and detonators—Safety procedures and correct procedures when explosives or detonators are found.

Attached please find copy of Lecture/Lesson Preparation and plan with respect to each of the subjects.

During the six months ending 30th June, 1972—

That was the previous year. To continue—

—a full scale lecture programme on both Firearms Safety and Explosives was completed in schools and attached please find Copy of three booklets namely, "Firearms Safety is Everybody's Business", "Shooting Booklet" and "Gun and Rifle Care", which were distributed to schools for information of students and teachers as well as for use in project assignments on the subject. These booklets are also available for issue at Police Stations to persons who apply for Firearm Licenses

Lectures are also given to varying groups of youth and adult audiences on request.

I believe Mr. Medcalf will be delighted to know how the Police Department gets its message across. It does wonderful work, and I feel this is the answer to the many people who have said how marvellous the Victorian Act is because money is made available to certain bodies to teach safety procedures and the use of weapons.

It has been my experience in life, and most members will probably agree, that people are taught to shoot by relatives. My father was a regular shooter, and he taught me to shoot. We went out nearly every Sunday shooting rabbits, an occasional hawk, and things of that nature. He taught me how to care for a gun correctly, and it was always my job to look after the gun when we returned home.

Some of the points raised by Mr. Medcalf are contained in this little booklet called *Firearms Safety is Everybody's Business*. The booklet lists the 10 'commandments' of shooting safety. Perhaps after Mr. Medcalf reads it he may think of some other rules, and if he asks me I will pass the

information on to the officers of my department. Perhaps we will beat Moses and have 11, or maybe 12, 'commandments'! The 'commandments' are as follows—

1. Treat every gun with the respect due a loaded gun.
2. Watch that muzzle! Carry your gun safely; keep safety on until ready to shoot.

Of course, most guns have a safety catch and this must be kept on until the gun is required. The commandments continue—

3. Unload guns when not in use, take down or have actions open; guns should be carried in cases to shooting area.
4. Be sure barrel is clear of obstruction, and that you have ammunition only of the proper size for the gun you carry.
5. Be sure of target before you pull trigger; know identifying features of game you hunt.

The Hon. A. F. Griffith: I reckon that one is a jolly good idea.

The Hon. J. DOLAN: The Leader of the Opposition has heard that one before. Mr. Wordsworth said he hoped the situation here will never get like that in America. I would like to tell a little story about this, and I will give figures about the firearms situation in America at a later stage. When the shooting season for deer opens, the shooters usually dress in costumes of similar colours to those of a moose, elk, or other form of deer. That is the only way they know they are safe, because the deer never get hit.

The 'commandments' continue—

6. Never point a gun at anything you do not want to shoot; avoid all horseplay.
7. Never climb a tree or fence or jump a ditch with a loaded gun; never pull a gun towards you by the muzzle.
8. Never shoot a bullet at a flat, hard surface or water; at target practice be sure your backstop is adequate.
9. Store guns and ammunition separately, beyond reach of children.
10. Avoid alcoholic beverages before or during shooting.

Keep shooting a safe sport

As I mentioned, there are two other valuable shooting booklets which contain everything a person who is really keen about shooting and wishes to act responsibly would desire to know. I repeat that the booklets are available at every police station; they are distributed at schools, and when policemen lecture at various organisations.

The Hon. G. C. MacKinnon: Can you put those on the Table so we may look at them?

The Hon. I. G. Medcalf: There are two or three rules I could add to that.

The Hon. J. DOLAN: I will be delighted to look at these if the honourable member will submit them. When we bring out a new edition of the booklets, we may include other rules if the commissioner considers they are worth while. The booklets are in great demand. I believe if a Minister suggested a new rule—

The Hon. I. G. Medcalf: I think the commissioner would take some notice.

The Hon. J. DOLAN: I would hope so; otherwise I would be a little upset.

The Hon. G. C. MacKinnon: You fellows are very pally.

The Hon. J. DOLAN: Yes, the honourable member makes very valuable and helpful contributions to debates. If we can learn from each other, we should do so.

The Hon. G. C. MacKinnon: That is a very good attitude.

The Hon. V. J. Ferry: He will be in the Cabinet next.

The Hon. J. DOLAN: I was a little upset that Mr. Ferry referred to the definition of "firearm" when he contributed to the debate. Mr. Ferry read this definition, but I would like to repeat it. It reads—

"firearm" includes any lethal firearm and any other weapon of any description from which any shot, bullet, or other missile can be discharged or propelled or which, by any alteration in the construction or fabric thereof, can be made capable of discharging or propelling any shot, bullet or other missile;

We then heard various facetious comments from members. I think this is a very serious subject.

The Hon. A. F. Griffith: I think it is, but you have not treated it seriously all the time.

The Hon. J. DOLAN: There are two ways to get a message across. One is to present the arguments in a very serious and dignified manner and nobody will stop to listen. The other way is to spice one's remarks a little and listeners are careful not to miss anything.

The Hon. A. F. Griffith: You have had success using both methods.

The Hon. J. DOLAN: When Mr. Ferry read the definition, Mr. Clive Griffiths interjected and said it would include a water pistol.

The Hon. Clive Griffiths: That is right.

The Hon. J. DOLAN: Mr. Ferry agreed and said it would include bows and arrows and poor old Robin Hood would have a tough time under legislation of this nature. Mr. Willmott said it would include spearguns. Mr. Ferry agreed with this. At that

stage I attempted to be helpful and said that he would probably find this is covered by another Act, as it is, of course. Even Mr. Medcalf came in at that stage and said, "What about a woomera?" Another member asked about a pea shooter. Mr. Perry agreed these would all be included in the definition, and I also agree.

The principle upon which the pea shooter works is the same principle used by Malaysian and South American tribes. They use the equivalent of a pea shooter, a blow gun, tipped with a poison dart. It is used most effectively and silently by these people to shoot game, and I mean human game as well as animal game. The only comment not made by a member was that the legislation would make it hard for poor little David to use a stone in a sling to knock down Goliath.

Members said that a Bill of this nature is very restrictive when it contains a definition like this. I therefore looked at the Act we are presently operating under and I read it very carefully. It says—

"firearm" includes any lethal firearm and any other weapon of any description from which any shot, bullet, or other missile can be discharged or propelled or which, by any alteration in the construction or fabric thereof, can be made capable of discharging or propelling any shot, bullet or other missile;

That is word for word the same definition as that contained in the Bill before us. And yet we are told the legislation is very restrictive, and that we are attempting to impose strict conditions on the licensing of firearms.

I was interested in a comment made by the Leader of the Opposition the other night. He said that people had come to the gallery to see what we were going to do to them.

The Hon. A. F. Griffith: I did not think I had even made a speech on the subject.

The Hon. J. DOLAN: This was by way of interjection—the Leader of the Opposition does these things occasionally.

The Hon. A. F. Griffith: Sarcasm does not become you.

The Hon. J. DOLAN: It does not become me, but I wish to comment on the honourable member's interjection. It would have been more correct to substitute the preposition "for" for the preposition "to". This is the whole purpose of the Bill.

The Hon. A. F. Griffith: What did I say?

The Hon. J. DOLAN: The Leader of the Opposition said that the people were here to find out what the Government was going to do to them. What we are doing is something for them. We are attempting to bring in legislation in keeping with modern times. This will not make it any easier for a person to obtain a firearm

license, but it will not put a limitation on responsible people. I was quite surprised to see how suddenly this definition of a firearm contained something which would prevent the use of bows and arrows, water pistols, and this type of thing. On eight occasions the previous Government brought the Act before the House for amendment. At no time was it thought that the definition needed any alteration. If it did not need altering then, it does not need altering now. I respect previous Governments for this decision, because they felt that the definition covered the situation adequately. We feel that the definition was worth while in the past and that is why it is retained now.

I would like to refer to a comment made by Mr. Wordsworth.

The Hon. A. F. Griffith: Before you go on, did anyone make a move to amend the definition?

The Hon. J. DOLAN: Not to my knowledge.

The Hon. A. F. Griffith: Then what is all the to-do about?

The Hon. J. DOLAN: Various people indicated that this definition was restrictive. I simply wished to inform the House that the definition applies at present and has applied for some considerable time. Neither the previous Government, the one before it, nor the present Government, felt that it should be changed. I hope this attitude will continue.

Mr. Wordsworth referred to the situation in the United States. I happened to be speaking to a friend of mine who had recently undertaken a trip—not an LSD trip—to the United States. He and a friend were travelling on a highway and exceeding the speed limit—70 miles per hour—by about 10 miles per hour. A car with a red light flashing and a horn blowing flagged them down. They stopped and the police car went on about 100 yards before stopping. My friend waited for the officer to come back, as is customary here. When a man is waved down by a traffic officer in Australia he waits where he is for the officer to tell him what he has done wrong—it may be that a light on the car is not functioning properly or something of that nature.

The traffic officer in America made no move to return to my friend who knew he had been speeding. He thought the officer would approach him. Eventually he decided to walk to the police car to see what it was all about. He was very surprised to see that the officer had a .45 gun on his hip and a short-barrelled gun resting across the steering wheel and pointed at my friend. My friend said, "We are not criminals. We are visitors from Australia and we stopped back on the highway because we thought you would return to us." The officer told him that one of his mates

had pulled up a car with two men in it the week before and when he approached the car, his head was blown off by a shot from a gun. It appeared that the traffic officers were taking precautions to see that a similar thing did not occur again.

The latest figures I was able to obtain are from the Los Angeles Police Department *Year Book, 1970*, written by E. M. Davis, the Chief of Police. This reads—

Man has found his environment of mechanical inventions difficult to live with. In Los Angeles for instance, 375 people died during 1969 from gunshot wounds—50% of those deaths were homicides. Approximately the same number of people—388—died as a result of motor vehicle collisions. Both the gun and the automobile have proved to be equally violent instruments of human destruction.

He then tries to get his message across by saying—

They have immoderately populated the cemeteries with an unconscionable tally of tenants. But the social burden of the motor driven machine is heavier and costlier.

The number of fatalities from gunshot wounds very nearly approximates the number of fatalities on the road.

The Hon. A. F. Griffith: I do not think you can compare that country with Australia.

The Hon. J. DOLAN: Perhaps not, but we do not want a similar situation to arise in Australia. We have, after all, followed and accepted a number of things that have originated and been pioneered in America. The situation in the U.S.A. probably goes back to the time when people had to have their guns at their sides for fear of attack. There were 345 people shot dead in one week in the United States.

The Hon. F. D. Willmott: There must have been a war on.

The Hon. J. DOLAN: It would seem so. The reason of course is that people there have free access to guns.

In *The West Australian* of the 28th April, 1973—which is only last Saturday—there appeared a letter from M. P. O'Brien of Coolbellup which states—

Apparently Kevin C. Calmanos and R. Allanson who commented on the Firearms Act and hunting (April 18) did not see the headline "345 shot dead in one week in U.S."

That Mr. Calmanos should use several U.S. States as an example of liberal gun and hunting laws is ludicrous in view of the facts. The number of deaths attributable to firearms in Australia is low—because of strict gun laws that already adequately provide for the sporting shooter.

There are those in Australia and in Western Australia who say that we need gun laws that are so liberal that a situation similar to that which exists in America today could probably arise.

The Hon. A. F. Griffith: I have never heard anybody assert that.

The Hon. J. DOLAN: This was contained in a letter.

The Hon. A. F. Griffith: You said that some people think the gun laws should be so loose, but I have never heard anybody say that.

The Hon. J. DOLAN: There are some who say it; indeed I have heard one person saying it. There were a number of people with him and I was listening to what he had to say. As I said there is another side to the question. I would like to refer to a letter I received on the 1st May—which is only yesterday—from the Women's Service Guilds of Western Australia Inc.—League of Women Voters (Non-Party). This body is affiliated with the Australian Federation of Women Voters, the International Alliance of Women and the British Commonwealth League (London). The letter reads as follows—

re Firearms Bill:

At the April meeting of our State Executive the matter of the new Firearms Bill was brought to our attention. Our members believe that great harm will be done if this Bill becomes law.

If members feel the same way about this measure I will be quite happy to retain the present Act. To continue—

We would rather see the control over these death dealing weapons increased rather than lessened, and hope that this Bill will fail.

This organization was mainly responsible for the original licensing laws regarding Firearms and we do not wish to see our work undone. We believe that if this Bill is passed it could possibly mean the death of some of our citizens.

The Hon. F. D. Willmott: Quite obviously they have never read this Bill.

The Hon. J. DOLAN: I answered that letter as follows—

Acknowledgment is made of your letter under date 30th April, 1973, regarding the Firearms Bill.

Ther letter was written on the 30th April but I received it yesterday, on the 1st May. My reply continues—

The contents of your letter have been noted and for your information it is advised that the Bill now under discussion in the Legislative Council, in no way lessens the control over firearms currently provided for in the Firearms and Guns Act.

A further letter was written by a couple from Melville. The family name is a well known one and the man and his wife raised the question and said—

We are strongly opposed to any measures which make it easier for people to own and use firearms. We have experienced during a 14 month stay in U.S.A. the fear of living in a community where too many people own and carry arms.

Firearms we believe can be an encouragement to violence in the community and can lead to the police needing to carry firearms more often. Inevitably mistrust and 'accidents' follow.

There is no need for people to have easy access to guns and any commercial pressures to increase gun sales should be resisted with the utmost resolution.

So there is another side to the question and this is the side I am trying to convey to the House. We have an excellent Act but by this Bill we need to bring it more into line with modern trends and thinking, and this is what I intend to do.

Sitting suspended from 6.06 to 7.30 p.m.

The Hon. J. DOLAN: Before tea I was referring to the point raised by Mr. Logan relating to the issue of safari licenses. I told him that I would procure the information he required. The original submission made to me was that Mr. Graysmark of Broome had commenced a safari service for tourists. The service consists of escorting groups of people in a four-wheel-drive vehicle to beauty spots on fishing and hunting trips. The shooting will be along the Fitzroy River near Camballin and will be mainly for the destruction of vermin.

He has not yet been issued with a license, but these are some of the conditions that will be laid down. Of course, there is provision for a \$10 license fee to be paid to conduct a guided hunting tour, and a \$1 fee to be charged for a hunter's permit. A new regulation will be necessary for this purpose.

A hunting guide licensed to conduct a guided hunting tour has a counterpart in the Northern Territory where a similar license is issued and where similar tours have been conducted over many years. They are great attractions. I have my personal views on this, but I shall not let them cloud the information I have received.

A hunting guide licensed to conduct a guided hunting tour shall cause no more than three firearms to accompany each tour, one being a high-powered rifle, one a low-powered rifle, and one a shotgun. He must cause all of the firearms on the tour to be under his direct supervision.

Furthermore, he must cause all persons using his firearms to be the holder of a hunter's permit for that occasion.

In any expedition, the only people who may use the guns are the safari guide, who is responsible under the license for the care of the guns, and those who are the holders of a hunter's permit; and this permit will be granted only under the strictest conditions.

Mr. Logan made reference to vermin to be destroyed. In this connection I would point out that vermin include kangaroos and unprotected species of bush wallabies, dingoes, wild pigs, and donkeys. The promoter of the safari advises that he is gazetted as an honorary fauna warden. So, we can see he is required to have certain qualifications, otherwise he would not be considered for a license.

The carcasses are left where the animals are killed. This is similar to what is done in the Northern Territory. If one goes into the timbered country along Albany Highway one will find on almost all occasions several carcasses of kangaroos and wallabies. These are left on the ground, and the crows clean up the carcasses. The same situation exists in the Northern Territory and, for this reason, eagles are protected birds in that part of the country. They help to clean up the carcasses of dead animals. Even bullocks which happen to be run over by big trucks are cleaned up by these birds.

The safari will travel on station property. No Crown land or native reserve is involved at all. Permits to shoot on Go Go Station, Fossil Downs Station, Myroobah Station, Luluie Station, Paradise Station, Yedo Station, Roebuck Station, and Anna Plains Station have been obtained. This covers an area which is sufficient for a safari; it is an area which would take in the whole of Europe.

The Hon. L. A. Logan: The area is greater than one over which you and I could walk in a day.

The Hon. J. Heitman: Do these people have to buy tags before they shoot these animals?

The Hon. J. DOLAN: I do not know what the honourable member means. Does he suggest that if these people shoot kangaroos they have to put tags on the carcasses? Every aspect of the law covering fauna and flora is essential.

The Hon. A. F. Griffith: You should ask the Minister for Community Welfare; he knows.

The Hon. J. DOLAN: In future applications for hunters' licenses will receive full investigation before the licenses are issued. The proposed hunter's license will be on similar lines to that which exists in the Northern Territory. I have a copy of the amendments and regulations relating to

the Northern Territory, and of the nature of the permit which is granted. I think the license is endorsed with the words "Hunting Guide". Our permit will be based along the same lines. These documents are available to Mr. Logan if he wishes to peruse them.

The next matter to which I wish to refer concerns the license for curio weapons. Representations have been made to me by a number of members, both in this Chamber and in another place, to look at some of these antique weapons. I took advantage of the opportunity to inspect what I consider to be the best collection in this State. This is located in Wagin. The collection is well worthy of inspection by anybody because it is really an attraction.

The guns go back to the time of the Crimean War. I would not like to be on the receiving end of one of them. I saw these weapons and was most impressed. As a result I gave deep consideration to having my officers examine the situation, to ascertain whether a strict license could be issued under certain conditions and limitations to cover such weapons.

The Hon. S. T. J. Thompson: They are really antiques.

The Hon. J. DOLAN: Yes. They form a beautiful display. The owner exercises every precaution in safeguarding these weapons. Anybody who is appreciative of these old relics would be well advised to look at this collection. The owner is a retired farmer. At the end of his dining room there is a folding concertina door. He has secured this with a couple of locks at the bottom. The back of the area is lit up, and all that the owner has to do is to switch on the lights and unfasten the locks to display the collection. The shelves are beautifully arranged. Not only does he have a collection of curio firearms but also collections of rocks and metals. So, provision is made in the Bill for the issue of a license under certain conditions to a collector of curio weapons.

The final point I refer to relates to high-powered rifles. I want to clear up some misapprehension on the part of some members. It is quite possible for a person to have a high-powered rifle, a low-powered rifle, and a shotgun. It is quite permissible, and there is nothing against that. Of course, certain conditions are laid down.

I regret some people seem to think that just because a person is able to obtain a license for a small-powered rifle he should be permitted to have a license for a high-powered rifle. The position is that certain restrictions must be applied in many fields. I give a recent example where I caused the regulations to be changed to provide that the riders of motor cycles under 250 c.c. would have to undergo a special test to be licensed to ride high-powered cycles.

Under the conditions now existing although a person may have shown his capacity to ride a low-powered motor cycle, he still has to undergo a test to ride a high-powered vehicle, because this is a different proposition altogether. It is now necessary for an applicant to undergo a special test to ascertain whether he has the capacity to handle a high-powered motor cycle. This test is more severe than that which an applicant for a license for a motor cycle under 250 c.c. must undergo. We have seen some very tragic accidents occurring as a result of the incapacity of people to handle high-powered vehicles.

Whilst it is granted that people are entitled to obtain a license for a low-powered rifle like a .22 rifle if they meet the necessary condition, it is a different kettle of fish when it comes to the granting of a license for a high-powered rifle. I appreciate the point made by Mr. Willmott when he referred to the killing of vermin. He said that if a person had a high-powered rifle he was more likely to kill the animal outright. Against that, what would happen if a bullet from a high-powered rifle which was discharged some distance away landed in a paddock and killed a prize bull or prize ram? Should that occur I am sure the owner of such an animal would not have a very high opinion of the proposal. Limitations and restrictions will have to be placed on the use of high-powered rifles and on the areas where they may be discharged.

I do not go along with any proposal which makes it easier for these licenses to be obtained. They can be obtained by people who are able to indicate they are reliable; but each case has to be considered on its merits. After a case is considered a license may be granted.

However, should a license be refused there is room for appeal, firstly, to the Commissioner of Police in accordance with the provisions of the Act and, secondly, to the Minister who has overriding control. If the applicant is still not satisfied he can appeal to a magistrate and put his case before him. I am quite agreeable to the deletion of the provision in clause 22(3) which provides that the decision of a magistrate is final and is not subject to any appeal, so that people may appeal to the highest courts in the land if there are unusual circumstances, such as those outlined by Mr. Medcalf when he mentioned the case of a manufacturer of weapons who might be prevented from manufacturing rifles or guns as a result of these restrictions. Nothing could be more just than that. This will bring about control, and at the same time will ensure that these people are able to manufacture the weapons they desire.

The law will be safely loosened so far as clubs are concerned and it is only a question of the clubs putting their own houses

in order thus making themselves acceptable. Then there will be no difficulty associated with licenses.

I went to Albany, recently, to examine a range which was to be used for small arms shooting. I examined it closely with the local superintendent of police, whose advice I sought on the matter. He was quite happy with the situation. I think that where conditions apply, such as those which exist at Albany, and where an examination has taken place, there is no difficulty whatsoever as long as the affairs of the club are in order. That is what I consider to be worth-while control, and I have to insist that this control exist.

If any person considers that a high-powered rifle is not a greater danger than a small bore rifle, I cannot agree with him. The fact that there may be more accidents or fatalities associated with .22 rifles is simply because there is a far greater number of them. In those circumstances, of course, there would naturally be more accidents involving that type of rifle.

The Hon. J. L. Hunt: What was the calibre of the rifle used in the Kambalda shooting the other day?

The Hon. J. DOLAN: It was a .303. The bullet from the rifle went completely through the body of one person before wounding another. I might mention that there are even higher powered rifles than the .303.

To give an example of the danger of a high-powered rifle I will mention an incident which occurred in the metropolitan area, and I think that members will recall the case. A young man was walking in Vincent Street past the Leederville Oval, in 1929, when he suddenly fell to the ground dead. On examination a bullet from a high-powered rifle was found in his body. The police, as a result of investigations carried out by experts regarding the estimated trajectory of the bullet, concluded that the rifle was fired in South Perth.

That type of accident is distressing, and it is even more distressing to those closely associated with the victim. We can sometimes look at such accidents dispassionately but the people involved personally can become very upset.

In conclusion I would mention that spearguns will come under the definition of firearms. The world is changing and many items which can be used as lethal weapons, today, have to be covered by our laws. An ordinary fountain pen can become a lethal weapon. The same applies to walking sticks and umbrellas. I am not trying to throw a scare into members, but as years go by the criminal element will be using all kinds of items as weapons. Such items have to be brought under the provisions of the firearms legislation.

I repeat what I had to say when I introduced the Bill: The legislation has to keep up with modern times and there must not be any lessening of the safeguards applied to ensure that every firearm used is in the hands of a responsible person. The restrictions which apply must not be removed so that weapons can be identified with their licensees.

The Victorian system will not find any place in the thinking of this Government. The proposed steps have to be taken otherwise, of course, the Act as it is presently constituted will have to continue to operate.

I hope that when discussing the Bill in Committee members will realise it is much better to have strict safeguards rather than to lessen or ease the present restrictions which apply to the use of firearms. Any lessening of the restrictions could, perhaps, increase the number of fatalities.

The number of fatalities which occur in this State at present are few. I think that in the last year there were 13 deaths, and of those seven were homicides and two were suicides. When compared with other parts of the world we are a reasonably safe community, and we want to keep it that way.

We will not interfere in any way with clubs which are well run, but we intend to ensure that there are safeguards. I have discussed the contents of this measure with all sections of the community, not only with the people who belong to clubs but also with those engaged in the industry. I have been assured that these people are happy with the contents of the Bill. As I mentioned earlier, some people are not happy but they are those who would not be happy under any circumstances unless they got their own way. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. J. Dolan (Leader of the House) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Prohibition—

The Hon. F. D. WILLMOTT: I have six amendments on the notice paper dealing with this clause. With your concurrence, Mr. Chairman, I propose to speak to them generally because they all aim to do exactly the same thing.

Clause 6 deals with regulation-making powers, and it will apply extremely restrictive provisions regarding the licensing of firearms. The purpose of my amendments is to make those restrictions apply only to pistols as defined in this measure. That definition will cover sawn-off rifles and shotguns, or any gun which can be

easily or readily used in one hand. I think everyone agrees that kind of weapon should be severely restricted.

I believe there is sufficient power for the necessary restrictions in the regulation-making powers of clause 34. If the provisions of clause 34 are coupled with the provisions of clause 11 I believe there will be quite sufficient powers without those contained in clause 6. My amendment will confine the regulation-making powers of clause 6 to pistols and ammunition for such pistols because I believe the provisions of the clause will be too restrictive on the use of high-powered rifles. I move an amendment—

Page 4, line 3—Delete the word “firearm” and substitute the word “pistol”.

The Hon. J. DOLAN: The amendments suggested by Mr. Willmott are totally unacceptable to the Government. They would have the effect of limiting the provisions of the clause to cover pistols only, whereas it is intended to cover every item coming under the definition of a firearm, especially those of a potentially dangerous nature. That would include military-type weapons such as fully automatic rifles, and even hand grenades. In particular, the provisions of clause 6 are intended to cover items now subject to the control of the Minister for Customs and Excise.

I would also refer to the comments made by Mr. Willmott during his second reading speech. Clause 6 was drafted to make provision for uncommon-type firearms, and those considered particularly dangerous whereby there is a need to exercise a special precaution as to their possession and use. The recommendation from the commissioner—referred to in the clause—is to ensure that the Governor is fully informed in technical considerations before classifying a particular firearm or item as prohibited, or imposing a strict condition as to its possession or use. In particular, clause 6 will make provision under State law for items subject to control by the Minister for Customs and Excise. I oppose the amendment.

The Hon. CLIVE GRIFFITHS: The Minister mentioned the necessity to have these rigid controls in regard to firearms, and suggested it was the intention of the Government to ensure there was no lessening of the control which currently exists.

The Leader of the House went on to say that if what the Government was proposing was not acceptable we would be faced with the alternative of retaining the present Act. When he introduced the Bill, in his first or second sentence he said the purpose of the Bill was to ease the restrictions on the use of firearms. Tonight he has taken an entirely different attitude altogether. Tonight he told us that is not the situation.

He went on to say the purpose of clause 6 of the Bill was to give the commissioner authority to control not only high-powered firearms but also other firearms such as hand grenades and, I presume, machine guns. I was under the impression that the use of those firearms was controlled by the Minister for Customs and Excise and would continue to be so controlled. Therefore, no situation will arise in which that sort of firearm will be obtainable through legal channels in Western Australia. There are, of course, illegal channels which will continue to exist whether this Bill is passed, the previous Act is retained, or any other legislation is introduced. Some people will continue to obtain firearms illegally.

Clause 6 is the prohibition clause in the Bill. The Leader of the House brought into the debate figures which applied to places such as the U.S.A. He gave figures which had already been quoted by Mr. Wordsworth and figures applying to Los Angeles which he had obtained from somewhere. All those figures gave us a horrifying picture, and I agree they presented an unsatisfactory state of affairs. But the legislation of those particular countries does not contain the restrictions our legislation has contained in the past and will continue to contain in the future. It would have been more appropriate had the Leader of the House given us examples from countries which had comparable legislation and restrictive clauses.

The CHAIRMAN: Order! I trust the honourable member will connect his remarks to the amendment before the Committee.

The Hon. CLIVE GRIFFITHS: I intend to do so. The clause deals with a prohibition on the use, ownership, possession, sale, or acquisition of any firearm.

The CHAIRMAN: Order! I point out that the subject matter before the Committee at the present time is the deletion of the word “firearm”, with a view to substituting the word “pistol”. The honourable member may proceed.

The Hon. CLIVE GRIFFITHS: I must bow to your ruling in this matter. Mr. Chairman. I was of the opinion that what I was saying came within the scope of the amendment. You are suggesting it does not, so I will have to deviate from the line I intended to take.

I believe this prohibition clause should be restricted to concealable weapons. I support the amendment put forward by Mr. Willmott.

The Hon. V. J. FERRY: I support the amendment before the Chair and I point out that a slightly different intention appears to have crept into this legislation—particularly in regard to this clause. Mr. Clive Griffiths pointed out that the Leader

of the House, when he introduced the Bill, said the intention was to ease the restrictions on the use of firearms.

The Hon. S. J. Dellar: Following representations by sporting bodies.

The Hon. V. J. FERRY: I will quote what the Leader of the House said on page 548 of *Hansard*—

Following various representations by sporting bodies to the Commissioner of Police for some easement of restrictions in the use of firearms and the obvious need for the Act to be updated, it is deemed desirable to repeal the Firearms and Guns Act, 1931-1971, and introduce more up-to-date legislation that will meet present-day trends.

I do not think that is out of context with what I was about to say. I also quote what the Leader of the House said in regard to clause 6, on page 549 of *Hansard*—

Clause 6 provides for the making of regulations to complement the Act.

That takes up less than two lines in *Hansard*. The clause is designed to complement the Act. That gave us no clear direction as to the intention.

Subsequently, in the Committee stage, the Leader of the House said it was intended to control other firearms and weapons which are now controlled by Commonwealth legislation. If that was and still is the intention with respect to this clause, the Leader of the House should have said so at the second reading stage so that we could have investigated the pros and cons of the matter. The Chamber was confronted with less than two lines of explanation in regard to this very important clause.

I think the amendment moved by Mr. Willmott will update the provisions in respect of firearms in this State in accordance with the Government's intention, but I do not agree that this clause should cover all the firearms listed in the definition in the Bill. Ample provisions are contained in other clauses of the measure to control satisfactorily other forms of firearms.

I believe the community should be given further guidance in regard to the use of pistols or concealable weapons, and that the amendment proposed by Mr. Willmott is therefore justified.

The Hon. L. A. LOGAN: I cannot agree to the amendment. Whether or not there were regulations in the previous Act, I think it is inconceivable that we should have a Firearms Act and not have the right to make regulations in regard to firearms.

The Hon. V. J. Ferry: Clause 34 covers that.

The Hon. L. A. LOGAN: It does not. Regulations must be made in accordance with the Act, and if there is no provision for making regulations in relation to firearms, we cannot make regulations. To do so would be *ultra vires* the Act.

I asked the Leader of the House about safaris. He said it would be necessary to make regulations before approval could be given to safaris. If we take the word "firearm" out of the legislation, we will have no right to make regulations in regard to safaris, because we will have no right to make regulations in regard to firearms. Therefore, I cannot go along with the amendment.

The Hon. F. D. WILLMOTT: I point out to the Committee the regulating powers that exist under clause 34. In paragraph (f) of subclause (2), the Governor may make regulations for "the classification of firearms and ammunition for the purposes of this Act". So it is nonsense to say we cannot do anything about firearms.

The Hon. A. F. Griffith: Read paragraph (g).

The Hon. L. A. Logan: It has already been taken out of the Bill.

The Hon. F. D. WILLMOTT: We are doing nothing about the definition of "firearm" in this Bill. Clause 6 is quite separate. It deals with powers to make regulations for prohibitions. I have already quoted the general regulating powers dealing with renewals, cancellations, restrictions, limitations, and conditions in connection with licenses or permits, and paragraph (f) reads—

(f) the classification of firearms and ammunition for the purposes of this Act;

I think the matter is dealt with quite clearly and sufficiently in the general regulating powers.

The Hon. J. DOLAN: I repeat that the Government cannot go along with this amendment. The deletion of the word "firearm" and the substitution of the word "pistol" would destroy the whole value of the Bill.

Amendment put and a division taken with the following result—

Ayes—11

Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. R. J. L. Williams
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. Clive Griffiths	Hon. D. J. Wordsworth
Hon. J. Heitman	Hon. W. R. Withers
Hon. G. C. MacKinnon	(Teller)

Noes—13

Hon. R. F. Claughton	Hon. T. O. Perry
Hon. D. K. Dans	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. J. Dolan	Hon. S. T. J. Thompson
Hon. L. D. Elliott	Hon. F. R. White
Hon. J. L. Hunt	Hon. W. F. Willesea
Hon. L. A. Logan	(Teller)

Amendment thus negatived.

The Hon. A. F. GRIFFITH: The vote on the amendment was 13-11. Mr. McNeill is absent, and it was my understanding that he was to be paired. Would the Leader of the House declare his attitude regarding pairs in relation to this Bill?

The Hon. J. Dolan: I understand only one pair was granted, and that was the pairing of Mr. Leeson and Mr. Abbey.

The Hon. A. F. GRIFFITH: Was the Government Whip asked to grant two pairs?

The Hon. J. Dolan: Not to my knowledge.

The Hon. A. F. GRIFFITH: I merely raise this as a matter of principle. As Leader of the Opposition I want to come to an understanding with the Leader of the House as to whether pairs are or are not to be granted. My Whip says that he asked for two pairs but got only one.

The Hon. J. Dolan: One pair was for up to 9.00 p.m., and the other was for after that time.

The Hon. A. F. GRIFFITH: That is, generally speaking, the Government will grant only one pair on legislation?

The Hon. J. Dolan: Not necessarily.

The Hon. A. F. GRIFFITH: Well, what are we to understand?

The Hon. J. DOLAN: My Whip informs me that only one pair had been asked for, and that the other pair was for after 9.00 p.m. It is now 8.15 p.m., so I think that is reasonable enough.

The Hon. J. Heitman: Before the vote was taken I asked for the other pair to be shifted from 9.00 to 8.00 p.m. It was my mistake.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Exemptions from licensing requirements—

The Hon. CLIVE GRIFFITHS: I have an amendment on the notice paper to delete the word "common" where it relates to common carriers. The reason behind my amendment is the lengths to which carriers such as Mayne Nickless, M.M.A., T.N.T., and others go to make the public aware of the fact that they are not common carriers. They include a condition on the back of their documents to that effect.

My inquiries from the department reveal that the department considers these carriers to be common carriers, but the carriers consider they are not common carriers. I move an amendment—

Page 6, line 5—Delete the word "common".

The Hon. J. DOLAN: I oppose the amendment. The reference to "common carriers" is a descriptive phrase used in law to define a carrier who is fully responsible for the goods he carries for the general public.

The Hon. CLIVE GRIFFITHS: The carriers concerned have told me that the purpose of including the condition on their documents that they are not common carriers is to ensure that they have a lawful right to refuse to carry goods. A common carrier is obliged to cart anything he is asked to cart. A carrier reserves the right to decide what he will carry. As far as the firearms branch is concerned, it believes the carriers I have mentioned are no different from ordinary carriers; but the carriers contend that legally they are not common carriers. As the clause stands the carriers will be obliged to cart firearms, whether or not they know they are carting them.

The Hon. L. A. LOGAN: If we delete the word "common" we must find a suitable alternative, because a carrier could be any person who carries anything. The purpose of the provision is to remove the need for carriers to obtain a license to carry firearms. If the amendment is agreed to the situation will be left wide open, so I must oppose the amendment.

The Hon. J. DOLAN: The reason for the use of the word "common", which is used in law, is that it provides protection for the person who is engaged in carrying goods. I agree with Mr. Logan that the removal of the word would leave the situation wide open and that is undesirable.

The Hon. CLIVE GRIFFITHS: I ask the Minister: Will Mayne Nickless be required in future to obtain a license or permit every time its drivers carry a firearm? That firm specifically states it is not a common carrier and therefore is not exempted by the clause.

The Hon. J. DOLAN: I am prepared to make a further investigation and obtain an answer to the specific question raised by Mr. Clive Griffiths. If it is found that the inclusion of the word is undesirable I will take steps to remove it.

Amendment put and negatived.

The Hon. CLIVE GRIFFITHS: My next amendment on the notice paper is consequential upon the last so I will not proceed with it.

Paragraph (i) states that the license is not required when a firearm is carried by the employee of a primary producer on land used by the employer for the purposes of primary production. I propose to add words to extend that exemption to apply whilst that employee is travelling to or from the land in question. It is conceivable that a primary producer's property might be separated by another property or by a road. I do not think it is the desire of the Minister to require the employer to travel with his employee from one part of his property to another; because whilst the employee is travelling along a road or across another property he is not on the property of his employer. Therefore, I move an amendment—

Page 6, lines 21 and 22—Insert after the word "production" the passage ", or whilst travelling to or from that land".

The Hon. J. DOLAN: As an alternative, I suggest that paragraph (i) be deleted and that the following paragraph be substituted—

- (i) by an employee of a primary producer who, with the permission of his employer, has in his possession in any place for the purpose of destroying vermin on any land used by the employer for the purposes of primary production a firearm belonging to the employer, or who uses that firearm for that purpose on that land;

I think that would cover the situation.

The Hon. W. R. WITHERS: I do not believe the Minister's suggested amendment covers the situation because a person would be breaking the law if he were on land which, although forming part of a property which was used for primary production, was not being used for that purpose at the time.

The Hon. A. F. GRIFFITH: I do not know whether or not to agree with the Minister because I cannot absorb his proposal. Surely if the Minister has an alternative he should place it on the notice paper or at least acquaint the member concerned that he has an alternative. The Minister's suggestion sounds all right but, as I have said, I would like an opportunity to study it.

The Hon. CLIVE GRIFFITHS: I agree with what my leader has said inasmuch as it is difficult to try to absorb a completely new proposal without having received any prior notice of it. It seemed to me to be exactly what I had in mind, although the fear expressed by Mr. Withers did occur to me. Perhaps someone could explain whether or not virgin land on a property would qualify under the Minister's proposal. If this is so, I could accept it.

The Hon. F. D. WILLMOTT: In my opinion the Minister's proposal does not cover the situation which concerns me. Many properties, including my own, are separated by railway lines, roads, and so on. What would be the position of an employee carrying a firearm across a road? He would not be covered.

The Hon. J. Dolan: Yes he would.

The Hon. F. D. WILLMOTT: I agree with Mr. Arthur Griffith as I, too, would like an opportunity to study the proposal. Perhaps the Minister could move to postpone this clause and deal with it later.

The Hon. S. T. J. THOMPSON: I do not believe the Minister's proposal would achieve what Mr. Clive Griffiths desires.

The amendment before us deals with a person travelling to or from the land. I know that many employees take their employers' firearms home with them and bring them back next day. They would be covered under the amendment before us, but not under the Minister's proposal.

The Hon. J. DOLAN: I think that my proposal covers the situations referred to. An employee first of all must have the permission of his employer. Then he must be in possession of the firearm for the purpose of destroying vermin on any land, no matter where that land might be. Surely that covers the situation completely.

The Hon. A. F. Griffith: You are wrong. The amendment refers to any land used by the employer. You would not say that railway land was used by the employer for primary production. You have to read all the words, not some of them.

The Hon. J. DOLAN: He has the weapon in his possession for one purpose only; that is, to destroy vermin on land belonging to the employer. Therefore if an employee is carrying a firearm from one portion of the property to another portion five miles away he is completely covered. I would not have submitted my proposal if I had not believed it covered the situation because the point raised is quite valid.

The CHAIRMAN: I suggest that the Leader of the House should accede to Mr. Willmott's suggestion to postpone discussion on this clause in order that copies of the proposal might be circulated.

The Hon. J. DOLAN: I am quite agreeable, and I therefore move—

That further consideration of the clause be postponed.

Motion put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Restriction on Commissioner's discretion—

The Hon. V. J. FERRY: I move an amendment—

Page 8—Delete paragraph (c).

It seems to me that if a person must prove that the granting of a permit or license is desirable in the public interest, then surely that is good enough reason. I believe that paragraph (a) covers the requirements in paragraph (c). I would like it explained to me why paragraph (c) is necessary.

The Hon. J. DOLAN: This amendment is strongly opposed. Paragraph (c) is most important when an application for a firearm license is being considered. The Act contains a similar provision and in practice it is used to ensure an applicant, in addition to being suitable and a person of good character, has a good reason for requiring a firearm. In the *Shorter Oxford Dictionary* the word "good" is described also as meaning adequate, factual,

thorough, and valid, especially in law. If this provision no longer applied a person could make application for any type of firearm whether or not he had a good, valid, or adequate reason for requiring it. Any person aggrieved by a refusal under clause 11 (c) has recourse to an appeal. Therefore I believe this amendment must be strongly opposed.

The Hon. F. D. WILLMOTT: Members will have noticed that Mr. Medcalf also has on the notice paper an amendment to this clause. I believe it would be better if Mr. Ferry asked leave to withdraw his amendment in favour of Mr. Medcalf's proposed amendment.

The Hon. I. G. MEDCALF: I also was a little concerned with the amendment proposed by Mr. Ferry although I appreciate that he had good reason—if I may use those words—for placing it on the notice paper.

As I said last night, the feeling is that certain groups in the community may have been refused permission in the past to have a license because they were members of an organisation which, for some reason, police officers—and I do not say the commissioner—were not prepared to regard as being a justifiable organisation. Mr. Ferry may have put the amendment on the notice paper for this very reason. I hope he will be persuaded to withdraw his amendment. If he is, I will then move mine which I hope will be acceptable.

The Hon. V. J. FERRY: I believe I have achieved something by placing the amendment on the notice paper. In view of what has been said in discussion on this clause I am of the opinion that Mr. Medcalf's amendment would come closer to achieving a desirable result than mine. I therefore seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. I. G. MEDCALF: I move an amendment—

Page 8, line 4—Add after the word "relates" the following words "provided however that membership by such a person of a recognised association of shooters or gun club or engagement in agricultural industry as a farmer or grazier shall be deemed to be a sufficiently good reason".

The object of the amendment is to leave the requirement in subclause (c) so that the police will not grant a license unless they are satisfied, firstly, that it is desirable in the public interest; secondly, that a person is fit to hold a license; and, thirdly, that the person has good reason for requiring the license. In these troubled times it is desirable that the police should have the power to ascertain the reason a person desires a license.

Nevertheless, people should not be automatically ruled out from acquiring a license because they are members of a recognised association of shooters, of a gun club, or are engaged in the agricultural industry. I am not saying that I know of any cases of people engaged in the agricultural industry who have been refused a license. However, I am informed that there are cases where people have been refused a license on the ground that it was not sufficient reason that they were members of a gun club, although that club could be a recognised one. I am not in the position of being able to quote a particular gun club whose members have been affected but I am informed this has happened.

I believe that it should be a sufficiently good reason to obtain a license if the association of shooters or the gun club is recognised. Perhaps further words could be added to the amendment. I would go so far as to say, "a recognised and responsible association of shooters or of a gun club".

The Hon. J. Dolan: What about "approved"?

The Hon. I. G. MEDCALF: One difficulty with the word "approved" is that it rules out any organisation which is disapproved, without any particular reason being given. I would prefer the words "recognised and responsible". It is a simple matter not to approve of any organisation. Perhaps I would like to see everything in the community of which I approve but other people may have different views. Different people approve of different things and consequently this is not the right standard to use. For this reason, I would prefer the slightly more neutral words "recognised and responsible".

The Hon. S. T. J. Thompson: Who would decide whether it was recognised and responsible?

The Hon. I. G. MEDCALF: It would be recognised and responsible in the view of the Commissioner of Police and the general public.

The Hon. J. Dolan: I would agree with that.

The Hon. I. G. MEDCALF: The general public and the Commissioner of Police must both come into this. It would be recognised by the general public and be responsible in the opinion of the commissioner. After all, the commissioner will be the administering authority for the legislation and, in the final analysis, will decide whether or not a body is responsible. For that matter he would also decide whether it is recognised. The words I prefer are not quite as arbitrary as "approved". If a body can be shown as recognised and responsible to the satisfaction of the commissioner and subsequently, perhaps, to a court this is a different matter from being

approved because standards need not necessarily be applied for an organisation to be approved. Approval varies from individual to individual and everyone has different views. I have every confidence in the Commissioner of Police, particularly the present one, but I believe that we should choose a slightly more neutral term than "approved". This is why I have suggested "recognised and responsible".

The Hon. J. DOLAN: I suggest that this clause should also be postponed to give the mover of the amendment the opportunity to insert words to the effect that the commissioner will have the authority to determine whether an association is recognised and responsible. We could then consider the amendment at a later date and I am sure we would overcome any difficulties which may arise.

I move—

That further consideration of the clause be postponed.

The Hon. F. R. WHITE: I draw the attention of the mover to the wording of the proposed amendment.

The CHAIRMAN: Order! The motion before the Chair is that the clause be postponed.

The Hon. F. R. WHITE: I was on my feet before the motion was put to the Chair.

The CHAIRMAN: The motion is that clause 11 be postponed.

The Hon. L. A. LOGAN: Mr. White rose to his feet to mention certain other words in the amendment which need alteration. This is quite separate from the reference to the commissioner. Unless we make our remarks now the mover will have no knowledge of the situation. Previously the words "primary producer" were used and now the words "farmer or grazier" appear in the amendment. Mr. Medcalf ought to use the words "primary producer".

The CHAIRMAN: I believe Mr. Medcalf has got the message.

Motion put and passed.

Clause 12 put and passed.

Clause 13: Delegation of the power to issues licences and grant permits—

The Hon. F. D. WILLMOTT: I have three amendments on the notice paper in connection with this clause. I move an amendment—

Page 8, lines 16 and 17—Delete the passage "an air rifle, a shotgun, or".

I said when I spoke to the second reading that the words seemed quite redundant. Without them, the clause would simply read, "a licence or permit in respect of a firearm which is of a kind prescribed . . ." The term "firearm" would cover shotguns and air rifles—they would be prescribed in the normal way. I consider the provision

would be less confusing if my amendment is adopted, although I do not insist on this particular amendment.

The Hon. J. DOLAN: By way of explanation the inclusion of the words in the subclause was for the purpose of clarification. Their removal would not lessen the purpose of the provision but would achieve little, because the commissioner will exercise his discretion, as he thinks fit, as to delegation of authority except in relation to a license or permit in respect of any firearm which is not an air rifle, a shotgun, or a firearm of the kind prescribed, or for any ammunition for such a firearm, or in respect of a firearm curio—authority for which must be delegated by way of notice in the *Government Gazette*.

The removal of the words would mean that a person wishing to ascertain the delegation of authority would need to refer both to the legislation and to the regulations for the sake of clarification. I referred to this in a previous comment.

The Hon. F. D. WILLMOTT: When I said I would not insist on the amendment, I was referring only to the first amendment on the notice paper, the purpose of which is to remove the words "an air rifle, a shotgun, or" from subclause (1). Subclause (2) is quite a different matter. The commissioner feels the situation would be complicated by taking out the words but I feel it will be complicated by leaving them in. The amendment to subclause (2) is quite different and I do not want the Minister to be confused. I think he was confused when he mentioned the delegation of power which I will come to later.

The Hon. L. A. LOGAN: Subclause (1) of clause 13 is surely a delegation of power by the commissioner. It makes it easier for him to appoint an officer to issue a license for an air rifle or shotgun. In the case of certain types of firearms, the commissioner himself must make it known by notice in the *Government Gazette* that he has delegated the power to another officer. For this reason, it would be better left as it is.

Amendment put and negatived.

The Hon. F. D. WILLMOTT: I now come to the second amendment on the notice paper which concerns the delegation of power. To my mind, this is quite a different matter. Perhaps my amendment is not worded correctly. To some extent I think Mr. Logan is correct. It may be better to leave in the words, "which is not an air rifle, a shot gun or".

The CHAIRMAN: Order! I point out that the Committee has dealt with that amendment.

The Hon. F. D. WILLMOTT: No, I dealt with the deletion of words in subclause (1). I purposely said that I intend to go on with the amendment to subclause (2).

The CHAIRMAN: I thought you were dealing with the first amendment.

The Hon. F. D. WILLMOTT: For the sake of clarity it may be better for me to outline the amendment I would like to move. It is follows—

Page 8—Delete all words from and including the word "firearm" in line 23, to and including the word "section" in line 26, and substitute the word "pistol".

I think Mr. Logan may be right, as I said, in his contention. I am concerned because of my third amendment by which I propose to delete the word "firearm" and substitute the word "pistol".

This is a delegation of power. The only persons who will be able to issue a license, as the clause stands, are the Commissioner of Police or an officer to whom the commissioner has specifically delegated power by notice in the *Government Gazette*. Nobody knows what firearms will be prescribed and nobody will know until they are actually prescribed. People may be put to great inconvenience when it comes to obtaining a permit or license for a firearm. A person in Wyndham or another remote centre of Western Australia could find it necessary to go to a person in the metropolitan area, because of the notice in the *Government Gazette*. It is not likely that people all over the State would be delegated this power, because it would defeat the purpose.

Therefore, I believe the substitution of the word "pistol" for the word "firearm" is the crux of the matter. I wish to make that clear. I believe the substitution should be made in two places—in lines 23 and 27.

Perhaps Mr. Logan is right in regard to the other words I was seeking to delete. It may be simpler to leave the words in. I would like to hear other opinions on this matter; perhaps Mr. Logan may enlarge on his comments.

I still feel that the provision should be confined to a pistol because of the difficulty in obtaining a license for other firearms. At this stage we do not know what firearms will be prescribed. It will be very difficult for people in outback areas to obtain a permit to purchase firearms. Probably a few people will be nominated to issue the licenses in the large provincial towns, but it is unlikely that this number will be great because it would defeat the purpose of the provision.

The Hon. L. A. LOGAN: I feel we should have a good long look at the clause. As Mr. Willmott says, we do not know what will be prescribed as a firearm under clause 13 (1). We will create a peculiar situation if the firearms prescribed in sub-clauses (1) and (2) are different. I do

not know that the addition of the word "pistol" is the correct course to take. The provision may need redrafting.

In a State as vast as Western Australia, surely the commissioner in Perth and someone else who is nominated through the *Government Gazette* should not be the only people who can issue licenses. I believe we should postpone this clause for the time being.

The Hon. J. DOLAN: It seems obvious that members would like to peruse this clause more closely. I therefore move—

That the clause be postponed.

Motion put and passed.

Clause 14: Delegation generally—

The Hon. F. D. WILLMOTT: I raised a point about this clause in my second reading speech. Again I am not insistent about my proposed amendment, although it seems to me that the addition of the words "that power" will improve the clause. On looking at my remarks and the Minister's remarks during the second reading debate, I feel he may be correct. However, I still believe the additional words would clarify the situation. I move—

Page 9, line 7—Insert after the word "Commissioner" the words "that power".

The Hon. J. DOLAN: Although I feel the words are unnecessary, I have no objection to the amendment. If it clarifies the situation by repetition it is quite in order. I support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 15: Firearm curios—

The Hon. S. T. J. THOMPSON: I wish to take the opportunity to thank the Minister for the comments he made and the provisions in the Bill in regard to the collection of firearms.

I would like to ask the Minister one question which is in regard to the weapons that are now under the control of the department in Perth. Will it be possible to return these to the collectors under the provisions of paragraph (d) of subclause (1)? I take it that the commissioner can exercise his authority in respect of these weapons.

The Hon. J. DOLAN: I could not give the assurance at this time, although I think this will happen. I will make every effort to ensure the weapons are released in due course—under certain conditions, of course.

The Hon. CLIVE GRIFFITHS: I have here a letter from a gentleman in Albany in regard to this provision. I have just received the letter and I have not had an opportunity to do much about it. I

therefore bring this matter to the attention of the Minister as he may be able to answer some of the queries. This man is a collector of firearms, and part of his letter reads as follows—

Following from the nature of the license envisaged, I believe that a good deal of clarification is necessary regarding the method by which a collector can acquire firearms. If he has to follow through a system of applying for permission to purchase, having the piece scrutinized, then having it formally transferred to his licence, it will be an intolerable burden to the serious collector.

Often the purchase of a collector's piece must be a quick decision arising out of a chance meeting or discovery, or the result of a sudden change of heart in a previous owner. Unless this can be followed up immediately, the opportunity to acquire, and perhaps save, an historic object can be lost.

This man suggests that a collector of such items, suddenly confronted with a curio, has to make a quick decision about purchasing it. If he has to go to the trouble of having someone look at the gun and inform him at some future time whether or not the permit will be approved, the sale could be lost and the saving of an historical weapon may fall through. He suggests that the collector of curios ought to be licensed to collect them. He could then register a curio after purchase and have it identified as belonging to him.

The Hon. J. DOLAN: I believe this is covered in paragraph (d). The commissioner is reasonable. A collector could purchase a curio—I suppose a certain amount of risk is involved—and then ask the commissioner to license it. I can assure the honourable member that the commissioner is a reasonable man and unless it was obvious someone was attempting to do something illegal, I do not think any difficulty would arise.

Clause put and passed.

Clause 16 and 17 put and passed.

Clause 18: Licensing procedure—

The Hon. F. D. WILLMOTT: I have an amendment to this clause on the notice paper. However, at this stage it is not my intention to move it.

Clause put and passed.

Clause 19: Licensing offences—

The Hon. I. G. MEDCALF: I desire to move an amendment to insert the passage "of subsection (1)". I believe the omission of the words is a typographical or printer's error, and perhaps it is not necessary for me to move the amendment.

However, I will move it to clarify the situation. I move—

Page 14, line 13—Insert after the paragraph designation "(c)" the passage "of subsection (1)".

Amendment put and passed.

The Hon. D. J. WORDSWORTH: I notice that the penalty for not having a license is very high. What frightens me is that no notice is to be sent when the license is due for renewal. It is certainly not stated in the Bill. We have had the example of a person allowing his real estate license to run out without realising it and then having difficulty when trying to renew it. Could the Minister clarify the position?

The Hon. J. DOLAN: When the license is due for renewal a notice is posted out and if the person concerned chooses to ignore it he will, of course, be in real trouble.

The Hon. D. J. Wordsworth: As long as the practice is to be continued it is all right.

The Hon. J. DOLAN: It is a continuing process.

The Hon. CLIVE GRIFFITHS: I move an amendment—

Page 14, line 19—Add after the word "who" the word "knowingly".

Surely the person concerned must knowingly sell, deliver, or dispose of a firearm to a person who is not a holder of a license before such person commits an offence. My amendment will make the matter clearer and more just.

The Hon. J. DOLAN: My advice is that the amendment is undesirable. While it will have little effect on subclause (2)(a) as it now stands, it would lessen the effect of subclause (2)(b), by allowing offenders to escape responsibility in the purchase of unlicensed firearms. This would be particularly so in the case of a person licensed to deal in firearms—the onus being on the prosecution to establish that the purchaser knew he was dealing with a person not entitled to possess a firearm: A most difficult situation.

The Hon. CLIVE GRIFFITHS: Why is the word "knowingly" placed where it is? Why is it placed after the words, "sells, delivers, disposes of", but before the words, "permit possession to be taken of", etc.?

The Hon. R. THOMPSON: A person who sells a firearm can only do so to somebody who has acquired a permit. He can only deliver it to a person who has acquired a permit and dispose of it to a person who has acquired a permit. The word "knowingly" provides a safeguard for the owner of the firearm. Someone while shooting might pick up the wrong gun and be

apprehended and the owner may not knowingly be aware his gun is missing. The word "knowingly" provides the protection necessary and is in the correct position.

The Hon. CLIVE GRIFFITHS: I do not believe it is in the right position. I think my suggestion is the right one, if we are interested in justice for the people. I would draw the attention of the Minister to the location of the word "knowingly" in the current Act. In the Bill the word "knowingly", for some reason, is to be shifted. The Act in effect says it is an offence if a person sells, delivers, or knowingly permits possession to be taken or disposes of a firearm. The word "knowingly" comes before the word "disposes" in the present Act but the Bill seeks to shift it to the other side of the word "disposes".

The Hon. J. Dolan: It does not put it where you want it, either in the old Act or in the new legislation.

The Hon. CLIVE GRIFFITHS: I know that, but I want to know the reason for shifting it.

The Hon. J. Dolan: They found it is better.

The Hon. CLIVE GRIFFITHS: They cannot have done so because there has been no opportunity to put it into effect. It may be suggested that it will be better, but I think my suggestion is better. A person could unknowingly dispose of a firearm to someone who has no permit.

The Hon. R. Thompson: He must have a permit first.

The Hon. CLIVE GRIFFITHS: He may have obtained a permit illegally. There are a number of reasons why the person concerned may unknowingly have committed a breach. Surely he must do so knowingly before he commits an offence.

The Hon. F. D. WILLMOTT: I agree with Mr. Clive Griffiths because I do not think it will have a terrible effect in regard to paragraph (b). If somebody knowingly purchases a firearm or ammunition from a person who is not the holder of a permit—and this is the crux of the matter—he will be informed quickly enough because before the firearm can be purchased a permit must be obtained.

The Hon. A. F. Griffith: The word "knowingly" does not apply to subclause (b).

The Hon. F. D. WILLMOTT: I was only going on what the Minister said about it having a detrimental effect on paragraph (b).

The Hon. J. Dolan: It does not apply.

The Hon. F. D. WILLMOTT: In that case I think Mr. Clive Griffiths is right.

The Hon. J. DOLAN: I would like to give an example of a tragic occurrence that happened many years ago. Mr. MacKinnon will be able to confirm this because I

referred the matter to him. It dealt with getting a crayfish license for a young fellow. The young man concerned had his father's rifle and he was some distance from the coast. He knowingly permitted possession of that rifle to be given to another young man who was with him. This young fellow had a shot at a cleft in the hill and in doing so he shot and killed a man who was walking along the beach with his wife. He was penalised for 10 or 11 years in his endeavours to pay the money awarded by the court. He was not able to obtain a crayfish license, but when I represented the matter to Mr. MacKinnon he assured me it was most unusual and that he would see what he could do. I was most grateful, as was the young fellow concerned.

The Hon. A. F. Griffith: But the word "knowingly" did not cause that man's downfall.

The Hon. J. DOLAN: No, but he knowingly allowed the rifle to be in the possession of the other man.

The Hon. CLIVE GRIFFITHS: I do not intend the word "knowingly" should disappear in connection with possession being taken of a firearm. I believe it is just and right that the things mentioned should be knowingly done. Surely we should not make it an offence if somebody unknowingly allows these things to be done, particularly if the person concerned legitimately believes he is entitled to sell the firearm to the individual in question. In such a case the man who bought the firearm should be penalised because he convinced the owner he was entitled to purchase it.

The Hon. F. R. WHITE: For the purpose of debate let us use the word "unknowingly". A person cannot unknowingly sell or deliver.

The Hon. F. D. Willmott: Oh yes he can.

The Hon. R. Thompson: No he cannot; you must read the whole clause.

The Hon. F. R. WHITE: But he could knowingly allow possession to be taken of a firearm. I believe the word "knowingly" is in the correct place.

The Hon. F. D. WILLMOTT: We have to read the whole provision: that a person or a carrier knowingly delivers to someone who is not the holder of a license or a permit. Such a person or carrier could very easily deliver a gun, not knowing that the recipient was not the holder of a license. If he does that then under this provision he commits an offence. The amendment would protect such a person or carrier.

The Hon. R. THOMPSON: If we agree to this proposition then we should turn to the provision in clause 19 (1) and also include the word "knowingly".

The Hon. F. D. Willmott: That is different.

The Hon. A. F. Griffith: What you are saying is out of context and relates to the possession of firearms under clause 15 (1).

The Hon. R. THOMPSON: Clause 19 (1) states—

Any person who possesses, sells, delivers or disposes of, or purchases or otherwise acquires any firearm or ammunition, not being a firearm of the kind referred to in paragraphs (a), (b) or (c) of section 15, and is not the holder of a licence or permit under this Act entitling him to do so commits an offence unless the provisions of section 8 apply.

Mr. Clive Griffiths has given no qualification as to why the word "knowingly" should be deleted. A person cannot either knowingly or unknowingly sell firearms or ammunition to another unless the latter produced a licence.

The Hon. F. D. Willmott: Suppose he produces a permit which belongs to somebody else.

The Hon. R. THOMPSON: I could be in possession of a driver's licence belonging to another person; and if I were to be picked up on a speeding charge I could produce that licence and claim I was that person. This provision applies to a genuine sale where the dealer or vendor does not ask for the production of a permit. The position is covered adequately.

The Hon. A. F. GRIFFITH: I am surprised to hear the Minister say that he is not prepared to allow a person to present mitigating circumstances; so anyone who sells, delivers or disposes of a firearm commits an offence. In regard to the Minister's point about taking the driver's licence of somebody else, if the Minister did that he would be immediately charged.

The Hon. R. Thompson: A person could also be charged with misrepresentation under this provision.

The Hon. A. F. GRIFFITH: Surely it is reasonable to allow a person to present evidence of mitigating circumstances, and to explain to a court that he did not know the recipient did not have a permit.

The Hon. R. Thompson: It is difficult to obtain permits.

The Hon. A. F. GRIFFITH: That is beside the point. It seems the Minister is not prepared to allow a person to produce evidence in mitigation. Yet when the Minister was on this side of the House he gave me a blast about the same sort of circumstances.

The Hon. W. R. WITHERS: I support the views put forward by Mr. Clive Griffiths. If the Bill becomes an Act in

its present form we could have the situation where an errand boy was asked to deliver a package, without his knowing what the package contained. The package might contain a rifle, in which event that boy would be committing an offence if the recipient did not have a permit for that rifle. I cannot see how the Minister could allow such a situation to exist. We should insert the word "knowingly" at least before the word "sells".

The Hon. R. Thompson: How would the delivery boy get a gun?

The Hon. W. R. WITHERS: Somebody has sold the rifle and asked the errand boy to deliver it.

The Hon. R. THOMPSON: The purpose of this provision is to prevent the sale, firstly, of unlicensed firearms and, secondly, the sale to unlicensed persons. Any person who gave a delivery boy a gun would be covered by the permit.

The Hon. W. R. Withers: It could be an illegal weapon. What if the delivery boy does not know that the person had given him a gun to deliver?

The Hon. R. THOMPSON: That is covered.

The Hon. W. R. Withers: Where?

The Hon. R. THOMPSON: Because a permit has to be obtained before a gun can be sold.

The Hon. W. R. Withers: It might be an illegal gun, and the boy might not know it is a gun he is asked to deliver.

The Hon. R. THOMPSON: The honourable member astounds me. I have not heard of such a case.

The Hon. S. T. J. THOMPSON: As I see the position, it is an offence to sell, deliver, or dispose of a gun to a person not holding a licence. If a person buys a gun he has to comply with stringent restrictions. He has to obtain a permit and produce it before he can take possession of the gun. Then we come to the point of knowingly permitting a sale or delivery. It is quite possible for a person who has a gun not to know that it had got into the possession of someone else.

The Hon. F. R. WHITE: I would like to contradict my previous statement. Mr. Syd Thompson and others have emphasised the sale and delivery of firearms, but this provision covers ammunition also. I could be out shooting on my property with a friend, and he could have a rifle in respect of which I assume he has a licence. It may be the same type of rifle as mine. He could run out of bullets, but if I were to give him some of my bullets then I would commit an offence because I would have delivered to that friend some bullets.

The Hon. CLIVE GRIFFITHS: Rather than give that friend some bullets, Mr. White could sell him a packet. Hence, he

would unknowingly sell the bullets, but under this provision he would commit an offence and be liable to a fine of \$200, to imprisonment for six months, or both.

During the course of my inquiries into the practice of common carriers I contacted Mayne Nickless and other reputable transport firms to find out what they did when they carried firearms from the Eastern States. Some of them said they delivered firearms from the Eastern States to Western Australia, but they also said they did not obtain permits for that purpose nor were they aware of the need to do so.

They pointed out that on numerous occasions they transported parcels, without any idea of what the parcels contained. They said that frequently they brought cartons of goods from the Eastern States which were completely sealed, and they delivered these to shops which sold, among other items, rifles. There are some instances where people unknowingly commit this offence. I believe in the cause of common justice being applied, and we should agree to the deletion of the word.

The Hon. A. F. GRIFFITH: Would the Minister for Police consider that a letter bomb comes within the ambit of this legislation?

The Hon. J. Dolan: It would be covered by other Acts.

The Hon. A. F. GRIFFITH: It could be regarded as a firearm. Would the Minister prosecute a mailman who delivered a letter bomb?

The Hon. J. Dolan: That offence would be covered by the Criminal Code, and the police would prosecute under that Code.

The Hon. A. F. GRIFFITH: The Minister should concede that the amendment covers the situation, and so allow a person who is charged to produce evidence of mitigating circumstances.

The Hon. J. DOLAN: The provision in the present Act refers to selling and delivering, and the provision includes the word "knowingly". This has been in force since 1931.

The Hon. W. R. Withers: It has not been picked up.

The Hon. J. DOLAN: It must have been picked up, because the word "disposing" was included. The subclause has been deliberately worded that way, with that purpose in mind.

The Hon. A. F. GRIFFITH: Does the Minister mean to tell us that he would allow himself to go on record as saying that because something has been done for 31 years—rightly or wrongly—it should not be altered?

The Hon. J. Dolan: I never even implied that.

The Hon. A. F. GRIFFITH: The Minister said it has been there for 31 years and, therefore, it should stay there.

The Hon. J. DOLAN: No, I said no such thing. I said it has been there for 31 years and when this was examined very closely by my officers a change was made. The officers saw that "disposes" should be included and they would not have made the change had they not noticed it.

The Hon. A. F. GRIFFITH: I beg the Minister's pardon, but with due respect to his officers I am not convinced that we should take their word.

The Hon. J. Dolan: They are experts in their field, but we do not have to take the word of anybody.

The Hon. A. F. GRIFFITH: Are they experts in the law?

The Hon. J. Dolan: They go to the Crown Law Department for help in legal matters.

The Hon. A. F. GRIFFITH: I was attached to the Crown Law Department for too long not to respect its officers, but they can be as wrong as anybody else, including the Minister. I think it would be far better to give a person the benefit of the doubt. That is all the amendment seeks to do, and I cannot understand the pigheadedness of the Minister regarding this matter.

The Hon. J. Dolan: I am not being pig-headed. Why cannot I say what I think? I appreciate the point of view of the Leader of the Opposition.

The Hon. A. F. GRIFFITH: All right, the Minister is not pigheaded and, therefore, I feel he will give in a little.

The Hon. I. G. MEDCALF: It seems it is necessary for me to point out that the word "knowingly" only refers to the word "permits" in its present context.

The Hon. A. F. Griffith: We pointed that out several times.

The Hon. I. G. MEDCALF: "Knowingly permits" means, of course, that one knows that a person is going to take possession. One knowingly permits possession to be taken. The word is used in the sense that one is actively allowing possession, and not passively allowing it to be given.

This provision is identical to the provision contained in the 1931 Act. That Act only refers to "knowingly" permitting possession to be taken, and not to "unknowingly" disposing of. That is separate altogether. The amendment proposed by Mr. Clive Griffiths is entirely new and there may be something to be said for that. The Committee should appreciate that this is a new amendment.

The Hon. L. A. Logan: It is a different principle altogether.

The Hon. I. G. MEDCALF: The amendment is introducing the principle that one must knowingly sell or deliver or purchase, etc., to a person who is not the holder of a license. It is a different principle and it is pretty complicated. In a way, the word "knowingly" is ambiguous and I think that has precipitated the discussion which has taken place. I think it would be advisable if the Minister were to postpone this clause and obtain the advice of the Crown Law Department regarding the implication of the word "knowingly".

The Hon. F. R. WHITE: Mr. Medcalf referred to a person who, "knowingly sells". He must knowingly sell. If the word "knowingly" is inserted in front of the word "sells" in line 20 it would read, "A person who knowingly sells to a person who is not the holder of a permit". The word "knowingly" would apply to the person who did not have the permit. So, two aspects apply to "knowingly".

The Hon. I. G. MEDCALF: I intended to point out that there were two aspects and that there is an ambiguity. In one sense, "knowingly sells" is meaningless because one cannot sell unless one knows what he is doing. But, if the wording is deemed to be "knowingly sells to a person who is not the holder of a license" that is another aspect. This is where I see the new principle introduced which was not contained in the 1931 Act.

The Hon. A. F. Griffith: If we insert the word "knowingly" after the word "who" we will allow mitigation under all circumstances.

The Hon. I. G. MEDCALF: On every occasion the police will be required to prove that a person had knowledge that the other person was not the holder of a license.

The Hon. A. F. Griffith: At least, the person charged can give evidence that he did not knowingly do it.

The Hon. I. G. MEDCALF: In the 1931 Act "knowingly" simply refers to "permits possession".

The Hon. CLIVE GRIFFITHS: I am aware of the fact that by shifting the word "knowingly" I am making it apply to the fact that a person is selling to another unlicensed person. A person would knowingly sell or deliver to an unlicensed person. That is the emphasis on the word and I am quite sure that it could not be interpreted any other way. If the Minister decides to postpone this clause I want him to know that I am trying to place the emphasis of "knowingly" on knowingly selling to unlicensed persons.

The Hon. J. DOLAN: I am quite ready to postpone this clause and I assure Mr. Clive Griffiths that I will obtain a pull

of his comments, so that they can be examined by the Crown Law Department. I move—

That further consideration of the clause be postponed.

Motion put and passed.

Sitting suspended from 9.56 to 10.18 p.m.

Clause 20: Revocation, etc.—

The Hon. V. J. FERRY: It will be observed that I have on the notice paper two amendments which are associated with the clause. In view of what has transpired during the Committee stage in relation to the other clauses, I do not propose to proceed with the first amendment because I do not believe it is now a reasonable proposition.

I move an amendment—

Page 16, line 2—Delete the passage "restrictions," and substitute the word "reasonable".

The purpose of the amendment is to clarify the situation in regard to the revocation of licenses in a reasonable way. I realise the word "reasonable" can be troublesome by way of interpretation. The effect of the amendment would be that paragraph (d) would then read—

(d) that the circumstances in which his approval under this Act was given in relation to any person or matter no longer prevail,

he may revoke any licence, permit or approval relating thereto or may impose reasonable limitations or conditions thereon.

It seems to me that under the powers of revocation the commissioner may cancel permits or licenses, and I do not disagree with that. I seek to err a little on the side of the permit or license holder, to ensure there are reasonable reasons for any revocation.

I wish to test the feeling of the Committee on this matter. I am endeavouring to ensure that a permit or license holder will not be unduly disadvantaged but will receive a shade of benefit.

The Hon. J. DOLAN: I feel that the amendment will not lessen the impact of the provisions of the clause. The words, "restrictions, limitations or conditions" are included in other parts of the Bill—for example, clause 6. If the honourable member feels that the word "reasonable" should be included, I suggest that it should be included before the word "restrictions", although I still cannot see that it is necessary because if the restrictions, limitations, or conditions are unreasonable they would not stand up to an appeal.

The Hon. V. J. FERRY: I accept the suggestion of the Leader of the House in the spirit in which it was offered. I seek

leave of the Committee to withdraw my amendment, and foreshadow that I will move a further amendment.

Amendment, by leave, withdrawn.

The Hon. V. J. FERRY: I move an amendment—

Page 16, line 2—Insert after the word "impose" the word "reasonable".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 21: Restrictions, limitations and conditions—

The Hon. V. J. FERRY: I do not propose to proceed with the amendments standing in my name on the notice paper, in view of the treatment of similar complementary provisions in previous clauses.

Clause put and passed.

Clause 22: Appeals—

The Hon. I. G. MEDCALF: I move an amendment—

Page 16, line 28—Insert after the word "Commissioner" the words "including any restriction limitation or condition imposed".

This clause provides the right of appeal and states that a person aggrieved by a decision made by the commissioner may appeal in writing upon receiving written advice of the decision. My amendment proposes that such a person may appeal against a decision made by the commissioner, including any restriction, limitation, or condition imposed. This will ensure that if he feels aggrieved about a restriction, limitation, or condition which is imposed by the commissioner he will have the right of appeal.

The Hon. J. DOLAN: I have no objection to the amendment.

Amendment put and passed.

The Hon. J. DOLAN: I move an amendment—

Page 17, lines 7 to 10—Delete subclause (3).

When speaking earlier I mentioned that I wanted an appellant to have the right to carry his appeal as far as he considers necessary, and not to make the decision of the magistrate final.

The Hon. I. G. MEDCALF: I thank the Minister for agreeing to, and moving, this amendment. I believe it is worth while and I appreciate his attitude.

The Hon. A. F. GRIFFITH: I can see this amendment working in two ways. The Commissioner of Police may carry appeals to higher courts, whereas a private person may not be able to do so for financial reasons. I cannot see the necessity in a matter of this nature to go beyond the Local Court. Mr. Medcalf, as a lawyer, must have good reason for agreeing to this amendment.

The Hon. I. G. MEDCALF: I appreciate the point made by the Leader of the Opposition. It is true that either party will have the right of appeal; but it would be just as unfair to prevent the Commissioner of Police from having the right of appeal as it would be to prevent a private citizen from having it. At present they both have the right of appeal.

The Hon. A. F. Griffith: Does the Act take them beyond a magistrate?

The Hon. I. G. MEDCALF: Yes. I believe it is in the interests of the private citizen that we should agree to the amendment; and the commissioner should have the same rights as a private citizen.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 23: General offences—

The Hon. R. J. L. WILLIAMS: My understanding is that a person can be committed to an inebriate or mental institution but can still hold a license for a firearm in the same way as a driver's license is not necessarily forfeited. I request the Minister to make inquiries to ascertain whether some form of amending legislation should be introduced to enable the automatic forfeiture of a firearm license of a person so committed.

The Hon. J. DOLAN: It is not the fellow who is intoxicated who is running the risk, but the person who in those circumstances knowingly permits possession of the firearm. However, I will make the inquiry requested and notify the honourable member of the result.

The Hon. A. F. GRIFFITH: The man must knowingly do this and therefore he could mitigate his own circumstances in the same way we argued previously.

The Hon. J. Dolan: No.

The Hon. F. D. WILLMOTT: I move an amendment—

Page 20, line 8—Add after the passage "offence." the following passage—

For the purposes of this subsection, the holding of a permit issued under the Fauna Conservation Act regulations is not considered to be a reasonable excuse.

Members will recall that during my second reading speech I suggested we should delete from subclause (10) the words "without reasonable excuse". Members will also recall that I said the pastoralists and graziers' view was that, if the words "without reasonable excuse" were to remain, a shooter could go onto any land regardless of what the landholder thought. We all know of the case which occurred in the country. I will not mention any names, but a certain fellow in possession of a firearm terrorised the local residents. If one of the locals desired to get his own firearm from his homestead some 60 miles or so away he might not be in a position to obtain permission. In those circumstances

such a person would have a reasonable excuse for carrying a firearm. On reflection I consider that the amendment I have moved is preferable to the one I suggested in my second reading speech.

The Hon. J. DOLAN: I do not think the amendment is really necessary.

The Hon. F. D. Willmott: I think it would make it quite clear to anyone trying a case that the holding of a permit under the regulations is not a reasonable excuse.

The Hon. J. DOLAN: If the honourable member feels deeply about the matter I will not raise any objection.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 24 to 34 put and passed.

Postponed clause 8: Exemptions from licensing requirements—

Further consideration of the clause was postponed after the following amendment, moved by The Hon. Clive Griffiths, had been partly considered—

Page 6, lines 21 and 22—Insert after the word “production” the passage “, or whilst travelling to or from that land”.

The CHAIRMAN: The question is that the amendment be agreed to.

The Hon. A. F. Griffith: I did not think we were to deal with this tonight.

The Hon. CLIVE GRIFFITHS: The alternative amendment proposed by the Minister has been studied and with the inclusion of three further words in the Minister's amendment I am prepared to accept it.

The CHAIRMAN: It will be necessary for Mr. Clive Griffiths to withdraw his amendment first if the Committee intends to proceed with the Minister's alternative amendment.

The Hon. CLIVE GRIFFITHS: I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. J. DOLAN: I move an amendment—

Page 6—Delete paragraph (i) and substitute the following—

- (i) by an employee of a primary producer who, with the permission of his employer, has in his possession in any place for the purpose of destroying vermin on any land used by the employer for the purposes of primary production a firearm belonging to the employer, or who uses that firearm for that purpose on that land;

The inclusion of the words “in any place” will cover the employee in transit between one property and another.

Amendment put and passed.

The Hon. CLIVE GRIFFITHS: I move an amendment—

Page 7, line 7—Delete the words “an approved” and substitute the word “a”.

The purpose of my amendment is to leave the construction and maintenance of a range to those running the club involved. On page 27 of the Bill the commissioner is given the power to make regulations concerning the construction of ranges.

If my amendment is agreed to the commissioner will still be able to make regulations regarding the construction of these ranges. I think it is wrong that a club should have to get the approval of the commissioner.

The Hon. J. DOLAN: The amendments proposed by Mr. Clive Griffiths are unacceptable because they would remove from the commissioner the authority to approve standards of ranges, clubs, and organisations referred to in the Bill. That is most undesirable.

The Bill provides the means by which the authority for exemption under this sub-clause is removed from the four bodies defined in the present Act; that is, the W.A.R.A., the W.A.P.A., the W.A.S.B.R.A., and registered gun clubs, and places the authority with the commissioner. It will also permit the commissioner to exercise his discretion in regard to any other club or organisation which may be formed in the future. I think that would come under the category of the other clubs mentioned previously.

What may be considered properly constructed or constituted by one body may not necessarily be so in the opinion of another body. They may have conflicting views.

The inclusion of the words “an approved” and “other approved” in this sub-clause restricts the privilege of this exemption to *bona fide* clubs and organisations. If there is no “approving” body there is no set standard with which they can comply and without these words the exemption would be far too wide. Consequently, I have to oppose the amendment.

The Hon. CLIVE GRIFFITHS: The Minister has referred to other amendments which I have on the notice paper but, for the moment, I am concerned with my first amendment. The Minister said that a range constructed by one club might not be acceptable to another club. I have already pointed out that the commissioner has powers to make regulations in regard to the construction of ranges. Ranges could not be constructed indiscriminately so the situation mentioned by the Minister would not arise.

The Hon. S. T. J. THOMPSON: I cannot agree with the proposed amendment at all. In the plumbing trade we have regulations,

but despite those regulations work still has to be approved. I think the same thing could apply in respect of this measure.

The Hon. W. R. WITHERS: The Minister said that different organisations might have different standards. I would point out that the commissioner himself will not carry out the inspections of the sites. Surely he will delegate the authority to the local policeman.

The Hon. J. DOLAN: The commissioner would advise him.

The Hon. W. R. WITHERS: If it is possible for the clubs to have different standards we could use a similar argument and say that the policemen will have different judgment standards. I support the amendment.

The Hon. T. O. PERRY: I am opposed to the suggested amendment. Surely, certain standards must be set. The National Rifle Association has a standard and inspectors visit the rifle ranges. Standards have to be set for pistol clubs and small bore rifle clubs.

Amendment put and negatived.

The Hon. CLIVE GRIFFITHS: I move an amendment—

Page 7, line 11—Delete the words "an approved" and substitute the words "a properly constituted".

I intend to refer also, to my next amendment. It seems to me that a properly constituted club or organisation ought to be able to make its own decisions and carry out its own functions without having to get the approval of the Commissioner of Police.

We are virtually saying that the club cannot exist unless the commissioner approves of the club. I cannot go along with that. It should be perfectly all right for it to be a properly constituted club or organisation.

The Hon. J. DOLAN: I do not want to cover the same ground. I oppose the amendment for exactly the same reasons I gave in respect of the removal of the word "approved" earlier.

Amendment put and negatived.

Clause, as amended, put and passed.

Postponed clause 11: Restriction on Commissioner's discretion—

The CHAIRMAN: The further consideration of the clause was postponed after the following amendment, moved by The Hon. I. G. Medcalf, had been partially considered—

Page 8, line 4—Add after the word "relates" the following words "provided however that membership by such a person of a recognized association of shooters or gun club or engagement in agricultural industry as a farmer or grazier shall be deemed to be a sufficiently good reason".

The Hon. I. G. MEDCALF: Copies of the new amendment I propose to move have been circulated.

The CHAIRMAN: You must withdraw the previous one.

The Hon. I. G. MEDCALF: I ask leave to withdraw the amendment on the notice paper.

Amendment, by leave, withdrawn.

The Hon. I. G. MEDCALF: I hope sufficient copies of the amendment are available to members. The new amendment contains some slight, but important, alterations in the wording of the amendment which is on the notice paper.

I will emphasise what the amendments are by saying that it is now suggested that a sufficient reason for the commissioner to grant a license would be membership of a properly constituted, recognised, and responsible association of shooters or gun club, or engagement in the agricultural industry as a primary producer—which message I caught on the ether.

There is another slight alteration which will improve the amendment; namely, to add after the word "agricultural" the words "or pastoral". Sometimes people become very technical and say that if a person is not actually tilling the soil and grazing cattle he is not in the agricultural industry. The wording would be quite clear if we make it, "agricultural or pastoral industry". I move an amendment—

Page 8, line 4—Add after the word "relates" the following words—

provided however that membership by such a person of a properly constituted recognised and responsible association of shooters or gun club or engagement in agricultural industry as a primary producer shall for the purposes of this section be deemed to be a sufficiently good reason.

The Hon. R. THOMPSON: When an amendment to the existing legislation was last before the Chamber I related the case of a person who had come to me. He had tendered, through the Police Department, to buy a high-powered rifle. In fact, it was a special high projectile rifle and he was the successful tenderer. When he made application for a license the Police Department refused him although he had tendered through the department. A permit was not required because he had put in a tender. The Police Department would not give him possession of the rifle because it would not give him a license. He said that he was a member of a reputable shooting association and, indeed, he was.

If the amendment is passed I think we would find that licenses would not be refused for high-powered rifles provided the person was a member of a properly constituted, recognised and responsible association of shooters or gun club. I do not

know whether or not the Commissioner of Police would deal with this on the basis of acting in the public interest.

The Hon. F. D. Willmott: Is the person fit to hold a license?

The Hon. R. THOMPSON: He is fit to hold a license and can have one for an ordinary .22. I think all members of the committee are acquainted with the situation.

The Hon. A. F. Griffith: What was the reason for the police not giving the man a license?

The Hon. R. THOMPSON: He was a sporting shooter.

The Hon. F. D. Willmott: That is not a reason for refusing a license.

The Hon. R. THOMPSON: It is a reason.

The Hon. J. Dolan: He already had one.

The Hon. R. THOMPSON: He already had a gun. Even a professional kangaroo shooter is allowed to have only one high-powered rifle. This has been the situation for probably the last 15 or 20 years.

The Hon. Clive Griffiths: Did you try to get the man a license?

The Hon. R. THOMPSON: It was an exercise, as far as I was concerned, and I made representations to find out the reasons. When I learnt them I said that I did not think he should have the gun.

The Hon. I. G. Medcalf: What were the reasons?

The Hon. R. THOMPSON: The reasons were that a high-powered rifle should not be used by people for varmint shooting, as it is called—that is, shooting crows and rabbits—because a high projectile rifle is a dangerous weapon. They are in line with the guns used by kangaroo shooters. The 20/25 is possibly not as high powered as a kangaroo shooter's rifle.

I ask whether Mr. Medcalf considers that anyone who was a member of a club would be able to buy one of these high projectile rifles under this amendment.

The Hon. D. J. Wordsworth: Surely that type of gun is excluded under the previous clause.

The Hon. R. THOMPSON: I am not criticising the amendment. I am asking whether that is the case. If so, I think we should have another look at it. I have been a shooter for many years and I think it would be extremely dangerous to give licenses for no good reason. There is no good reason for a sporting shooter wanting one of these high-powered rifles.

The Hon. W. R. Withers: Where are these high-powered rifles mentioned?

The Hon. R. THOMPSON: They are not mentioned.

The Hon. W. R. Withers: You are referring to them.

The Hon. F. D. Willmott: I think this is covered in clause 6.

The Hon. R. THOMPSON: They can be excluded—

The Hon. F. D. Willmott: Under clause 6.

The Hon. R. THOMPSON: That is right.

The Hon. F. D. Willmott: You have complete control, then.

The Hon. R. THOMPSON: I do not know whether they could be excluded if this amendment were passed. I would like the Minister in charge of the Bill to look at it.

The Hon. I. G. MEDCALF: I have no doubt about this matter because of the passage of clause 6 in its original form. It will be recalled that clause 6 was not amended and has been left in its original form. It gives the Governor, on the recommendation of the commissioner, the power to prohibit the use of any firearm or ammunition, either—

(a) absolutely; or

(b) except upon and subject to such conditions, restrictions, and limitations for such purpose or purposes, and in such place or places, as the Governor considers desirable in the public interest,

having regard to the especial potentially dangerous nature of that kind of firearm or ammunition and the need to exercise special precautions in relation thereto.

The Hon. L. A. Logan: That is only after the regulation has been made. It can only be done by regulation.

The Hon. I. G. MEDCALF: That is so. That can be done immediately by regulation. Nevertheless, clause 6 gives the commissioner the power to make regulations in relation to any type of firearm at all.

To answer the Minister's question, I imagine that if the commissioner considered a particular high-powered rifle to be especially dangerous, he would either prohibit it absolutely or make regulations which prescribed conditions, restrictions, and limitations, the purpose or purposes, and the place or places where it could be used, and he would tie it up. I do not think the commissioner can have any doubt about his power under clause 6. That is the first power the commissioner has—the power to prohibit the use of any rifle or to make it available virtually on any conditions he thinks fit; and that is not subject to appeal.

Secondly, under clause 7, before the commissioner grants a license in an individual case he must decide, firstly, that it is desirable in the public interest that he should grant it; and secondly, that the person is

fit to hold the license. Finally, he has to decide that the person has a good reason for wanting the license.

I say the good reason shall be that the person is a member of a properly constituted, recognised, and responsible association. The commissioner himself must recognise the association as being properly constituted—whether it is incorporated or whether it has a president, a secretary, and office bearers, and properly conducts its affairs. In addition, he must make the decision as to whether or not the association is responsible, and clearly he will not make that decision lightly. He will decide a body is responsible only if it conducts proper training courses for its members—presumably at an approved range—and observes various precautions as to the safety aspects, the type of member it encourages, and so on.

The Hon. R. Thompson: It might not be on a range.

The Hon. I. G. MEDCALF: I am only using that as an instance. It is not for me to say what the commissioner would do, but I believe he would take those factors into consideration in deciding whether a body was responsible. If the commissioner were not satisfied, he would say it was not a responsible association and did not come within the meaning of the legislation.

The Hon. J. DOLAN: I think this is another aspect which could be referred to the Crown Law Department for an opinion and brought back with the other matter, instead of persevering with it at this stage. If the honourable member is agreeable, it can be debated tomorrow.

Progress

Progress reported and leave given to sit again, on motion by The Hon. J. Dolan (Leader of the House).

House adjourned at 11.08 p.m.

Legislative Assembly

Wednesday, the 2nd May, 1973

The SPEAKER (Mr. Norton) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (25): ON NOTICE

1. TRAFFIC

Accidents, 1970 to 1973: Hospital Admissions

Mr. NALDER, to the Minister for Works:

On page 796 of *Hansard* he stated "that as a result of studies of accident cases made at the Royal Perth Hospital it has been found

that the majority of people involved in accidents have records of other misdemeanours". How does he reconcile his answer to my question 9 parts (2) and (3), on Tuesday, 16th April, in which he stated "this information is not available"?

Mr. JAMIESON replied:

The statement I made on 10th April was based on information supplied to me by medical personnel when I had under consideration the drafting of traffic safety legislation. Such personnel advised me that statistics obtained from overseas had indicated that the majority of people involved in accidents had records of other misdemeanours, and that an unofficial check made locally indicated that a similar situation appeared to apply here.

The Acts Amendment (Road Safety and Traffic) Bill will, when it becomes law, enable the Government to go deeper into this aspect of the road toll.

2.

MEATMEAL

Supplies

Mr. E. H. M. LEWIS, to the Minister for Agriculture:

- (1) (a) What tonnage of meatmeal ex Midland abattoirs has been exported since 1st January, 1973;
- (b) what was the price per ton net to the works?
- (2) (a) What tonnage was disposed of locally; and
- (b) at what price net to the works?
- (3) Is there a shortage, and, if so, on what basis is it being distributed, i.e., quotas, datai orders, etc.?
- (4) Will he take steps to ensure that sufficient supplies are made available to meet local demand?

Mr. Davies (for Mr. H. D. EVANS) replied:

- (1) (a) 1,500 tons.
- (b) Export meatmeal prices range between \$183.00 and \$193.00 per ton ex works.
- (2) (a) 2,557 tons.
- (b) 1/1/73 to 11/2/73 — \$100.00 per ton ex works in bags.
12/2/73 to date. — \$115.00 per ton ex works in bags.
- (3) There is a shortage at the present time due to a reduction in the slaughtering of beef and sheep. Local meatmeal is being distributed to regular clients on a *pro rata* basis.