

Legislative Council

Tuesday, the 17th April, 1973

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

ADDRESS-IN-REPLY

Presentation to Governor: Acknowledgment

THE PRESIDENT (The Hon. L. C. Diver): I have to announce that I have, in company with several members, waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech agreed to by this House, and His Excellency has been pleased to make the following reply—

Mr. President and honourable members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

QUESTION WITHOUT NOTICE

EDUCATION

Correspondence Courses: Supervision Allowances

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

- (1) Is there likely to be any change in the current supervision allowances paid for the education of outback children?
- (2) If there is to be any change—
 - (a) what is the involvement of the State and Federal Governments;
 - (b) what changes will take place?

The Hon. J. DOLAN replied:

I thank Mr. Withers for giving me prior notice of this question so that the information could be made available. The answer is as follows—

- (1) Under the Commonwealth scheme of allowance, in the case of a student living at home and undertaking correspondence studies through a State Education Department, an allowance of up to \$350 per annum free of means test may be paid as reimbursement of approved educational expenditure.
- (2) (a) There is no State involvement.
- (b) Under the previous State scheme the supervisory allowance was \$300 for

one child and a total of \$400 for two or more children. Under the Commonwealth scheme an allowance of up to \$350 may be claimed for each child.

QUESTIONS (6): ON NOTICE

1. TOWN PLANNING

Hepburn Avenue Land: Rezoning

The Hon. F. R. WHITE, to the Leader of the House:

- (1) When was the urban deferred land north of Hepburn Avenue rezoned to urban?
- (2) As at the 1st April, 1973, what area of rural zoned land north of Hepburn Avenue—
 - (a) had been subdivided into residential sized lots since February, 1971;
 - (b) had residential improvements such as roads, reticulated water, or homes commenced upon it?
- (3) At what dates and to whom was approval given for the various—
 - (a) subdivisions; and
 - (b) developments mentioned in (2)?
- (4) Are the rural zoned lots referred to in (2) and (3) incorporated in the amendments to the Metropolitan Region Scheme which were laid upon the Table of the Legislative Council on the 4th April, 1973?

The Hon. J. DOLAN replied:

- (1) 17th October, 1969.
- (2) (a) In the Whitfords area, the subject of the Government agreement made in September and October, 1969, 189.8 hectares.
- (b) Roads and reticulated water supply 189.8 hectares as above. Residential unknown.
- (3) (a) North Whitfords Estate Limited—
 - 11th May, 1971;
 - 9th November, 1971;
 - 16th January, 1972;
 - 18th January, 1972;
 - 19th September, 1972;
 - 8th February, 1973;
 - 6th March, 1973.
- Whitfords Beach Proprietary Limited (General Agency)—
 - 23rd February, 1971;
 - 21st September, 1971;
 - 24th April, 1972;
 - 11th July, 1972;
 - 10th October, 1972;
 - 1st December, 1972.

Estates Development Proprietary Limited—

14th September, 1971;

6th June, 1972;

10th October, 1972.

- (b) The approval of the developments mentioned would have been made by the Wanneroo Shire Council. The developments were carried out by the same companies as mentioned in (3) (a), together with their subsidiary companies and numerous private individuals.

(4) Yes.

2.

RAILWAYS

Kalgoorlie-Esperance Line: Standardisation

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

- (1) When is it expected that the conversion of the Kalgoorlie to Esperance rail link to standard gauge will be completed?
- (2) How many people are employed on this project?
- (3) What has been the cost to date?
- (4) What will be the total cost?
- (5) How much of these funds are being supplied by—
 - (a) Federal Government;
 - (b) State Government;
 - (c) private industry?
- (6) On completion of standardisation, what business will be carried out on the site of the present Esperance railway station and yards?
- (7) Will any of the area be available for public open space?
- (8) Will it be still necessary to shunt across Dempster Street and the Esplanade?
- (9) Will the track to the Esperance Harbour be re-routed so as not to interfere with the road traffic on Pink Lake Road?

The Hon. J. DOLAN replied:

- (1) September, 1974.
- (2) Approximately 102 Departmental and 160 Contract and Consultant Staff.
- (3) Cost to 23rd March, 1973, was \$9,827,000 which includes \$319,000 for rollingstock.
- (4) Anticipated total cost is \$16,700,000 which includes \$1,550,000 for rollingstock.
- (5) (a) \$564,000 (\$232,000 interest free grant, \$332,000 repayable by State over 50 years);
 - (b) \$3,736,000;
 - (c) \$12,400,000.

- (6) Land not required for railway purposes will revert to the Crown. It is known, however, that the Shire Council has expressed interest in developing portion, if not all, of the land to be vacated.

(7) Answered by (6).

- (8) Connection across Dempster Street will be removed and shunting across Esplanade in vicinity of the Oil Jetty will be discontinued.

- (9) Planning envisaged does not include re-routing of the track to the Esperance Harbour.

3.

TOWN PLANNING

Metropolitan Region Scheme: Amendments

The Hon. F. R. WHITE, to the Leader of the House:

Do the actions referred to in the answer to the first part of question 7 on Wednesday, the 11th April, 1973, conform with the mandatory requirements of section 31 (c) of the Metropolitan Region Town Planning Scheme Act which stipulates that "at least three insertions" be made in each publication?

The Hon. J. DOLAN replied:

The reply to the first part of Question 7 on Wednesday, 11th April, 1973, was incorrect. The amendment was also advertised on 1st September, 1972, in the *Daily News* newspaper. This omission is regretted.

The actions do not conform with the requirements of section 31 (c) of the Metropolitan Region Town Planning Scheme Act as one advertisement in the *Government Gazette* was omitted by the Printer.

4.

PORT HEDLAND SCHOOL

Air-conditioning

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

- (1) Will the Minister for Education and the Minister for Works give some priority to the air-conditioning of the Port Hedland Primary School so that its students will have parity with Cooke Point Primary school?
- (2) If the Ministers cannot agree to a priority, will they explain why a minority group from a relatively stable community is to be disadvantaged because they live west of a geographic line running through the town of Port Hedland?

The Hon. J. DOLAN replied:

- (1) and (2) Education Department policy is to provide air-conditioning in school buildings north of the 26th parallel. Cooke Point is scheduled for this year but available finance must cause some deferment at Port Hedland. The installation will be undertaken as soon as possible.

5. TRAFFIC

Offences: Methods of Apprehension

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

Further to my question on Wednesday, the 11th April, 1973, will the Minister advise—

- (1) Has "Trafficpax" or "Multan-over" been evaluated in this State?
- (2) If so—
 - (a) when and by whom were these devices evaluated; and
 - (b) will the Minister table the evaluation report?
- (3) What procedure is followed for the less serious offences, when immediate apprehension is not an essential feature of traffic enforcement?
- (4) Does the Minister consider that visits overseas to evaluate traffic procedures and associated problems have any merit?
- (5) Is the present head of the Traffic Branch competent to evaluate comparative methods of radar speed measuring devices?

The Hon. J. DOLAN replied:

- (1) Yes.
- (2) (a) The "Trafficpax" was evaluated in 1965 by Inspector (now Deputy Commissioner) R. H. Sims and Sergeant (now Superintendent) W. H. Grigo.
- (b) No, but I will make the file available in my office for inspection by the Hon. Member if he so wishes.
- (3) A ticket or infringement notice may be left on the vehicle. In other cases where the offender is not apprehended and where the plate number of the vehicle is taken, a search is made of the records and the owner interviewed.
- (4) Yes.
- (5) I am not aware of any detailed evaluation carried out by Superintendent A. T. Monck on radar speed measuring devices or of any units purchased as a result of his recommendations and therefore,

cannot provide an informed answer. I am advised that an improved type of radar unit has been ordered for purposes of evaluation.

6. TOWN PLANNING

Metropolitan Region Scheme: Amendments

The Hon. F. R. WHITE, to the Leader of the House:

Further to my question of the 11th April, 1973—in which the answer to part 2 of the question indicated that modifications as shown in Map 10/4 had not been advertised for public objection—

- (1) Why did the Minister for Town Planning not direct the Authority to publish the modifications for public perusal and objection in accordance with sections 31 (h) and 31 (i) of the Metropolitan Region Town Planning Scheme Act?
- (2) If the Minister for Town Planning received objections pursuant to section 31 (k), how could he expect to comply with the mandatory requirements of that section in view of the fact that he has already acted upon the powers vested in him in section 31 (1) of the Act?
- (3) If a person wished to object in accordance with section 31 (k) of the Act, by what processes will his objection—
 - (a) be considered in relation to time and action; and
 - (b) ultimately be presented to Parliament as required by section 32 (1) (b) of the Act?
- (4) Were the Minister's actions in this instance in accordance with advice received from his Departmental officers?

The Hon. J. DOLAN replied:

- (1) Provision is optional and the Minister for Town Planning did not consider the modification to be such as to require additional advertisement.
- (2) As further objections were not invited under the provisions of section 31 (h) and (i), subsections (j) and (k) are not applicable and the situation does not arise.
- (3) Answered by (2) above.
- (4) Departmental officers advised regarding the courses of action open to the Hon. Minister under the

Act but no particular course was recommended as the objections directly relating to the amendment had been allowed and no other parties were seen to be disadvantaged by the decision.

EDUCATION

Boarding Allowances: Motion

THE HON. W. R. WITHERS (North)
[4.51 p.m.]: I move—

That in the opinion of this House, the Commonwealth living-away-from-home allowances for isolated students to which a means test is applicable, unfairly discriminate against parents with incomes which are necessarily above the means test in remote areas with high costs of living. Accordingly, this House recommends the restoration of the State's living-away-from-home allowances to supplement those from the Commonwealth until such time as the Federal Government abolishes the means test.

This motion is very simple and requires little explanation. I would like to point out that prior to April this year State allowances for isolated children were split into two zones. In zone A for first year, second year, and third-year students the amount was \$261 and for fourth and fifth-year students the amount was \$312. In zone B, for up to third-year students, the figure was \$210 per annum while for fourth and fifth-year students it was \$252 per annum. These allowances were inadequate; and it must be remembered that some areas in my province have no school hostel. In fact the Kimberley has no school hostel for other than Aboriginal children. Therefore people in, say, Wyndham, must send their children to the nearest hostel which would be in Port Hedland, approximately 1,000 miles away. If it is necessary for the children to go beyond Port Hedland they must travel a further 1,000 miles or more to either Geraldton or Perth, as is the case with some children in the Pilbara.

In 1971 I made a submission to the Federal Government indicating the plight of these children. In 1972 this was followed up by a submission from the Isolated Parents and Children's Association. In November, 1972 the Federal Government of the day proposed a \$400 per annum living-away-from-home allowance without a means test. This was to be paid in conjunction with, and supplementary to, the State allowances I have already mentioned. However, this did not eventuate because, as we all know, a change of Federal Government occurred.

On the 27th December, 1972 I made a submission to the Senate Standing Committee on Education and pointed out the plight of these people. In a 30-page submission I made several points, a few of which I will mention briefly. I commented that when the progress of a newly-formed

community was hampered in development by laws, rules, and regulations, that cannot allow it to enjoy the basic requirements of civilized man—those of food, shelter, medication, and education—the rules or regulations must be changed; otherwise the community will risk collapse. I further pointed out that any community which could not provide primary and secondary education facilities has two fundamental problems; the first being a high cost of living aggravated by away-from-home education costs, allied to which is the breaking up of the family unit; and the second being a dearth of a stable labour force and technicians who cannot afford the education costs or will not break up the family unit to work in the area. I indicated that both problems would help to strangle progress and could even cause the collapse of the whole community.

I submitted that station-owners and pastoralists have a further problem aggravated by a downturn in the rural economy. These people can no longer afford to educate their children under the old system.

I further submitted that on isolated families are being placed burdens which involve financial as well as mental strains that could not be tolerated by the average metropolitan dwellers. At that time I suggested that the Commonwealth should allow all pupils, regardless of racial background, to receive an allowance equivalent to that received under the Aboriginal secondary grants scheme if the metropolitan standards of education could not be provided within a reasonable daily travel distance from the homes of the pupils.

At about the same time a submission was made to the Senate Standing Committee by the Isolated Parents and Children's Association; and then on the 29th December the Pastoralists and Graziers Association made a submission to the same committee.

On the 23rd January I wrote to Prime Minister Whitlam asking for his consideration in the allotment of realistic allowances. I also sent to Mr. Beazley, the Federal Minister for Education, a copy of that submission and of the letter. I pointed out just how much was required for a family to live in the areas in my province, and I gave him a copy of *Hansard*, portion of the contents of which I have quoted in the House. I will not quote it again, but will mention the figures involved.

I pointed out that in 1970 the minimum taxable income—not the gross income—required by any family living in the Kimberley was \$6,600 out of which \$1,400 was paid in tax over and above what was payable by the taxpayer's city counterpart who lives at the same level. I hoped that this information would influence both the Prime Minister and the Federal Minister for Education in any allowances they would make after they were elected to office.

On the 13th February I again wrote to Mr. Beazley and pointed out the 1973 inflation factors in the cost of living in the north. I indicated that the cost of living had risen so much that increased allowances would be required even over and above what I requested in the submission I made earlier.

Once again I pointed out that throughout the whole period I had mentioned consistent representations were made by the Isolated Parents and Children's Association.

Last month the new Federal Government proposed some allowances for isolated children and at first glance they appeared to be pretty reasonable. They were in three parts, the first part being \$350 per annum free of a means test; and the second part being \$350 on which there was a means test. The gross corrected income allowable for a family was \$4,200. A third amount of \$304 was a hardship allowance, but before a family could qualify for that amount the parent had to qualify for the second part which was under the means test of \$4,200 gross.

It appeared to me that the Federal Minister completely overlooked the wage required to meet the cost of living in the north. The allowances were made for isolated children and I have already pointed out that a person needs a very high income to live in isolated areas. I will deal with that point in a few moments.

My earlier submissions to the Minister have now been backed up by an actual summary of the wages paid in the East Kimberley by Government departments. I intend to prove how ridiculous the means test of \$4,200 gross is in relation to the second part of the isolated children's allowances. I will use Kununurra by way of example because, originally, we prepared a cost-of-living report on this town. The average earnings of a labourer working for the Public Works Department in Kununurra—including overtime but not including any income his wife may derive—is \$5,720 per annum. A carpenter, similarly employed, who works approximately the same amount of overtime would receive \$6,500. A fourth-year clerk would receive \$6,760; an engineer, \$8,450; and a district officer, \$11,050.

We see how unrealistic the means test of \$4,200 is when we realise that a labourer receives \$5,720 annually. Generally speaking, the wives of the individuals I have mentioned would be working if they have children at secondary schools. With the exception of two groups in the wages to which I have referred, the people concerned could not afford to send their children to a high school away from home under the present system of allowances if the wife did not work to bring in further money. The means test is completely unrealistic.

I think I have proved that the means test is at least \$2,000 below the required level. Even the *pro rata* decrease in the allowances, which has allowed for a slight increase in income, is completely unrealistic.

Even though the Federal allowances, as I have described them, were disappointing, we thought that the State allowances would continue and would supplement the Federal allowances. Several of us have commented in the Press to the effect that the Commonwealth allowances look all right if the State allowances can continue. Many people thought the State allowances would continue. In fact, the President of the Isolated Parents and Children's Association contacted the Education Department verbally and she was told that the Minister intended to continue the State allowances. I have approached the Minister in the corridor and he has explained this matter to me. I cannot mention it in the House, of course, but I do know that he would have liked to retain the State allowances.

The cancellation of the State allowances and the unrealistic means test for the Federal allowances show a complete lack of understanding at both State and Federal levels. In consequence of this lack of understanding, I hope to receive the support of the House to have the allowances reinstated.

Further, some people are now receiving less than they were. I will quote an actual case and there are many like this. I mention the case of a fourth or fifth-year girl who won a nursing bursary. Under the old system she received \$250 bursary and \$312 State living-away-from-home allowance, giving a total of \$562 for the year. If a girl wins a nursing bursary she will be under bond to the State Government school of nursing.

Under the present system she cannot qualify for a Federal allowance because she is under bond. Since the State allowances have been cancelled, she is left with the bursary of \$250—and that is all she receives. The loss is down \$312. Everybody would assume that the girl would be better off because the Federal allowance is \$350 compared with the former State allowance of \$312 but, in actual fact, she has lost \$312. This is a shocking state of affairs.

It is interesting to consider the Queensland Government's attitude to the State and Federal allowances. The Queensland Government did exactly the same thing as the Western Australian Government. It cancelled the State allowances and then found that the Federal allowances were not quite as good as they seemed to be on the surface. The Queensland Government has now reinstated the State allowances in conjunction with the Federal allowances. I hope we will do the same thing.

Every child in Western Australia has the right to equal education opportunities but this is not the position at the moment. The new allowances are making it harder for children in isolated areas. The isolated children's living-away-from-home allowances do not apply to isolated areas only; they can apply to some areas which are close to cities but do not have the facilities of a bus service to local schools. I do not decry this. It is a fine ideal to give these children allowances. Surely if such children are to receive allowances, children in the really isolated regions—1,000-odd miles from schools—should receive a little more consideration, particularly in the field of higher means tests and the extra State allowances.

I hope all members of the House will consider the motion and vote accordingly. I particularly hope that northern members will support the motion, regardless of what others do, because it is very necessary to do at least some justice to the people of the north.

THE HON. D. J. WORDSWORTH (South) [5.10 p.m.]: I second the motion and I am sure all members feel very sympathetic towards the people in the north whom Mr. Withers mentioned. Undoubtedly these people—and others living in isolated districts and in the pastoral regions—have great problems. Mr. Withers has well illustrated the difficulties.

I would like to draw the attention of members generally, the Government in particular, and of the public to the difficulties which have arisen in the Country High School Hostels Authority because the State Government has not continued to pay a living-away-from-home allowance to children in such hostels. I do not know whether members are fully aware of our Country High School Hostels Authority and how it works; but the hostels certainly play an important part in our education system. There are hostels at all major country centres, such as Albany, Bunbury, Katanning, Esperance, Carnarvon, and Port Hedland. There are two at Northam and two at Geraldton. There may be others in addition to these.

The hostels accommodate large numbers of students. At present the Esperance hostel has 76 residents. There are two hostels at Northam, as I have mentioned. One is a boys' hostel with 141 residents and the other a girls' hostel with 82 residents. In all, over 1,000 students would be accommodated at the hostels.

In addition, there is another hostel called Swanleigh at Midland which accommodates 350 students. This was set up on a slightly different basis and the church plays a greater part in the running of it.

Most of the hostels were built and equipped during the term of the previous State Government. The purpose was to cater for children who lived far out in the country and who had no suitable education facilities nearby.

Most of the children in agricultural areas are served by the school bus system. However, the school buses frequently run only to primary schools. Once the children reach high school level they find that the local school cannot accommodate them and they must seek accommodation in larger towns which have high schools. Of course, the pastoral areas do not have local schools anyway.

It is easy for members to appreciate the difficulties parents face when they must send their children to schools away from home. Some are fortunate in that they have relations in larger towns who can accommodate their children. If they do not, they must seek private accommodation for the children. This is quite a problem, particularly today when there is a greater use of drugs and society is more permissive.

The alternative is to use what is known as the public school system, which is really a private school system. Public schools are extremely expensive as they are completely separate and do not utilise the Government school system.

The Government wisely set up the hostels and called for committees to manage them. In most cases various churches took on the responsibility of running them as they were able to provide a continuity of organisation as well as dedicated workers with the ability to run the hostels. Nevertheless, it was still the responsibility of a committee to run the hostels in any area. Provision was made for the hostels to be open to all and they were to be nonprofit-making concerns. All the assets are owned by the State Government but, in actual fact, many of the assets were given to the State by the churches.

I understand that one of the hostels at Northam formerly belonged to the church but, in order to make use of Government funds for rebuilding, the church gave the building to the Government.

These hostels were left in the invidious position of having no assets upon which to borrow carry-on or working finance. The churches had made the buildings available or had accepted managerial responsibility on condition that the church itself would incur no further expense or financial involvement.

At the beginning of each financial year the hostels calculate, on the previous term's experience, the fees to be paid by students. They also include any increased running costs over the period. In February the

hostels send out notices to parents to advise them of the new fees. They then rely on the first payments by the parents to keep them going. However, many parents are late payers, and even with the Government subsidies, the fees are over \$100 per term. It is often difficult for the parents to find this amount, and the result is that the hostels are always short of money.

It was not until the end of March, when some of the parents applied to the State Education Department for the living-away-from-home allowance, that the hostels were informed of the fact that many people would probably not receive the subsidies. Members will recall that I asked the Leader of the House a question regarding the date on which the State Government ceased to pay these allowances. I was told the allowances ceased on the 31st December, 1972, and that on the 18th January, 1973, the State Government received notice from the Federal Government that it would take over some of these responsibilities under its isolated children's scheme. It is amazing that the State Government did not inform the hostels, the parents, or the organisations about this until the 4th April. The Government knew it would not take on the responsibility after the end of 1972, but it did not bother to inform the people concerned in January—perhaps it felt the children were still on holiday. I suppose in February the Government was too busy, and in March it had other things to think about. However, in April the Government decided to inform the people running the hostels what was happening.

By April many of the hostels were running into financial difficulties. The Government was completely irresponsible in not advising them earlier of the true situation. I know the people running the Esperance hostel were expecting well over \$5,000 from various subsidies. At Northam they were expecting nearly \$3,000.

For the benefit of members who are not fully aware of the subsidies payable, \$1.50 per week is paid for every student in residence at a hostel. A living away from home allowance is also paid. In my area the living-away-from-home allowance is \$84 per term for high school students and \$70 per term for those in junior school. Applications have to be made direct to the Education Department but generally speaking the parents permit the hostels to act as their agents; the hostels collect the subsidies and the parents pay the remainder of the fees. Members will be aware that the hostels play a very important part in collecting the subsidies and most parents are often unaware of what goes on.

It was not until the hostels began to run short of money that my attention was drawn to this matter. I asked the

member for Forrest in the Federal Parliament to approach the Federal authorities to discover what was going on in regard to country hostels. It appears that the Federal authorities were at a loss about this problem because they were completely unaware—or claimed to be unaware—of the operation of our hostels system. I would add that I understand our system is unique to Western Australia. However, he was informed that the States would continue to look after these hostels and students until such time as the Federal Government commenced making payments. The Federal Government believed that the State would work in unison with it but this has obviously not happened.

In fact, I have reason to believe that the Federal Government has taken some of the records from the State Education Department, and that the Education Department does not now have its living-away-from-home allowance records from which to make payments.

The Hon. G. C. MacKinnon: What authority would the Federal Government have for doing that?

The Hon. D. J. WORDSWORTH: I do not know what authority it had. I am assured that this answer was given to a hostel warden when he interviewed an officer of the Education Department. This man has supplied me with the date and the name of the person to whom he spoke. I do not know what authority the Federal Government has to come in and remove our State Department records. However, this seems to be fairly common practice now.

As Mr. Withers said, the Queensland Government continued to accept its responsibility and it is still paying the subsidies. As we have seen, our State Government dropped the allowances like a hot potato, and all these organisations have been left in grave difficulties. I believe the State Government's action shows a great lack of responsibility. The committees which run the hostels—entirely voluntarily—have been most embarrassed. The hostel at Esperance is run by the Church of England and it is unable to pay its accounts, particularly those incurred with local tradesmen. It is very embarrassing for the church to be put in the position of being incapable of paying accounts—its reputation is at stake.

I asked the Leader of the House what provision has been made by the State Government to overcome the special problems associated with running the hostels. The Leader of the House replied—

(a) and (b) In the past, special financial assistance has been provided by the Government as and when required.

I assure members that the State Government is not providing assistance at the moment.

I know that the hostels will be unable to pay any wages after Easter. This is disgraceful when we realise the part these hostels play in providing cheap education for children in remote areas. The wardens of the hostels are dedicated people, and frequently their salary is less than \$3,000 per annum. If the Education Department appointed people to these positions and paid overtime for the extra hours worked, in many cases the salaries would be tripled.

In spite of the sacrifice and dedication of these people, they have been placed in a very embarrassing and invidious position. It is up to the State Government to supply some working capital for these hostels. We realise that the idea is to run the hostels without a profit, but it is very difficult to run them at all without working capital. We must remember that many people in the rural areas have not yet received the benefit of the higher wool prices, and consequently they have not been able to pay their accounts.

I have much pleasure in supporting the motion and thereby having an opportunity to draw the attention of the House to these difficulties. Many people are indeed very happy with the increased subsidies which the Federal Government intends to pay, but I believe many are unaware of the strings that will be attached to the subsidies. I gather that \$350 will be payable without a means test, but the next \$350 will not be available to families where the total family income is in excess of \$4,200. In many rural areas, both parents work in order to help their children through school, and such people will not receive this benefit. Of course, the final \$300 is payable only in cases of extreme hardship. It looks as though it will be much harder than they believe for parents to collect the increased allowance for isolated children.

In conclusion I would like to draw the attention of the House to the blatant manner in which the State Government dropped the allowances paid to hostels and to parents of children living away from home, and its lack of courtesy in not informing the hostels and the parents about what was happening. I object also to the manner in which the Federal Government stepped in and removed some of the records of the Education Department, and the way so many of the hostels have been left floundering along in financial difficulties. I have much pleasure in supporting the motion.

Debate adjourned, on motion by The Hon. J. Dolan (Leader of the House).

ACTS AMENDMENT (ROAD SAFETY AND TRAFFIC) BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.28 p.m.]: I move—

That the Bill be now read a second time.

In conformity with its policy to take action to reduce the accident toll on our roads, the Government last year appointed a special committee to inquire into traffic safety, accident research, and related matters such as vehicle registration and driver licensing. The principal object of this legislation is to bring the committee's recommendations into effect.

Membership of the committee comprised Mr. D. H. Aitken, Commissioner of Main Roads (Chairman); Mr. R. J. Court, Assistant Commissioner, and Superintendent A. Monck of the Police Department; Mr. E. P. Shaddick, Commissioner of the Public Service Board; Mr. L. E. McCarrey, Deputy Under-Treasurer; and Mr. R. J. Moffin, Assistant Commissioner of the Main Roads Department.

The committee studied the practices in other States and reports from other parts of the world and it was unanimous in its decision that traffic law enforcement functions should be handled separately from administrative functions such as vehicle licensing and inspection, and research investigations associated with traffic safety. These findings were also in accord with the recommendations made by Superintendent Monck in his recent report to the Government on his observations of the general practice for traffic control in such countries as Sweden, England, and West Germany.

The committee therefore recommended that a department of motor vehicles be established to carry out these administrative, inspection, and research functions and to meet the need for co-ordination between the new department, the Police Department, which is responsible for traffic law enforcement in the metropolitan area and some country areas, and the Main Roads Department which is responsible for traffic engineering including signs and signals, a co-ordinating body to be known as the road traffic safety authority should be formed. It can be seen that the role of the road traffic safety authority will be to co-ordinate the traffic-orientated activities of the three departments responsible for traffic safety—that is, the Police Department, the Main Roads Department, and the department of motor vehicles—and also to approve traffic control devices. Its structure will enable it to give the Minister for Traffic Safety advice that is soundly based on the experience of the three departments and local government represented on the authority.

The functions of the new department of motor vehicles as recommended by the committee are to be the registration of motor vehicles and the licensing of drivers, driving examiners, and secondhand vehicle dealers, and to carry out accident research and traffic safety investigation in liaison with organisations such as the National Safety Council. An early assignment of the new department would be to conduct a detailed study of Statewide compulsory periodic vehicle inspection so that it can advise the Government on the possible adoption of such a scheme.

As my Government has approved and will implement these recommendations to provide a framework for the development of effective traffic safety policies aimed at achieving a significant reduction in the road toll, the main purpose of the Bill is to amend the Traffic Act to bring these policies into effect.

An important benefit to be derived from this legislation is that it will combine the registration of vehicles and licensing of drivers under the same authority as traffic safety and, in particular, by relieving the Police Department of these duties it will enable the traffic police to concentrate on their real functions of law enforcement on our roads. Representatives of the Police Department on the committee agree that the transfer of vehicle registration and driver licensing can be made without detriment to the Police Department.

In this regard, members may be aware that as early as 1970 the then Commissioner of Police made a strong case for separating his department from the administrative functions of vehicle and driver licensing when he reported that the present system had outlived its initial convenience, and from vehicle registration originally being a minor appendage to the Police Department, the Police Department has now virtually become an appendage to vehicle registration. The commissioner further reported that there was a strong case for separation of the administration of vehicle registration from the Police Department and this justified the creation of a separate organisation such as a department of motor vehicles.

Some members of the House may claim that traffic law enforcement as carried out at present by the Police Department in the metropolitan area and some country areas should be separated from other police duties but this claim is clearly untenable. Crime detection and traffic law enforcement are closely related in many aspects, the most obvious being offences in relation to the theft of motor vehicles, and I doubt whether any member would deny the advantages of having police officers combining these functions in their operations or their efficiency in carrying out these duties.

The new department of motor vehicles will take over from the Police Department the functions of driver licensing for the

whole of the State and vehicle registration and inspection in the metropolitan area and those country areas where the Police Department is at present responsible for traffic control. Under the Bill, the proposed new arrangements for vehicle registration will not extend to those country areas where local government councils are responsible for traffic control.

For the operation of the road traffic safety authority and the department of motor vehicles it is necessary to identify those sections of the Traffic Act dealing with licensing which will be administered by the Minister for Traffic Safety and those areas dealing with enforcement which will be administered by the Minister for Police. The proposed amendments to the Traffic Act as provided in this Bill introduce this system of administration. As many amendments to the Traffic Act are necessary to achieve this objective, I will explain to members the purpose of only the more important ones.

Clause 5 of the Bill contains the definitions for the new department of motor vehicles, the director of the department, and the areas of the State in which the director will function as the licensing authority. It also contains the definitions for the Minister for Traffic Safety and the Minister for Police in order that their functions under the Traffic Act can be identified.

The functions under the Traffic Act to be administered by each Minister are outlined in clause 6. This clause also provides for the appointment of the director of the department of motor vehicles who shall, under the Minister for Traffic Safety, administer the department of motor vehicles.

The Hon. A. F. Griffith: Has the Government made up its mind on this appointment?

The Hon. J. DOLAN: There is plenty of time.

The Hon. A. F. Griffith: It has not been done as yet?

The Hon. J. DOLAN: Not to my knowledge. The structure and functions of the road traffic safety authority are also provided under clause 6 of the Bill. The functions of the authority are to act as an advisory body on traffic safety matters, and in carrying out these duties the authority will liaise with organisations such as the National Safety Council, the Royal Automobile Club, and the medical and legal professions, approve the erection of traffic signs, signals, and control devices, publication of information on traffic safety, and co-ordinate those activities of the department of motor vehicles, and Main Roads and Police Departments which relate to traffic safety. To provide for administrative efficiency in its functions of co-ordinating these activities of the three departments, the composition of the authority has been

limited to the heads of the three departments, a local government representative, and one other representative appointed by the Governor, or their deputies.

Members would be aware that section 11A of the Traffic Act has provided for the circumstances under which a country local authority may elect to hand over its functions of vehicle licensing and traffic control to the Commissioner of Police and some 25 country local authorities have already relinquished these duties. As these functions are now to be shared between the director of the department of motor vehicles and the Commissioner of Police, clause 9 of the Bill repeals the previous provision and provides in its place that a country local authority may now elect to relinquish these functions, and in this case the director of the department of motor vehicles will become the licensing authority for that area. It can be seen that when read in conjunction with clause 12 of the Bill, in these circumstances the Commissioner of Police will carry out the traffic enforcement functions while the director carries out the licensing functions.

Clause 12 of the Bill makes provision for the traffic enforcement functions of the Commissioner of Police by providing that in the metropolitan area and those country areas where the director of the department of motor vehicles becomes the licensing authority, traffic enforcement functions will be carried out by members of the Police Force and, in the performance of their duties, they will have powers similar to those of a traffic inspector appointed by a country local authority.

A provision in the Bill enables members of the Police Force to perform duties on behalf of the director in order to provide an orderly transition of vehicle licensing functions in country areas where the Commissioner of Police is at present carrying out these duties.

The Government will introduce an amendment to clause 16 to provide that in addition to the permission of the Minister for Police, the permission of the council of a municipality must also be obtained to hold race meetings or speed tests in the area of the particular municipality.

The granting, renewal, suspension, or cancellation of drivers' licenses, used car dealers licenses, and drivers instructors' licenses will be administered under the Bill by the director of the department of motor vehicles. It is necessary therefore that those records held by the Commissioner of Police, which may have a bearing on the carrying out of these functions, should be made available to the director. The Bill provides for this liaison between the Commissioner of Police and the director of the department of motor vehicles.

Minor amendments in the form of substituting the title of the director of the department of motor vehicles for that of

the Commissioner of Police are necessary for such functions as the issue, suspension, or cancellation of drivers' licenses and matters such as the licensing of passenger vehicles. These proposed amendments to relevant sections of the Traffic Act are shown in the schedule contained in clause 24 of the Bill.

With the division of the functions under the Traffic Act between the Minister for Police and the Minister for Traffic Safety, it is necessary to make some consequential amendments to relevant sections of other Acts which relate to the Traffic Act. Section 231, paragraph (g) of the Local Government Act provides that prior approval of the Minister charged with the administration of the Traffic Act is necessary for by-laws made by a council for regulating the parking and standing of vehicles. As these functions within the Traffic Act will now come under the control of the Minister for Traffic Safety, a consequential amendment to section 231 of the Local Government Act is necessary and this provision is contained in part II of the Bill.

Likewise, the administration on a functional basis of the Used Car Dealers Act, 1964, and the Motor Vehicle Drivers Instructors Act, 1963 comes within the ambit of the Minister for Traffic Safety and the director of the department of motor vehicles. Therefore, consequential amendments are necessary to these Acts to replace the titles where they are used of commissioner and members of the Police Force with director and officers of the department of motor vehicles. These proposed amendments are contained in parts III and IV of the Bill.

I contend that the amendments proposed in this Bill will provide the administrative machinery for the development of effective traffic safety policies aimed at achieving a significant reduction in the Western Australian road toll—a goal which all members will agree is highly desirable. I commend the Bill to members.

Debate adjourned, on motion by The Hon. V. J. Ferry.

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

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

EDUCATION ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.43 p.m.]: I move—

That the Bill be now read a second time.

The Government proposed amending section 9B of the Education Act in order to provide for financial assistance to non-Government schools. Members will recall that the previous Federal Government proposed to assist non-Government schools by paying to them a *per capita* grant equal to 20 per cent. of the cost of educating a student at a Government school. That Government invited the States to match the Commonwealth's offer. This State has agreed to do this, and is, in fact, one of the few States which has done so.

The assistance is based on the calculation of the assessed national average cost of educating students in Government primary and secondary schools. For 1973 these costs are \$308 and \$519 respectively but it will be obvious to members that such costs will not remain static. The Government's proposed amendment recognises the difficulties which would be faced by non-Government schools if specific amounts were written into the Act, as has been the practice in the past, since it would take further amendments to the Act to alter them. The implications of this for 1974, for example, should be apparent to all. Being an election year no amendments would be possible before about August.

The proposed amendment thus allows the precise nature of the assistance to be written into a schedule which will be part of the education regulations. The nature of the assistance has been given some publicity but for the benefit of members I will outline it again.

In the case of primary schools a *per capita* entitlement is determined by calculating the total assistance to be paid—that is, 20 per cent. of the assessed national average of \$308, or \$62—and deducting from this the value of assistance already being provided. Only those items of assistance which are common to all schools have been included in this particular part of the exercise. For primary schools the value of this assistance—text material, school stocks, and subsidies—has been assessed at \$9 per child. The Government also pays a *per capita* grant of \$30 per primary child under the provisions of the existing section 9B. From the total agreed grant of \$62 per child must then be deducted \$39 already being paid. This leaves a difference of \$23.

Each school is thus entitled to a grant calculated by multiplying the number of primary scholars by \$23. This then gives the total school grant but from this must then be deducted the assistance given to schools as a whole in accordance with paragraph (f) of section 9A; namely, the grant for equipment, instruments, appliances, etc. The remaining sum gives us the net grant per school.

The same exercise is done for secondary students. The gross entitlement is \$104 per student—20 per cent. of assessed national cost of \$519 per Government child—less the value of service already provided of \$13, and the present tuition fee allowance of \$40, leaving a net entitlement of \$51 per student. This, multiplied by the number of secondary students, gives the school grant from which must be further deducted assistance given under paragraphs (d) and (f) of section 9A.

Members will appreciate the difficulty of trying to provide for these calculations, which include a combination of *per capita* and school grants, in an Act of Parliament. It can be done much more adequately in regulations and schedules to regulations.

It is for these two reasons—firstly, the difficulty in timing the amendment of Acts to meet changing needs; and, secondly, the virtual impossibility of satisfactorily stating in an Act of Parliament the procedures to be followed—that I exhort members to support the Bill in respect of section 9B in its present form.

I come now to the decision of the Government to accept the Commonwealth's invitation to match its payments of 20 per cent. of the assessed national costs in full. The Premier, and my colleague the Minister for Education, have already given an undertaking to honour our full commitment by the end of two years.

It was originally intended to do this by providing only half of the assessed *per capita* grants in 1973. Instead of paying \$23 per primary student and \$51 per secondary student it was proposed to pay \$11.50 and \$25.50 respectively and to arrive at a full commitment over the two years by paying in 1974 the full amounts of \$23 and \$51, as well as the shortfall for 1973; that is, a total of \$34.50 and \$76.50 respectively in 1974.

The Government has re-examined this in the light of the needs of non-Government schools. A deputation to the Minister for Education from the Parents and Friends' Association pointed out some of the difficulties being faced by these schools and asked whether the Government could meet the full 20 per cent. assistance in 1973.

In order to provide that additional assistance immediately, rather than require the schools to wait until 1974 to obtain extra funds to meet debts they might incur in 1973, the Government has decided to pay the full measure of its commitment from the commencement of the scheme: that is, from the 1st January, 1973, the payment to primary schools will be the full difference of \$23 and for secondary schools it will be \$51.

I desire to add a short comment. The Minister for Education received a deputation from the Parents and Friends' Association on the 4th April. I wish to make a

summary of the remarks of the president of that association, Mr. McGovern, to the Minister.

Mr. McGovern said he felt he could say—without having discussed the matter with the council—that the association would support the Bill, but that the members might wish to make another approach to the Minister to ask him if it would be possible for a statement to be made on the result of the deputation. The association was happy with the principle and the flexibility of the provisions contained in the amendment to section 9B of the principal Act. I commend the Bill.

Debate adjourned, on motion by The Hon. R. J. L. Williams.

MINING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th April.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.50 p.m.]: This Bill—the debate on which I am about to resume—will amend sections 23, 24, 42, 48, and 214 of the principal Act. It also proposes to repeal section 291 of the parent Act.

I would like to make it clear in the early part of my remarks that I support the second reading of the Bill. In making that statement I reserve the right to comment on the matter. I believe that for one purpose or another foreign countries which trade with Australia read the parliamentary debates which take place in other countries.

In this case I imagine that the Japanese people will be interested in the contents of this Bill, which has been passed by the Legislative Assembly and is now presented to the Legislative Council.

When introducing the Bill the Chief Secretary informed us that in 1966 Australia signed the Convention for the Elimination of all Forms of Racial Discrimination. The ratification of the convention had been delayed because of the need to remove the elements of discriminatory legislation which remained in conflict with the convention. The Government sought to remove the discriminatory sections from the Gold Buyers Act during the last session of Parliament. I think I can recall asking a question as to whether the Government intended to introduce legislation to remove the discriminatory provisions which existed in other Acts.

I did not expect that this measure would have been presented to Parliament so quickly because the Bill for the repeal and re-enactment of the principal Act, which the Government now has on the stocks in another place, omitted section 291 of the Mining Act so that no discriminatory feature would apply.

The Chief Secretary's notes set out that the present Commonwealth Government has agreed the action to remove discrimination against Asians and Asiatics should be expedited, and we were told that this was the reason for the introduction of this measure. I think I might have been prepared to let the matter go at that and say no more had the present Government been prepared to state that in 1963 an identical attempt had been made in this Parliament to remove the discriminatory provisions which applied at that time under section 291 of the Mining Act, and if the Government had given some cursory explanation concerning the opposition which that particular Bill received when it was introduced into this Parliament by me, and the reasons therefor. However, no explanation whatever was given and I wonder why that is so.

Section 291 of the Mining Act reads as follows—

Any Asiatic or African alien found mining on any Crown land may, by order of the warden, be removed from any goldfield or mineral field, and whether such person has or has not been convicted of an offence against the last preceding section: and no Asiatic or African alien shall be employed as a miner or in any capacity whatever in or about any mine, claim, or authorised holding without the authority, in writing, of the Minister first obtained and any such authority granted may be revoked by the Minister at any time.

That particular section of the Act was amended in 1963 as a compromise because of the great hullabaloo—and there is no other word I can find to describe the situation—created at that time. The Government of the day wanted to delete section 291 from the Mining Act.

To refresh my memory I have had another look at the debates which occurred at that time and I repeat what I had to say when the Gold Buyers Act was amended: I do not think that in all the years I have been in this Parliament have I ever received a greater lambasting at the hands of Labor members than I received on that occasion. All sorts of things were said, and I will refer back to one or two of them.

One member in another place—incidentally, he is not there now—spoke and his speech occupied 33 pages of *Hansard*. He spoke in opposition to the Bill. The Minister for Police might well whistle silently. However, the previous Government introduced a Bill to do the very same thing which this Bill seeks to do. I repeat: the speech occupied 33 pages of *Hansard*. I will not bore members by relating what every speaker had to say, but the Minister for Police—who just whistled in silent surprise—told us at the time that

although he was born on the goldfields he did not know much about the mining industry.

The Hon. J. Dolan: I did not know much about the mining industry? Good Lord; I was born there and lived there for many years!

The Hon. A. F. GRIFFITH: But the Minister did say he did not know much about mining and although he could see merit in the first four clauses of the Bill he opposed the fifth.

Mr. Stubbs, who now finds the Bill favourable, said—

... I hope we can get over this difficulty in some way or other without letting them into the mining industry.

At a later stage Mr. Stubbs said—

The A.W.U. constitution lays down that no Asians shall hold A.W.U. tickets.

Now, you, Mr. President, would know that at the time the A.W.U. gave me a terrible time.

The Hon. V. J. Ferry: That is putting it mildly.

The Hon. A. F. GRIFFITH: Yes, that is putting it mildly. However, I wonder whether it has occurred to you, Mr. President, that with the introduction of this present measure not a single, solitary word has been said by the mining division of the A.W.U., nor by any Labor member of Parliament. There has not been a single, solitary word said in opposition.

The present Minister for Community Welfare was outspoken on the point. He said that he opposed the deletion of section 291 from the Mining Act, and that it had served a very good purpose for 60 years. He stated that the Labor movement started because of the Asiatics working on the goldfields, and under no circumstances would he consider the repeal of section 291 of the principal Act.

The Hon. R. Thompson: That is right.

The Hon. A. F. GRIFFITH: They were strong words.

The Hon. R. Thompson: They were strong words? If the Leader of the Opposition would like to quote the whole of my speech he will find it was rather good.

The Hon. A. F. GRIFFITH: I think in the light of the present circumstances it was a corny old speech. Labor member after Labor member followed along the same lines. I think it was a case of, "I had better get in a dig at old Griffo over there while I can."

There was strong opposition and Mr. Thompson said, "I will never under any circumstances..." The bells will be ringing very shortly, because I do not propose to continue in this strain for very

much longer. That may make it a little easier on some people. But I wonder what Mr. Ron Thompson will do at this time.

The Hon. R. Thompson: If you take the vote before 6.15 you will know, otherwise I will not be here this evening.

The Hon. A. F. GRIFFITH: If I take the vote after 6.15 it may be easier for the Minister.

The Hon. R. Thompson: I will not be here.

The Hon. A. F. GRIFFITH: I will keep going, and if the Minister is not here after 6.15 he will be shown as having been paired.

The Hon. R. Thompson: We are ratifying the I.L.O. convention of 1966; it will be ratified this year.

The Hon. A. F. GRIFFITH: If the Government is ratifying the I.L.O. convention entered into in 1966 what was it doing in 1963?

The Hon. R. Thompson: In 1963 there was no ban on racial discrimination.

The Hon. A. F. GRIFFITH: What has that to do with it?

The Hon. R. Thompson: You tell me.

The Hon. A. F. GRIFFITH: The Minister knows as well as I do that he cannot recover like that; not in these circumstances.

The Hon. R. Thompson: Do not point.

The Hon. A. F. GRIFFITH: I am holding my finger up to the Minister who knows as well as I do that the attack on the subject matter of the Bill which I introduced as Minister for Mines was nothing more than a political racket on the part of the Labor Party.

The Hon. R. Thompson: No it was not.

The Hon. A. F. GRIFFITH: Yes it was. Any man who employs 33 pages of *Hansard* to oppose a Bill with a single clause is certainly politically racketeering.

The Hon. L. D. Elliott: Has not your party ever changed its mind?

The Hon. A. F. GRIFFITH: If Miss Elliott has changed her mind—

The Hon. L. D. Elliott: We are upgrading our thinking with the times.

The Hon. G. C. MacKinnon: It is about time too.

The PRESIDENT: Order! Will the honourable member please address the Chair.

The Hon. A. F. GRIFFITH: From the interjection of one of the newly elected members of the Legislative Council—and may I say by far the most attractive member, at least on the Government side—it is a revelation to know that the Labor Party can change its mind.

The Hon. L. D. Elliott: Don't you ever change your mind?

The Hon. A. F. GRIFFITH: Yes I do from time to time.

The Hon. L. D. Elliott: There you are, you see. I quoted a case recently of your having opposed a Bill that was introduced by a Labor Government and of your later reintroducing it when your party was the Government.

The Hon. A. F. GRIFFITH: That could be so. I suggest that if Miss Elliott, when she is speaking to the Bill in question, wishes to give me a bit of my own back, she may do so. I do not mind that.

I did feel a bit sore about this matter at the time, however, because there seemed to be an organised opposition to the Bill on that occasion.

The Hon. D. K. Dans: Which year was that?

The Hon. A. F. GRIFFITH: In 1963. One or two members who are not in the House today also made certain remarks. Without saying much I would have been prepared to support the Bill if the Government had said, "Well, it was time to amend this Act in 1963. We opposed it at the time because we wanted to have a good old dig at the Minister for Mines (The Hon. A. F. Griffith) who was in charge of the Bill. We saw the opportunity to do this at the time. We got the whole State up in arms; people from one end of the goldmining industry to the other were screaming, but now things are better and we are ratifying the 1966 I.L.O. convention and accordingly we have introduced this Bill and seek your support." As I have said, in such circumstances I would have been prepared to support the Bill without having much to say.

In the meantime I think a good deal of damage has been done to the reputation of Australia with the insinuations that have been made. It might do Miss Elliott a lot of good if she reads the debates that took place at the time.

The Hon. L. D. Elliott: How do you know I have not done so?

The Hon. A. F. GRIFFITH: I do not know whether or not Miss Elliott has done so, but if she has not it may do her a lot of good if she does read them; she will see the number of Labor members who spoke one after the other to the Bill in this House.

The Bill passed through this Chamber but the pressure was so great that when the measure reached the Legislative Assembly I said that we would amend the Bill to provide that Africans and Asiaties should not be employed on a mine without the written consent of the Minister. This provision has remained in the Act since 1963 and now it is proposed to take it out of the Act.

Members on the Government side will forgive me if I am a little surprised at the great calm that seems to have come over the entire situation; there is no worry

about it; and the A.W.U. is not up in arms about the words used by the Chief Secretary when he said, "The Constitution of the A.W.U. lays down that no Asians shall hold A.W.U. tickets." That was the reason given for opposing the Bill at the time. But now the Government has squared off with the A.W.U.

The Hon. Clive Griffiths: The way the unions are operating these days everybody has to join. If one stops still for a few minutes an application form is slapped into one's hand.

The Hon. D. K. Dans: We cannot square off with the A.W.U. because it is not affiliated with the party.

The Hon. A. F. GRIFFITH: I am inclined to think the A.W.U. may be better off for that.

The Hon. D. K. Dans: It is possible the Labor Party is better off.

The Hon. A. F. GRIFFITH: The interjection made by Mr. Clive Griffiths is really the subject matter for another debate. I support the Bill because it seeks to do exactly what I attempted to do in 1963 in the interests of the Western Australian mining industry.

We are now told that this legislation has been introduced because of a convention that was held and an agreement that was entered into by Australia in 1966. I would, however, be interested if the Chief Secretary could tell me, when replying to the debate, whether the I.L.O. convention was the only reason for the Government's action. Could he tell the House whether his Government would have insisted on the section in question remaining in the Act had the Commonwealth Government not pressed the present Government on the matter?

We know, of course, that the State Government would not have done so because, as I said, the main amendment to the principal Act and the repeal legislation does not have anything to say about Africans or Asiaties.

Having reminded members of some of the things that were said in the past, I am prepared to support the Bill.

Sitting suspended from 6.08 to 7.30 p.m.

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [7.30 p.m.]: I thank the Leader of the Opposition for his support of this Bill. He did not disappoint me. I thought he would have a few words to say about it and I was proved to be correct.

I opposed a similar amendment in 1963, and I do not apologise to anyone for having done so because the situation was entirely different at that time.

The Hon. A. F. Griffiths: In what way?

The Hon. R. H. C. STUBBS: In 1963 the unions and the R.S.L. were perturbed. It was the first time for many years that it had been intended to use Asian labour and apparently the situation worried the unions. In the light of events in the intervening 10 years, we find we did not have very much to worry about. Many Asian nationals are now working successfully in the north-west. However, the A.W.U. and the old-timers had memories of past events and perhaps in 1963 they thought the same thing would happen again.

I wish to emphasise that it is now the policy of my Government to do away with discrimination of any sort, and in the light of events I think that is a good thing. It was a real issue in 1963 and there was a great deal of debate about it. One member in the other place spoke for a long time. He had been one of the leading officers of the A.W.U. for many years and he was voicing the fears of that union. Many of those who spoke represented areas where members of the A.W.U. were predominantly employed and it was our duty to look after their interests; but the worst did not happen.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; the Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Sections 23 and 24 repealed—

The Hon. A. F. GRIFFITH: I understood the Minister to say that in 1963 it was intended to use Asian labour for the first time.

The Hon. R. H. C. Stubbs: No. You must have misunderstood me, or perhaps I did not make myself clear. It had been used in the past and we were afraid it would be used again with the same effect.

The Hon. A. F. GRIFFITH: The Labor members of Parliament and the A.W.U. have plodded along successfully despite the fact that some of the Labor members of Parliament thought Asian labour would be used in the mines. As a matter of fact, they said many Asian people would come here and do our people out of jobs.

I want to put it on record again, as I did in 1963, that there was no intention whatsoever that this should happen. So when the Minister in his pathetic reply says the worst did not happen, it was never intended that it should happen—never, never, never. The Japanese did not want to work in our mines; they merely wanted to be able to go into the mines in our country to look after their financial interests.

The Hon. R. H. C. Stubbs: The R.S.L. was perturbed about the Japanese during the war, too.

The Hon. A. F. GRIFFITH: The R.S.L. did not raise any objection to the amendment in 1963, and if it did, why is no objection raised now? Has the Minister heard anything from the R.S.L.?

The Hon. R. H. C. Stubbs: Not a word.

The Hon. A. F. GRIFFITH: Has the Minister heard anything from the A.W.U.?

The Hon. R. H. C. Stubbs: Not a word.

The Hon. A. F. GRIFFITH: Has the Minister heard anything from his parliamentary colleagues? Not a word.

The Hon. R. H. C. Stubbs: The only person we are hearing from is you.

The Hon. A. F. GRIFFITH: The Chamber is hearing from me at the moment only because I happen to know the facts, and the Minister's reply to the second reading debate was pathetic, to say the least.

The Hon. R. H. C. Stubbs: I am not very interested in that, and I could not care less, either.

The Hon. A. F. GRIFFITH: The Minister is interested in doing as he is told.

The Hon. R. H. C. Stubbs: I have never in all my life heard you talk so much piffle.

The Hon. A. F. GRIFFITH: The Minister is doing exactly what he has been told to do, and I am glad he has had a distinct change of mind since 10 years ago. It has taken him 10 years to update his ideas.

Clause put and passed.

Clauses 3 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ACTS AMENDMENT (ROAD SAFETY AND TRAFFIC) BILL

Tabling of Report

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [7.38 p.m.]: When I was speaking to this Bill I intended, before I resumed my seat, to ask for leave to table a copy of the committee's report. I do so now.

The PRESIDENT: Leave is granted.

The report was tabled.

FIREARMS BILL

Second Reading

Debate resumed from the 11th April.

THE HON. V. J. FERRY (South-West) [7.39 p.m.]: I consider this is quite an important piece of legislation because it affects so many people throughout the

State. When the Leader of the House introduced the Bill he said, amongst other things—

Following various representations by sporting bodies to the Commissioner of Police for some easing 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 think it is as well to dwell for a moment on those words of wisdom. The proposed legislation is designed to meet the present-day trends.

When he peruses the notice paper, the Minister will find that a number of amendments to this Bill are listed. These will be dealt with during the Committee stage. I am constrained to say that because of the amendments and the great public interest associated with this legislation, some members of this House felt it necessary last week to delay the second reading debate. Whilst I can appreciate the Minister's concern at the request for a further adjournment of the debate at that stage, I believe the request was justified in view of the importance of the occasion and the far-reaching provisions in the Bill.

I believe there should be some uniformity throughout the States of Australia in regard to legislation dealing with firearms, generally. There does not appear to be any reference in the Minister's introductory speech to legislation being enacted to bring about a degree of uniformity between the States. If it is mentioned in the speech, it has escaped my notice. However, it seems to me there is a need for uniformity, and I will deal with that in more detail at another stage of my address.

Since the Bill was last debated, I have had time to study to some degree the present Victorian legislation in respect of firearms. The Bill before the House does not in any way resemble that legislation. That is probably a sweeping statement, but in essence it does not really match the Victorian legislation.

I pose the question: What is the actual position today as regards entry into Western Australia by visitors from other States of Australia who own firearms? My understanding is that they are obliged to check in their firearms at the appropriate offices and police stations, and, if possible, obtain a license for them from the Western Australian authorities. Here again, I can be corrected as regards the procedure, but I am highlighting the fact that there is no uniformity in regard to firearms, and it seems that if one comes to Western Aus-

tralia from the Eastern States there are physical difficulties about bringing firearms in; that one must declare them upon entry; and there is the further disability of perhaps not being granted freedom to use them as they have been used in the other States, where people have been able to use firearms for whatever purpose they choose.

It appears that numbers of firearms enter Western Australia from the Eastern States through the mail order system and in various types of cargo. I would suggest this is done quite illegally at the moment; and therefore as a matter of plain common sense we must have a great number of illegal firearms in Western Australia. So it seems to me that those who conform to the laws of Western Australia by obtaining permits and licenses as and when required are regimented—and I do not disagree with that up to a point—whilst others who may own unlicensed firearms are getting away with it at the expense of the more law-abiding citizens.

Another feature of the proposed legislation is that it does not appear to contain any provision for educating people in the use and handling of firearms, generally. Such a provision appears to be a feature of the Victorian legislation. I might add that the Victorian Act is associated with fauna, and makes provision for different types of licenses for various purposes. If I may, I would like to refer to a provision in that legislation which states—

(7) All fees paid under this section for the issue of junior permits shall be paid to a trust account established in the Treasury in the Public Account as part of the Trust Fund to be called the "Firearms Training Fund".

(8) Once in every year so much of the moneys standing to the credit of the Firearms Training Fund as the Minister determines shall be distributed among clubs or organizations approved by the Minister for sponsoring and conducting the training of persons in the handling and use of firearms.

So it seems that the Victorian Legislature has seen fit to incorporate in its legislation some educational provisions. This makes good sense to me. Today we have educational means in so many fields, and perhaps we need these in a few more. One could mention a number of fields. I suppose a topical one is the education of motor vehicle drivers; however, that will be the subject of another debate. Once again, it is a matter of educating people and making them aware of the potential dangers of what they are handling and aware of their obligations to the society in which they live. So I believe it is relevant to this Bill that there be some provision to educate people who have legitimate reasons to use firearms—and those reasons could fall into many categories.

A further provision in the Victorian Statute which I believe is worthy of comment states—

(8) (a) There shall be established in the Treasury in the Public Account as part of the Trust Fund a trust account to be called the "Wildlife Management Fund".

(b) There shall be paid into the Wildlife Management Fund—

(i) all fees paid to the Chief Commissioner of Police for shooters' licences under section 22aa ; and

(ii) all additional fees paid for the issue of game stamps.

(c) There shall be paid out of the Wildlife Management Fund—

(i) the amount of the costs incurred by the Chief Commissioner of Police in issuing shooters' licences but not exceeding 15 per centum of all fees paid to the Chief Commissioner of Police for shooters' licences ;

(ii) the costs of enforcement of the provisions of the *Game Act 1958* by Fisheries and Wildlife Officers ; and

(iii) subject to the approval of the Minister expenditure on the improvement and management of wildlife habitats including faunal reserves game refuges and State game reserves the acquisition of land for the establishment of such reserves and refuges and for carrying out scientific research into wildlife.

So Victoria has made provision for the management of wildlife; and this assists those associated with sporting shooting. It is difficult to see how such a provision could be read into the Bill presently before us.

The Hon. S. J. Dellar: Is that the legislation in Victoria, or is it proposed legislation?

The Hon. V. J. FERRY: This is an amendment to the parent Act of 1958 currently in force in Victoria, and I understand it has been passed. I have read out two provisions which merit examination. Maybe we should endeavour to adopt something along those lines in our legislation.

The situation at the moment is that we have before us a Bill to repeal and re-enact the Firearms and Guns Act; and the measure will be known as the Firearms Act, 1973. I find it extremely difficult to incorporate in the Bill before us the worthy conditions I read out by way of example; conditions which are contained in the Victorian legislation. May be the Bill should not have been presented to Parliament in this form.

The Hon. J. Dolan: Oh!

The Hon. V. J. FERRY: I realised the Leader of the House probably would say that. However, there may be very good reasons why it is not practical to incorporate some of the provisions contained in the Victorian Statute in particular and, perhaps, in the New South Wales Statute. Unfortunately I have not had the opportunity to examine the firearms legislation of New South Wales, but I believe it is somewhat akin to that of Victoria. I point out I am speaking in ignorance here. There could be good reason why the Bill has been presented in its present form and I hope the Minister when he replies to this debate will explain to the House why it is not practical to incorporate provisions such as those I have mentioned. I do not disagree that we should endeavour to update our legislation to meet our present needs. I give credit to the Government for doing this.

However, I believe we must go a little further and endeavour perhaps to obtain uniformity of legislation throughout Australia. After all, we are all Australian citizens. Although we in this State House of Parliament have a duty and a privilege to look after the people of Western Australia in respect of firearms, this matter affects every Australian because at the moment there is not really anything to stop anyone sending a firearm to any part of this continent if he so desires. That is a fact of life with which we are confronted. When introducing the Bill the Leader of the House explained it clause by clause because it is that sort of Bill. Accordingly I suggest there will be far more debate when the Bill reaches the Committee stage, when it is traditional to debate clauses on their merits. The Minister referred to the various clauses, but if I may I would like to refer in particular to a clause which, in the words of the Minister, is new to the legislation. This is quite true. I refer to clause 21, which states—

21. (1) A licence, permit or approval issued or granted under this Act may be made subject to restrictions, limitations or conditions which shall be—

(a) specified in the licence, permit or document evidencing the approval; and

(b) entered in the Register.

(2) A person who commits a breach of, or fails to observe, a restriction, limitation or condition to which a licence, permit or approval issued or granted under this Act was made subject commits an offence.

Penalty: two hundred dollars, or imprisonment for six months, or both.

The Minister said—

Clause 21, dealing with restrictions, limitations, and conditions, is new and is not contained in the current Act. Restrictions, limitations, and conditions are considered essential in present-day control of firearms and the penalties for breaching this type of license are considered realistic.

I would like to refer back to what I said at the outset. It seems to me there is some variance of intent here. At the outset the Leader of the House said the intention was to ease the regulations governing the use of firearms, and to update the legislation. Yet he went on to say—it may be for good reason, and I do not doubt he will advise us later—that the provisions of clause 21 are new. Indeed they are because I have checked the present Act and I cannot find similar provisions contained in it. So that clause makes provision further to restrict, control, and limit the use of firearms.

It seems to me that the provision to allow the making of regulations is contained in clause 34—and I do not intend to read it—which authorises the gazetting of regulations. The Bill contains all sorts of powers to control those regulations, and I do not disagree with that because it is normal parliamentary practice and similar provisions are included in other Statutes in innumerable instances. So under clause 34 all sorts of regulations may be made to restrict or limit the use of firearms for the benefit of the community. In that case why is it necessary to include clause 21 specially to introduce something new and to impose further limitations? I think it will be realised after perusing the notice paper that amendments are proposed for discussion at a later stage during the passage of the legislation.

Another provision which I believe is worthy of some comment is the definition of "firearm" in the Bill. It is as follows—

"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 an all-embracing definition.

The Hon. Clive Griffiths: It includes a water pistol.

The Hon. V. J. FERRY: Yes, to my mind it would include an ordinary water pistol used by children—and I suppose these are

used by adults on occasions. The definition appears to cover all weapons. I think bows and arrows would be included. Robin Hood would not like that, although of course he is not around these days!

The Hon. F. D. Willmott: It would include spear guns.

The Hon. V. J. FERRY: As Mr. Willmott suggests by way of interjection spear guns would fall under the definition. I would like the Minister when he replies perhaps to particularise on the use of spear guns, because they are indeed used by a great number of sportsmen around our coast; and for good reason. Generally speaking the users of spear guns are responsible people. Of course, there are those in any society who do wrong at times. However, I wonder what will be the position of spear guns under this definition; I wonder whether they will be subject to special permits under this or another Statute.

The Hon. J. Dolan: If you made inquiries you would find there is another Act.

The Hon. V. J. FERRY: I would be grateful if the Minister would particularise on this matter when he replies because it is of public interest and it has been mentioned to me.

The definition is all-embracing and would, I suppose, include power tools used in construction work because they could be lethal in certain instances. I just wonder whether a permit or license would be necessary for the ordinary workman in the application of his trade. After all, nail guns seem to be pretty dicey.

The Hon. I. G. Medcalf: What about a woomera?

A member: And a pea shooter?

The Hon. V. J. FERRY: A pea shooter could be lethal too; it is capable of killing. Several members interjected.

The PRESIDENT: Order!

The Hon. V. J. FERRY: This is an all-embracing definition. I realise that in respect of nearly every Act of Parliament a degree of discretion is exercised by those charged with the responsibility for its administration and good reason exists in the public interest to cover as many points as we can by legislation, because we are dealing with very lethal weapons and we must have due regard for this aspect. This is no light matter. I raised some of the points in a somewhat frivolous manner, but I do take this legislation seriously, as do other members of Parliament and of the public. I do not want my intent to be misinterpreted. I raised certain points in a particular way as a means of emphasis.

The Hon. A. F. Griffith: The legislation seems to have attracted a great deal of public attention.

The Hon. J. Dolan: I wonder who brought them here.

The Hon. A. F. Griffith: You brought them here by introducing this Bill.

The PRESIDENT: Order! Order!

The Hon. V. J. FERRY: I suggest this legislation has brought us all together.

The Hon. A. F. Griffith: The Minister said that he wonders who brought the public here. I said that his Government did by introducing the Bill.

The Hon. V. J. FERRY: Some may have come by car.

The Hon. A. F. Griffith: They are interested in what the Government is trying to do to them.

The PRESIDENT: Order!

The Hon. V. J. FERRY: If I may continue; I am aware of public interest, not only because of the number of people in our presence tonight, but also because of the number of what I consider responsible people from whom I have received telephone calls, including a trunk call this morning from a country resident expressing a certain point of view. I am sure other members have been contacted in this way by their electors; and all credit to those electors. I wish more people more frequently would contact their members of Parliament in connection with proposed legislation because this would make our job not only more interesting, but also more effective, as we would be better able to interpret the need in the community and would thus be able to enact the correct type of legislation instead of unnecessarily restricting and inhibiting people. We must make our legislation acceptable and sensible. Consequently I appreciate this sort of contact, despite the fact that it is time consuming, which we all realise.

Various organisations in the community are associated with firearms in one form or another. We have rifle and pistol clubs and other groups and also, I understand, the Sporting Shooter's Association which I am told could probably boast of something like 500 members throughout Western Australia. These members are not all in the one area, but are scattered throughout the State in, I think, five branches. Who knows, many more branches may be formed next week? These organisations indicate the interest taken in firearms.

The Hon. F. D. Willmott: That is an Australia-wide organisation.

The Hon. V. J. FERRY: That is true; it is Australia-wide, and has great strength in the Eastern States, as one may imagine, because far more people reside in, for instance, New South Wales or Victoria than in Western Australia, so in the Eastern States there would be a far greater number of people using firearms of one kind or another.

I come back to the point that this is perhaps all the more reason for some uniform legislation to be enacted in respect of firearms so that people might be sensibly guided in the handling of them.

I believe that education in so many fields is more important than ever today, but it seems to me that, in connection with education in the use and handling of firearms, the various organised groups—whatever they might be called—should be charged with the responsibility of educating their members and, perhaps, prospective members, in the use of these weapons. I could not imagine anything more dangerous than a firearm in the wrong hands. We have enough trouble with people driving motor vehicles in a way they would perhaps not drive them had they been better educated in road sense and possessed more common sense. Therefore I believe these organisations have a real part to play.

I suppose we could all look back on our boyhood days—particularly those members raised in country situations—and recall that we learnt at a very early age to shoot with a .22 rifle, a .303 rifle, or a shotgun, whichever the case might have been. We learnt the hard way. I suppose our fathers told us that we pointed in one direction, pulled the trigger and hoped for the best. It was certainly the hard way to learn.

The Hon. R. F. Claughton: Are you suggesting there should be a greater restriction on those who are granted a license; perhaps not grant them one until a training course has been passed?

The Hon. V. J. FERRY: I am not talking about limitations, but about education. I believe that the general public should be educated in the general use of firearms and I was referring to my own humble experience which was surely the hard and incorrect way to learn. I believe that the clubs and organisations in existence at the moment are capable of correctly educating their members. That is the point I make.

To refer once again to the Victorian legislation, I believe that it contains the correct procedure. What we can do to marry its ideas with our particular legislation, I do not know at the moment because I have not yet had sufficient time to study the matter at depth; and this is a very deep subject. We must enact manageable and workable legislation; but, as in all instances, it is a case of people being proficient in what they are doing. I just hope that, whatever the course of this legislation, there will be an attempt by a future Government—and I am not being political now—to try to adopt some of the Victorian provisions in order to guide the public, even if those provisions are not incorporated in our legislation.

Most good things in life can be achieved by co-operation, example, and guidance, rather than by law. I think we all subscribe to the theory that a little bit of kidding is necessary along the road, as well as a little encouragement, a pat on the back, and, sometimes, perhaps, a kick in the seat of the pants. However, the last-mentioned method of correction is not allowed under the law; nevertheless, it can be very telling at times.

Ways and means do exist by which to encourage people to do the right thing; and that is the point I wish to make perhaps more than any other in this comparatively brief address tonight. I am speaking in general terms during the second reading debate in the knowledge that this is what we call a Committee Bill because most of the debate will be entered into in Committee, clause by clause and, even, word by word. Consequently I shall support the second reading in order that the Bill might proceed into Committee for further debate.

I have one other general point I wish to make. It seems that most crimes involving firearms are usually committed with the aid of unlicensed weapons.

The Hon. J. Dolan: Not always.

The Hon. S. T. J. Thompson: Or by those that have been stolen.

The Hon. V. J. FERRY: I did not say "always". I would not be so bold as to say that. I said that most crimes are usually committed with unlicensed weapons, and that statement is substantiated by certain information in a report by a ballistic expert in another State. He was categorical on this point and said that the majority of crimes are committed through the agency of weapons which are unlicensed.

If this be the case, it seems that law-abiding citizens generally do the right thing, but they are the ones who must carry the burden of permits, licenses, and fees; but, thank goodness, in the main they do appear to be responsible. However, the unlicensed firearm owners who do not contribute anything to the public coffers get away with murder.

The Hon. J. Dolan: You can say that again—literally!

The Hon. V. J. FERRY: This is so. This is the difficulty of legislation. We can, on the one hand, legislate to restrict and limit; and on the other hand, we deny the decent citizen a little more leeway. This is a very difficult exercise in legislation. I repeat what I said a moment ago: We will do more good by persuasion, encouragement, and, perhaps, a kick in the pants, than by laws written into an Act.

The Hon. R. F. Cloughton: Do you think the adoption of the Victorian legislation would result in fewer unlicensed weapons?

The Hon. V. J. FERRY: I believe so. I have no statistics to substantiate my belief, but in my humble opinion the Victorian legislation appears to provide a greater coverage of lethal weapons than does our legislation which is more restrictive and would deter people from doing the right thing. If a person were to bring by mail, motor vehicle, ship, or aircraft, into this State a firearm from another State it is quite possible for that weapon to be concealed. Subsequently the person involved would be very hesitant to indicate he had the weapon in his possession. I know that amnesties are granted from time to time and this is as it should be. I would hazard a guess that the last amnesty was granted some five years ago. When such an amnesty is advertised it is stated that firearms may be surrendered to the appropriate authorities for destruction or to be dealt with in a manner deemed proper. However, a great number of undetected weapons must be brought into the State.

The Hon. R. F. Cloughton: In what way do you think our legislation encourages this?

The Hon. F. D. Willmott: There should be uniform legislation throughout Australia.

The Hon. V. J. FERRY: It encourages the practice because a person can obtain a license for a firearm in another State, but he may not be able to conform to the restrictions and limitations in our Western Australian legislation and, therefore, if he declares the weapon, he may be obliged to leave it in bond until he returns to the Eastern States; that is, if he returns. Because of this, people take the risk and keep the firearms. It seems reasonable to me that this is what they are likely to do rather than declare them. They will put a firearm under the seat of the car or conceal it in their baggage when entering by boat or plane; then they will use it once or twice a year when they visit a relative's farm for a little rabbit or kangaroo shooting.

The Hon. R. F. Cloughton: That assumes that those involved will check out our legislation before they leave the east.

The Hon. V. J. FERRY: Yes.

The Hon. R. F. Cloughton: That is unlikely.

The Hon. V. J. FERRY: If they do not check it out, ignorance is certainly no excuse in the eyes of the law.

The Hon. R. F. Cloughton: It is unlikely that anyone would make such a check.

The Hon. F. D. Willmott: Don't you believe it. It is not unlikely at all.

The Hon. V. J. FERRY: I do not know what people will do. I am surmising this is what they will do.

The Hon. R. F. Cloughton: You are doing a good deal of surmising.

The Hon. V. J. FERRY: In answer to the query raised earlier, our legislation is not designed to overcome this basic problem and therefore those law-abiding citizens in Western Australia who obtain a permit or license and use the weapons correctly are disadvantaged by those who come in from time to time, as I believe they do, and use firearms outside the ambit of our legislation. It would also be outside the good order and discipline which our citizens employ. They employ this good order and discipline because they are obliged to do so under our legislation. It comes back to uniform legislation. The time must come when the States get down to it and arrive at a greater degree of uniformity to prevent this happening.

I support the legislation and I look forward to the Committee stage when I am sure debate will ensue clause by clause.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [8.16 p.m.]: The introduction of this Bill has attracted widespread interest and, consequently, I was astounded the other evening by the Minister's outburst and virtually unprecedented action—it is certainly unprecedented during the years I have been a member of Parliament—of endeavouring to prevent me from moving for an adjournment of the debate for two sitting days instead of one sitting day.

The Minister was most upset about this and I find it difficult to understand why he should have adopted this attitude in regard to a Bill which, as I have said, has attracted widespread interest. There is a further reason why the Minister should not have objected to the longer adjournment. When Mr. Willmott spoke to the Bill he said—

Despite the week's adjournment, I regret to say that I cannot hold out any hope that the Bill will receive a speedy passage through the House.

Later on he said—

I do not think for one moment that the representations have now finished. I am sure many more representations will be made and various opinions expressed.

Bearing in mind these comments made by Mr. Willmott, who originally took the adjournment of the Bill, I found it rather surprising that the Minister adopted the attitude he did. We wanted to give the people who are affected by the legislation the opportunity to study the Bill and to discuss any issues which they felt ought to be discussed.

Many people have approached me in connection with this Bill and I have received numerous letters on the subject. One piece of correspondence suggests that

the legislation will affect 75,100 sportsmen. Judging by the number of people who have contacted me personally, I would not argue with that figure. I am sure that most of them have contacted me. Since the Bill has been introduced the phone has not stopped ringing, either at Parliament House or at home. Further, people have come to Parliament to see me. The figure of 75,100 is possibly a fair estimate of the number of people who will be affected by the legislation.

Many of those who have discussed the legislation with me have complained that they were not given the opportunity to consult, as interested people, with the Minister when the Bill was drawn up.

The Hon. J. Dolan: What groups are you talking about?

The Hon. CLIVE GRIFFITHS: Several groups.

The Hon. J. Dolan: Name a couple so that I can tell you whether you are on the ball or not.

The Hon. CLIVE GRIFFITHS: I will name a few.

The Hon. A. F. Griffith: The Minister should stick with the rifle and not worry about the ball.

The Hon. CLIVE GRIFFITHS: The Minister wants to decide whether, in his opinion, I am on the ball or not.

The Hon. J. Dolan: I am just asking you to name some.

The Hon. CLIVE GRIFFITHS: I will. Whether or not the Minister believes I am on the ball, after I have named some of the organisations, is of no consequence to me. Responsible people have told me categorically that they were not consulted. The only contribution they have made is to send written submissions over the years to the Police Department suggesting amendments which ought to be made to the existing legislation. One organisation is the W.A. Field and Game Association and another, the Sporting Shooters' Association of Australia (W.A.).

The Hon. J. Dolan: They have made probably a dozen deputations to me and have written about 5,000 or 6,000 letters.

The Hon. W. R. Withers: How many?

The Hon. J. Dolan: Probably 5,000 or 6,000.

The Hon. CLIVE GRIFFITHS: I did not say that the people had not made written submissions; indeed, I said they had. I also said that they were not given the opportunity to consult with the Minister when the Bill was drawn up. Had they been consulted, they would have been aware of the provisions in the Bill presented to Parliament; there would have been some semblance of agreement between the various bodies; and the Bill would

have had an easy passage through the House. Notwithstanding the thousands of letters which the Minister says have been written to him, apparently he has completely ignored the contents of those letters.

Another organisation is the Shooters Suppliers Association. So at least three organisations have approached me.

Members of this House have come to recognise that this action is in keeping with the Government's attitude. The Government makes a practice of introducing legislation which will vitally affect people in one way or another, but it is not remotely interested in discussing the ramifications of such legislation with the people concerned before introducing it to the Parliament. The Bill is introduced into the House and the Minister goes crook—if I may use that expression—when members of the Opposition want to adjourn the debate on the Bill so that they may become completely familiar with its contents. The Minister has not discussed the legislation previously with the people who will be affected. Had this been done, it would not be necessary to ask for such adjournments from time to time.

Certain information has been brought to my attention. In answer to the thousands of letters which the organisations have written over the years, the Commissioner of Police has said that no action would be taken for the time being until the various States negotiated with one another to bring about uniform legislation. The people concerned accepted this as a reasonable explanation for not amending the existing legislation. They have waited patiently for the introduction of uniform legislation.

I am not at all surprised that people are horrified by this legislation which is not uniform in any way at all. Mr. Ferry gave us some information tonight about the recent amendments to the Victorian legislation. He also mentioned a New South Wales Bill which is either being considered at the moment or has just been considered. He indicated that any resemblance between the Victorian and New South Wales legislation and the present Bill is purely accidental. In the main, there is no resemblance whatsoever.

I believe these people have every justification for wondering what is going on. As Mr. Ferry has already mentioned, the main problem in connection with the use of firearms is that there is no uniform legislation between the States. This is the biggest problem of all. Even if all the legislation were crook—if I may use that expression once again—people would know what they were doing if it were the same everywhere. It is not the same everywhere and I believe this is the crux of the whole problem.

From my reading of the Bill I have come to the same conclusion as that reached by previous speakers: the majority of the debate will occur during the Committee stage. The Bill lends itself to this sort of discussion.

I, too, was interested in the Minister's opening remarks when he said—

Following various representations by sporting bodies to the Commissioner of Police for some easing 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.

My colleague, Mr. Ferry, expressed interest in those opening remarks made by the Minister. I was interested, not only in connection with clause 21, which was mentioned by Mr. Ferry, but also in connection with clause 6. If this represents an easing of the restrictions in the use of firearms, I would hate to think what the Minister would produce if he were going to tighten them. Clause 6 gives the Governor, on the recommendation of the commissioner, the widest powers imaginable to prohibit the acquisition, sale, possession, or use of any firearm or ammunition whether licensed under the legislation or not.

What wide powers in a Bill which has been introduced for the purpose of easing the restrictions on the use of firearms! It amounts to complete prohibition, should the commissioner so decide, on any or every type of firearm. The Minister's opening remarks certainly astounded me in the light of clause 6.

Another problem foremost in the minds of many people who came to see me concerns the use of the powers granted to the commissioner under the legislation in determining conditions, or limitations, associated with the use of certain rifles. I am not familiar with the different kinds of firearms. Indeed, apart from the gun which Matt Dillon uses, I do not have much knowledge of firearms at all.

It seemed to me that the submission which was presented to me by the people who do know something about firearms expressed concern that the power the commissioner will be given under this measure will permit him to lay down conditions and limitations in regard to use of certain rifles. The commissioner will have to decide whether a person may obtain a license to use a particular rifle.

In the submission it was stated that the current situation is to classify rifles in three classes—A, B, and C. I presume that the information given to me is correct; it is stated as follows—

The W.A. Police Department has classified firearms into three classes, A, B and C. A and B class firearms are fairly readily available and consist of

.22 rimfire, shotguns, .44/40, .310, 32/20, .44 magnum and so on. C class firearms are treated with the fear and suspicion that would be warranted by perhaps an artillery piece. Some applications take up to 9 months before the applicant is perhaps granted his license. The average time is usually three months.

Apparently for some reason or other there is a fear that a C-class rifle is a lot more dangerous than one which is not high powered. In some way or other the commissioner must make a decision on this point. He can say that a firearm is a high-powered one and that a particular person cannot own one. However, he may add, "You are a perfectly responsible individual and you may have a license for an A or B-class rifle."

It seems to be believed that the bullet from a high-powered rifle could travel for several miles, perhaps killing someone.

The Hon. J. Dolan: They do, and they kill people. You do not know anything about them.

The Hon. CLIVE GRIFFITHS: This is the fear that has been suggested to me, and it is believed to be behind the differentiation between the classes of rifle. People say precisely what the Minister says. However, it has been pointed out to me that this is not necessarily so. It is not necessarily the bullet from a high-powered rifle alone which travels long distances because this can just as easily occur with a bullet from one of the A or B-class rifles.

I am also informed that special techniques are used when the bullets of high-powered rifles are manufactured. These techniques ensure that the bullets are not manufactured in the same way as bullets which will be fired in warfare. If a bullet manufactured with the special technique hits an object, no matter how small, it will disintegrate on impact. It is stated here—

Any projectile (with the exception of military-type) from any of the "C" class or "high power" firearms upon striking any object that resists their forward flight even slightly, will disintegrate.

The projectiles for all of these cartridges and in fact all modern ammunition are the result of years of careful and intensive developmental work by international ammunition manufacturers throughout the world. They are designed as such to "break up" and "mushroom or expand" upon striking the flesh of game thus doubling the tissue damage and create by this breaking up numerous secondary missiles within the animal thus ensuring an instant and humane kill.

This comparatively fragile design of sporting ammunition of all kinds and

especially rounds with relatively high velocity ensures an extremely high degree of safety with the use of such. These projectiles will break up upon contact with a twig, foliage, scrub, leaves and of course, the earth. As all hunting is done for animals on the ground, it is completely unlikely that anyone is going to endeavour to shoot ducks or birds on the wing and fire shots into the air with a rifle of any kind and create a situation whereby a spent bullet could land on someone causing injury or damage to property.

I have a great deal more information here. We are told what happens when a bullet is fired from a gun and the formula is set out to work out the muzzle energy of the projectile in foot pounds and the muzzle velocity in feet per second. In fact, this gives us a complete picture of what happens when a bullet is fired from a high-powered rifle. An example is given using a .222 Remington. A little exercise is worked out here, and it suggests that at 500 yards the projectile has dropped 74 inches below the muzzle, or just over six feet. In other words, this so-called high-powered rifle—the type of rifle on which the commissioner wants authority to make all sorts of stringent limitations and conditions—will send a bullet into the ground before it has travelled very far if it is shot from about five feet from the ground. Therefore, such a bullet cannot travel for a great many miles, as was suggested by the Minister. It does not constitute a hazard; it will not cause the death of someone who is out of sight of the shooter, as the Minister said a short while ago.

We must bear in mind, of course, that before a person can hold a license to possess any rifle—whether it be A, B, or C-class—he must satisfy very stringent qualifications. Clause 11 provides as follows—

The Commissioner shall not grant a permit or issue a licence under this Act to a person if in his opinion—

- (a) it is not desirable in the public interest; or
- (b) that person is unfit to hold a licence;—

As this is a prerequisite to obtaining a license in the first place, I cannot understand why it would be objectionable for such a person to hold a license for any other rifle. If he is a fit person in the eyes of the commissioner and it is not against the public interest for him to hold a license, why should he not be allowed to hold a license for a high-powered rifle? If he were a person considered undesirable to hold a license, or a person likely to perform an action such as the Minister is scared stiff he may—

The Hon. J. Dolan: What is this "scared stiff" business?

The Hon. R. F. Cloughton: Is there anything which says he cannot hold a license for the other type of rifle, or both types?

The Hon. CLIVE GRIFFITHS: I did not say that at all. Mr. Cloughton has a fantastic habit of talking about something entirely different from my speech.

The Hon. R. F. Cloughton: Perhaps you will elucidate. Just what are you talking about?

The PRESIDENT: Order!

The Hon. CLIVE GRIFFITHS: I have read the Bill. That is one thing.

The PRESIDENT: Order! Will the honourable member please address his remarks to the Chair.

The Hon. CLIVE GRIFFITHS: I am sorry, Sir. I get these rude interjections—

The Hon. D. K. Dans: These fantastic interjections.

The Hon. CLIVE GRIFFITHS: —which are blatant attempts to confuse me. However, I do not permit this to occur. I will continue with my remarks.

It seems to me that a person who is considered by the commissioner to be a fit and proper person to hold a firearm license in regard to one type of firearm, should also be considered to be a fit and proper person to hold a license for a different type of firearm.

I have already mentioned that other matters will be raised during the Committee stage of the Bill, but I wish to make a few general comments now. Mr. Ferry has already mentioned several points, but I wish to repeat some of them.

In the present situation, without Commonwealth uniformity with regard to firearms, and with the frequent travel between east and west, it is not unreasonable to assume that someone may legitimately purchase a firearm in the Eastern States and bring it to Western Australia. Such a person may not realise he is breaking the law; he does not realise that he must obtain another permit or license here. On the other hand, he may know that he is breaking the law but for some reason or other he does not get around to obtaining the permit. This person then owns an unlicensed firearm, but to all intents and purposes he may be a very responsible law-abiding citizen. However, he eventually finds that he has an unlicensed firearm in his possession. The firearm can then find its way into someone else's hands and we do not know where it will finish up. I have been led to believe that hundreds of these firearms—indeed, someone suggested thousands—are already in Western Australia. Mr. Ferry pointed out that every now and again an amnesty is declared and people may hand in such firearms without fear of prosecution. I believe that whilst the nonuniformity in regard to

firearm legislation exists in the Commonwealth, we should build into our legislation a permanent amnesty so that normal law-abiding people who realise they are in possession of an unlicensed firearm may hand it to the police without fear of prosecution or any other penalty. Whilst this state of affairs continues the Minister ought to give consideration to declaring a permanent amnesty on unlicensed firearms.

The Hon. R. F. Cloughton: What about the criminal from the Eastern States who claims he did not know anything about this law?

The Hon. CLIVE GRIFFITHS: There is provision in the Act to enable action to be taken against people who are in possession of unlicensed firearms.

The Hon. R. F. Cloughton: You are talking about an amnesty.

The Hon. CLIVE GRIFFITHS: I am talking about an amnesty being granted to the ordinary person, and not to the gangster element who come from the east and do not voluntarily go to the police and hand over their weapons. Indeed, such people would be more likely to hide their weapons.

Another strange provision in the Bill relates to the position of a responsible individual. Under clause 11 he is permitted to possess one rifle, but not necessarily another. That creates one state of affairs. However, in clause 8 we see that notwithstanding the stringent requirements that are associated with the obtaining of a license by, for instance, a primary producer, the Minister has included a provision to allow a primary producer to hand over his rifle for use by one of his employees. Such employee might be most irresponsible to be given possession of a rifle.

The Hon. J. Dolan: Surely a farmer would not give a rifle to one of his employees if the employee is not reliable. Wake up to yourself!

The Hon. CLIVE GRIFFITHS: Surely a responsible Commissioner of Police would not permit a person to be issued with a license for a rifle if that person was not responsible. The same situation applies. The Minister has replied to the point I raised by saying that surely a farmer would not give his rifle to an irresponsible employee to use. I would point out that if an applicant for a rifle license was not responsible he would not be issued with a license. He is issued with one only because the Commissioner of Police considers him to be responsible.

The Hon. J. Dolan: Anybody who can understand that is a genius.

The Hon. CLIVE GRIFFITHS: I admit the Minister takes a long while to understand anything.

The Hon. J. Dolan: Especially when you are talking!

THE HON. CLIVE GRIFFITHS: It seems that under the Bill the Commissioner of Police is given wide powers in respect of the issue of licenses, but a farmer is to be permitted to hand over his rifle to one of his employees. Surely this is a contradictory state of affairs. I am simply pointing out the contradiction; I am not opposing the provision.

I want to raise one other query, and the Minister or some other member might be able to enlighten me. This relates to the provisions in clauses 20 and 21 which set out that the Commissioner of Police may impose restrictions, limitations, or conditions in regard to the issuing of licenses and permits.

However, in clause 34 certain regulation-making powers are set out. The following appears in subclause (2)—

(2) Without limiting the general power conferred by subsection (1) of this section, the Governor may make regulations for or with respect to all or any of the following matters—

(b) the restrictions, limitations and conditions that may be imposed on any licence, permit or approval;

This provides that the Governor may make regulations in respect of the restrictions, limitations, and conditions that may be imposed in respect of any license. Are we to understand that the restrictions, limitations, or conditions mentioned in clauses 20 and 21 are the same as those in respect of which the Governor may make regulations? I would like an answer to this query, and I would ask the Minister to enlighten me in his reply to the debate, because the advice I am given will have a great bearing on my reaction in the Committee stage.

Until we see what are the regulations which the Governor may make under clause 34 it is very difficult to decide accurately whether or not the Bill will achieve the objectives outlined by the Minister. Certainly we cannot accurately decide whether it will do the things about which the people, who are affected by the Bill, are concerned. So, we will have to wait until we see the regulations before we can make an accurate assessment of what the Bill will achieve.

I conclude by pointing out there are some amendments on the notice paper. I intend, during the Committee stage, to discuss them in detail, together with some of the other points which I believe need to be raised. I support the second reading.

THE HON. T. O. PERRY (Lower Central) [8.54 p.m.]: I believe this is a genuine desire on the part of the Minister to improve the present legislation governing firearms. I also believe it is a genuine desire on the part of certain members of the Police Force to bring about such improvement. At the outset I should point

out that the present Minister for Police is doing something which no other Minister for Police has had the courage to do. In the provision in clause 15 he is endeavouring to cover firearm curios. In the Eastern States such licenses are referred to as collectors' licenses.

Having said that, I should point out that a great part of the Bill does not meet with my approval. For 43 years I have been a member of a rifle club, and I have taken part in most shooting organisations, except pistol clubs. I am a member of a small bore rifle club, a gun club, and a rifle club.

I believe that the present Act covers fairly adequately the restrictions that are needed to control high-powered rifles. If a person wishes to obtain a permit for such a rifle he has to go to the local police station to apply for one. The application is either recommended or not recommended. It is then sent on to the Firearms Branch of the Police Department in Perth, together with the recommendation of the local police station. There a decision is made. I think that this form of scrutiny is adequate to enable the police to decide whether or not an applicant is a reputable character, to determine whether or not he has a record of breaking and entering, and to decide whether or not he will use the firearm in a responsible manner. The existing legislation does cover this aspect adequately.

It is all very well to say that a high-powered rifle is not more dangerous than a small-bore rifle. In my view both are very dangerous weapons, but a high-powered rifle is lethal over a much greater distance than is a small-bore rifle.

It has been said that a rifle is lethal at a distance of 500 yards to 600 yards, but I should point out that a .303 rifle is lethal at a range of three miles. If one is shooting at an object or an animal on the brow of a hill, and the bullet passes over the hill to the other side, it is possible for the rifle to be lethal up to a distance of three miles. I can understand the concern of the Minister and the Police Force that high-powered rifles should not be placed in the hands of a large number of people in the community. For that reason the present system of the issue of permits has been adopted—the system I outlined previously.

I would like to congratulate the Minister for including in clause 15 the provision relating to licenses for firearm curios. At present there is no legislation in Western Australia for the granting of a collector's license, but in most other States of Australia such licenses may be issued.

In this State there are many families which are in possession of rifles or guns—weapons which have been handed down over many generations, from father to son. Such weapons are likely to be fairly valuable as antiques or curios. If such a weapon is to be retained as an antique it

has to be rendered unserviceable by the destruction of the firing pin, or by filling the breach with lead. To an extent this destroys the value of the weapon as a collector's item.

If it is possible under the provisions in the Bill to issue collectors' licenses, then many rifles which have been held by numerous families in this State will no doubt be licensed. I know of several such rifles which have been brought into the State by people who did not realise the restrictions that applied in Western Australia. Rather than surrender these rifles they have hidden them in cupboards or attics. However, with the inclusion of clause 15 such rifles and guns may be licensed in the future. If this is done the police will know where they are located, and furthermore there will be a record of them. As I said previously, I believe that the present legislation fairly adequately covers the control of high-powered rifles.

The Hon. F. D. Willmott: You mean, the existing Act as it now stands?

The Hon. T. O. PERRY: Yes. I would like the present Act to remain in force, and have clause 15 of the Bill included in that Act. During all of my life I have been associated with shooting parties and camping out. Most people who have licenses to use high-powered rifles are fairly responsible. After years of experience with rifles one knows something of the dangers associated with their power and effectiveness. I would not like to see any further restrictions placed on those who wish to take part in this type of sport.

Some people decide to play bowls, some play cricket, some go fishing, and others go camping and hunting. I happen to be one of the last-named group. I have a number of rifles and guns, and I consider them to be a rather valuable collection. I also have a high-powered rifle.

I must say that I do not like to hear criticism levelled at the Minister during the course of debate on this Bill. I believe this is a genuine attempt on the part of the Minister to improve the legislation. I compliment the Minister on the contents of clause 15 because only a few months ago I saw him in his office and discussed this matter with him. I appreciate the provision being included in the legislation.

However, I believe the existing legislation is sufficient to cover the requirements of the control of high-powered rifles. With those few words I support the legislation at this stage, and I will discuss it further during Committee.

THE HON. N. E. BAXTER (Central) [9.02 p.m.]: Since I have been a member in this House we have had many debates on the subject of firearms. A check would show a considerable number of amendments have been made to the Act in past years. However, I do not agree with the comment that our Act is not as good as

the Victorian Act. We were the second State in Australia to legislate for the control of firearms, in 1931. At that time New South Wales had some legislation to control the use of firearms, but Victoria did not. However, we have been told how much better the Victorian legislation is.

The Hon. V. J. Ferry: Only part of it.

The Hon. N. E. BAXTER: I did not hear the honourable member give us any clear details to show how much better the Victorian Act was. He rambled on but did not give us any details.

The Hon. V. J. Ferry: I did not want to take all night to explain the position.

The Hon. N. E. BAXTER: I have had a good look at the present Act and, personally, I cannot see very much wrong with it. No Act in any State of Australia, or even in the United Kingdom—where there has been an Act to control firearms for some time—could be perfect. There will always be the instance of the person who for some reason or other, will not license a firearm.

When the Minister introduced the parent Act, in 1931, he said—

We have Acts of Parliament dealing with all manner of crimes, making them illegal and providing severe punishment for those committing such crimes, even to the extent of capital punishment in certain instances. That fact does not actually prevent the perpetration of those crimes. I will be candid enough to admit that the Bill will not prevent the illegal and careless use of firearms, but it will certainly have a restrictive effect and that is the object of the legislation.

I ask: Do not the same points apply today? It is unlikely that any Act will ensure that every person in Western Australia will obtain a license or a permit to own or possess a firearm. I believe we should have fairly restrictive legislation in regard to the use of firearms because many people are extremely careless and irresponsible.

People are issued with licenses to drive motor vehicles, and certain restrictions are applied to them. Those people have to know the rules of the road, and some 700 regulations are involved.

The Hon. A. F. Griffith: Do you know all of the 700 traffic regulations?

The Hon. N. E. BAXTER: No, I would not know them all. One learns them as one goes along. However, there are not so many regulations associated with the use of firearms.

The Hon. A. F. Griffith: You do not know what the regulations will be; we have not seen them.

The Hon. N. E. BAXTER: The regulations are to be prescribed under the provisions of the proposed legislation, but I

imagine they will be similar to the regulations in the present Act. I agree there will be some differences, but I do not think they will vary greatly.

People come to this State and bring firearms with them, and in some cases they do not realise that they have to license those firearms.

I listened very intently to what Mr. Ferry had to say when speaking to this Bill but it seemed to me that he went to extremes in his conjecture. I believe we should support this Bill. If it has to be amended in some respects that is all right, but let us have an Act which is reasonable towards this matter.

THE HON. W. R. WITHERS (North) [9.08 p.m.]: My remarks will be very brief. I would like to comment that when I was serving in the Air Force I was trained to use aerial torpedoes, rockets, bombs, .5 cannons, 30 mm cannons, and .303 machine guns. On the ground I was also trained to use a .303 rifle, a .45 tommy gun, .45 automatics, and .38 revolvers. In private life I joined a rifle club and found the sport most enjoyable. While a member of the club I learnt of the responsibility attaching to the use of rifles for sport, and I later became interested in shooting for sport. However, I did not join any sporting organisation.

I purchased for myself an air rifle, a .22 rifle, a .410 and a 12 gauge shotgun, a .303 sporting rifle, and a 7.7 mm rifle. So, it can be seen I was a fairly well-armed bloke.

I would like to say that although I was pretty well up in the use of firearms I did not really learn much about the responsibility associated with their use, for sporting purposes, until I met a policeman in N.S.W. He was a member of a shooting organisation and he taught me a sense of responsibility, just as he taught a lot of other people. He used to attend schools and lecture on the use of firearms, and on the humane way to hunt and preserve game. I respected that man for his knowledge and for his teaching. As I have said, until I met him—in spite of my numerous rifles and firearms, and my service training—I feel that to some extent I was irresponsible. I learned a lot from that policeman.

In my opinion this Bill will restrict the purchase of firearms by responsible people, and I feel it needs to be amended in many respects. For instance, I would like to see clause 21 amended.

I hope the Bill will pass the second reading so that it can be amended during the Committee stage because I do not consider it is good enough as it stands. I support the second reading.

THE HON. D. J. WORDSWORTH (South) [9.11 p.m.]: I have been very fortunate in having spent, collectively, over 12 months in the United States of

America. I was horrified to observe the attitude of the Americans towards firearms. One might perhaps think that only the cowboys and Indians of the old west carried firearms. However when one lives amongst these people one learns that in actual fact they not only believe in the carrying of firearms but also in their use.

When talking to a university professor on one occasion I was amazed to learn that not only did he keep a pistol upstairs, but he also kept one downstairs. God forbid that the people in this country should ever reach that stage. I wholeheartedly agree with the restrictions which we already place on the use of firearms in this country.

I consider that the proposed measure will be an improvement on the present Act. There are one or two features which I do not like and which I feel we will be able to amend during the Committee stage. However, I wholeheartedly endorse the views expressed by Mr. Ferry in that there ought to be more education on the carrying and use of firearms. One can obtain a copy of the Traffic Act in a simplified form, and I feel the same sort of booklet should be produced for those who use firearms. A person should be tested in the use of firearms, and in his attitude towards them before obtaining a license.

I appreciate the inclusion in the Bill of the provision to allow farmers who own firearms to permit their employees to use them under supervision. I think that is quite a suitable provision. I also consider that more responsibility should be placed on various individuals concerning the use of firearms. With those few words I support the Bill at this stage.

Debate adjourned, on motion by The Hon. D. K. Dans.

ELECTORAL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th April.

THE HON. R. F. CLAUGHTON (North Metropolitan) [9.14 p.m.]: This Bill was introduced on the 21st November, 1972, and I note that at the conclusion of the Minister's introductory speech the Leader of the Opposition requested a six months' adjournment. He did not get his six months but, indeed, there has been sufficient time to consider the proposals contained in the measure.

There are two main provisions—the first is for the introduction of a circular ballot paper and the second for the first-past-the-post system of voting. Considering the length of the adjournment, I assume that Mr. Griffith has really no complaint. Perhaps he was sleeping at the time the Bill was introduced.

The Hon. A. F. Griffith: Did you say I was sleeping?

The Hon. R. F. CLAUGHTON: That may have been the case, but I have no doubt the honourable member will enlighten us as to his real state.

The Hon. A. F. Griffith: I have tried so often to enlighten you and I have found it impossible to do so. I have already had my say and I cannot say any more.

The Hon. R. F. CLAUGHTON: I am afraid the honourable member's attempts to enlighten the House do not go sufficiently far. The amount of information he advances in support of his argument is very thin indeed. He said he had read the Minister's speech carefully and he complained about the explanation that was given. The initial paragraph of the Minister's speech did not give reasons but it did say that the main objects of the legislation were to provide for the use of a circular ballot paper and in place of preferential voting to introduce what is known as a first-past-the-post system. This was quoted by the honourable member.

The latter part of the Minister's speech gave further explanations for the reasons for the proposals. It is not a common practice to use circular ballot papers and members on our side of the House would not claim this to be the case. As Mr. Griffith so rightly implied when he was speaking, the purpose of the circular ballot paper is to eliminate the so-called donkey vote.

This comes about, of course, because there is indeed no top to the paper and it would mean that the indiscriminate vote will be distributed at random amongst the candidates.

The Hon. A. F. Griffith: Has the paper got a bottom?

The Hon. R. F. CLAUGHTON: It depends on how you happen to be looking at it.

The Hon. A. F. Griffith: You said it had no top.

The Hon. R. F. CLAUGHTON: There is a top and a bottom. There is a top side on which the printing is done and a bottom side which is plain and which carries the returning officer's signature.

It is possible that Mr. Griffith did not want to say a great deal about the donkey vote, as it does not always occur on the first preferences, because under the current system we have the names in descending order down the paper and very often the donkey vote occurs after that.

The Hon. A. F. Griffith: What do you mean by that?

The Hon. R. F. CLAUGHTON: The person concerned may know very well what his preference is and the person whom he really wants to have elected, though he is

not so fussy about the rest of his preferences; and Mr. Griffith being No. 2 in the last election probably collected a large number of the second preference donkey votes.

I would point out that there is a considerable difference in the proportion of D.L.F. votes cast in the Assembly district of Karrinyup, which amounts to 24 per cent in favour of the Labor Party, as against those cast for the Legislative Council seat which amounted to only about 14 per cent. In not acknowledging the presence of the donkey vote Mr. Griffith may have been displaying a little ingratitude in connection with the votes he collected.

The Hon. A. F. Griffith: What on earth are you talking about?

The Hon. R. F. CLAUGHTON: I do not imagine Mr. Griffith would want to have this aspect examined too closely.

The Hon. A. F. Griffith: I do not mind what you examine, as long as you do not start examining yourself.

The Hon. R. F. CLAUGHTON: That interjection is hardly relevant to the Bill before us. In support of his opposition the honourable member quoted something which happened in 1910 which, of course, is a considerable time ago. He also referred to the fact that it is most unlikely that any Minister, Premier, or Government for that matter would introduce legislation that would result in his or its own defeat from office.

That is probably fair comment to make about a Government that introduced compulsory preference voting in 1910. Indeed the member in question at that time was elected after receiving 745 votes out of a total of 1,538. This is very close to 50 per cent. Under the preference system such as we have now the extra votes that make up the 50 per cent. could very well be donkey votes. There is an indiscriminate placing of votes, not on the first preference, but on those that follow; two, three, four, etc. It is not surprising, I suggest, therefore, that the Labor Party should be anxious to see some change, particularly when we consider the voting for the Legislative Council seats in the 1971 election. The Labor Party, in fact, polled 50 per cent. of the formal votes cast at that election and yet returned only 27 per cent. of the members who were elected.

This is a tremendous difference and it is very difficult to justify a system which returns that sort of a result. If we are affected so badly by this system then I suggest the Opposition and the public should not be surprised if we attempt to bring about some change in the system.

When talking about the first-past-the-post voting system I made a reference to the system used in the United Kingdom. I felt this was a valid interjection at the time, and Mr. Griffith who was speaking

on that occasion attempted to show there was some difference between the system employed by the United Kingdom and that used by us.

I do not deny that there is a difference, in that it is not compulsory to vote in the United Kingdom whereas it is compulsory to vote in Western Australia. I will not continue and say, as was implied by the honourable member, that such a difference may have had an important effect on the result, if we eliminated preference voting in this State and instituted a system of first past the post.

It is quite evident that it is generally the Labor Party in the United Kingdom which suffers when people do not vote at the polls, but whether that should be a factor to deter us from introducing first-past-the-post voting here is really a different question altogether.

We feel we are disadvantaged by the present system of voting in this State. It is well known to us, and I imagine it is well known to the Opposition, that generally speaking we have the Labor Party plus a number of anti-Labor parties, which means that not only do we have a great deal more propaganda directed against us, but if there are three candidates from different parties as very often is the case—and I refer to the Liberal Party, the Country Party, or the D.L.P.—the A.L.P. can collect only one-third of the preferences. Our chance of being at the top of the ballot paper is only one-third.

The Hon. A. F. Griffith: Do you prefer to be elected by a minority of the electors?

The Hon. R. F. CLAUGHTON: I am not too sure what the honourable member's remark refers to. There is no suggestion that people would be elected by minorities or that under the first-past-the-post system representation in Parliament would differ greatly from what it should be under the most ideally democratic system.

The present system can hardly be said to be ideally democratic when, as I have said, the Labor Party can collect 50 per cent. of the votes cast and yet have only 27 per cent. of its elected candidates elected to this House. That seems to be hardly a democratic system.

The Hon. A. F. Griffith: Were those figures for the last election?

The Hon. R. F. CLAUGHTON: Those are the figures from the 1971 Legislative Council election.

The Hon. A. F. Griffith: Including those not contested by the Liberal Party?

The Hon. R. F. CLAUGHTON: All the seats were contested.

The Hon. S. T. J. Thompson: Did the Labor Party use the first-past-the-post system in electing its Ministers and officers of Parliament?

The Hon. R. F. CLAUGHTON: We did not hear how the Opposition parties select their Ministers or officers of Parliament.

The Hon. A. F. Griffith: What has that to do with the question you do not want to answer?

The Hon. R. F. CLAUGHTON: That is a very sensible query from the Leader of the Opposition. What indeed has it to do with the question? It is entirely irrelevant.

The Hon. A. F. Griffith: Your attempts at being rude make you even sillier than you are.

The Hon. R. F. CLAUGHTON: The honourable member was conducting an inquisition of members on my side as to the system of voting in my party. As I have said before, this is not relevant. We use an exhaustive preference system within our party room but this is a completely different situation from the type of situation one meets in an electorate. The motives are completely different, and I do not intend to speak about the matter any further on the floor of this House. I am quite prepared to discuss it privately. That is an unrelated matter which the Opposition throws in to try to bolster its very weak argument against these proposals.

It was also suggested that the Labor Party was trying to drive a wedge between the Liberal Party and the Country Party. Again, that is a complete misstatement of the intention. If we examine what would have happened at the last election for the Legislative Assembly in regard to Country Party members, we find a Country Party member was elected to the seat of Blackwood on the preferential system, but on the first-past-the-post system the Liberal Party candidate would have won. That Country Party member subsequently resigned and at a by-election the Liberal Party candidate won the seat. The competition is clearly not with the A.L.P.; it is between the Liberal Party and the Country Party.

The Hon. F. D. Willmott: In one seat.

The Hon. R. F. CLAUGHTON: The same situation would have applied elsewhere had the first-past-the-post system been used at the last election. One other Country Party seat would have been affected.

When there is an election, the Labor Party goes to the polls with its platform and philosophies, and opposed to it are the Liberal Party and the Country Party with their platforms and philosophies. The competition is really between the Liberal Party and the Country Party which are competing for the same market; that is, for the same group of voters. Those parties oppose the Labor Party. That is where the argument lies.

The Hon. A. F. Griffith: Are there no other parties?

The Hon. F. D. Willmott: There are dozens of them.

The Hon. A. F. Griffith: You say the competition exists between the Liberal Party and the Country Party.

The Hon. R. F. CLAUGHTON: Would the Leader of the Opposition like to name them?

The Hon. A. F. Griffith: You know very well there are other parties—the United Farmers and Graziers Party, the Australia Party, and so on.

The Hon. R. F. CLAUGHTON: The Leader of the Opposition knows what the answer is, of course. It has no bearing at all on the argument I am presenting. Parties come and go at each election, as indicated by the history of elections in this State. I have no doubt minor parties will continue to arise, and perhaps with the first-past-the-post system we would see even more of them than we have seen under the preferential system, because the preferential system ensures that one or other of the major parties wins the election and that none of the minor parties has a chance. That applies also in the Federal scene. The only minor party which has gained representation is the D.L.P. I do not class the Country Party as a minor party. It has long had a significant number of members in this Parliament—in this House, for instance,

Therefore, the bogey raised by the Opposition to the effect that the first-past-the-post system would kill the minor parties is completely unfounded and is a complete misrepresentation of the case. I suggest the first-past-the-post system is likely to encourage more minor parties rather than discourage them.

Since my party has been in Government it has had to suffer many assertions by the Opposition regarding what it expects the public to accept as facts, and some of the matters I have been mentioning are examples; for instance, that the first-past-the-post system would kill the minor parties. This sort of statement is commonly made and I think it is high time the Opposition did more to justify its stand to the public.

The circular ballot paper is not quite so well known, but certainly it is well known that the first-past-the-post system is a policy of the Labor Party and it has been in the party's platform for some time. It was not declared in our policy speech as being a matter we considered vital.

The Hon. A. F. Griffith: Did you say you did declare it?

The Hon. R. F. CLAUGHTON: I said we did not.

The Hon. A. F. Griffith: I wonder why.

The Hon. R. F. CLAUGHTON: We can expect to achieve only so much in a three-year term, as the honourable member who has interjected well knows.

The Hon. A. F. Griffith: You should have left this until next year.

The Hon. Clive Griffiths: Why have we got the Bill?

The Hon. R. F. CLAUGHTON: The Liberal Party is content with the preferential system because it has an advantage under it. We would not expect the Liberal Party to change it, as the Leader of the Opposition said when he referred to Steele Hall.

The Hon. A. F. Griffith: I did not mention Steele Hall. The Leader of the House mentioned him.

The Hon. R. F. CLAUGHTON: The Leader of the Opposition should read his speech. He may have been sleeping while on his feet, but he certainly mentioned that name in his speech as recorded in *Hansard*. We do not expect the Liberal Party to introduce this sort of legislation when it is in Government because the present system quite obviously favours it, particularly in this House.

We will wait to see how the vote goes. I do not have any great hopes that this Bill will pass through this House.

The Hon. A. F. Griffith: It is only put up so that we can knock it out.

The Hon. R. F. CLAUGHTON: Parliament is the place where matters of this kind should be debated. We should be looking for ways in which our system can be improved. I would not say the Labor Party has a mortgage on all the bright ideas—although I know we promote more than our fair share of them—and I would be quite happy to listen to reasonable arguments from the Opposition speakers if they have any better suggestions to make for the more equitable functioning of our democratic system—

The Hon. A. F. Griffith: More equitable in favour of the Labor Party.

The Hon. R. F. CLAUGHTON: —to serve the best interests of the whole population.

THE HON. W. R. WITHERS (North) [9.39 p.m.]: I have wondered during this debate how serious the Minister and his followers are in their support of this particular Bill.

The Hon. J. Dolan: I have not spoken on it yet.

The Hon. A. F. Griffith: He is only interjecting.

The Hon. J. Dolan: As you do more often than I.

The Hon. W. R. WITHERS: I said "during this debate". I would like to point out why I said that. The debate from the Government benches has been rather

nebulous, and no evidence has been produced for one particular part of the Bill. This surprises me.

I intend to speak about only one particular point and I will make a request of the Minister. My colleagues on this side of the House have mentioned many points with which I agree, so there is no need for me to mention them again. I will deal with one matter on which I have had a little experience. One part of the Bill concerns the configuration and the graphic display of a circular ballot paper. In order to test the practical aspect of this part of the Bill, I have tried to design a ballot paper to meet the requirements of the Bill. I cannot find a way to design a circular ballot paper without giving an advantage or a disadvantage to certain candidates.

The Hon. J. Dolan: I will show you some examples.

The Hon. W. R. WITHERS: I am pleased that the Minister can show me some examples. I intended to ask him to do that. If he has some examples, why have they not been placed on the Table of the House?

The Hon. J. Dolan: I have not spoken yet.

The Hon. W. R. WITHERS: Some members have spoken and have discussed the circular ballot paper but I have not yet seen a practical example of it. We require a visual reference in order to make a judgment. I hope the Minister will lay a scale model of the circular ballot paper on the Table of the House.

The Hon. J. Dolan: I have them here.

The Hon. W. R. WITHERS: That is fine. In order to be fair, I would like to present a hypothetical list of candidates and their parties, and I would like the Minister to draw up a circular ballot paper showing the names of these candidates in a way which will not disadvantage any of them. My hypothetical list contains a little in-built levity but I do not wish to detract from the seriousness of the request I am making. The list is as follows—

- Mr. Smith—Australian Labour Party.
- Mr. Ng—Australia Party.
- Mr. McKenzie-Steinway—Country Party.
- Mr. Gainsford-Brackley—Liberal Party.
- Comrade Min Chi Ho—Communist Party.
- Mr. Willard—United People's Party.
- Miss Smith—Australasian Loving Party.

I would be very pleased to see a circular ballot paper resulting from that list.

The Hon. J. Dolan: I have more things to do.

The Hon. W. R. WITHERS: If the Leader of the House has more things to do, he cannot be very serious about this Bill.

The Hon. J. Dolan: I have told you I will show you examples.

The Hon. W. R. WITHERS: Surely they would be examples to fit the Government's argument only. I am giving a hypothetical situation which could and does occur. In fact, some of the names I have mentioned belong to types of people. I am not implying that the people who have those names belong to those parties or that all of those parties exist, but in this day and age parties with strange names do crop up. They are newly devised parties.

This is why I have produced a hypothetical list with some hypothetical parties. I would like very much to see the Minister produce a ballot paper with the names of those candidates upon it, because I do not believe we can have a practical circular ballot paper. I think I have said enough on that point. I cannot agree with the Bill because I do not think it is practical.

Debate adjourned, on motion by The Hon. L. D. Elliott.

ACTS AMENDMENT (ABOLITION OF THE PUNISHMENT OF DEATH AND WHIPPING) BILL

Second Reading

Debate resumed from the 2nd November, 1972.

THE HON. J. HEITMAN (Upper West) [9.46 p.m.]: This Bill has two purposes, the main one being to abolish the penalty of hanging in the case of wilful murder, treason, and other crimes which at present are punishable by death. Many speakers have participated in the debate on this Bill. A number of them said there is nothing to prove that death by hanging has in any way contributed to a decrease in the murder rate. I think Miss Elliott said that a Gallup poll in 1955 showed that 67 per cent. voted for capital punishment, but by 1967 the percentage had dropped to 43. Miss Elliott said if those 43 per cent. were forced to witness a hanging the percentage in favour of capital punishment would be nil. However, one could also say the reverse. If the other 57 per cent. of the people that the honourable member did not mention had relatives who had been murdered, they would certainly vote to have the guilty person hanged. So just what do those statistics mean?

Other members said that if we abolished capital punishment for all cases of wilful murder it would not make one iota of difference to the murder rate; but there is no evidence whatsoever to prove that. Possibly many people have thought of murdering others whom they hated for some reason or other, but have decided

against it as a consequence of knowing their necks might be stretched. No-one has any proof of these things; so it is silly to say that the abolition of capital punishment would in any way lessen the murder rate, or make murder more prevalent.

The Hon. L. D. Elliott: Statistics show that the murder rate has dropped in countries where capital punishment has been abolished.

The Hon. J. HEITMAN: It is a little hard to hear the honourable member.

The PRESIDENT: Order! The honourable member cannot seek interjections. Will he please address the Chair.

The Hon. J. HEITMAN: Thank you, Mr. President. I realise I should have addressed the Chair; but I am a little hard of hearing and if one listens to interjections sometimes one finds they are of help when making a speech. I realise that you do not like interjections; therefore I will ignore them.

I would like to congratulate Miss Elliott for saying that education is of great importance in controlling people who do wrong. She mentioned that people who had a poor education were more liable to commit murder or other crimes than those who received a better education. We have no proof of that. I could mention many members of this House who do not have a university education, or who did not get their Leaving Certificate. Many of us went to State schools—I am one who did—but we have never thought of murdering anybody. Certainly I have not, despite the fact that I am not an academic. This applies right throughout life.

The Hon. L. D. Elliott: You probably can—

The Hon. J. HEITMAN: I am not allowed to listen to interjections. There is no proof whatsoever that whether one has a high standard of education or no education at all makes one less liable or more liable to commit murder. I think the main thing in life is to take children at the age of seven or eight years and train them to lead a decent life. Whether that is done by using the rod or sparing the rod and spoiling the child does not matter; some people have the happy knack of imparting knowledge to children, thus preventing them from becoming criminals in later life. I think children should be taught morals at an early age, and whether or not they are academics in later life will not make any difference so far as the committing of murder or treason is concerned.

I do not think all murderers are underprivileged; I think they just hate a little more than the average person, and that has nothing to do with education. Some people are sadistic. We could mention many cases of people who have murdered others as a result of their sadistic make-up.

For that reason I do not think we should try to cure them. I think the surest way to make certain they do not murder again is to stretch their necks. I feel capital punishment is a great deterrent against the committing of murder. There must be many people who have got so mad at times that they have thought of murdering others, but they have been prevented from doing so by the knowledge that capital punishment has not been abolished in this State. I hope it never will be. I will certainly vote against the second reading.

THE HON. A. F. GRIFFITH (North Metropolitan) [9.53 p.m.]: I feel I should make some contribution to the debate. This is indeed a difficult subject which has engaged the minds of criminologists, people in high judicial positions, and others who have made a study of the problem over a long period of years. I do not think we will ever reach the stage where those who are in favour of capital punishment will agree with the arguments put forward by the abolitionists; or where the people who favour the retention of capital punishment will be able to get their story over to the abolitionists in such a manner as to convince them of the formers' argument.

I am concerned about one particular aspect of this measure. I would have thought with a subject of this nature the Labor Government would allow its members to express their views according to conscience; but regrettably that is not the case. There is a plank in the Labor Party platform which espouses the abolition of capital punishment and whipping. Any Labor member who might hold views to the contrary is not able to express his thoughts because the content of the Bill must be strictly supported by Labor members in this Chamber. I think that is regrettable. On the other hand, the members of my party are free to express their individual views and to vote on the Bill according to the dictates of their consciences.

I want firstly to refer to the second reading speech of the then Leader of the House when he introduced the Bill last year and to make certain comments in relation to his speech as I proceed. Firstly, he said—

The Government believes that this is a most appropriate time to introduce this Bill. As far as I am aware, no person is at present under the sentence of death with the consequence that the matter can be raised in an atmosphere devoid of undue emotion.

In the first place, I want to make my remarks entirely free from emotion, although there are times of course, when one gets caught up with emotion in this sort of debate. To the best of my knowledge the situation mentioned by the then Leader of the House still exists; that is, no person in the State of Western Australia is under sentence of death at the

moment. In fact if any persons were under sentence of death it would make no difference, because it is my understanding that the gallows at Fremantle have been removed.

We know that any person who commits murder in this State and is convicted by a jury and sentenced to death would not, in fact, be hanged. I think it is true to say that a man may commit murder with impunity at present, knowing that he will not suffer the ultimate punishment for his crime. Of course, Mr. President, you know as well as I do that whilst it is true to say that at the moment there is no emotion amongst the public because nobody is under sentence of death, public opinion can change overnight. The atmosphere surrounding a serious crime certainly can change from time to time, and public opinion can change according to the severity or the dastardliness of the crime. So to say that now is an opportune time to present the Bill does not really further the argument of the Government to a great extent.

An article appeared in *The West Australian* of the 7th November, 1972. I will not read from it, but I point out that it concerns a girl of 18 years of age or so—she may have been younger—who is mentally retarded. Five men accosted her and, in turn, raped her. I would imagine the feeling of the public in respect of that girl, had she been murdered during the course of the assault, would have disproved completely the theory that this is the right time to introduce the measure because nobody is under the sentence of death.

One could read from the Press many horrible crimes committed both in this State and in many other places in the world. Perhaps it might be appropriate to direct a question to the abolitionists of capital punishment regarding the form of punishment which would be appropriate to apply to people who commit such crimes, if it is not appropriate that they should pay the penalty of death by hanging. The next statement I question severely is this—

... the Government is convinced that public opinion, to which every consideration must be given in each review of legislation of this nature, overwhelmingly reflects the revulsion of society with the continuation of the death and whipping penalties.

I am not convinced this is necessarily so and I do not believe that the Government has submitted any evidence to support the statement. In fact, I repeat what I said a few moments ago: I believe public opinion is stirred according to the severity of the crime committed at the time. I can recollect protests about the death sentence being possibly imposed on a person convicted of a certain crime, and on other occasions when a crime of the worst order

was committed, the same people were ominously quiet because of the severity of the crime. The speech goes on—

It is an appropriate responsibility for the Government to acknowledge and foster a regard for personal dignity by our society.

I agree; but I often wonder about the personal dignity of the person who is murdered; of the young woman who is raped and strangled and left on the side of the road, in the bush, or in some other such place. What of her personal dignity? What of the personal dignity of her mother, father, brothers, sisters, and all her other relatives? Has not society some obligation to retain on the Statute book the severest penalty of all in order to try to preserve the personal dignity of the victims?

In all the speeches made by supporters of the abolition of capital punishment the emphasis appears to be all the time on the man who commits the crime. We continue to hear people say we must do something about rehabilitating the person responsible; we must bring him back into the community. I agree that there is a responsibility on the State to rehabilitate people, but we cannot allow people to commit the sort of crime about which I have been speaking without imposing on them the appropriate penalty. The Minister further stated—

The controversy over the death penalty is an old one and its resolution must ultimately depend upon public opinion.

I do not know whether this has ever been tested. The speech continues—

Punishment is an emphatic denunciation by the community of a crime, and the reasons for penalties have been the subject of considerable thought and research.

I do not deny that; but it is also said that the punishment must fit the crime. If we are not to hang or imprison, or in some way punish the person responsible for, say, a sex crime which is followed by murder, what do we do to ensure that our women and children can with reasonable safety walk the streets. Unfortunately we are fast reaching the stage in this community where a woman or girl is in danger if she goes out by herself at night. Only the other day I read in a paper an article in which it was reported that a man in America opened his car door at a drive-in and accidentally, presumably, slammed it against the door of the car next to him, whereupon the man whose car had received the bump took out his gun and shot dead the man responsible.

The Hon. D. K. DAns: There were 350 murders in one day.

The Hon. A. F. GRIFFITH: That is correct. In America 350 people were killed in one day as a result of murders.

The Hon. J. Dolan: America has loose gun laws.

The Hon. A. F. GRIFFITH: They are very loose.

The Hon. J. Dolan: That should never happen.

The Hon. A. F. GRIFFITH: I believe that no matter how tight we make the firearms and guns law—which we are not debating at the moment—a man who intends to commit a crime will not be deterred. The Minister's speech continues—

Retribution in this context must be clearly defined as excluding any element whatsoever of vengeance, as not to do so would be found intolerable by every member of this Parliament as indeed it would be by our society. We believe that our society does not wish to see more by way of retribution than an assurance that safeguards in our criminal law are adequate.

I think that statement bears quite a deal of examination. Would the safeguards be adequate following the abolition of capital punishment? At present a man can murder in Western Australia with impunity because he knows that no matter how dreadful or desperate might be his crime, under a Labor Government he will not be hanged. The Minister's speech states—

The evolving standards of decency within our society demand that still more emphasis be given to rehabilitation. Rehabilitation of the individual offender is now regarded as an important function of punishment.

I agree; and it will be recalled that it was my privilege to introduce legislation to establish the parole system in Western Australia; but there is a beginning and end to that sort of thing. I question the following statement in the Minister's speech—

It is incongruous that a State which allocates a considerable proportion of its funds for the care and the treatment of the less fortunate within the community should be burdened with a Statute that denies help to individuals who are among the most in need.

Is the man who deliberately takes the life of another person during an armed robbery or a dastardly sex crime—of which there are plenty these days—considered to be less fortunate? I just wonder whether or not that statement could be expanded a little more. The Minister continued—

To those who would argue that murderers cannot be rehabilitated, the answer lies in the findings to the contrary of numerous inquiries, one such being the Royal Commission appointed in the United Kingdom and chaired by Sir Ernest Gowers in 1949-1953.

All over the world to this very day the question of capital punishment is being debated. The result of a vote in the House

of Commons not so long ago undoubtedly was that capital punishment should, if I may put it this way, remain in its present form; that is, capital punishment is to remain abolished. Nevertheless, as I proceed with my remarks I will indicate that prominent people in the world are doubting whether or not this is the right decision. One thing is certain: it is far harder to legislate to have capital punishment re-instated in the Criminal Code of a country once it has been abolished than it is to have it abolished.

On page 18 of the report apparently submitted by Sir Ernest Gowers, he said—

Not that murderers in general are incapable of reformation: the evidence plainly shows the contrary. Indeed as we shall see later, the experience of countries without capital punishment indicates that the prospects of reformation are at least as favourable with murderers as with those who have committed other kinds of serious crimes.

I repeat that the underlying feeling is that we must sympathise with the murderer; and although I agree that to hang a man is poor recompense to the relatives and loved ones of the victim—the mother, father, brothers, sisters, and so on—

The Hon. J. Heitman: At least they know he will not do it again.

The Hon. D. K. Dans: The point is, do we want revenge or a deterrent?

The Hon. A. F. GRIFFITH: It is not a question of revenge.

The Hon. D. K. Dans: I am asking: What do we want?

The Hon. A. F. GRIFFITH: It is not a question of revenge.

The Hon. D. K. Dans: All right then, we want a deterrent.

The Hon. A. F. GRIFFITH: Of course we do. I do not believe that anyone in the community is happy to awake in the morning and read the details of a crime—be it a bad crime or one of an incidental nature. Certainly no-one likes to pick up his morning paper and read about a murder. Frequently in such instances the public are inclined to judge the person concerned and have him at least mentally convicted long before the case gets into the court. The comment made by my colleague (Mr. Medcalf) is a very telling one. He asked whether there is any evidence to indicate that capital punishment is in fact not a deterrent. Certainly no evidence to this effect has been submitted to us.

The Minister stated—

It is obvious that at the moment of killing, the offender is devoid of reason or logic.

I cannot examine that statement with any psychiatric, medical, or criminal-law knowledge; but I cannot accept that it has

always been the case. Criminals in this country have been known to kill one person after another.

On that basis, I suppose it can be argued that on each occasion such a man decides to take one more life he is devoid of reason or logic. He would be devoid of reason or logic for a very long time. The criminal history of Western Australia shows that at least one man must have been devoid of reason or logic for a very long period of time. His reasoning was that he should kill and he continued to kill until the Police Force of the State apprehended him. On that occasion the police did a wonderful job. The Minister said—

This fact is borne out by the experience of those countries which, having suspended or abolished capital punishment, have no evidence of a resultant increased rate of murder.

I pose the question: Why are some of those countries talking about restoring capital punishment? Some of them certainly are. I have certain Press cuttings with me. I do not intend to quote them all, because I want to save *Hansard* a certain amount of trouble. President Nixon wants the death penalty restored. A London report states, "MPs Want Death Penalty Back". We have seen the result of the voting on that Bill.

Dr. Billy Graham, the American evangelist, suggested in Johannesburg that rapists should be castrated. The article states—

Dr. Graham, who is on a two-week crusade in South Africa, also said the United States should revive the death penalty.

I am sure the world has the greatest respect for Dr. Billy Graham and he feels that something should be done in these circumstances. Another article states—

Californians voted to overrule their high courts and restore the death penalty in a referendum conducted with the presidential ballot. They voted almost 2-1 to resume executions in the gas chamber at San Quentin, where 105 prisoners await the death penalty.

Californians also voted against legalising marihuana and against stern censorship measures to combat pornography.

An article appeared in the *Daily News* of the 16th November under the heading, "Australia Carries Death Penalty." It reads—

CANBERRA, Today: Australia is a signatory to a number of conventions covering aircraft offences.

Hijacking offences on domestic flights and flights into and starting in Australia are covered by the Crimes (Aircraft) Act 1963.

If my memory serves me correctly we introduced a Bill in this Parliament to assist the Commonwealth in this matter. The article continues—

Two sections of the act provide for the death penalty.

Section 13 says that "A person who destroys an aircraft with intent to cause the death of a person or with reckless indifference to the safety or the life of a person is guilty of an indictable offence punishable by death."

Section 15 says that "A person who does an act or thing capable of prejudicing the safe operation of an aircraft (a) with intent to prejudice the safe operation of that aircraft and (b) with intent to cause the death of a person or with reckless indifference to the safety of the life of a person is guilty of an indictable offence punishable by death."

Other offences under the act are punishable by gaol terms ranging from two years to 14 years.

An Attorney-General's Department officer said today his department and the DCA would send a delegation to a meeting in Montreal next January of the legal committee of the International Civil Aviation Organisation.

I am sure that all of us have been appalled in recent times—even in recent weeks—at the actions of certain individuals who have hijacked aircraft. To my way of thinking this is one of the most terrible crimes. A man may walk onto an aircraft with a bomb concealed in his clothing or in his case. He may plan to hijack that aircraft for the purpose of reward or with some notion of serving his country. He has booked a fare on the aircraft and at an appropriate time the bomb will go off. Alternatively, in some other way he may hijack the aircraft and put all the passengers and all members of the crew in great jeopardy. As we all know, sometimes this action has resulted not in the loss of just one life but in the loss of 100 lives at the one time.

I pose the question: Is that man, at the moment of killing, devoid of reason or logic? Alternatively, is his crime so pre-meditated that he goes aboard the aircraft with the express purpose of bringing it down? Of course, he often brings himself down and consequently does not need to worry about the retribution of the law. That person is responsible for murdering all the people on the aircraft.

What are we to do in these circumstances? I think the hijacker should run the risk of paying the severest possible penalty in order to deter people from doing this type of thing. In a country such as ours, should it be necessary to have a gelfer counter, or some other instrument, put over one's person or luggage to see

whether one is concealing an object meant to destroy the aircraft and the lives of the people who fly in it? We should have a stringent criminal law and take every possible step to prevent this sort of thing happening.

Another article appeared in *The West Australian* of the 17th November and this one featured the picture of a constable who was wounded in a hijack attempt. The wording under the picture states—

Constable Paul Sandeman—the man who was wounded in the hijack attempt—was visited by his wife, Pauline, in the Alice Springs Hospital yesterday. "Everyone is telling me he's a hero," she said later. "But I'd rather have him in one piece."

This constable took action to prevent an aircraft from being hijacked out of Alice Springs. I do not blame Mrs. Sandeman for saying she would rather have her husband home in one piece than that he should be a hero.

I ask the abolitionists: What would they do with hijackers? Would they say, "You have been a naughty boy. You have caused the deaths of 170 people, but it is our duty to rehabilitate you. It is our duty to send you to an institution and to teach you not to do it again."?

History has it recorded that such people, when released from gaol, will do such things again. I would not mind voting for the abolition of the death penalty if I could be quite sure that the person who was due to suffer the extreme penalty would be put away in a place where he would never again be a risk to the community. We cannot really guarantee this. There are certain softhearted people on every Executive. I do not say that critically because for a long time I was a soft heart, although sometimes a hard heart, I suppose, when I did not always do what people wanted me to do. A softhearted person on the Executive could think that a man has spent long enough in gaol. Perhaps he has. I was responsible for the release of a number of murderers during the time I was Minister for Justice. It is probably quite safe to say that the great majority of them will not break the law again, or at least not in the same direction. There is always a chance, however, that they will.

Another article which appeared in *The West Australian* on the 9th November, 1972, reads in part—

A man who tied up another man and then raped his woman companion three times at Kenwick last July was sentenced yesterday to eight years' imprisonment and then indefinite detention in a reformatory prison.

I will go no further. All members probably read the report. What are we to do with a man like this? The abolitionist says, "This man needs rehabilitating." I am sure the woman's husband would have a completely different impression.

The Hon. D. K. Dans: He may have.

The Hon. A. F. GRIFFITH: The father of a small girl, who had been interfered with, would think differently. I have no time whatsoever for the criminal who interferes with the liberties of a small girl, or of a woman for that matter. In a community such as ours our wives and children should be able to walk safely down the streets at night without being molested by this sort of person, who is obviously devoid of logic or reason, at the time, according to the Minister.

Sometimes people kill after committing sex crimes. Why do they do this? Do they say, "I have committed a grievous sex crime on this girl and to stop her telling anybody I will kill her."? What are we to do with such a person? This is a terrible crime. In the circumstances the community should see that man receives very severe punishment.

Governor Reagan and his wife, in the State of California, want the return of the death penalty. A little earlier I referred to an 18-year-old girl. An article appeared in *The West Australian* of the 7th November, 1972, which said—

SYDNEY, Mon.—An 18-year-old girl told a Central Criminal Court jury today that she had been subjected to "two hours of virtually non-stop rape" by members of a bikie gang.

The girl identified a man before the court as one of the men who allegedly raped her.

Apparently these people got hold of the girl and subjected her to two hours of continuous rape. What are we to do with people of this nature? They were waiting their turn, one after the other. While waiting their turn, were they people who were devoid of reason or logic?

The Hon. J. Heitman: They were certainly devoid of all moral worth.

The Hon. A. F. GRIFFITH: They do not deserve to be called animals, because animals could teach them many lessons. These are criminals of the worst order. If a court ordered a whipping in the case of men who do something like this, I do not think I would be part of an outcry to stop the carrying out of the punishment. I pose the question to anyone who has spoken in favour of the Bill: What would they do with people who act in that manner?

The Hon. R. F. Claughton: Do they come within the scope of the Bill?

The Hon. A. F. GRIFFITH: Here is the honourable member again with his interjections.

The Hon. R. F. Claughton: Are you suggesting that the gang murdered the girl?

The Hon. A. F. GRIFFITH: I am suggesting nothing of the sort. I become a little weary of the foolish interjections

made by the honourable member. He comes in with them when he obviously has not been listening.

The Hon. R. F. CLAUGHTON: I have been listening all the while.

The Hon. A. F. GRIFFITH: Then he obviously has not been understanding.

The Hon. R. F. CLAUGHTON: You should express yourself more clearly.

The Hon. A. F. GRIFFITH: I can never make myself clear enough for the honourable member to understand me. I would like to finish my remarks without the honourable member's interjections.

I said before, if a court ordered a whipping of men who carried out such a crime, I do not think I would be one of the people who would join an outcry to try to stop the penalty being carried out. I then pose the question to those people in favour of the abolition of capital punishment and whipping: What would they do with people of that nature? I am afraid I do not know.

The Hon. D. K. DAns: I would agree with you if it could be proved to me that over the many hundreds of years capital punishment has been practised it has been a deterrent.

The Hon. A. F. GRIFFITH: How does the honourable member know that it has not deterred criminals?

The Hon. D. K. DAns: I would like to know whether more murders have occurred under Liberal Governments than under Labor Governments.

The Hon. A. F. GRIFFITH: It is not a political issue.

The Hon. D. K. DAns: Politics comes into the realm of punishment. If a person murders under our Government he will get off; under your Government he will hang.

The Hon. A. F. GRIFFITH: That is where politics comes into it, and frankly, that is where I find fault with the political system. For the third time I say that with the passage of this legislation a man may commit the most heinous crime knowing he has very little chance of ever suffering the extreme penalty for it.

The Hon. D. K. DAns: It still does not alter the fact that when the deterrent is there under a Liberal Government, as in recent years, we have had the most diabolical crimes committed. I do not think it proves anything, but it leaves a doubt in my mind: Does it deter?

The Hon. A. F. GRIFFITH: It could leave a doubt in my mind too. However, there is no doubt in my mind about this: Once we take away the death penalty, there is no question about it at all, is there?

The Hon. D. K. DAns: I cannot answer the question. I have not studied the statistics. It was said here tonight there

is evidence to suggest that the crime of murder has been reduced in countries where the death penalty has been abolished.

The Hon. A. F. GRIFFITH: We could find statistical evidence to prove all sorts of things. An abolitionist looking at volumes and turning over pages is naturally trying to find arguments in favour of abolition. However, someone wishing to pursue the opposite argument could find evidence the other way. Frankly, I do not hold firm enough views to come right out and say the abolitionist is wrong. I am not sure that the abolitionist is entirely wrong. However, I come down on the side of saying that once the death penalty is abolished then the question does not arise as to whether or not it is a deterrent—it is not there in any case.

The same thing applies in regard to whipping. I have forgotten the sequence of the words, but the Criminal Code mentions two, three, or four different implements which may be used to carry out a whipping—I know reference is made to a cane and a birch. In some cases a young criminal would be deterred if he received a few good sound slaps where it hurts. This would be more of a deterrent than the type of treatment which is meted out to him on occasions. Not so very long ago a magistrate in this State ordered the caning of a criminal. The Attorney-General sent a recommendation to the Governor that the caning be waived. I do not argue with the action of the Attorney-General—that is his prerogative. He may exercise his right to make a recommendation to the Governor, as he did in this case. I am simply saying that the caning may have been an excellent deterrent to this man. The next time he was tempted to commit a crime of the same nature, he may have had second thoughts.

I am expressing my own views on this matter. I realise they may be uninteresting to some but I believe they may attract the attention of others. By and large Western Australia would be better served by the retention of the existing law. As I said a few moments ago, I do not hold an adamant view about the matter, but from the Press reports and my knowledge of the crimes currently occurring in Western Australia, I would not like to see these punishments abolished. At one time when I sat where the present Minister for Police is now sitting, I said that crime was increasing in Western Australia. That opinion has been proved correct. It has not been shown to me that the abolition of capital punishment is the correct course to take.

Last year I had an idea at the back of my mind that perhaps capital punishment could be removed as the penalty for some crimes, but retained as the penalty for the

more serious crimes of life, and the ultimate sentence should be carried out on conviction of such crimes. In the intervening period I have thought about this a lot, and I now feel it would be very difficult to say which crimes deserve a sentence of hanging and which crimes deserve a sentence of a long period in prison. This is an extremely difficult question to answer.

As I said before, I am certain we must have some deterrent to the new form of crime which we are faced with today. Instead of piracy on the high seas as we had in the old days, we now have piracy in the air. This is a major crime and it threatens more human life at one time than anything else we can imagine. It is one of the worst crimes we see today. Rather than support an experiment with the abolition of capital punishment, I believe we should retain it. I know that any man intending to commit a crime in Western Australia at the present time knows he will not pay the ultimate penalty. Of course, murderers have been hanged under Labor Governments in the past, but that would be a long time ago.

I have expressed my own feelings on the matter tonight, and I hope my remarks contribute to the debate. I regret that I cannot with a clear conscience vote for the Bill.

Debate adjourned, on motion by The Hon. R. F. Cloughton.

House adjourned at 10.41 p.m.

Legislative Assembly

Tuesday, the 17th April, 1973

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

ADDRESS-IN-REPLY

*Presentation to Governor:
Acknowledgment*

THE SPEAKER (Mr. Norton): I have to announce that, accompanied by the member for Canning (Mr. Bateman), the member for Perth (Mr. Burke), and the member for Blackwood (Mr. A. A. Lewis), I attended upon His Excellency the Governor and presented the Address-in-Reply to the Speech of His Excellency the Governor in opening Parliament. His Excellency the Governor has been pleased to reply in the following terms—

Mr. Speaker and Members of the Legislative Assembly,

I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

SWEARING-IN OF MEMBER

THE SPEAKER (Mr. Norton): I have received the writ issued for the electoral district of Bunbury, and from the returns indorsed thereon it appears that Mr. John Sibson has been duly elected to serve in the Legislative Assembly as member for the electoral district of Bunbury. I am now prepared to swear in the honourable member.

The honourable member took and subscribed the Oath of Allegiance and signed the roll.

PUBLIC ACCOUNTS COMMITTEE

Report

MR. HARMAN (Maylands) [4.35 p.m.]: I present to the House the sixth report of the Public Accounts Committee. I move—

That the report be received.

Question put and passed.

MR. HARMAN (Maylands) [4.36 p.m.]: I move—

That the report be printed.

I would like briefly to mention one or two points in relation to this report for the benefit of members. The report was brought about by comments, some adverse, made by the Auditor-General in his report submitted to Parliament for the financial year ended June, 1972. The committee saw itself as having a responsibility to investigate the comments made by the Auditor-General concerning some Government departments.

In the course of its examination, the committee endeavoured to pinpoint the problems confronting some of the departments, to examine what remedies had been taken to improve the situation, and finally, to bring before this Chamber the deliberations of the committee.

In asking that the report be printed, I propose to have the report circulated amongst the Government departments so that they will understand the manner in which the Public Accounts Committee goes about investigating this particular area. Hopefully the committee sees this action as a move to improve the standard of accounting in Government departments.

As a plug for the committee, I would like to mention the comment made by the Auditor-General when he referred to departmental accounting in his last report. He said—

Attention was drawn in my last report to certain sub-standard accounting in some government departments. There has been an overall improvement in the accounts mentioned and action has been taken to place the accounts in order. In my opinion this