

and it is the only part of the Bill which provides any relief; the rest of the provisions are restrictive in every way.

If, as a result of a public work, the value of certain land is enhanced that fact should not be taken into consideration in the payment of compensation. However, so far as the rest of the Bill is concerned I am very much opposed to it. I do not support the measure but I do not want members to think that I am merely standing up here because I have a grudge. The part of the Bill to which I have just referred is the only portion of it which I could support but, unfortunately, it would be impossible to have all the other provisions struck out and merely leave 9(f) in the measure. Therefore I shall oppose the Bill and I intend to vote against it at every stage.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

House adjourned at 6.7 p.m.

## Legislative Assembly

Wednesday, the 5th October, 1966

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

### QUESTIONS (25) : ON NOTICE

1. *This question was postponed.*

### ELECTRICITY SUPPLIES

#### *Oil Contracts: Termination*

2. Mr. MAY asked the Minister for Electricity:

I refer to pages 1187 and 1303 of *Hansard* 1961, wherein the then Minister for Electricity stated "that a contract had been signed between the State Government and B.P. Australia Ltd. for the supply of 30,000 tons of furnace oil to the South Fremantle Power House for four years from the 18th July, 1961"—

(1) How does he justify his reply to my question on the 1st September, 1966, i.e., "the contract for oil does not terminate this year", when in fact it should have terminated in July, 1965?

(2) Has the 1961 contract been renewed; if so, when and under what terms and conditions?

Mr. NALDER replied:

- (1) and (2) The 1961 contract was for three years to the 31st July, 1964, subject to one year's notice given thereafter. In 1964 a new three year contract was signed, subject to one year's notice given after the three year period.

## TRAFFIC

*Fatal Accidents: Obligation of Surviving Driver to Testify*

3. Mr. GRAHAM asked the Minister representing the Minister for Justice:

- (1) In the case of an inquest concerning a motor accident fatality, is the surviving driver of one of the cars obliged to testify either orally or by means of a signed statement?
- (2) If not, under what circumstances is he excluded from such obligation?
- (3) Has he undertaken to a correspondent to consider this matter in order to determine whether amendments to the Coroners Act are necessary and desirable?
- (4) If so, what is the outcome of his consideration?

Mr. COURT replied:

- (1) The Coroners Act gives the coroner the power to summon any person to attend before him for the purpose of giving evidence. Generally speaking, any person so summoned who, after being sworn, refuses, without lawful excuse, to answer questions, is in contempt of court.

- (2) Where a witness who is involved in the death being inquired into, is in danger of being committed for trial, the present practice (based on section 11 of the Evidence Act and the common law) is for the city coroner, when the witness takes the stand and before he has commenced to give evidence, to give him a two-fold warning; namely—

- (i) he advises the witness that he is not obliged to answer any questions which may in any way incriminate him; and

- (ii) he also advises the witness that he is not obliged to give evidence, but that, if he does, such evidence will be taken down and may be used in any subsequent court proceedings.

(3) Yes.

(4) No decision has yet been reached.

4. *This question was postponed.*

## RAILWAYS

*Bus Services: Payment of Road Maintenance Tax*

5. Mr. NORTON asked the Minister for Railways:

- (1) By what percentage has the railways road services increased their freights since the imposition of the road maintenance tax?

- (2) If no increase has been made in road freight charges—can it be assumed—

- (a) the railways do not pay the road maintenance tax; or
- (b) they are able to absorb the tax?

- (3) What is the total amount of road maintenance tax paid by the W.A.G.R. road service to date?

Mr. COURT replied:

- (1) Railway road services fall into four categories—

- (a) Ancillary to or co-ordinated with rail movements—in the main these have replaced closed lines.

- (b) Direct road haulage of fruit for both canning and export.

- (c) Privately operated terminal livestock feeder services which are co-ordinated for a throughout movement.

- (d) Perth to Badgingarra and Geraldton services which largely duplicate rail facilities.

In the case of (a) throughout rail freights apply and these have not been altered.

In (b) and (c) the full contribution is paid by the user.

In (d) charges have been increased to the extent of applying uniform rail charges for consignments weighing up to 5 cwt. as on other road services. Beyond 5 cwt. the scale of charges is lower than the uniform rail rates to avoid too great a percentage rise in the charges. Overall the recovery amounts to approximately 40 per cent. of the road maintenance charges on the Badgingarra and Geraldton routes.

- (2) (a) No. The commission pays.

(b) No.

See also the answer to (1).

- (3) The total amount of contribution paid by the Railways Department to the 3rd September, 1966, was \$19,767.96.

## POLICE

*Exmouth: Provision of Vehicle*

6. Mr. NORTON asked the Minister for Police:

- (1) Has he received a letter from me dated the 25th June, 1966, relative to a police vehicle for Exmouth?

- (2) If "Yes," when can a reply be expected?

Mr. CRAIG replied:

- (1) Yes.

- (2) The delay is regretted, but the matter has been held up awaiting

approval to the departmental Estimates. It is proposed to supply a departmental vehicle to Exmouth during the current year. In the meantime, the allowance being paid to the officer-in-charge for the use of his private vehicle has been increased.

#### TRAFFIC

##### *Buses in Metropolitan Area: Compliance with Regulations*

7. Mr. NORTON asked the Minister for Police:

- (1) Has his department made a check of all passenger buses in the metropolitan area to see if they conform to all traffic regulations?
- (2) If "Yes," how many buses did not conform to the traffic regulations, and is any action being taken against those responsible for non-compliance with the regulations?
- (3) If "No," will he have an inspection made of all passenger buses to see that they do conform to all traffic regulations and that those responsible for any non-compliance have appropriate action taken against them?

Mr. CRAIG replied:

- (1) Yes, when first licensed.
- (2) All metropolitan omnibuses are operated by the Metropolitan (Perth) Transport Trust. They all comply with the traffic regulations and are kept in good order. Any defects that develop are promptly rectified.
- (3) Answered by (2).

8. *This question was postponed.*

#### GOVERNOR STIRLING HIGH SCHOOL

##### *Playgrounds: Improvements*

9. Mr. BRADY asked the Minister for Education:

- (1) Has his department made any arrangement to solve the unsatisfactory playground position at Governor Stirling Senior High School?
- (2) If "Yes," will he state the arrangements made?
- (3) If "No," will he state how long it is anticipated the present position will continue?

Mr. LEWIS replied:

- (1) Yes.
- (2) A sports area for the Governor Stirling Senior High School is being developed in conjunction with the Midland Town Council on reclaimed land in the bed of the Swan River. This should not be taken too literally. It will be

in low-lying flat country. It is hoped to have one football oval established by 1967.

(3) See answer to (2).

#### GUILDFORD SCHOOL *Additional Playgrounds*

10. Mr. BRADY asked the Minister for Education:

- (1) Has his department finalised the purchase of extra ground for the Guildford State School?
- (2) Is he aware discussions have been taking place in regard to an additional playground for approximately seven years?
- (3) When can the parents and citizens' association proceed with plans for improving the playground?

Mr. LEWIS replied:

- (1) No. This is not the responsibility of the Education Department.
- (2) No.
- (3) Unknown until the Public Works Department has completed its investigations.

11. *This question was postponed.*

#### MITCHELL FREEWAY *Fencing of Cutting*

12. Mr. GRAHAM asked the Minister for Works:

- (1) What sort of wall, fence, barricade or other form of protective device will be erected in order to prevent adults, children, vehicles or other objects from falling or intruding on the freeway in front of Parliament House?
- (2) What material will be used in the erection of such protective device?
- (3) What height will it be?
- (4) Where will it be placed?
- (5) What will be its total length?

Mr. ROSS HUTCHINSON replied:

- (1) On the sides bounded by Malcolm Street, the Elder Street extension, and Hay Street (i.e. the south, east, and north sides) an aluminium alloy railing will be erected on the bridge parapets and on the outer retaining wall. No firm decision has been reached regarding the western side; however, in all probability it will be similar in type and height to the railing which will be erected on the other side of the freeway.
- (2) Concrete and aluminium alloy.
- (3) There will be a 2 ft. 5 in. high railing mounted on top of a 1 ft. 3 in. high concrete parapet, giving a total height of 3 ft. 8 in.
- (4) Answered by (1).
- (5) It will be 990 ft. on the north, south, and east sides.

### CHURCHMAN'S BROOK RESERVOIR

#### *Picnic Facilities, and Connection to Electricity Supply*

13. Mr. RUSHTON asked the Minister for Water Supplies:

- (1) Is it intended to restore the picnic facilities at Churchman's Brook Reservoir when present works are completed?
- (2) Is S.E.C. power to be used at Churchman's Brook Reservoir?
- (3) If "Yes," when is connection expected?

Mr. ROSS HUTCHINSON replied:

- (1) Yes.
- (2) Yes.
- (3) Late this year or early next year.

### ROAD MAINTENANCE TAX

#### *Interstate Road Hauliers: Collections from May to August*

14. Mr. NORTON asked the Minister for Transport:

- (1) What was the amount of road maintenance tax collected for August?
- (2) What amount of tax was collected from interstate hauliers for May, June, July, and August?
- (3) How many interstate trucks paid road maintenance tax in each of the months mentioned in (2)?
- (4) Has an estimate been made of the number of interstate trucks that failed to submit a return in each of the abovementioned months?

Mr. O'CONNOR replied:

- (1) \$227,232 was collected during September. The bulk of this would represent charges due for August, but the total would include some amounts for previous months which cannot be readily segregated.

(2) Collections from interstate hauliers from May to September and numbers of vehicles concerned were as follows:—

| Month     | No. of<br>Collected Vehicles |     |
|-----------|------------------------------|-----|
|           | \$                           |     |
| May       | 3,966                        | 69  |
| June      | 7,716                        | 128 |
| July      | 6,278                        | 111 |
| August    | 7,883                        | 125 |
| September | 6,301                        | 102 |

(3) Answered by (2).

(4) Vehicles sighted for which no returns have been received are as follows:—

|        | No. of Vehicles |
|--------|-----------------|
| April  | 69              |
| May    | 68              |
| June   | 64              |
| July   | 58              |
| August | 81              |

### CLASS "A" RESERVES

#### *Building of Public Amenities: Conditions*

15. Mr. DUNN asked the Minister for Lands:

- (1) Is it possible for a motel caravan park, drive-in cinema, public swimming pool, caretaker's living quarters, outdoor dance floor, or cool drink kiosk to be established on an "A"-class reserve?
- (2) If "Yes," what conditions, if any, would apply?

Mr. BOVELL replied:

- (1) The establishment on an "A"-class reserve of the facilities mentioned would depend entirely upon the purpose of the particular reserve in question. If the facility is conducive to the purpose of the reserve, then its establishment thereon could be permitted.
- (2) Conditions imposed would be related to the purpose of the particular reserve and facility involved.

### RAILWAYS

#### *Political Signs on Railway Houses*

16. Mr. EVANS asked the Minister for Railways:

- (1) Does a railway employee breach a departmental regulation by displaying on departmental property, being a home rented by such employee, a sign of a political nature or otherwise for propaganda purposes?
- (2) If so, what is the particular regulation, and why should such a restriction of a right inherent in a normal tenancy relationship between landlord and tenant be insisted upon by the department?

Mr. COURT replied:

- (1) Yes.
- (2) By-law 31, issued pursuant to the Government Railways Act, 1904-1965, which reads as follows:—

Distributing or Posting Placards on Railway Property or Premises.

31. A person shall, not without the permission of the Commission, post, give or distribute, stick, paint or write, or cause to be posted, given or distributed, stuck, painted, or written, any placard, bill, advertisement, or other matter within or on any post, fence, gate, platform, wall, building, or other property or premises of the Commission.

In recent years, the commission has not insisted on employee tenants of departmental properties entering into a written

memorandum of agreement. However, the form of agreement contains the following provision:—

Not to exhibit or allow to be exhibited on any part of the said premises any advertisement without the consent of the Landlord first obtained.

This is not an unusual or unreasonable provision between a landlord and tenant.

#### PERTH RAILWAY STATION

##### *Platform Bridges: Provision of Wheel Rails*

17. Mr. EVANS asked the Minister for Railways:

- (1) Having regard to the steep steps linking the main platform at Perth central station with platforms 6 and 7, why has not a set of wheel rails been provided over at least one of the stairways to assist parents conveying children in prams and pushers between the main and the far side platforms?
- (2) Will he give consideration to having such a facility now installed?

Mr. COURT replied:

- (1) Porters are available on request to assist parents and carry prams and pushers from the main platform at Perth central station to platforms 6 and 7. A ramp from the Beaufort Street entrance provides alternate access to platforms 6 and 7.
- (2) The additional facility is not considered necessary.

#### FLUORIDATION OF WATER SUPPLIES

##### *Sodium Silico Fluoride: Cost*

18. Mr. TONKIN asked the Minister representing the Minister for Health:

- (1) With reference to the replies given to the member for Balcatta on Wednesday, the 21st September, wherein it was stated that sodium silico fluoride was the likely choice of chemical to be used for the fluoridation of water supplies in this State—

(a) Is this chemical favoured because it is cheaper than sodium fluoride?

(b) Is due regard being given to the fact that it is the most dangerous type of element?

- (2) Was the cost per ton of 130 dollars on site an actual quotation, or an estimate?
- (3) Is he aware that sodium fluoride being supplied to the town of Goulburn is costing \$361.22 per ton at treatment works?
- (4) In view of the wide difference between this price and that quoted

for sodium silico fluoride, will he have the price of the latter checked?

Mr. ROSS HUTCHINSON replied:

- (1) (a) Yes.  
(b) Sodium silico fluoride is neither an element nor is it dangerous when used in the manner intended. It is used in several installations throughout the world.
- (2) Quotations.
- (3) No.
- (4) No. This is not necessary.

#### KWINANA FREEWAY

##### *Width of Fences, Verges, and Roadways*

19. Mr. TOMS asked the Minister for Works:

With regard to the present freeway through South Perth and Como along the river, what are the respective widths of—

- (a) overall of both safety fences;
- (b) outer verges and centre verge;
- (c) each two-lane roadway?

Mr. ROSS HUTCHINSON replied:

- (a) Generally the width between safety fences is 152 feet.
- (b) Generally the outer verges are 40 feet wide and the central median 20 feet wide.
- (c) Each two-lane roadway is 26 feet wide with curve widening as necessary.

#### BARRACKS ARCHWAY

##### *Gallup Poll: Cost, and Action by Government*

20. Mr. TOMS asked the Premier:

- (1) What is the anticipated cost of the proposed Gallup Poll in connection with the Barracks Archway?
- (2) In view of the expressed intention of the Government to bring this matter before Parliament for approval, is not the proposed poll an absolute waste of time and public moneys?

Mr. BRAND replied:

- (1) \$800.
- (2) No.

#### GOODS

##### *Repairers: Protective Legislation*

21. Mr. DAVIES asked the Minister representing the Minister for Justice:

Has any progress been made in regard to introducing legislation to protect tradesmen and agents who are left with uncalled for goods which have been repaired?

Mr. COURT replied:

The Government has had this matter under consideration for

some time now, largely because of particular representations made to it with regard to abandoned motor vehicles. It is known that legislation along the lines of the English Act is already in operation in Victoria. New South Wales last year announced its intention of moving in the same direction. It was rather in the hope of first seeing the form of the legislation intended by New South Wales that action has been delayed here. It is agreed that legislation is needed to deal with this problem.

### STANDARD GAUGE RAILWAY

#### *Commonwealth Financial Assistance: Reduction*

22. Mr. KELLY asked the Premier:

- (1) Is he aware that there is a very insistent rumour in circulation that the Commonwealth Government is likely to cease or greatly reduce its financial aid to the State Government for the continuation of the standard gauge railway beyond Koolyanobbing?
- (2) If "No," will he ascertain if in fact there is some substance in the possibility?

Mr. BRAND replied:

- (1) and (2) Nothing is known of such a rumour. If there is one, it is groundless.

### ONE-TEACHER SCHOOLS

#### *Cost of Maintenance and Date of Buildings*

23. Mr. JAMIESON asked the Minister for Education:

- (1) What was the total cost of maintaining each respective school referred to in answer (3) of question 10 on Thursday the 22nd September, 1966, including the teacher's salary?
- (2) When were the last buildings or improvements made in respect of each of these schools?
- (3) Have any of these schools been erected or re-erected during the last 10 years?

Mr. LEWIS replied:

- (1) Approximate cost of operation, including teachers' salary:—

|               |      |         |
|---------------|------|---------|
| Payne's Find  | .... | \$4,600 |
| Kookynie      | .... | \$3,700 |
| Argyle Downs  | .... | \$4,300 |
| Bibra Lake    | .... | \$5,100 |
| Badgingarra   | .... | \$3,500 |
| Hopelands     | .... | \$4,700 |
| Doodarding    | .... | \$4,800 |
| Bornholm      | .... | \$4,400 |
| Jerdacuttup   | .... | \$3,900 |
| Jurien Bay    | .... | \$4,000 |
| Konnongorring | .... | \$4,200 |
| Kweda         | .... | \$4,500 |
| Widgiemooltha | .... | \$4,000 |

(2) and (3).

Payne's Find—One demountable classroom erected 1966.

Kookynie—One-roomed school erected 1952.

Argyle Downs—One-roomed school erected 1963-64.

Bibra Lake—One classroom erected 1955.

Badgingarra—Private building, listed for new school February, 1968.

Hopelands—One classroom erected 1935.

Doodarding—Septic tank installed 1962; one classroom erected 1949.

Bornholm—One classroom erected 1949.

Jerdacuttup—One demountable classroom erected 1966.

Jurien Bay—Private building, new school February, 1967.

Konnongorring—One classroom erected 1947.

Kweda—One-classroom school erected 1927.

Widgiemooltha—Septic tank installed 1960; one classroom erected 1947.

### BILLS OF EXCHANGE

#### *Legality*

24. Mr. JAMIESON asked the Treasurer:

Is a bill of exchange a legal financial transaction in this State?

Mr. BRAND replied:

A bill of exchange is not a transaction, it is a document, but the drawing or making of a bill of exchange is a legal transaction.

### SECONDARY EDUCATION SUBSIDIES

#### *Interpretation of "Permanently Domiciled in Australia"*

25. Mr. DAVIES asked the Minister for Education:

- (1) In regard to the payment of tuition fee subsidies paid to secondary school students under certain conditions, how is the requirement "permanently domiciled in Australia" interpreted?

- (2) Does the current form of declaration differ from that required last year; if so, in what way does it differ?

- (3) Has there been any change in payment of the subsidy between 1965 and 1966; if so, what is such change?

Mr. LEWIS replied:

- (1) "Permanently domiciled in Western Australia" is interpreted as meaning that the parent or legal

guardian of the student is permanently domiciled in Western Australia.

(2) No.

(3) No.

#### QUESTIONS (5): WITHOUT NOTICE

##### NORTH-WEST DEVELOPMENT

*Leading Article in "The West Australian"*

1. Mr. RHATIGAN asked the Premier:
  - (1) Did he read the leading article in this morning's *The West Australian*, "Dr. Patterson Tells Some Home Truths"?
  - (2) If the answer is "Yes," will he convey these facts to the Prime Minister?
  - (3) If the answer is "No," will he read this article and give me an answer at a later date?

Mr. BRAND replied:

- (1) to (3) No-one is in a better position than Dr. Patterson to convey these sentiments to the Prime Minister; and I would think the leading article, in general, is in line with our own thinking. However, this matter is being considered by the Commonwealth Government which has undertaken to do so earlier rather than later and we will await its decision.

Mr. RHATIGAN: I think the Premier has avoided my question.

The SPEAKER: The honourable member cannot make a speech.

Mr. RHATIGAN: No, Sir.

The SPEAKER: Are you going to ask another question?

Mr. RHATIGAN: I asked a direct question, and I expect a direct answer.

The SPEAKER: You are not entitled to get any answer at all unless the Premier wants to give one. Have you another question?

Mr. RHATIGAN asked the Premier: Will he convey his agreement with Dr. Patterson's article direct to the Prime Minister?

The SPEAKER: The honourable member has already asked that question.

#### TRAFFIC

*Buses in Metropolitan Area:  
Compliance with Regulations*

2. Mr. NORTON asked the Minister for Police:

Relative to question 7 on today's notice paper, I understood the Minister to say that all transport buses in the metropolitan area conform with regulations. Are these vehicles exempt

from the regulation which requires a left and right-hand rear vision mirror?

Mr. CRAIG replied:

If I recall correctly, the code does not require a rear vision mirror on the left-hand side of the vehicle, but I will have this verified and give the honourable member the answer.

#### WESTERN AUSTRALIA LAND DEVELOPMENT CORPORATION

*Research Investigations*

3. Mr. BURT asked the Premier:
 

In view of the fact that negotiations between the Government and the Western Australia Land Development Corporation with regard to research investigations on land east of Esperance appear to have reached a standstill, will the Premier request the corporation to undertake what I understand is its second choice; that is, carry out an investigation of the water potential in the Wiluna district, where I am quite sure the corporation's interest will be welcomed by local residents?

Mr. BRAND replied:

The honourable member gave me some notice of his intention to ask this question. I can only say we will give the matter some consideration. The way is left open to us because the president of the corporation has written and stated he regrets that we have not been able to come to any conclusion on the land east of Esperance but that the corporation is interested in any investment opportunity, or other opportunities, in Western Australia. However, I feel inclined to say that before we invited the corporation here we would want to be sure, if it was interested, the way would be clear to follow the investigation to some reasonable completion.

#### KNITTING MACHINES

*Police Investigations into Reported Threats by Salesmen*

4. Mr. DAVIES asked the Minister for Police:

Has the Minister read the article on page five of today's newspaper regarding some fellows who are apparently trying to make a fortune out of knitting machines and who have, according to the report, threatened to take action against some of the purchasers of the machines if they complain to the police?

In view of this reported threat will the police institute investiga-

tions themselves rather than wait for the people to make the complaints?

Mr. CRAIG replied:

I have not read the article the honourable member refers to, but I will have inquiries made as to what the normal police function would be in this particular case.

#### **FLUORIDATION OF WATER SUPPLIES**

*Sodium Silico Fluoride: Source of Supply*

5. Mr. TONKIN asked the Minister representing the Minister for Health:
  - (1) For the improvement of my education, will the Minister state what sodium silico fluoride is, if it is not an element?
  - (2) Is the Minister prepared to indicate the source from which the quoted price of sodium silico fluoride was obtained?

Mr. ROSS HUTCHINSON replied:

- (1) and (2) Firstly, I would like to say that the Deputy Leader of the Opposition shows astonishing humility if he asks me to improve his education. I am not able to answer his question off the cuff, but if he likes to have it placed on the notice paper I will see the information is supplied.

Mr. O'Neil: Sodium silico fluoride is a compound.

#### **BILLS (2): INTRODUCTION AND FIRST READING**

1. Industrial Arbitration Act Amendment Bill.

Bill introduced, on motion by Mr. O'Neil (Minister for Labour), and read a first time.

2. Fire Brigades Act Amendment Bill.

Bill introduced, on motion by Mr. Craig (Chief Secretary), and read a first time.

#### **LEAVE OF ABSENCE**

On motion by Mr. May, leave of absence for four weeks granted to Mr. Curran (Cockburn) on the ground of ill-health.

#### **EDUCATION ACT AMENDMENT BILL**

*Third Reading*

Bill read a third time, on motion by Mr. Lewis (Minister for Education), and transmitted to the Council.

#### **METROPOLITAN REGION IMPROVEMENT TAX ACT AMENDMENT BILL**

*Third Reading*

MR. LEWIS (Moore—Minister for Education) [4.57 p.m.]: I move—

That the Bill be now read a third time.

During the Committee stage of this Bill the Deputy Leader of the Opposition sought information on the position where land had been purchased by the authority as open space and was subsequently transferred to a local authority. He wanted to know whether the local authority would reimburse the Metropolitan Region Planning Authority for its outlay. I promised to get the information which is: Land for regional open space remains in the ownership of the Metropolitan Region Planning Authority. Because of its situation, extent, and character it will be used by the people of the whole region. The eventual control of the land is still a matter for thought and discussion. It will depend upon the availability to the Metropolitan Region Planning Authority of funds to improve and maintain regional open space.

Question put and passed.

Bill read a third time and transmitted to the Council.

#### **PENSIONERS (RATES EXEMPTION) ACT AMENDMENT BILL**

*Second Reading: Order Discharged*

Debate resumed from the 21st September.

MR. BRAND (Greenough—Premier) [4.58 p.m.]: The intention of the member for Balcatta in introducing this Bill is quite acceptable to the Government. However, as I indicated by way of interjection, the Government has also given some consideration to the general matters which were raised by the honourable member. The Government intended to amend this Act in certain other directions but, to be quite frank, not along the lines proposed by the member for Balcatta. However, his suggested amendment is quite acceptable to the Government, and I have discussed this matter with him.

Following advice from the Crown Law Department, it has been suggested that the Act be repealed altogether and that a new Bill be introduced to re-enact this measure to include the amendment suggested by the member for Balcatta, and to include some similar concessions proposed by the Government.

In case I might have misled some people by an interjection I made, I would like to make the point clear. The member for Balcatta said that he had toyed with the idea of going further with amendments, and he mentioned such concessions as land tax in the metropolitan area, and the metropolitan region improvement tax. I said that some consideration was being given to his requests. However, the Bill which is proposed by the Government does not carry concessions with respect to those matters.

Other benefits to which I could refer include an extension of the deferment of the payment of rates to persons other than widows receiving widow's pension, and they would include divorcees and



deserted wives. It would be extended also to rates payable under the Rights in Water and Irrigation Act and the Land Drainage Act; and, in the case of Commonwealth-State purchase homes, there would be a provision similar to that proposed for war service homes. There would also be other machinery amendments.

I did not want to mislead the House, or the member for Balcatta, by saying that in having these matters examined the legislation will include the more controversial issues. These concessions and exemptions could be extended to such an extent that there would be no end to them. The honourable member has indicated his willingness to co-operate in this matter and I trust, therefore, he will take whatever action is necessary to enable us to complete the transaction. However, I want to give full credit to the honourable member for introducing an amendment which we had not proposed.

**MR. DAVIES** (Victoria Park) [5.1 p.m.]: I was delighted to hear that the Government is considering some further concessions and some tidying up of this type of legislation. There are numbers of anomalies existing at the moment and I hope that some of them will receive the attention of the Government.

Concessions apply only to people who are pensioners and the word "pensioners," of course, refers only to social service pensioners. There are some people who are superannuated and who are getting no more than those who are receiving the pension; but, because they are not getting an age or other social service pension, they are precluded from receiving any of the benefits in regard to a deferment of land tax, water rates, or local authority rates.

Several years ago I quoted an instance of a widow who was receiving an age pension. She was living by herself and was letting a room for £5 a week. She was providing her boarder with only bed and breakfast but, because she was getting this income of £5 a week, she was not allowed any of the concessions which would normally have been available to her if she were living by herself or, indeed, if her husband were still alive and receiving a full pension. In effect, this woman was getting no more than married pensioners but, because she was receiving a private income of £5 a week for letting a room and providing breakfast, she was precluded from getting any of the benefits I have mentioned.

I quote another instance which came to my notice only recently. It concerns a property in Great Eastern Highway. The owner, who is a superannuated person, is a widow. Her husband passed away shortly after he ceased employment and consequently did not live long enough

to enjoy the large amount of money he had paid out for his superannuation. In this instance, because the woman is not receiving a social service pension, she cannot get an exemption from the payment of land tax; and, in this particular instance, the tax amounts to £24 annually. Land along Great Eastern Highway has become very valuable because it has been zoned for showrooms.

This lady has lived in the property for something like 30 years and I do not suppose she would have many more years of life ahead of her. She is having great difficulty in paying land tax from the amount of superannuation she receives. Also, because the property is valued so highly, the Perth City Council rates are substantial, as are the water and sewerage rates. As this lady is not a pensioner, within the generally accepted term, she is not eligible for the exemptions which apply to pensioners, but she is suffering all the hardships suffered by them because of the small amount of superannuation she receives. Simply because her husband had been thrifty and had provided her with a reasonable pension, she is being penalised for it.

Therefore I hope the Premier will take into consideration some of the anomalies that exist at present. I would like to see some sort of means test applied—

The **SPEAKER**: Order! The question before the Chair is that the Bill introduced by the member for Balcatta be now read a second time. The honourable member cannot get into a discussion on the possible amendments that could be introduced.

**Mr. DAVIES**: The point I was making, Sir, was that the Premier indicated he was looking at legislation along the lines of the amendments introduced by the member for Balcatta in his Bill. However, I think I have made my point—or I hope I have made it. As I was about to say, I think a means test could be applied instead of a straightout pension test, as applies today. If this were done I am sure a great number of families could be satisfactorily provided for.

**MR. GRAHAM** (Balcatta) [5.6 p.m.]: The purpose of this Bill was to overcome anomalies in regard to those who are drawing social service pensions but who happen to be buying their houses from the Director of War Service Homes and are being denied the benefits of the relief that Parliament intended for them and which, I venture to suggest, Parliament was of the opinion certain numbers of them had been enjoying over the years. As long as that purpose is achieved I am not concerned whether the Bill is introduced by the Premier, the member for Balcatta, or anybody else.

I appreciate the attitude of the Government in accepting the principle embodied in my Bill, and the indication that

the Government intends to go further. I am somewhat disappointed, however, that the Government—and we cannot debate this point because it is not in the Bill—apparently does not intend that the deferment of payment shall apply in respect of land tax and the metropolitan region improvement tax. I say that, because there is no suggestion anywhere that certain properties shall be exempt from payment, notwithstanding that the words “rates exemption” appear in the title of the Act and, of course, of the Bill. It is merely a deferment of payment, and it is generally recognised that people drawing social services have a difficult task in making ends meet. Irrespective of the label that is applied to the charge imposed by Governments or local authorities, the burden is still there. However, we can have more of that later on.

Mr. Guthrie: Are not certain pensioners already exempt from the payment of land tax, under the Act?

Mr. GRAHAM: Not to the degree that applies under this legislation in regard to other forms of exemption. We can go into the niceties and append various names to things, but I do not believe that alters the principle. My thoughts are that these annual charges which are imposed by Government or quasi-government institutions should not be a burden and draw from pensioners part of their livelihood. They are just charges against the properties but not against the individuals, and the payment of these charges should await the demise of the owners or the prior disposal of the properties.

I assume, although I do not think the Premier actually said so, and I would like his nod of assent in this regard, that the Government intends to introduce more comprehensive legislation this session.

Mr. Brand: Yes.

#### *Discharge of Order*

Mr. GRAHAM: With that assurance, and because it embraces what I sought to achieve—indeed it goes further—I express my pleasure and I request the permission of the House to discharge this Bill from the notice paper.

The SPEAKER: Is it the will of the House that this item be discharged from the notice paper?

Members: Yes.

The SPEAKER: Very well; this item is discharged.

Order discharged.

### **FIREARMS AND GUNS ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed from the 22nd September.

MR. BRADY (Swan) [5.11 p.m.]: Having had a look at the Bill, which proposes amendments to the Firearms and Guns Act, I wish to say at the outset that,

on the basis on which the Minister introduced it, I feel sympathetically disposed towards his aims and objects. However, I very much regret that the Minister did not back up his arguments with any facts in regard to indiscriminate shooting and the great losses being sustained by those engaged in primary industry. He said that these features were the main reason for introducing the legislation.

I would hate to think that we in Western Australia were passing legislation of this kind simply to suit the wishes of a few people. I think most of us in Australia are proud of what we hear referred to as the Australian way of life; and to me that way of life envisages the right of a young man, or an elderly one for that matter, to go out and have a day's shooting whenever he feels like it. However, because of the way in which the Firearms and Guns Act has been amended in recent years it would seem that the Australian way of life is quickly disappearing.

The SPEAKER: Order! There is too much talking in the Chamber.

Mr. BRADY: Legislation has been amended to such an extent that a person cannot even leave the road to pick mushrooms or shoot any vermin that may be about. As I said, I am sympathetically disposed towards what the Minister is trying to do in his efforts to stop indiscriminate shooting and wanton destruction. However, the Minister did not submit facts to support his case. He mentioned one or two accidents that had occurred, and referred to the Cooke case and the fact that Cooke use a stolen rifle. However, there are people occupying higher positions in life than Cooke ever occupied who have made mistakes with guns. We have only to recall a case last year in which a detective was involved. He accidentally shot a young man whom he was pursuing and who was believed to have stolen goods.

According to the Minister, in Western Australia 70,000-odd gun licenses have been issued. He then went on to say that the number of guns would probably be double that, because each license holder would have two guns; so, in effect, there would be 140,000 guns in Western Australia. Having regard for this, the accidents caused through firearms are not great in number.

Using the Minister's argument, we should suppress the use of motorcars because, in the last 12 months, 3,300 people were killed as a result of motorcar accidents; and 74,000 people are injured each year. Yet, with 140,000 guns in Western Australia, the number of accidents has been very small. The Minister did not put up a case to show that there has been a great slaughtering of cattle in the outback of Western Australia, or sufficient to warrant the introduction of this legislation.

Mr. O'Connor: You are quoting Australian figures in regard to motorcar accidents?

Mr. BRADY: Yes. I am quoting the figures published in *The West Australian* last week when Mr. Paterson was in this State. I am merely making the point that there are other lethal weapons apart from firearms and guns.

I appreciate the Minister's desire to have the Bill passed, but we must have regard for the Australian way of life, and if people are prevented from entering a private property to engage in some shooting occasionally with a rifle then I fear for the future of the Australian way of life. The same principle applies to a person who wishes to collect mushrooms on a private property in the country. Such a person is prohibited from collecting mushrooms now unless he first obtains the permission of the owner. With all these prohibitions and restrictions, what is a young man to do? Is he to be confined to having a few beers on a Saturday afternoon or to hanging around the betting shops? That is not my idea of the Australian way of life.

In view of this trend that is developing I hope we are not approaching the stage that was reached in the old country among the landed gentry when, if one was caught poaching on private property, he was charged and very often deported to Australia or some other country. Therefore I consider we should not be too eager to conduct prosecutions against persons for carrying or using firearms on private property. That is my main argument. This principle of prosecuting a young man who is carrying a gun and using it on private property without permission and thus making him a quasi-criminal, does not appeal to me. I would like to see more warnings issued to young men who offend in this regard.

At the moment there are thousands of youths being trained every other night of the week to fire a .303 rifle and, naturally, after they have gained some proficiency they become a little trigger-happy and keen to go out into the country for some rifle practise. However, if this Bill is agreed to, any youth who attempts to practise rifle shooting on private property without permission will be prosecuted. I am fully aware that owners of private property are entitled to every protection, but we should not rush into this legislation. After all is said and done, the Firearms and Guns Act has been amended considerably in recent years. There are no less than 16 different offences set out in the Act, number 13 of which reads as follows:—

Using a firearm on land belonging to another without the consent of the owner or occupier of such land.

In this Bill the Minister proposes to go further and forbid a person to carry a rifle

on private land. One can carry a rifle on private land if one has the permission of the owner or occupier, or one can carry a rifle if one is on an open road. If this legislation is passed, I am certain there will be some hearburning among many people, and I therefore hope the Minister will put into practical effect the sympathy he expressed towards those people who are prospectors, sandalwood collectors, and the like. I hope the Minister will show he is in earnest and will accept one or two amendments to this Bill.

Having made those remarks I would remind the members of this House that the measure, in the main, seeks to stop indiscriminate shooting on private land. The Minister has offered to provide an amnesty to people who have unlicensed guns in their possession. I have heard some reference being made on TV to this amnesty, and I have read a report about it in the newspaper. I therefore hope that people who have unlicensed firearms in their possession will take full advantage of the amnesty; that those people who have been fearful of letting the police know they possess unlicensed firearms will come forward and rid themselves of them.

The Bill also proposes to widen the definition of "firearm" by inserting the words "or any component of ammunition" in the relevant section. It appears it could be possible to purchase a firearm in sections. At the moment, sections or components of a firearm are not regarded as being a firearm until they are assembled as the complete article. By the Bill it is now proposed to bring all these firearm components within the definition of "firearm."

Section 4 of the Act at present grants certain concessions to people who carry guns in the north-west of this State. They do not have to hold a license or observe regulations or rules governing firearms. With the rapid development of the north-west the Minister has seen fit to introduce an amendment which will waive all concessions to those people residing in the north who are in the habit of carrying firearms. This means that any firearm, gun, pistol, or anything else connected with ammunition will be brought under section 4 of the Act and must be licensed.

There is one amendment to which I will make particular reference, because in regard to it there could be some justice shown by the members of this House as well as by other people who could be concerned about the position. This amendment seeks to provide that should a policeman approach a man in the country or on any highway, and should that man not be able to produce a license for the firearm he is carrying, the policeman can take possession of the firearm. This provision could cause a good deal of trouble. There are many men who go out for a day's shooting without carry-

ing the licenses for their firearms in their possession, just as many motorists drive vehicles without carrying their driver's licenses. However, should a motorist be apprehended for any reason and he does not have his driver's license in his possession he is allowed five or six days in which to produce it at any police station. The policeman who apprehends him does not take possession of his vehicle; but under this amendment the policeman would have the right to seize the man's rifle if he did not carry on his person the license for it.

Such a provision could cause a great deal of friction, and I hope that if this legislation is to be policed it will be done with a measure of mercy and that prosecutions will not be made willy-nilly immediately a policeman apprehends a person with a firearm who does not have a license in his possession.

The next offence which the Bill seeks to provide for under this legislation is that no person shall be permitted to alter or deface any firearm. For this offence there is to be a dire penalty. It would seem that the police have encountered many cases of people increasing the firepower of the firearm they possess, or increasing the calibre of it beyond that stated in the license. For such an offence severe penalties are to be imposed, and all persons possessing firearms should be warned of the risk they take if they alter the calibre of any firearm.

I now come to the final point relating to the proposed amendments in this Bill. In answer to the member for Pilbara, the Minister said he did not wish to interfere with those persons travelling through pastoral properties whilst carrying a firearm, or with those engaged in prospecting, or with others who lived by the rifle. For the benefit of such persons, the Minister is introducing a provision slightly different to that contained in the Victorian Act. Victoria, which is only a small State, has this section provided in its legislation dealing with firearms—

Except with the consent expressed or implied of the occupier of land for a person to carry or have in his possession any firearm while he is on such land.

In his proposed amendment the Minister is genuinely trying to be helpful, because it reads—

Except with the express or implied consent of the occupier or of some person apparently authorised to act on behalf of the occupier or on a road open to the public, carrying a firearm onto, or across, land that is used for, or in connection with, primary production.

The use of the words "in connection with primary production" embraces, to the extent of almost 99 per cent., both land and sea, because a man is classed as a

primary producer if he is growing wool, is engaged in the grazing industry, or is a professional fisherman. On the TV only this morning I heard of two station properties of a total area of 1,500,000 acres in the eastern district. If a man enters a property of 1,500,000 acres without the permission of the owner or someone acting on his behalf he will be subject to a severe penalty under this legislation.

The Minister is going too far with this measure. Very often a man, for various reasons, has to carry a rifle when travelling through country districts. Others carry rifles for sporting purposes. Even a fisherman when going to sea will often carry a rifle on his boat, and the fishing industry is recognised as being a primary industry. Mining also is a primary industry. It could so happen that a man with a property of 30,000 or 40,000 acres, but using only 5,000 acres for growing cereals, could have the remaining 25,000 or 35,000 acres regarded as being used "in connection with primary production." As a result I am afraid that those people who venture into the outback to engage in prospecting, sandalwood-cutting, and dingo-shooting will not get a very good spin under this amendment.

There will probably be one or two other speakers to the Bill, and in all probability a member will move an amendment in Committee, but I hope the Minister will be sympathetic towards the people I have just mentioned. In some respects I support the legislation, but I do so with reluctance because I feel that that most vaunted phrase we use from time to time, "the great Australian way of life," is in danger of becoming obsolete. The vast open spaces that were once available to all men without restrictions are rapidly becoming prohibited places. The huge pastoral properties that are being developed and the great inroads that are being made into virgin land are rapidly reducing the avenues in which one could follow one's sporting pursuits, and I greatly regret this trend. Yet, at the same time, I know that the Minister, through the Police Department, has to exercise proper control over firearms and guns.

Recently I read a report in the Press concerning a party of men who had been shooting in the Bunbury district. Following a day's shooting one of the men was handling a gun and, because he did not know it was loaded, he accidentally shot his friend in the foot. This friend brought a huge damages claim against him and was successful in being awarded a large sum for his injury. I also read of another case in the Press of a man who came home after a day's shooting in the Walkaway district and put his gun away in a room which was used by children as a playroom. Because of that man's carelessness a child lost his life. So, when one hears of these cases, one must be sympathetic towards the Minister's point of view.

In conclusion I express the hope that if the Police Department is to pursue such cases it should try to tender some measure of mercy, particularly to young men who go out to do a bit of shooting as a sport. They are not criminals or semi-criminals. I hate to think these people could be charged under the Act simply because they possess firearms in respect of which they cannot produce licenses forthwith, or simply because they might have wandered onto some private property.

Those are all the remarks I wish to make in connection with the Bill. In general I support the measure, but in respect of the portion to which I have just made reference I support it with reluctance.

**MR. GRAYDEN** (South Perth) [5.31 p.m.]: The member for Swan made a statement that some amendment might be made to the provisions of the Bill. I assure him that if he does not move an amendment then I certainly will, because I find it is an incredible piece of legislation, or that it contains such an incredible proposition as to be almost unbelievable.

Some might say that the provisions of the Bill are very little different from the present Act, but I regard the Bill as an incredible proposition and a selfish piece of legislation. I cannot understand how 12 men who form the Cabinet of this State could approve, as they must have done, legislation of this kind.

**Mr. Bovell:** The wisdom of Solomon!

**Mr. GRAYDEN:** The Bill contains a provision which will virtually make a criminal of almost every person in the north-west, the Kimberleys, the Eastern Land Division, and the Eucla Land Division. The Bill seeks to give the power to the police to institute legal proceedings against, or to prosecute, an individual who has not been caught while shooting on pastoral properties in any of the land divisions I have just referred to, but who happens to be carrying a firearm. The particular amendment proposed in the Bill is as follows:—

(b) by adding, after item 13A, the following item—

13B. Except with the express or implied consent of the occupier or of some person apparently authorised to act on behalf of the occupier or on a road open to the public, carrying a firearm onto, or across, land that is used for, or in connection with, primary production.

The effect is this: If an individual, a prospector, a labourer, or a resident of the north-west, the Kimberleys, the Eastern Land Division, or the Eucla Land Division shoots a kangaroo for its skin or

for consumption as food—and kangaroos by the thousands are being shot for consumption every day in Western Australia—without the express permission of the occupier or owner of the land, then he commits an offence, notwithstanding the fact that in order to obtain such permission he might have to travel 50 miles; because in many cases the occupier or owner would reside many miles from where the shooting has taken place.

In some instances a trip of many hundreds of miles might be necessary in order to obtain permission, because there might not be a direct route to the homestead. For instance, a prospector could be on one side of Mulga Downs Station, and, in order to reach the station homestead to obtain permission, he would have to cross huge mountain ranges and travel a couple of hundred miles. When he got to the homestead he might find that the owner was away. The owner might be residing in Peppermint Grove or in England; and the manager might be away for some weeks.

**Mr. Jamieson:** He might be right where the prospector was shooting.

**Mr. GRAYDEN:** The prospector is very much dependent on his firearm to enable him to obtain fresh supplies of meat.

**Mr. Burt:** He has already had 200 miles of shooting in getting to the homestead.

**Mr. GRAYDEN:** If the prospector shoots without the consent of the owner or occupier of the land, he commits an offence under the provisions of the Bill. If the member for Murchison thinks this is a fair proposition then I suggest that if the Bill is passed he posts the particular amendment in the Bill, and his remarks, on the billboards throughout the Murchison electorate. Let us see if he is prepared to do that! That would make a few pastoralists who reside in Peppermint Grove and in England happy, and to them this would be a wonderful thing.

**Mr. Bovell:** There are not too many pastoralists of the Murchison area who reside in Peppermint Grove or in England.

**Mr. GRAYDEN:** There are many in Western Australia. I think the member for Kimberley asked a question in respect of this matter last year.

**Mr. Bovell:** I am talking about pastoralists of the Murchison area.

**Mr. GRAYDEN:** There are many absentee owners of the Murchison area. I am absolutely shocked to think that members of the Government should approve the suggested amendment to which I have referred. Great play has been made of what is being done in the north, and of course the Government has done a great deal. The Minister for the North-West has gone out of his way in taking steps to increase the population of the north-west, but does he think this Bill

will further the recreational opportunities of those people; because the existing recreational opportunities are extremely limited? They have no television, and little in the way of cinemas, football matches, or the other forms of recreation which are available to people in the south-west of this State. As a consequence they are largely dependent on sports, such as swimming, shooting, and others of the same sort.

If the particular provision in the Bill, to which I have referred, is agreed to, it will mean that the residents of centres like Port Hedland, Nullagine, Marble Bar, and the other towns in the areas I have mentioned, will not be able to go shooting for recreational purposes—whether to shoot game, or to shoot at tins and targets—unless they have obtained the permission of the owner or occupier of the pastoral property concerned.

These great pastoral properties surround the towns I have mentioned. The occupiers or owners might be residing many miles away, and in the past the individuals wanting to do the shooting might have crossed the owners of the properties concerned. They would not be prepared to go cap in hand to ask for permission to shoot on a pastoral property, where the homestead might be many miles away. They would not do this for many reasons. It could be that the owner or occupier would not give permission. What would happen then? They would not be able to shoot.

We would have instance after instance of prospectors, who live out in the bush and who are dependent on game for their meat supplies, not being able to shoot game. Ducks may be shot throughout the year in the north-west, and in most of the areas I have mentioned, except the South-West Land Division. If this Bill is passed nobody in the north-west will be permitted to shoot ducks, unless he has obtained the permission of the owner or occupier of the land. In many cases permission would be refused, and in others the individual would not be prepared to go cap in hand to ask for permission. If he shot without permission he would breach the Act and would commit an offence. Of course, people will continue to shoot without seeking permission, and we will therefore make criminals of them.

I find the proposition in the Bill to be unbelievable. I cannot understand how the members of Cabinet could have so completely disregarded these fundamental rights of the people in all parts of the State, with the exception of the South-West Land Division. By all means introduce legislation of this kind to cover the South-West Land Division, where agricultural pursuits are carried on. Naturally those with farms and stock do not want people wandering around their properties shooting at game or targets. We can therefore agree that this legisla-

tion is reasonable in respect of the South-West Land Division, but it is not in respect of the pastoral areas.

Mr. Bovell: But there are stock in the pastoral areas.

Mr. GRAYDEN: Certainly there are stock in the pastoral areas. There are many stations in Western Australia of 1,000,000 acres in extent which have as few as a thousand head of stock; and some have considerably less than a thousand. Surely the Minister for Lands is not suggesting this is a reasonable proposition!

Mr. Bovell: I am one of the 12 men to whom you referred.

Mr. GRAYDEN: Of course the Minister is. I cannot understand why he did not veto this provision and omit it from the Bill. It is a fantastic proposition. In all the areas of Western Australia—barring the South-West Land Division—the native population is largely dependent on shooting game in order to survive. As a consequence of the passing of this provision in the Bill they will be prevented from shooting. It is of serious consequence to them, yet the Government blithely asks us to pass a provision of this nature—one which will have a drastic effect on so many thousands of these people. The Government has done that, and it has not turned a hair.

The member for Swan spoke of the Australian way of life, and I agree entirely with the sentiments he expressed. Ever since this country was founded people have been using firearms. They have not used firearms recklessly or with abandon. Certainly some vandalism has occurred along the line, but that happens in all sorts of circumstances. We cannot legislate against vandalism. There is nothing we can do by passing legislation to stop vandalism in, say, King's Park, or in respect of the surf life saving reels at Scarborough, or in respect of breaking bottles on the beaches.

There is little we can do to prevent vandalism. Certainly the Minister will not prevent it with the passage of the measure before us. Vandals nowadays drive along the roads and highways in cars and shoot at signs and stock, and there is nothing in the Bill to prevent that from happening, because a person is permitted to carry a firearm in a car.

Mr. Lewis: But a person is not permitted to use a firearm from a public road.

Mr. GRAYDEN: A person is not permitted to shoot from a public road, but he is permitted to carry a firearm in a vehicle. It is not an offence to carry a firearm, and this is the channel through which vandalism caused by firearms takes place. The people shoot and then drive on.

The provision in the Bill to which I am referring is aimed at the legitimate shooter

—the man who leaves his car and walks several miles to shoot kangaroos, ducks, or other game. He might carry the firearm for his own protection, and that happens often enough in the north-west for many reasons. This legislation is aimed at such a person.

In the past it has been an offence to shoot on land without first obtaining the permission of the owner or occupier, but the mere carrying of a rifle was not in itself an offence. However, if this clause is passed, this will be an offence.

Countless people in the north-west have carried firearms for their own protection. I can well recall one prospector who used to be attacked by a great white cow from a mob on a particular station. Every time it saw him it attacked him, and for weeks this prospector would avoid the cow, which would run half a mile in order to intercept him. Eventually he shot the cow and the first thing he did, because he had lived there for months, was to go to the owner of the station and tell him he had shot the cow. The station-owner congratulated him because the cow had killed three horses and had been a general menace on the station; but those on the station had been reluctant to kill it. This man had carried a rifle for his own protection; and I could give countless other instances.

Prospectors living in isolated places often carry firearms for their own protection. For instance, a man of 60 could be living by himself in the desert 100 miles south-east from Port Hedland. He would still be on station property, and therefore could not carry a rifle for his own protection, notwithstanding the fact that he may have made an enemy of, for instance, a group of natives camped nearby, who might have shown hostility towards him.

With all the tourists now in the north-west, surely a prospector living alone in isolated circumstances should be permitted to have a weapon for his protection. Many of these individuals will live in those isolated places only because of the solace they gain from the knowledge that in an emergency they can defend themselves by means of a firearm. But under this particular clause, if they have such a weapon in their possession and they are on a pastoral property, they will be committing an offence.

I find this such an incredible provision that I should perhaps deal with it at greater length, because it does warrant it. It is such an unreasonable and selfish provision that we should certainly either reject it, or amend it extremely drastically. I am at a loss to understand what gave rise to the introduction of this amendment. Where did the suggestion come from in the first place?

Several thousands of natives will be affected by this provision as well as thousands of residents in the north, so who

is it in the community who has such power to persuade the Minister for Police to introduce this amendment to stop indiscriminate shooting of stock in the north-west? I am at a loss to understand this legislation. I cannot believe it could have been introduced as a result of a request by a handful of pastoralists.

Let us examine the position so far as the pastoralists are concerned. We know what happens in drought time in the Kimberleys, the Eastern Land Division, and in the Eucla Land Division. Pastoralists lose stock by the thousands. Hundreds of thousands of cattle and sheep die in drought time, and the pastoralists accept that position. Legislation is not introduced to force pastoralists to establish fodder reserves, to reduce the number of their stock, or to do anything to avert losses during drought time.

We seldom hear of individuals shooting stock in these particular areas, and yet this legislation has been introduced. For years I lived in the north-west in the vicinity of Marble Bar and Nullagine when a syndicate to which I belonged was mining in the area. Not in all the time I was there did I hear of a sheep, or beast of any kind, being shot by a vandal for food. Legislation of this kind is not warranted when it will obviously adversely affect so many people.

Certainly in the South-West Land Division, where so many agricultural properties have been established, many instances of shooting must occur; but these are not the work of legitimate shooters, but of vandals; and legislation of this kind has not been introduced to prevent that occurring.

I have a property at Jandakot, and shooting takes place there three or four times a week. I have given up trying to keep sheep on the property because as fast as I put sheep on it, they are shot. That is less than 20 miles from Perth. It is an area of 260 acres and has a lot of improved pasture, but not a single head of stock, because all the sheep which have been placed there have been shot. I have seen natives with two great kangaroo dogs pursuing a kangaroo, of which there are many on my property, strangely enough. I do not resent the natives' presence by any means, because they concentrate on the kangaroos.

The vandals are the ones who cause the trouble. Recently I was within 100 yards of the front gate when I heard shooting. I rushed to the gate and found two locks had been shot off. I made some inquiries from the chap on the corner and ascertained which way those responsible had gone, and I followed them. They apparently became bogged and a grader pulled them out, and they went on to Perth. I repeat that this was within 20 miles of Perth; but this seldom happens in the north-west.

A great deal of shooting takes place on my property at Morawa. To stay there on some nights is like being involved in the war in Vietnam, with spotlights galore and bullets flying literally in all directions. Two or three times a night a car will come along with a spotlight, and shooting will take place in the way I have described. That is at Morawa. We have had sheep there for many years, but notwithstanding the shooting I have just described, we have not lost one sheep as a result of shooting; and, to my knowledge, no-one on the surrounding properties has lost any, either.

I have no objection to legislation being enacted to prevent indiscriminate shooting in the South-West Land Division, where so many agricultural properties are involved. By all means let the legislation apply to that area; but, goodness gracious, do not extend it to the remaining parts of the State, where thousands of people will be adversely affected!

When speaking on this particular Bill, the member for Swan made reference to Cooke. I would like to make the point that vandals and individuals like Cooke will always be able to obtain weapons and use them in the manner to which the Minister for Police has objected; but surely if anything is going to deter such people, and particularly a person like Cooke, it is the knowledge that farmers, prospectors, and residents also have firearms for their protection, and can therefore defend themselves!

There is another matter to which I wish to refer. Members will recall that some months ago a person was lost 300 miles or so from Port Hedland, but eventually, after a couple of weeks, if my memory serves me right, he struggled into civilisation. During the time he was lost, he lived off the land. He was a prospector, and he was able to survive simply because he carried a rifle with him. If this proposed legislation had been in force, that individual would have perished because he would have been unable to provide food for himself.

In addition, if this provision had been in force at that time, when that chap finally reached civilisation and the authorities became aware of the fact that he had survived because he had carried a rifle, he would have been immediately prosecuted for having in his possession the rifle to which he owed his life. Without hesitation I say that he would have been prosecuted. In this morning's paper is a report that someone went to the Zoo to sell two black cockatoos. The Zoo bought the cockatoos and then the individual was prosecuted for having them in his possession. Therefore it is not unreasonable to suggest that after the man who was lost 300 miles from Port Hedland had struggled into civilisation, having used a rifle to survive, he would have been prosecuted for having the rifle in his possession.

I want to say that if this provision is passed, it will be broken. Several thousands of natives who live in the north must shoot game to survive, and they are going to use rifles. They cannot be dependent on pastoralists to give them permission to shoot. In a lot of instances they would not receive the permission, and would then have to leave the district concerned. They would not be welcome in the adjoining district. So it is quite impracticable and unreasonable to ask them to go, cap in hand, to seek permission which, in many cases, they know they will not get.

If in the Marble Bar area, for instance, a native goes to a station homestead 20 miles away to seek permission, and it is refused, do members think that the remaining inhabitants of the town will travel that 20 miles to seek permission which they know they will not get? They know they will not be allowed to shoot on that property, and therefore they will all flock to an adjoining one and, as a consequence, that station-owner will have twice as many shooters as previously, and so he too will ban shooting. That procedure will be repeated over and over again. Eventually, there will be nowhere where these natives can shoot for recreation or for the meat on which they depend so very much for food in the north-west.

Recently in *The West Australian* an article appeared outlining the attitude to firearms in the United States. It is well worth reading. It appeared on the 31st August, and reads as follows:—

New York, Sun: There were probably 100,000,000 guns in the United States—enough to arm half the population, the director of the National Shooting Sports Foundation, Mr. Charles Dickey, said.

He said many of the guns were used for sport. Millions more—including antique weapons—were in the hands of the nation's 700,000 gun collectors.

Mr. Dickey estimated that about 25,000,000 people in the U.S. owned guns and took part in recreational shooting.

The ownership and use of guns is encouraged by the Defence Department's office of civilian marksmanship, which feels good marksmanship is vital to defence and security.

During a congressional committee hearing last year, which was studying proposals to control the mail-order sale of guns, a manufacturer said Americans had an inherent desire to own firearms.

He said if restrictions were imposed on firearms, many people would break them.—A.A.P.

The really relevant portion is the paragraph which reads—

The ownership and use of guns is encouraged by the Defence Depart-



ment's office of civilian marksmanship, which feels good marksmanship is vital to defence and security.

This is the situation which exists in the United States of America. In a country where there is such a huge population, the authorities go out of their way to encourage people to use guns because they think it is vital to the defence of the country. This means that the American youth grow up used to handling firearms.

What would be the position in Western Australia if this sort of legislation were carried to its logical conclusion? Some people in recent years have chosen to call Western Australia "the frontier State." It is one of the few frontier States left in the world, apparently, if one can believe some of the comments that have been made in respect of this State over the last few years.

Notwithstanding that it is a frontier State and notwithstanding that station homesteads are in some cases 50, or 100, or more, miles apart, and notwithstanding that the properties in some cases are 1,000,000 acres in extent, and more, this Government has introduced a Bill which, if passed, is going to impose these restrictions on firearms when, at the same time, any similar kind of restrictions are completely discounted in the United States of America. I would suggest that as far as Western Australia is concerned we should adopt the American attitude.

I suggest, too, we should remember that in this country at the present time 20-year old lads are being conscripted to go overseas to fight for Western Australia and to fight for the other States of Australia. Conscription is, of course, something foreign to the average Australian's idea of our way of life, but it has been forced upon this country as a consequence of the situation in the world. Nevertheless, without question, conscription is something deplored by all Australians.

If one carries this kind of legislation to its logical conclusion, in a few years' time it will be found that this country is not only sending these 20-year old lads overseas, but also that these boys have been deprived during their lifetime of using firearms and becoming familiar with them. What a deplorable state of affairs that would be! It would amount to saying to a 20-year old conscript, "You have not had an opportunity in the past to use a firearm because you were not sufficiently responsible to use it, but now you are going overseas in order to defend the country."

Indeed, I suggest it would go further than that and we would be saying to these individuals, "Your marble came up in the ballot; you are now going overseas to fight. Up to this point of time we did not consider you were sufficiently responsible to use a firearm on a pastoral pro-

perty even though you were 100 miles from civilisation or from the homestead of the occupier of the station. We did not consider you were sufficiently responsible to use a firearm under those circumstances, but now we consider you are sufficiently responsible to go overseas to fight for this country."

This position is so absurd that, even though I am referring only to a single clause in the Bill I think it should be dealt with at some length. I know what the Minister is going to say; he is going to say, "But it has been illegal to shoot on private property for some time." The Minister is going to quote item 13A of section 12, which lists offences under the Firearms and Guns Act as follows:—

Without lawful excuse, knowingly discharging any shot, bullet or other missile from a firearm onto, from or across any road.

The Minister is going to quote item 13 of section 12.

Mr. Craig: I might disappoint you and not do that.

Mr. GRAYDEN: Item 13 of section 12 reads—

Using a firearm on land belonging to another without the consent of the owner or occupier of such land.

Indeed, this is the item to which I particularly wish to draw attention; that is, item 13 of section 12 of the principal Act. It is an offence now to use a firearm on land belonging to another without the consent of the owner or the occupier of such land; but the Minister said at the time it was introduced that this was not something that would be policed. Whether the Minister made this statement in the House or not, nevertheless, he made the intention quite clear. He said, "This is not something which is going to be generally policed; we want it in the Act in order that, where it is necessary, the police will have power to act."

Of course, when the Minister put it forward in that fashion, it was an acceptable proposition, if, to my mind, an undesirable one. Obviously the Minister meant this to be the thin edge of the wedge. Under this Bill the position is that when an individual walks on a property with a firearm it does not matter whether he is carrying it for his own protection or whether he is carrying it in order to shoot game to eat. The very fact that he has a rifle in his possession is, in itself, an offence.

In those circumstances, I sincerely hope this House will either reject this measure or amend it. Inasmuch as it is quite a reasonable proposition in respect of the South-West Land Division, I would suggest that we simply add the words "in the South-West Land Division" to the clause. I would like to read this particular clause to the House after the inclusion of the words I have mentioned.

The **SPEAKER**: Let us not get into a Committee debate. This is a second reading debate.

**Mr. GRAYDEN**: In those circumstances, I will not read the clause. However, I suggest we amend the clause in order to make it apply in the South-West Land Division, but I implore the House not to make criminals of all those who live in the north-west, the Kimberleys, the Eucla Land Division and the Eastern Land Division.

**MR. BURT** (Murchison) [6.7 p.m.]: I rise to support this Bill because I feel it is vitally necessary. I am afraid I cannot go along in any way with my colleague, the member for South Perth, in his rather exaggerated tirade which we have just heard.

One of my reasons is that just now he quoted an item in the Act under which, for some time, it has been an offence to use a firearm on land belonging to another without that person's consent. However, it has been very difficult to police that section of the Act in certain cases, which I will relate in a few minutes, and, consequently, now it is found necessary to prosecute a person for carrying a firearm on a property without first having received the owner's consent.

There are many laws which relate to pastoral properties and, if taken literally, they do tend to restrict the rights of a human being anywhere in the north-west on pastoral leases. Actually, under the trespass Act, it is unlawful for any person to move along a road on a pastoral lease other than for lawful purposes. Surely there is no exception taken to that; it has been the case for as long as I can remember.

The reasons that have brought the amendments we are discussing tonight before the House are several, and the honourable member who has just resumed his seat did want to know from whose advice the Government saw fit to bring these amendments forward, particularly the amendment relating to carrying a firearm on a property without the consent of the owner.

A few years ago in the eastern goldfields the incidence of indiscriminate shooting became very serious indeed. There were cases of young men who, on a Friday evening after they had finished their week's work, would load up a utility with a case of beer and, armed with rifles, would set forth on what probably started off as an honest and sincere shooting expedition. However, as the beer was consumed they would become a little reckless and would start to shoot at anything and everything.

The result was that a climax was reached when one young man threatened the owner of a property—the owner had entreated him to go away from the vicinity

of a particular well where he was shooting—with a loaded rifle. This young man was sent to prison for some weeks for that offence.

After that particular incident, I am glad to say there has been a slackening off of indiscriminate shooting. However, this slackening off occurred after quite a lot of damage had been done to property. On some of the properties which were visited by these shooters, animals were wounded and, in one instance, a child's pony was shot in the leg and left to die. Quite a number of other very unsatisfactory and very serious incidents took place.

These included the shooting of holes in tanks, the destruction of troughs, and the killing of animals and the cleaning of them with their entrails being left in tanks. In 1963, the Kalgoorlie Shire Council saw fit to take a deputation to the Minister for Police, when he made a visit to Kalgoorlie, requesting that he do something by legislation to curb this irresponsible shooting, because it was felt that if it continued it would result, if not in the death of a human being, in something extremely serious.

From that time on an effort was made to curb this irresponsible shooting. Members will appreciate that it is very difficult to obtain sufficient evidence to charge a person with such an offence. In an endeavour to intercept shooters who had been running wild on different properties over the weekend, the police set traps on the roads back to Kalgoorlie, but when they did apprehend some persons carrying firearms they were unable to obtain any evidence to indicate that they had committed an offence. As a result the Act was amended to include another offence—offence No. 13—which prohibits a person using a firearm on any land without permission.

**Mr. Bickerton**: Have you had any approaches from persons in your area for this amendment?

**Mr. BURT**: Yes; I am about to read a letter to the House which contains a request to make the Act more stringent. Up until now I have been referring to incidents that have taken place on the eastern goldfields. In the Murchison district similar incidents were taking place in the area between Paynes Find and Mt. Magnet. Bands of shooters from the metropolitan area were visiting this district for a weekend's shooting. Happenings similar to those which happened in the Kalgoorlie district were occurring. Animals were being killed, and on occasions horses were wounded, but it was impossible to apprehend the persons responsible.

South of Mt. Magnet the police are few and far between, and the incidents to which I particularly refer happened on a station in the Paynes Find area where it was found that several sheep had been shot and two horses had been wounded.

This station did not have a telephone, so the station people travelled to Paynes Find to send a telegram to the police in Dalwallinu. Eventually the police did waylay a utility that was travelling southwards. This vehicle was full of young men with rifles, but again it was not possible to charge them with any particular offence.

Mr. Bickerton: Would it be possible under this Bill?

Mr. BURT: If the Bill were passed such men could be asked whether they had permission to shoot on the property they had visited.

Mr. Bickerton: They were apprehended on the road, were they not?

Mr. BURT: Yes. I consider that even now the Bill does not go far enough. However, as a result of these shooting incidents on the Murchison, the Murchison Ward of Country Shire Councils' Association of W.A., on the 6th April, 1965, wrote to me as follows:—

All constituent Councils of this Ward are perturbed by the growing numbers of irresponsible shooters in the Murchison (and other) district.

They feel that the existing laws are not sufficiently stringent to properly control these menaces.

In an endeavour to have this problem brought under control the Ward feels that legislation should be introduced to compel all week-end and pet meat shooters to report to the nearest police station in the district in which they intend shooting and obtain a permit to shoot, first producing written evidence of authority to shoot on a particular station or stations.

If you would bring this to the attention of the Minister for Police and do all you can to bring about such legislation the Ward would be very grateful.

Yours faithfully,

(Sd.) R. G. TONKIN,

Hon. Secretary.

Mr. Bickerton: What were the initials of the honorary secretary?

Mr. BURT: His initials were, "R.G."

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. BURT: Before the tea suspension I had read a letter from the Secretary of the Murchison Ward of Country Shire Councils Association of W.A. which indicated the feelings of the various councils towards indiscriminate shooting. That letter was dated April, 1965. On the 5th June, 1965, the biennial conference of the Murchison Ward of Country Shire Councils' Association passed the following resolution:—

That Mr. Burt M.L.A. be requested to approach the Minister for Police in an endeavour to have the Firearms

and Guns Act amended to provide for the following:

- (a) Provision of binding conditions on gun licenses which would specify exactly where gun could be used only, i.e. on which properties only.
- (b) The above provisions and other existing provisions of the Act to apply on a State-wide basis.
- (c) First breach to result in a severe penalty, together with temporary confiscation of gun for a period to be determined by the severity of the breach.
- (d) Second breach to result in a more severe penalty plus permanent confiscation of the gun.

That motion together with the letter I read, and the representations of the Kalgoorlie Shire Council to the Minister a couple of years earlier, are partly the reason, I should imagine, which prompted the amendments which we are debating at this moment. I have no doubt that the Minister has had other representations from other parts of the north-west.

I feel the remarks of the previous speakers who placed emphasis upon the prospector or the itinerant worker being detrimentally affected by the provisions of this legislation are quite unsound. As I said earlier, for years there have been restrictions which virtually prohibit persons from wandering onto pastoral leases without lawful excuse. There are many other restrictions which apply one way or another which will only be brought into being in the case of really unlawful shooting such as I referred to earlier in my speech.

There are many Acts on the Statute book which are not carried out to the letter. A number of them are put there to protect the lawful from the dealings of the unlawful. Whether it be in the case of firearms laws, the drinking laws, or the gaming laws, it would appear that the good have to pay, to a certain extent, for the sins of the bad. But I go along with the idea of restricting unlawful persons to a certain extent.

Mr. Bickerton: This does not permit a person to carry a gun for lawful reasons. He has to have the consent of the occupier.

Mr. BURT: That is true. We all know that a lawful person would never be refused permission by anybody; but surely it is not too much to ask a man for permission to shoot on his property. This happens every day of the week. There are kangaroo and pet-meat shooters based in towns throughout the north-west, and these people make their living by shooting on the various properties, because most of the land within a reasonable distance is station property.

Mr. Rhatigan: How would that affect the Kimberleys? There is no means of communication.

Mr. BURT: There are telephones, and many other ways of getting in touch with the owner or his representatives.

Mr. Rhatigan: What telephones?

Mr. BURT: I consider the Kimberleys are sufficiently sophisticated to have some form of communication other than the carrier pigeon. To my mind it is quite reasonable to try to protect people who have gone to tremendous expense to develop land and who are battling with seasons and other things. It is not unreasonable that they should be protected against indiscriminate and illegal shooters.

On many occasions I have been on properties and have spoken to the owners and they have been only too glad to tell me that kangaroo shooters have been operating on their properties. The owners are naturally hoping to rid the properties of that vermin. It is not too much to ask the permission of the owners, and I would say here and now that 90 per cent. of the shooters, whether they shoot for a living or for pleasure, do obtain permission to enter a pastoralist's property.

Mr. Grayden: Kangaroo shooters are in a different category altogether.

Mr. BURT: The owners of properties may sometimes refuse permission to the shooter concerned. They might say, "I don't want you to shoot at the moment on my property; I have had a bad season. The green feed is concentrated in one particular area where the kangaroos are, but unfortunately my stock are also there." Surely they have the right to say, "I would rather you did not shoot on this property." There would surely be some part of the district in which they would be allowed to shoot, and where they would be welcome.

A pastoralist may hear that a shooter has been on his property, and he may see evidence of damage that has been done—it may only be damage to fences, and not damage caused as a result of firearms—and it is only right, if it is at all possible, that we should prevent that sort of thing from going on. Quite often people are on such properties for unlawful purposes, because they have not obtained permission to be on them. We should do all we can to prevent damage to the properties concerned.

I have known of kangaroo shooters who may have had an unsuccessful night and who, on the way home, have seen two or three sheep and have succumbed to the temptation and have taken a pot shot at one or two of the sheep. They would be sure of getting some sort of tucker. We must legislate for the good and the bad.

The amendments in this Bill will still not prevent some of these illegal shooters from operating, because they could get off

scot free. Surely it is not too much to ask the House to agree to amendments which will make it more difficult for the illegal shooter to operate.

Mr. Grayden: Do people living in towns want this provision?

Mr. BURT: I can only say that I have read a motion from the combined wards consisting of 15 shire councils within the Murchison. So it is obvious that quite a number of these wards are represented by people who live in the town. The same applies to the Kalgoorlie Shire Council. I do not think there was any pastoralist on the deputation which made representations to the Minister for Police in 1963. The deputation consisted of businessmen and members of the shire council who lived in the town and who were very concerned with what was taking place.

Mr. Bickerton: Strangely enough, I have not had one local complaint from a shire council.

Mr. BURT: I have not, either. The districts that are near the metropolitan area or towns—districts such as the Murchison or the goldfields—have to put up with indiscriminate shooting, because practically every person in the community nowadays owns a motorcar. With the good roads it is quite possible for people from the metropolitan area to travel 200 or 300 miles from the city during the week-end to do some shooting and return. In the case of Kalgoorlie, it is possible for such persons to go into the surrounding pastoral areas to do some shooting over the weekend.

Mr. Bickerton: That would be a ground for applying the provision to the area around Meekatharra.

Mr. BURT: If I were to be parochial, I could say below the 26th parallel. The reasons that have been put up by members who are opposed to this particular amendment in the Bill do not hold water, when we take into consideration the benefit that will accrue from its passage, as against the encouragement of illegal shooting.

Mr. Grayden: In many of the towns of the north-west, 95 per cent. of the residents are opposed to this amendment.

Mr. BURT: I do not know what the honourable member is referring to. If he were to proceed with the silly threat which he made earlier to plaster the billboards in the Murchison area and say that I am in agreement with this amendment in the Bill, I would not be concerned at all. The average person with any common sense will support this legislation in full; and I include in the average person the shooter who might be doing this for a living or for pleasure. People who go out shooting realise it is common courtesy and common sense to approach the owner or the occupier of the property where they intend to shoot, to obtain permission.

I notice the member for Gascoyne has placed on the notice paper an amendment

which expresses the provision in clause 5 of the Bill in another way. He is twisting words around. There does not seem to be anything wrong with his amendment, so I support it.

In conclusion, I want to say I strongly support this Bill, because it contains nothing which is very much different from the provisions of the Act. Perhaps the provisions in the Bill will make it a little easier to apprehend the miscreants to whom I have referred. There are other amendments in the Bill which I support, but I feel I am more able to comment on the particular one I have been discussing.

**MR. NORTON** (Gascoyne) [7.44 p.m.]: I cannot say that I am in favour of the amendments in the Bill, and at the outset I definitely want it to go on record that I have not received requests from any of the shires in my electorate to support an amendment to the Firearms and Guns Act. Over the years that I have represented my electorate, on only one occasion have I had a complaint from a pastoralist regarding indiscriminate shooting. The temperature was made so hot for the people doing the indiscriminate shooting—they were from Geraldton and from the crayfishing industry—that they have not continued with it since.

When the Minister introduced the measure he said, "It has not been possible to completely combat the menace of indiscriminate shooting." That is very true, and it will remain true so long as people own rifles. No matter what amendments are made to the Act, indiscriminate shooting by a few irresponsible people will not be curtailed. There are only a few irresponsible people in Western Australia who do indiscriminate shooting.

We find young larrikins, travelling three and four in motorcars between towns, shooting at water tanks and springing leaks in them. No matter what we do, this type of vandalism cannot be stopped unless the rifles are taken away from the vandals and their firearms licenses are withdrawn. But first they have to be apprehended, and that is a very difficult task.

When the Minister introduced the Bill he had quite a bit to say about the rifle clubs. I have been a member of a rifle club in the Gascoyne for a number of years. I have also been a member of rifle clubs in other places, and I cannot go along with what the Minister has said—that a large number of rifle club members have an extra .303 rifle which they use for sporting purposes, particularly at the present time. We should remember that .303 ammunition—I think I am correct in saying this—costs in the vicinity of \$160 a thousand, so it is not an inexpensive item which people use for sporting purposes.

The rifle that is used for that purpose is the .303/25—a converted .303—the ammunition for which costs over \$46 a thousand. In these days there is no cheap

ammunition. The .303 is not a high-powered rifle, but is a game-shooting rifle. The members of rifle clubs do not indulge in the indiscriminate shooting that is taking place, let alone possess extra rifles for sporting purposes—as the Minister intimated. This is not in any way correct. In my view, the penalties for indiscriminate shooting are too low. If an offender is apprehended his license should be cancelled for life and his rifle confiscated. If this were done the problem might be overcome.

I shall now deal with the three or four other amendments in the Bill. The first is the amendment to the definition of "firearm." It seeks to add to the existing definition "any component of ammunition." In putting this definition into the Bill I wonder whether the Minister has considered what he is doing, and how he is to control this. When we take into account the components of ammunition we find that they can be bought in stores. It is only a question of mixing these components in the correct proportions to reload ammunition.

The three components of gunpowder can be obtained quite easily. All one has to do is to obtain some potassium nitrate, sulphur, and charcoal, and by mixing them in the proportions of 75, 15, and 10, one produces an explosive for reloading ammunition. I might be a little sardonical in saying this, but is it intended that a person has to obtain a license to sell these components? Potassium nitrate, which is virtually saltpetre, is one of the substances used in curing corned beef. I would ask the Minister whether these types of things are regarded as components used in the reloading of ammunition?

The second amendment in the Bill seeks to repeal section 4 of the Act and to substitute, "This Act applies throughout the State." Under the existing Act there are certain parts of the State which are exempt from the provisions of the Firearms and Guns Act. For instance, in the north-west for many years only those in a municipality were required to license firearms and obtain a license to purchase ammunition. This ammunition could be sent to the person requesting it, provided he was a mile or so out of town.

The Bill also seeks to delete the reference to an Asiatic or African-alien and to natives, and provides that the Act shall apply to the whole of the State instead of to certain sections only.

The next amendment deals with the licensing of a firearm or the production of a license for a firearm. In the north-west it might not be very easy for a gun owner to produce his license on demand. Distances are great and the person concerned could be some 100 miles away from the station homestead. He could be on a main road and be picked up with a rifle in his possession and asked to pro-

duce the license. It is quite logical that he would not have the license with him, and therefore he would have to travel the 100 miles to get it.

This amendment will not be in the best interests of those concerned. The provisions which apply in respect of a driver's license should be those which apply in respect of a license for a firearm. A driver is given a certain time in which he must produce his license if requested. Professional kangaroo shooters, dingo trappers, and so on, are not likely to carry their licenses with them. They shift camp regularly and the camps are dirty places in which to keep a license. Therefore these trappers usually leave their license in town for safe keeping. If a trapper's rifle is confiscated because he cannot produce his license on demand, he will not be able to do any shooting for the rest of the night and he will lose a day's work, as it were.

The Minister, I think, has overlooked another point. A year or so ago we amended this Act to allow the employee of the owner or manager of a station to use the rifle or firearm licensed in that owner or manager's name. If such an employee were requested by a policeman on patrol to produce a license for the firearm, he could, up till now, explain that he did not have one as he was using a firearm which belonged to his employer. Under the amendment in this Bill, will the police be able to confiscate such a rifle because the person concerned is not carrying a license? The license could be several hundred miles away, and therefore the owner would have to go into town to retrieve the confiscated rifle.

The fourth amendment deals with the alteration of a firearm. This might be done by cutting it down, or rebuilding or modernising it so that it does not conform to the description on the license. This is a good amendment and I see no reason why this offence should not be included together with the appropriate heavy penalty. An ordinary .22 could be cut down to a concealable weapon. However, a person might have a .303 rifle which has a worn-out barrel and he might have run out of ammunition for it. He might want to convert it to a .303/25 or a .303/22 for which he can obtain cheaper ammunition. He can take the barrel out and screw another one in; and, in my opinion, this should be permitted without the person concerned having to obtain sanction from the police to make the alteration on the license. This alteration on the license could be made when the license is renewed. It is not a big alteration to the gun and is not converting the firearm to a concealable weapon but is merely making it a useful weapon which the station owner requires. It does not alter the firearm as it is.

The next amendment is the most contentious one and is the final one in the

Bill. I can see a lot of difficulty in connection with this clause and particularly with the way in which it is written. Dealing first with the last portion of the amendment, it states that no-one, if in possession of a firearm, is to go onto land which is used in connection with primary production. In the north-west are many pastoral leases with extensive paddocks and roads and tracks criss-crossing the leases in many directions. This legislation provides that a person may carry a rifle on a road open to the public. These roads on the pastoral leases could be open to the public, but they are also on land used for primary production, and therefore that portion of the amendment would be contravened if a person used those roads.

Another thing we must remember is that in the station areas quite a number of different types of roads exist. For instance there is a road from Northampton to Carnarvon which is gazetted as a major highway. From Carnarvon on the road becomes a major secondary road. In addition, many developmental roads, mail routes, and station tracks, have been established. Does this provision refer to all these various types of roads? Can a person carry a rifle over them all or can he carry a rifle over only some of them? I would like the Minister to answer that question.

During the speech of the Minister, the member for Pilbara interjected concerning agricultural or primary production areas. The Minister did not seem at all certain whether a pastoral lease was an area used for primary production. Is it or is it not an area used for primary production? I would say it is definitely an area on which primary production is taking place. Even goldmining, or mining of any other metal, is classed as primary production.

Mr. Graham: So is forestry.

Mr. NORTON: Quite a number of areas could be included. As the member for Swan said, fishing is classed as primary production. However, let us be quite clear on this matter so that we know where we are going and so that those people in the areas concerned know what they are up against in regard to firearms. Each person who owns a lease must know the position and must know just exactly what are his powers in that respect.

The position of the prospector must be considered. This matter has been mentioned by two previous speakers. The prospector is a man who moves about quite extensively looking for various minerals. By going through a fence into the next paddock, he could be going from one pastoral lease to another; and unless he travels perhaps 70 to 80 miles to the homestead to obtain permission to carry his firearm, he may not do so. I believe this is definitely a retrograde step as far as the prospector is concerned.

The member for South Perth mentioned natives. The situation in connection with natives is not as complicated in the areas I represent as it would be in the Kimberleys or in the northern parts of the Pilbara where the roaming type of natives exist. These natives are at present permitted to carry their rifles with them, which they must do to get their food, and so on. Again mentioned by the member for South Perth was the experience of the young prospector who went on to the Canning stock route. His jeep broke down and the native with him walked back to one of the nearest towns, taking three weeks to do so, during which time he lived off the land. Eventually the prospector himself, having also lived off the land with the use of his rifle, was able, after three weeks, to get back to civilisation.

Under this amendment that person would virtually have broken the law by carrying the firearm from property to property. The Minister should have a further look at the measure before it goes to the Committee stage to see just what can be done. I support the second reading of the Bill for the time being, with reservations.

**MR. MITCHELL** (Stirling) [8.1 p.m.]: I would like to make a few comments on this Bill. First of all, I cannot see the dangers spoken of by so many other members. However, I would like some explanation from the Minister, when he replies to the second reading, inasmuch as he said it was not an offence to carry a rifle across a property onto a road. Also, the Minister said that it was not intended that this Bill should interfere with the rights of people in the remote areas of the State. Perhaps the words "primary production" are not the right words to use. I believe the words "primary production" are intended to refer to the agricultural areas of the State.

**Mr. Norton:** The South-West Land Division.

**Mr. MITCHELL:** I would say that in the South-West Land Division of Western Australia it is necessary and desirable to have some control over the indiscriminate use of firearms. This applies more particularly as the country is becoming so closely settled. There is practically no vermin to shoot and very little game of any kind to be seen in the South-West Land Division. Therefore, people usually go out shooting with the idea of shooting at trees, boxes, tins, tanks, and other targets of a like nature.

So I think we should have some control over those people. However, I believe in encouraging people to learn how to shoot. Reference has been made in the Bill to the rifle club movement. The Minister said that most members of rifle clubs could obtain, or have, two rifles—one for range work and one for sporting work. Of course,

it has always been known that rifle club members are not permitted to use .303 rifles off the range. I suppose there are rare occasions when some rifle club members break the law.

I would point out that when the rifle club movement was formed during the war, we were serving members of the defence forces and were under the same oath of allegiance as were members of other organisations, such as the Police Force.

When I represented Western Australia at the conference which drew up the rules and regulations for divorcing the rifle clubs from the control of the Army, I was most particular to see that the clause was kept in our constitution that all members of rifle clubs had to take the same oath as they did in the past when the Army was in control. Therefore, the members of the clubs are quite responsible citizens.

As I mentioned earlier, the thought that because rifle club members have two rifles they use one for the range and one for sporting is not correct. Many rifle clubs members have two or three rifles. The members experiment with the rifles and usually keep the best one for competition shooting, and use the second rifle for ordinary Saturday afternoon shooting. That is the reason why many members have two rifles, but they are both used on the range.

I mentioned earlier that I am anxious to see people taught how to shoot. About the only things that can be shot at in the South-West Land Division are targets. Facilities are provided by gun clubs, and even small bore clubs, and I believe we should do all we can to encourage young people to join one of those institutions, because if they are taught to shoot properly we would not get so much indiscriminate shooting. At present, many untrained people shoot at anything at all just for the sake of firing a rifle.

We should take some action against the issuing of rifles to people who have nowhere to shoot and really no use for a rifle. In those cases the rifle cannot be anything but a menace to the owners and the community in general.

I wanted to make sure that members understood perfectly well that rifle club members have a real sense of responsibility in the ownership of .303 rifles.

**Mr. May:** We are a "full bottle" now.

**MR. BICKERTON** (Pilbara) [8.6 p.m.]: This Bill is not one which would cause me to develop ulcers in any shape or form. However, in its present state I feel I could not support it. Possibly the Minister, after hearing the remarks on the Bill, may feel that some amendments are warranted.

To make my position clear I would like to mention, as did the member for Gascoyne, that I have not had one complaint from any shire in the Pilbara electorate;

nor from any meeting of the Pilbara ward. Nor have I had any complaints, that I can recall, either verbally or in writing, from individuals. So this issue surely cannot be the problem in my area that it is in the area represented by the member for Murchison. What the honourable member says is perhaps quite correct.

I think it is fairly evident from the letter which the member for Murchison read out regarding the decision of that particular ward in his area, that he is a supporter of the Government. From time to time at ward meetings in my area many motions have been passed calling for amendments to various Acts. However, being on the Opposition side of the House I have found it extremely difficult to have the measures carried out. So I say the member for Murchison is receiving, if anything, preferential treatment.

My main concern is with the last amendment in the amending Bill. That seems to be the one which concerns most people. However, I wish to make reference to an earlier amendment which says that if a person is found with a rifle and is not carrying a license for that rifle, the rifle may be confiscated. I think this will put a lot of people to a great deal of inconvenience. The person carrying the rifle might have left the license in his car, or lost it. In my particular area, where we travel over great distances, if a rifle was confiscated in, say, Port Hedland, and the owner was coming to Perth, it would cause considerable inconvenience for the owner to obtain the rifle when he produced the license. He might have left the license at home—we all make mistakes.

As the member for Gascoyne has already mentioned, it should be sufficient to give the person a period of time to produce this license, the same as is the case with a motor driver's license. I think that probably all members in the Chamber would be up in arms if we were told that if our motorcar registration could not be produced on the spot, our motorcar would be confiscated. Admittedly, it is slightly different with a rifle, but in the remote areas such a provision could cause a considerable amount of inconvenience.

Mr. Jamieson: Cars kill more people than do rifles.

Mr. BICKERTON: Yes. I do not know whether the Minister heard my interjection correctly when he was speaking. At the time he was referring to this legislation being taken, in part, from the Victorian legislation. The Minister went on to say—

The difference in area between Victoria and Western Australia made it necessary, however, to add provisos. Firstly, it was decided that no offence would take place in the carrying or having a firearm on a road open to, and used by, the public. This is an essential proviso as many such roads cut across large holdings, such as are

to be found in this State. The second proviso is that the particular offence be restricted to land "used for or in connection with primary production." It would, of course, be unreasonable and unnecessary to make it applicable to land generally, as this would apply to remote areas, and this is not intended.

For the moment, I will leave the Minister's speech at that point. In any event, it appears that during the introduction of this Bill, the Minister was under the impression that this did not apply to the remote areas.

Mr. Grayden: The Minister meant it would not apply east of the Laverton district, out in the Warburton Range, and the Nullarbor Plain.

Mr. BICKERTON: Perhaps the Minister could have been referring to that area but, of course, his wording is that this is "not applicable to land generally as this would apply to remote areas and this is not intended."

Normally, we refer to the north-west, the Kimberleys, and parts of the Murchison as remote areas and, in view of the fact that the member for Murchison apparently was the one who brought pressure to bear for this amendment, he should have told the Minister there are some remote areas in the Murchison.

The Minister went on to say—

The first reaction may be that the amendment is a rather drastic and restrictive one, but, as I have already mentioned, it is at present an offence to use a firearm on land belonging to another without the consent of the owner or occupier of such land and, therefore, it is only inviting trouble to carry a gun on such property if permission has not been obtained.

At this point I did interject—I am sorry to say this, Mr. Speaker, because I do not normally interject—to ask, "Does this mean that a prospector in the north-west who is going from one job to another, or an itinerant worker, will not be allowed to carry a firearm with him through the various station properties unless he has the permission of the station lessee?" The Minister replied—

No, not necessarily; because we are trying to provide for that particular instance where, as the honourable member says, a prospector in an isolated area could not possibly be expected to contact the owner of the property, who might be several hundred miles away. That is why we have the clause in the Bill worded in the way it is. It is confined to land engaged in primary production.

I made my second unusual interjection and said—

Is not a station engaged in primary production if it is producing wool?



To that interjection the Minister replied—

That could be so. There could be the instance where a property of many hundreds of thousands of acres would not be fully engaged on primary production. It was felt that the clause in the Bill would overcome the point raised by the honourable member because it specifies land engaged in primary production.

Then there was another interjection—I will not mention who made it—as follows—

I still think a station is engaged in primary production.

At that point the member for Gascoyne interjected and said, "It is definitely in primary production." At that point I must admit I interjected once again to say, "If wool is being produced, it is." In response to these interjections the Minister said—

In any case, we can debate that aspect further at a later stage. I was merely endeavouring to answer the query raised by the honourable member.

Mr. Speaker, that is the reason I raised this matter at this stage. Was the Minister under the impression that the Bill he was introducing was to apply to the South-West Land Division? If that is so, perhaps a lot of the debate which has taken place could have been avoided.

The point which concerns most members—on this side of the House, at least—is the inconvenience this could cause in the more remote areas of the State. With the large mining activity in the Pilbara district, there are considerable numbers of people moving about in four-wheel drive vehicles. The prospector we speak of today is not the prospector we spoke of many, many years ago. We are not referring to the prospector who carried his swag or pushed his wheelbarrow but, instead, to the prospector who is equipped with a Land Rover and with reasonable testing gear. This type of prospector has a miner's right, and that right entitles him to go onto station land for the purpose of prospecting.

He is entitled to go on this land for the purpose of prospecting, and he may have a claim pegged somewhere in the area and, of course, the miner's right entitles him to have access to that claim. He may not necessarily be on a station track; he could go across country from one track to another. If this person is carrying a rifle—and I would say that 95 per cent., if not more, would be carrying a rifle—then, of course, under this amending Bill he will have committed an offence. I am quite sure that even the member for Murchison never intended it should be this way.

There are geologists, mines inspectors, and various other people moving around the area and, if one were to stop any of them and ask them to produce a rifle, I

do not doubt that they would be quite capable of doing so. It would not be possible for these people to call in at every station, because some of the homesteads could be hundreds of miles away from the actual area of land being traversed by those people at the time they were stopped.

Mr. Burt: How many miles?

Mr. BICKERTON: In some cases it could be 100 miles.

Mr. Burt: In the Pilbara?

Mr. BICKERTON: If it were only 50 miles, it would not matter. One can imagine the inconvenience which would be caused every time an individual goes from one property to another to see the occupier of one lot of land. Where a gate post or the fence is down, or broken, he could cut across from one lease into another.

Mr. Grayden: In a large area of the Kimberleys there would not be any fences.

Mr. BICKERTON: As the member for South Perth says, in the Kimberleys many places are without fences, and the individual would have to ascertain where all the homesteads were situated and then make a call on the owner. What I wonder is: What does he do if the station owner says "No"? If the owner does not give him permission, the individual is not allowed to carry the rifle. What does he do with the rifle? Under the Firearms and Guns Act, I think it is an offence to throw a rifle away. He could not hide it in the bush, and, naturally, he would be in something of a quandary.

Mr. Brady: The police do not want to look after the rifle.

Mr. Grayden: He could tear up his license paper and the law could take his firearm away from him.

Mr. BICKERTON: I think the member for South Perth has made an original suggestion. If the individual were to tear up his license, the police would confiscate the firearm. Of course, the police are the only ones who can confiscate a rifle but, as all members are well aware, sometimes the police are many hundreds of miles away and the individual may be left waiting for days for the police to come out and confiscate his rifle.

Some of these matters may seem to be rather petty, but mentioning them does give an idea of the laxity exemplified in the drafting of this Bill.

To me the Bill is not a very practical measure and I am quite sure the Minister, even judging from the remarks he made when introducing it, does not intend that the passing of it shall bring about this set of circumstances. At this stage the wisest step the Minister could take—in view of the fact that many members have suggested amendments and pointed to weaknesses in the measure—would be to adjourn the debate until he has had an opportunity to have discussions with those members who have spoken to the Bill with

the object of trying to draft constructive amendments so that the measure can be tidied up.

To my way of thinking there are far too many loopholes in the Bill at present. It is not a very tidy piece of legislation. Even the member for Gascoyne pointed to one of the ridiculous aspects of it when he referred to the definition of "firearm." I will not repeat his words, but he indicated that even the components of gunpowder could be considered as being a firearm. So my suggestion is that the Minister, at a convenient time, should adjourn the debate on the second reading of the Bill, or at least report progress as soon as it goes into Committee, with a view to reviewing the drafting; or, if he is not prepared to do that, he should give serious consideration to the drafting of anything up to a dozen amendments.

**MR. EVANS (Kalgoorlie)** [8.22 p.m.]: I am also greatly concerned over most of the provisions included in this measure. Having listened to the member for Murchison with a great deal of interest, I sincerely hope he is not imbued with a great sense of pride over the production of this piece of obnoxious legislation. From his remarks one would gather that he has conveyed the representations of bodies who sought his aid in having this legislation introduced, and it would be reasonable to say he did play a part in promoting the Bill; but whether he is responsible for promoting it in its present form I cannot say. I can only repeat that I hope he does not feel any great sense of pride in this piece of legislation being introduced in its present form.

The Bill is sectional to the nth degree. It is obnoxious, harsh, and unconscionable, and it represents the highwater mark of the deprivation of the liberty of the individual. Let me justify some of these remarks by reviewing the provisions contained in the Bill. As the member for Gascoyne rightly stated, the definition of "firearm" is to be widened with the inclusion of the words "or any component of ammunition." A component of ammunition, of course, is one of the constituents of ammunition; and what are the constituents or components of ammunition? These were detailed by the member for Gascoyne as being the shell, the lead, the pellets—if it is a cartridge—and the explosive matter of gunpowder. One would not be surprised to find persons in this community in lawful possession of gunpowder; that is, lawful prior to the passing of this legislation in its present form.

**Mr. Norton:** It does not need to become gunpowder.

**Mr. Bickerton:** Even if a person had a load of lead it could be regarded as being ammunition.

**MR. EVANS:** The Minister should subject this particular amendment to close scrutiny. However, my greatest distaste is

directed towards other clauses of the Bill, one of which is clause 4, which seeks to amend section 11 of the Act, which sets out the powers of police officers. The preamble to this section reads as follows:—

All members of the police force shall be invested with the following powers, without the necessity of any warrant—

- (a) to demand from any person having possession of a firearm in respect of which a license is required under this Act, the production of his license and his name and address.

That is reasonable, but can the same be said if the provisions of this section are extended with the addition of the following words:—

and, where the license is not produced on demand, to take possession of the firearm, until such time as the license is produced or until the person having possession of the firearm shows that he is exempt from the requirement of holding a license.

Other members who have taken part in this debate have cited instances when it would be inevitable for a person who is engaged in legitimate shooting, but who does not have his license in his possession, to be liable to have his firearm confiscated, because such person may be many miles from the place where the license is kept. If the effect of this legislation means that on every occasion a shooter must have in his possession a license when carrying a firearm, I am afraid the department responsible for issuing such license will be inundated with applications for new licenses, because the flimsy piece of paper which constitutes the license will not last any time in the sweaty pocket of a shooter if he has to carry it in his possession all the time he is carrying a firearm.

I keep my firearm license in a plastic holder which is kept in the glove box of my car, and I find that quite often, due to the internal heat of the car, the license has fallen into four parts; and I would point out that that license is hardly touched from one year's end to the other. Therefore, I would not like to ensure the life of a license that is to be carried by a shooter every time he is using a firearm. I take objection to this provision for the reason that, once again, too much power is being vested in a police officer. Discretion is being given to one man to decide whether the rifle in the possession of another man should be confiscated.

I understand the purpose behind this move. If a person is found to be in possession of a firearm without having a license on his person, a police officer could presume that such person did not hold a license at all; that the person in possession of the firearm was dangerous because of it, and that in the interests of the community in such circumstances

the firearm should be confiscated. But is this provision the answer to such a situation?

I can envisage occasions when there could occur a clash between the personality of the shooter whose pride has been hurt because of his being interrogated by a police officer, and that of a police officer who may wish to exert his authority because of the attitude of the shooter, whereas in normal circumstances the police officer possibly would not have bothered to take any action other than to ask the shooter to produce his license at some later stage. He may have taken it into his mind to confiscate the rifle. If this is a provision to meet the situation I have envisaged, and it is considered necessary, then I feel that the piece of legislative machinery should do just that, and should provide that the discretion of the police officer should be tested in some way.

I do not intend to suggest any amendment in this regard, but surely the draftsman could make provision for a situation whereby if the police officer thought the firearm should be confiscated in certain circumstances, he should be able to request, or ask, the holder of the firearm to accompany him to a justice of the peace, where that is practicable, and the discretion of the police officer could then be tested by a justice of the peace. If the justice of the peace felt that in the circumstances where no license was produced the firearm should be confiscated, I would have no objection. At least the complete discretion—the “Yes” or “No” decision—would not rest with one man; with the man who, after all, may have interrogated the holder of the firearm, and with whom there could have been a clash of personalities.

I have a great deal of respect for the Police Force, and without thinking of any particular police officer I would only say that, after all, the members of the Police Force are only human; and we can envisage situations where our emotions get the better of our conscious control, and the pride of human nature being what it is, once a person makes a decision it is difficult for that person to recant. It is easy for a police officer to say that he is taking possession of a firearm, but if an appeal is made to him and a reasonable excuse is offered, it is difficult for that police officer to recant and say, “Take the firearm back, and produce the license within a reasonable period.”

Legislation should take note of this sort of thing, and we, as legislators, should be prewarned rather than come back after a few years to try to rectify a situation which could have been completely avoided by our giving careful consideration in the first place.

Clause 5 of the Bill concerns an amendment to section 12 of the Act and seeks to add a new section. The Minister

may be pleased to know—or he may be completely indifferent to hear—that I completely agree with this particular amendment. The clause seeks to add item 5B after item 5A, as follows:—

Altering a firearm, so that its calibre, character or kind differs from that existing at the time a license was first issued to possess it.

The offence referred to is usually the act of a person who wishes for some reason to conceal a wrongdoing, or to perpetrate a wrongdoing. In any event the offence is a deliberate effort on the part of the perpetrator, and I agree with this provision. I hasten to add, however, that it is the only provision in the Bill with which I do agree.

Now we come to the grand-daddy of them all, and I refer to clause 5 (b). This purports to add a new item, which is to be known as item 13B, to various offences which come under section 12 of the Act. The preamble to section 12 of the Act reads as follows:—

The offences set out in the first column of the following table, and numbered one to sixteen consecutively, shall be deemed to be offences under this Act triable summarily unless otherwise stated, and any person committing the same shall be punishable on conviction by the respective penalties set out opposite each of the said offences in the second column of the said table.

The new offence to be added reads as follows:—

Except with the express or implied consent of the occupier or of some person apparently authorised to act on behalf of the occupier or on a road open to the public, carrying a firearm onto, or across, land that is used for, or in connection with, primary production.

I would seek the aid of any member and ask him to give me an intelligent, clear, coherent meaning of this particular statement which purports to be, or masquerades as, a description of an offence. Again I wish to draw the attention of members to the word “act” in this group of words. The word “act” is a verb, and from the sequence of the words used grammatically, the following words are governed by the word “act”—

or on a road open to the public . . .

So if this provision is to be read grammatically, it means: except with the express or implied consent of the occupier or of some person apparently authorised to act. He acts on behalf of the occupier, or he acts on a road. What is he doing acting on a road? Is he a member of the Patch Theatre or the Repertory Club?

Be that as it may, again I would like to hazard a guess at the intention behind this provision. I do not agree with the

reasons that have been advanced for the Minister's proposed intention, or of those for whom he has brought the provision forward. I feel that this provision is the cardinal offender, and is a deprivation of the liberty of the individual. It is sectional to the nth degree. In the area I represent this provision seeks largely to protect the occupiers of large pastoral holdings.

These pastoral holdings are not very distant from the township of Kalgoorlie, and I do not wish to be accused of maudlin sentimentality when I say that the provisions will affect those who have been working in the depths of the earth, breathing in dust, and who possibly do not wish to spend their time in gambling activities. Hitherto these people have been hauled on many occasions by the prohibition imposed by the whole of the pastoral leases not far distant from the township.

I have often been asked by such persons, "What can we do? Where can we go? All the water holes which are spots that attract game are taken up in the pastoral leases, and we are told we are not allowed to shoot there."

Recently, because of a find of nickel in the eastern goldfields, a great deal of interest has been evinced, and large temporary reserves have been applied for and obtained.

Prospectors now feel that they, in their turn, are being driven out of the country, because they are told they must not go onto temporary reserves. This piece of legislation is a further nail in their coffin—a coffin containing the freedom which these people once enjoyed, but which has been whittled away slowly and is now almost dead.

I remember in 1957 or 1958 when the Government of the day introduced certain legislation which caused great concern to the parties now forming the Government, particularly to one of the parties. The deputy leader of that party claimed that having opposed the legislation to the utmost he would not seek to amend it, as he refused to shake hand with a serpent. On this occasion, the legislation before us is as distasteful to me as apparently the other legislation to which I have just referred was distasteful to the deputy leader of the Liberal section at that time. However, I do not intend to withdraw from the opportunity of shaking hands with a serpent, but if I can manage to remove some of the poison from it then I have hopes of retrieving part of the situation and improving what I consider to be a bad piece of legislation in what it seeks to achieve and in the consequences which will arise. The consequences are not readily apparent on a cursory examination of the provisions in the Bill.

With those few remarks I give notice that I intend to move an amendment dur-

ing the Committee stage to clause 5(b) on page 3 of the Bill. I will move for the deletion of the words in that provision in order to insert others.

The SPEAKER: The honourable member is not speaking in the Committee stage of the Bill. He is debating the second reading on the general principles of the measure; he should not be debating the words which appear in a clause or a paragraph.

Mr. EVANS: I would like to give notice of my proposed amendment. In hoping to tidy up the grammar of the provision I shall seek to provide that where a person, on being taken before a court of summary jurisdiction, can show that he has a reasonable excuse for carrying a firearm and can so satisfy the court, then no offence is committed by him.

Mr. J. Hegney: What about referring this to a Select Committee?

Mr. EVANS: I refer to the provision in clause 4 of the Bill which seeks to give police officers the power to confiscate firearms. Would the Minister inquire from his advisers what is likely to happen to firearms which are confiscated, if the holders for some reason are not able to produce licenses? Section 11A of the Act contains a provision for the disposal of firearms. It states—

(1) Where a firearm is in the possession of a police officer if—

- (a) the owner of the firearm cannot be found; or
- (b) the firearm is in the opinion of the Commissioner of Police unfit for use; or
- (c) the owner of the firearm not being the holder of a license to possess it, refuses to lawfully dispose of the firearm within six months . . .

the Commissioner of Police may dispose of the firearm as he deems necessary . . .

In these circumstances what would happen to the firearm? The Bill does not mention that very salient point.

Before I conclude, for the purpose of emphasis I again refer to the provision in clause 5(b)—the cardinal offending provision. I would ask the Minister if consideration has been given by his officers to what I regard as being absolutely necessary, because of the sanctions in the proposed new offence; that is, the inclusion of a definition of the term "primary production" in the Act.

This term has not been defined in the Act, possibly for the reason that hitherto it has not been necessary. In proposing to introduce an amendment to the Act as widespread and as severe in effect as this one, it is highly desirable for the term "primary production" to be defined clearly. Having said so much, and having

said it in such a way, there is no need to say that I do not intend to support this Bill.

**MR. GRAHAM** (Balcatta) [8.47 p.m.]: My criticism of this Bill is more of what it does not contain, rather than of its provisions. In my view the great majority of the complaints that arise are due to the number of firearms licenses which have been issued, for which there is no warrant whatsoever. There would be very few people in Western Australia who require firearms for the purpose of obtaining food, for the destruction of vermin, or for personal protection.

When we have regard for the fact that outside the categories which are excluded from the requirement to obtain licenses there are in the vicinity of 150,000 rifles in the hands of the people in this State, then it immediately indicates that it is too easy for people to obtain firearms licenses, and there is really no necessity for them to have such licenses.

I obtained information from the Minister some three years ago which showed there were more than 40,000 rifles licensed in the metropolitan area. The people who owned these rifles did not need them for obtaining food, for the destruction of vermin, or for the defence of the person. Having regard to the fact that rifles are and can be such lethal weapons there should be a requirement to show a need for a rifle before a license is issued.

All of us know from experience that within a short radius of the metropolitan area, a few miles north of the city near Forests Department land, signs have been erected. However, it would appear that a six-inch shell has gone through some of them, because they have been completely blown away by the many hundreds of cartridges which have been shot at them. The Minister, of course, would be aware of those to which I am referring.

**Mr. Craig:** That particular one had to be replaced.

**Mr. GRAHAM:** That is the sort of thing that is occurring; and a very short distance away are signs warning about the discharging of firearms in the area. As one who was born and reared in the country, and accordingly was reasonably close to nature, I am appalled at the complete absence of birds in very many rural areas which have not as yet been devastated—and I use that word in a sympathetic sense—by clearing for farming purposes. Scarcely a bird is to be seen. The little willy-wagtails, robin redbreasts, and, indeed, the magpies, have all disappeared.

**Mr. Kelly:** You don't shoot them with a .303 though.

**Mr. GRAHAM:** I am aware of that. Shotguns would be involved, and no doubt

the great majority of those would be licensed. It indicates that these people are trigger-happy; they have no sense of responsibility. Any object, whether moving or otherwise, which presents itself as a target, cannot fail to attract these people.

Why should they be issued with a license? We have, within a short distance of Perth, ample evidence of what these people do. It is easy to appreciate that these self-same people would be anything but respecters of private property, water tanks, stock, and people. They have no regard for the damage they create and the confusion they cause.

Whether we agree with this legislation or not, I feel that a great deal of what it seeks to achieve would be quite unnecessary if greater discrimination were shown in the issue of licenses. If an applicant were obliged to indicate some real need for possession of a rifle before he was granted a license, I am sure things would be different.

In the metropolitan area is a person known to quite a number of members in this House. He is, as a matter of fact, a friend, particularly, of the Minister for Transport and myself; and he is the possessor of five or six rifles. He approached me to see if I could bring pressure to bear or exercise some influence to obtain a further license for him for an apparently super-duper type of rifle with all sorts of intricate sights and barrels and the rest of it. It was the apple of his eye and something he really wanted. However, as I had only a few weeks earlier been protesting to the Government about what I regarded as the grossly excessive issue of licenses, I felt in all conscience I could not approach the Minister, the commissioner, or anyone else in order to plead the case of the person who wanted this rifle in order to undertake during his holidays a shooting expedition in the country represented by some of those who have spoken tonight; in other words, the pastoral areas, or thereabouts.

I am not suggesting for one moment that this person is an individual without a sense of responsibility. However, a rifle is a rifle, and because so much despoliation of public and private property has occurred, to say nothing of the endless sacrifice of bird and animal life not of a vermin nature, I think the Minister should be taking appropriate steps in order to reduce very considerably the number of these weapons which are available to people.

I do not want to speak for long, although I could go on stressing and emphasising the appalling damage and endless waste of bird and animal life which is occurring. I repeat that any honourable member has only to take, shall we say, a half-hour journey in his vehicle to see some evidence of it.

Just one final comment, before I resume my seat: I think I should draw the attention of the Minister for Lands to something which is anathema to me. On the approaches to Yanchep is a notice pointing out that the carriage and discharge of firearms in the area are prohibited. The word "carriage" is misspelt. It reads "carrage" instead of "carriage".

Mr. Craig: The "i" has been shot out, and the sign has been replaced.

Mr. GRAHAM: The last time I saw it, it had not been. Another point in connection with this matter concerns certain roads which cross the ranges and other areas. Because of the nature of the land, the roads are winding—this is a habit of the Main Roads Department—and accordingly on one side of the road are white reflectorised tapes and on the other side are red tapes on the guide posts. These are to assist the motorists. One has only to call on one's imagination a little to know what a target these are for the trigger-happy. Indeed, on certain roads every one of these tapes for mile after mile has been shot at.

My final word is this: The Minister has told us that everyone will concede it is an exceedingly difficult task to apprehend a person in the act of irresponsibly using his rifle. Therefore to some extent it becomes irritating and an embarrassment to have all these restrictions in the Act, because of the impossibility to police them. Consequently, surely it would be far more useful were the Minister to accept my suggestion. The great majority of instances of vandalism, trespassing, and unnecessary shooting, occur because too many licenses are issued.

I appeal to the Minister to give attention to that aspect. If he will, in a businesslike way, do that, I am certain the necessity would not arise to submit half these amendments to us at the moment and then still further amendments later imposing unnecessary restrictions on those who have a proper sense of responsibility. Accordingly if only those who had a need for a rifle were issued with a license, because they required that license they would treasure it knowing that they might lose the right to it if they acted irresponsibly. To a very large extent they would therefore be policemen of their own behaviour. Those who do not really need a license could not care less; and so I am asking gently, but with all the force and sincerity I can command, that the Minister give attention to that matter.

MR. RHATIGAN (Kimberley) [8.59 p.m.]: I sympathise with the Minister because of the difficulty experienced in framing legislation of this type to cater for the whole of the State. I could have been sympathetic towards this particular Bill too had it been confined to the metropolitan area and, after hearing the speech of the member for Stirling, to his

electorate, and, with all due respect to you, Mr. Speaker, to the electorate of Blackwood.

I cannot agree to this amendment covering the electorate which I represent. I was amazed to hear the comments of the member for Murchison. He gave me the impression that he was partly responsible for the introduction of this legislation. I think he said he was wholly responsible, and that really amazes me. For a man with his ability, and his knowledge of the outback, to be wholly responsible for legislation such as this is beyond my comprehension.

I have four shire councils in my electorate of Kimberley and I have not received one complaint whatsoever; nor have I received a letter of any type in this regard. The Bill has been covered adequately by previous speakers including my colleagues, the member for Gascoyne and the member for Pilbara. I would only repeat what those members had to say if I were to continue, but I do not like repetition. However, I would point out to the Minister the problem associated with the opening up of the beef roads; and the problem of the dogger—whether he be working for himself or employed by the shire council. The prospector, as has been mentioned previously, no longer has a wheelbarrow or a pack-horse. Ordinarily he has a four-wheel drive vehicle.

Some of the stations in the north are 60 miles apart, and on some of those stations the manager is the head stockman. For four or five months of the year he is home on the station for only a few days at a time, possibly to get fresh plant or horses. One could call at a station and find only the wife at home. She cannot give anyone permission to go onto the property. This provision could be very complicated and I cannot go along with the Minister's amendment at all. Item 13B. reads as follows:—

Except with the express or implied consent of the occupier or of some person apparently authorised to act on behalf of the occupier—

The manager's wife would not be authorised to give permission, nor would the head gardener who would be a native. To continue item 13B.—

or on a road open to the public, carrying a firearm onto, or across, land that is used for, or in connection with, primary production.

There is no mention of stock routes and, believe me, there are plenty of stock routes gazetted and still being used. What happens with them? I would like the Minister to reply to that.

I hope the Minister does not adopt the same attitude as other Ministers, and be adamant on this point. In all sincerity I suggest that he report progress and ask leave to sit again. He might then be able

to create something out of this Bill and frame something for the betterment of the community.

**MR. DAVIES** (Victoria Park) [9.5 p.m.]: This measure can be supported in some respects, yet it is a mixture of the various factors which we have consistently complained of from this side of the House over the last several years; namely, firstly the lack of argument when the Government is submitting Bills; secondly, what can be considered as unnecessary controls are imposed; and thirdly, the legislation is sectional.

I believe this is a sectional Bill. Other speakers have pointed this out and I wholeheartedly agree. This is blanket type legislation which can be used at any time the Government wants to use it, yet it is not the type of legislation which can be consistently and vigorously policed. Surely it is impossible to effectively police this type of legislation.

The Minister, when he made his second reading speech, mentioned that there were 74,417 firearms licenses in the State and that this probably represented a total of something like 150,000 firearms. The Minister expressed the fear that this could be a fairly formidable arsenal and was probably more hand firepower than was in the hands of the combined Armed Services.

I will repeat a point made by the member for Balcatta, to whom I graciously gave the floor before I spoke, not knowing that he was going to mention the same point. The point is that it may be difficult to obtain a license for a firearm, but it seems exceedingly difficult to lose that license. In the case of a driver's license, after reaching a certain age the driver has to undergo a test and prove that he is capable of still handling the car. I think the power is in the hands of the police, at any time, in certain circumstances to withdraw firearms licenses; but how often is a license withdrawn?

I believe that the Police Force has so much work to do—particularly paper work—that the only concern of the officers is the renewing of licenses. Indeed, it is not unreasonable to add that the police consider the issuing of firearms licenses a nuisance. It is something which must be done at a certain time each year, and within a certain period.

**Mr. J. Hegney:** Would it not be a revenue producer?

**Mr. DAVIES:** Of course, but I do not know that the amount of revenue would compensate for the time involved. As I said, the licensing has to be done within a limited period, and the officers have a lot of trouble running around reminding license holders that their licenses are due for renewal. This should not be necessary. As the member for Balcatta said, a person with a license should be made to treasure

it and it should be automatically withdrawn if it is not renewed within a certain time.

I repeat: It might be difficult to get a license, but it is much more difficult—to my knowledge—for a license to be withdrawn. So this is a matter which could very well receive some attention. I do not know whether the police, when renewing a person's license, ask if the reason for which the license was granted still exists. I do not know whether the police look to see that the person is capable of still handling a gun. I do not know whether they look to see whether the gun is still serviceable. As I said before, there is so much paper work to be done the officers are only too glad to renew the license and get the person concerned away from the police station.

What I have said is certainly not to be taken as a reflection on the Police Force. It has too much office work to do. The member for Claremont very effectively demonstrated that point in this House several sessions ago when he dealt with the paper work which members of our Police Force have to do. This position should be looked at to see if it is necessary for the number of licenses in existence to continue to exist. I do not think it is.

Most certainly a license should not be withdrawn if a person can show reasonable and legitimate excuse for requiring it. Of course, the provision to which most members on this side of the House—and indeed one member on the other side—take exception is that contained in clause 5 of the Bill. That clause deals with the regulations concerning a person carrying a rifle across a property.

This provision is so delightfully vague that I would imagine it to be a lawyer's delight in regard to interpretation. The wording itself leaves much to be desired and, in company with the rest of the House, I am aware there are to be certain recommendations made with regard to the rewording. Therefore, rather than delay the House, for the present I will just draw attention to what I consider is the ambiguity which lies within the clause as it now exists.

As I have said, this legislation is sectional and it appears to have been sponsored by the member for Murchison. Indeed, I think he has admitted to this. As is the case with other members who have mentioned this matter, I am sure it would not be popularly received by all of the electors within the Murchison electorate.

The Government has endeavoured to overcome the difficulty in which it has found itself; that is, in regard to the lack of control which exists under the Act as it is at present. The Government has endeavoured to do this by introducing, with modifications, the provisions which apply to the carrying of rifles or firearms, in Victoria. Of course, this kind of legis-

lation may be eminently suitable for Victoria, but one has to consider that possibly some of our stations in the north are almost the same in area as the whole of Victoria. Because of this, I do not see how even modified Victorian legislation could possibly be effectively applied to our north-west, particularly with regard to the carrying of rifles across the land.

The Minister points out that some modifications have been necessary and he said, "The Government has decided that no offence would take place in the carrying or having a firearm on a road open to, and used by, the public." Here again, I would suggest this becomes subject to wide interpretation. I, personally, do not know what "a road open to the public" would mean. Many properties are situated, perhaps, one mile, two miles, or three miles back from the road and the road merely leads from the main highway—if one can call it that—to the homestead. Is this a public road? Is it a road open to the public? For instance, could I carry a rifle over such a road and, when I arrived at the homestead, be prosecuted for having a rifle in my possession on a property without first having received the necessary authority?

I imagine this is the kind of situation which could exist and one which I am sure we will find will come about because of the way in which the measure is worded and the lack of clarity contained in the Government's amendment. One might also ask: What constitutes a road? Does a track constitute a road? Must it be properly graded and formed; must it be bituminised—just what does constitute a road? I think some additional clarification is needed on this point.

The matter of the land being used in connection with primary production has already been handled adequately. Mr. Speaker, I repeat that the proposed amendments are so vague as to be impossible to police and this in particular is one of the reasons why I could not support this amendment. I have indicated there seem to be reasonable grounds for the other amendments, as proposed, but, in view of the objections which have been raised by the member for Kalgoorlie and other members of this House, quite apart from the remarks that I have passed, I feel I could not support this clause.

**MR. TONKIN** (Melville—Deputy Leader of the Opposition) [9.15 p.m.]: I think I am correct in saying there have been more speakers in connection with this Bill than any other Bill which has been introduced this session. This would appear to indicate a greater interest in this subject than in the other subjects with which legislation has dealt.

I have listened very carefully to what has been said on both sides of the House and I have come to the conclusion that this Bill can be likened to the curate's

egg. It seems to me that the measure is aimed primarily at indiscriminate shooting and, with this, I am in complete agreement. Indeed, I would assist such an end as far as it is within my power to do so. In endeavouring to achieve this, however, the Minister has introduced a lot of petty, irritating restrictions which will make law-breakers unnecessarily out of people who are doing no harm.

A lot of the trouble which has arisen has been brought on by the Government's own action; and, in this particular field, the Government is most illogical and inconsistent. In 1960 the door was opened to flood the country with people who were using firearms without licenses. I refer to the amendment to the Firearms and Guns Act which permitted any employee of any farmer who had a license for a firearm to use that firearm without a license. In fact, the employee could go anywhere he liked with the firearm. When that legislation was being introduced, I had this to say, and I quote from *Hansard* at page 856 of Vol. 1 of 1960—

Very few Bills have been brought to this place with less justification than this one. The Minister gave no reasons whatever for desiring this amendment.

Then I went on to point out that it was my view this would not have the support of the police and that I could not imagine the police would so alter their attitude with regard to the control of firearms as to want to throw it wide open in this way so that any employee at all, of any age, could take a firearm for which the owner of the property held a license and go where he liked with it for the purpose of shooting. However, this Government—this coalition Government—altered the law to permit that to be done.

Now, the Government realises it was a mistake and a considerable amount of indiscriminate shooting has resulted. Because of this the Government proposes to swing right over the other way. I think the strictures which were advanced by the member for South Perth were fully justified. He gave examples of where this legislation will work unfairly because he knows of the circumstances which will arise.

I rise in this debate because I have had a letter of protest requesting some action from this party in connection with the matter, and this has come from a man who is a very responsible person—in fact, he is an ex-policeman with an excellent record. This man has held a license for very many years and he has pointed out to me in his letter a number of ways in which these petty restrictions will be irksome.

The member for Kalgoorlie quite rightly referred to the type of license which has to be carried around and which will not last any time if it is to be so carried.



Therefore, one of the matters to which the Minister will have to direct his attention is the provision of a more durable license; otherwise people with licenses will find them disintegrating and will not have them to produce.

Because, on one occasion, a person happens to be out shooting and forgets to take his license, it is unreasonable to suggest that his firearm can be confiscated, taken some distance away to a police station, and allowed to corrode in the meantime because it has not received proper attention, whilst the owner of the firearm, who legitimately holds a license, obtains his license and proceeds to recover the firearm. Surely that is not necessary! There ought to be a simpler way than that to get around the difficulty.

So I suggest the Government should have another look at this measure. Will every policeman be capable of determining whether a firearm is safe? A shotgun with a broken stock would be an unsafe firearm, but a .22 rifle with a broken stock would not necessarily be an unsafe firearm. So it would be necessary to have some person of competence to determine whether, in fact, a firearm is unsafe; because, if it is not, the owner should not be deprived of it. Therefore, that aspect requires some consideration.

There is the further point mentioned by several speakers, concerning a person who is out shooting and who unknowingly passes from the property on which he has permission to shoot to an adjacent property on which he has not received permission to shoot. He thus immediately places himself in the position mentioned by the member for Pilbara. He cannot throw his firearm away and he is in possession of a firearm without having permission to be on the property on which he is found. So what does he do?

Mr. Burt: He could be on a road.

Mr. TONKIN: He need not necessarily be on a road. He could pass from one property to another without being on a road. It ought to be obvious from the criticism which has come from members on both sides of the House that this legislation requires further consideration before it is passed, and I suggest that at this stage the Minister should adjourn the debate, or not take the Bill into Committee, so that he can have another look at it with a view to meeting the objections that have been raised by the various members who have spoken to the measure.

If it is necessary to confiscate the firearm of a man who cannot on the spot produce his license, there should be some guarantee that the firearm will be properly looked after or, if it is damaged, that the owner shall be compensated. Some of these firearms cost a great deal of money. They are cared for particularly well by the owners so that they are main-

tained in first-class condition. If a firearm is confiscated and is passed on to the Police Department it will be placed in a rack and it will be nobody's responsibility to maintain it in first-class condition.

The barrel of a high-class powerful rifle will quickly deteriorate if not properly looked after, but there is no provision in the Bill for that to be done. There is provision for seizing the firearm and taking it away and then, so far as the department is concerned, it is just too bad for the owner if, when the firearm is returned to him, it has been damaged in some way. These are aspects that require consideration, and I would suggest the Government should take heed of the criticisms that have been raised, because they arise from genuine complaints from genuine shooters; not from indiscriminate shooters with no sense of responsibility, but genuine shooters who spend a lifetime, in some cases, going out duck shooting, or kangaroo shooting, and who derive their pleasure from that occupation. Why should they be subject to all sorts of irritating, petty restrictions, when there must be some way of overcoming them and still meeting the Government's objective? I trust, therefore, that some attempt will be made to achieve that result.

**MR. CRAIG** (Toodyay—Minister for Police) [9.25 p.m.]: I suppose it is only natural that any Bill introduced into this Chamber to amend the Firearms and Guns Act will draw the fire of some members. I had a similar experience about four years ago, when certain amendments were made to the Act. As the Deputy Leader of the Opposition has stated, there have been more members speaking to this Bill on this occasion than on any other Bill introduced this session. I think 11 speakers have contributed to the debate; and although some members may have gained the impression that the majority of them strongly oppose the Bill, my interpretation of their remarks is that they support it. I admit that they drew attention to certain features of it which the Deputy Leader of the Opposition referred to as being petty; but nevertheless, in explanation later, I will show to the House that there is nothing petty in the Bill so far as the Police Department is concerned.

If agreed to, it is felt that the Bill will act as an additional deterrent against the irresponsible shooter; the type of person we class as a vandal and one who has no respect for the property and lives of others. As I said in my introduction of the Bill, it is not meant to inflict hardship on the reputable shooter, particularly the person who is dependent on shooting as his means of livelihood, or the person who shoots to assist owners to destroy vermin on their properties. Unfortunately, some members have placed a misconstruction on some of the amendments proposed in the Bill.

The last clause in the Bill is the most contentious, I think, and I notice that on the notice paper there is a proposed amendment to this clause. It has been suggested that there will be further amendments along the same lines as the one appearing on the notice paper. I am amenable to reason, and if the amendments are constructive and will overcome many of the objections raised by those members who have spoken to the Bill, I will accept them; but as yet, other than the one appearing on the notice paper, I am not in a position to know what they are.

I have had repeated representations made to me for the introduction of legislation of this nature. I know it was referred to me by the member for Murchison, but in addition I have received representations from the Murchison shires, and the Pastoralists and Graziers Association; and, in my journeys through the north, practically every shire I visited also made personal representations to me for some legislation to be introduced along the lines of this Bill.

Some shires even went further and suggested an amendment which would provide that, in the event of any person being apprehended for spotlight shooting from a road, the driver of the vehicle, even though he had not committed an offence himself, should be deemed to have committed an offence by carrying in his vehicle passengers who were engaged in spotlight shooting. Of course, I could not agree to such an amendment, because it was going too far.

The Bill is not aimed at the responsible person, and it does not seek to impose any hardship on that type of shooter. If I were to comment on all the points that have been made by the various speakers to the Bill, I would be speaking for some time, so I will make my comments fairly brief. On the question of representation, the member for Gascoyne said that throughout the years he has been a member of this House he has never heard a complaint against the legislation. It is interesting to note that I have here on the file in front of me a letter from a station in the Carnarvon district attached to which is another letter from a person who has sought permission to shoot on the station property. The station owner forwarded the letter to me, saying—

I received the letter enclosed in the mail last week. It may interest you or it may not. As far as I am concerned, I do not know—

Here he mentioned the name of the person concerned—

—and I disagree with unauthorised persons having and using firearms. I guess this "bird" has written to a dozen stations or more, and I only hope that none of them were silly enough to comply with his requests. I would appreciate your comments.

That was one complaint received by me from the Carnarvon district alone.

Mr. Norton: That was a complaint about someone asking permission.

Mr. CRAIG: He is drawing my attention to the fact, and he hopes that there is no other station owner silly enough to grant permission. I was very interested in the comments made by the member for South Perth. He described the Bill as an incredible piece of legislation. He could not understand the attitude of the Government; particularly the 12 men responsible for the Government. I thought he may have been good enough to say the 12 good men and true, but he did not go that far.

Mr. Tonkin: How could he?

Mr. CRAIG: When the Minister for Lands interjected the member for South Perth said that he, the Minister for Lands, of all people should have vetoed the Bill at the outset. The member for South Perth had the opportunity of doing just that, but he did not avail himself of this opportunity. He had the opportunity to a limited extent when the Bill was discussed with him, particularly as it referred to the hardship that might be imposed upon the prospectors in the north. In subsequent discussions I had with him on the Bill, and the wording of a particular clause in the Bill—and I refer to the final clause—I was under the impression that he was quite satisfied with the way it was presented.

Mr. Grayden: We had one conversation with regard to one clause, and I outlined my objection.

Mr. Bickerton: Are members going to be consulted in future before Bills are presented?

Mr. Brand: No.

Mr. CRAIG: From my conversation with the member for South Perth I understood that he was satisfied with the explanation; so members can imagine my surprise when he rose to his feet this evening and described the Bill as irresponsible, and so on. As I stated, his main objection was to the particular clause on which there is notice of an amendment, so this may possibly overcome his objection.

As the member for South Perth continued with his speech I feel he mellowed somewhat and finally he virtually supported the Bill, particularly when he advised the House that he was a farmer with a property at Jandakot, I think it was, where he said it was futile to run stock because of the indiscriminate shooters, or vandals, who destroyed the stock on such properties.

The honourable member has no objection to the provisions of the Bill being applied to the South-West Land Division where his farm is situated. He wants this protection. But he objects to the provisions of the Bill being applied to the north.

We must be consistent in these matters, because the representations which I have received have come mainly from the north, and I undertook to do something to afford this protection to the people who were most anxious to obtain it.

Mr. Bickerton: Could we have copies of some of the representations made from the north?

Mr. CRAIG: Yes. I am grateful to the member for Murchison for his support of the Bill. I feel he is one member of this House who is in a position to speak from his own experience and knowledge of the area. About two years ago, in company with the honourable member, I had this problem drawn to my attention on many occasions on my journey from Kalgoorlie to Laverton, and from Leonora to Wiluna and down to Meekatharra. Practically every shire made this point to me, and I thank the honourable member for his support of the Bill.

As the member for Gascoyne, and other speakers said, the measure will not completely control the irresponsible shooter. This is so, and I agree with the honourable member. Nevertheless it is a stage further in our endeavour to get some control over this particular type of person. I feel the measure will provide a deterrent against the person who desires to enter someone's property without authority, and who is likely to show no respect at all for the property concerned.

I am also grateful to the member for Stirling for his support of the measure. The honourable member seeks clarification on certain points; but I particularly agree with him in his reference to the rifle clubs. There are many people who are anxious to obtain firearms and discharge them somewhere, and I feel there should be some obligation on them to first become a member of a rifle club, whereby they could secure proper instruction in the use and care of firearms. Whether or not this is possible I do not know, but it is worthy of encouragement, because the association itself would welcome an increase in its membership, and it would be happy to take some part in instructing people who want to use firearms.

Mr. Davies: How expensive is it?

Mr. CRAIG: I do not know.

Mr. Norton: It is one of the cheapest sports.

Mr. CRAIG: I think the .303 costs only about \$6 or \$7, but as the member for Gascoyne pointed out it is the ammunition that makes the sport so costly. This matter is worth following up. The member for Gascoyne doubted my statement about members of the rifle clubs being issued with two rifles. I am only repeating what was told me by members of a deputation from the rifle club with whom

I discussed the matter before I introduced the Bill. I was told that most members had more than one .303 rifle.

Mr. May: Will this reduce the number of licenses?

Mr. CRAIG: No. A member of a rifle club is not required to have a license.

Mr. Kelly: I think you will find that it is more than one barrel rather than more than one rifle.

Mr. CRAIG: I understand the question of more than one barrel, and that is why there is a particular clause in the Bill which refers to the alterations of firearms, where a barrel can be changed from a .303 to .303/25.

Mr. Kelly: I am talking about two .303 barrels.

Mr. CRAIG: The member for Kalgoorlie described the Bill as obnoxious legislation, and was critical of the member for Murchison, which I feel was a bit unfair. The member for Murchison was only making a contribution along the lines of his own thoughts concerning this legislation, and based on his experience and knowledge of the district which, I would say, is greater than that of the member for Kalgoorlie.

The member for Balcatta was concerned at the number of firearms in existence. Here again I agree with him. I made this point when introducing the Bill. I feel far too many firearms are held by the public in the State, and if anything can be done to have some of them returned, so much the better. The honourable member did make the point that it is possibly too easy to obtain a license. I agree this was so years ago, but it is not the case today. A person who applies for a license must submit a strong case before he is granted a license. He must explain where he wants to use the rifle, even to the extent, on some occasions, of having to produce a letter from a property owner saying that the applicant will be permitted to discharge a firearm on his property.

I feel it is possibly too easy for people to obtain firearms licenses. Acting on the advice of the honourable member I will repeat the instructions which I gave to the commissioner some years ago when this matter was discussed, in an attempt to tighten the position still further. It would be interesting to compare the number of licenses which were issued over the last few years with the number issued previously. As that point has been made I shall obtain the information for the honourable member.

The member for Victoria Park said it would be impossible to police the Act effectively, if the provisions in the Bill were agreed to. Here again I agree that it will be difficult, but we must not overlook the fact that if the police are to be responsible for the implementation of the provisions in the Bill the police officers

will not be waiting on the boundaries of stations in the north for some person with a firearm to go on to the property and then apprehend him. That will not be the position. The provision in the Bill is meant to be a deterrent against irresponsible shooters. It is not aimed at the person who does some shooting with a degree of responsibility.

Mr. Bickerton: The increase in traffic fines were designed as deterrents against an increase in traffic accidents, but that did not eventuate.

Mr. CRAIG: That is another subject altogether. I am prepared to embark on a debate with the honourable member on that subject any time he likes, but it is not appropriate to do so during the debate on the Bill before us. The Deputy Leader of the Opposition said that more durable firearms licenses should be issued, as they are required to be carried on the person. I would remind him that drivers' licenses have to be carried around, and they are not made of a durable material.

Mr. Tonkin: They do not have to be carried around under the same conditions.

Mr. CRAIG: That is so. Under the Act the police have no power, under certain circumstances, to confiscate a rifle or firearm. The police might be aware that some person has a firearm in his possession, and that he is suspected of having committed an offence; but the police have no power to take the firearm away from that person. That is one of the reasons for the inclusion of the particular provision in the Bill. Here again that should be done on the advice that the firearm is unsafe. The Deputy Leader of the Opposition asked who will be the judge of whether a firearm is unsafe.

Mr. Evans: The police already have the power to confiscate a firearm if it is unsafe.

Mr. CRAIG: Who is better able than the police to judge whether a firearm is safe? They have far greater knowledge of this subject than most people, and they are trained in ballistics. The Deputy Leader of the Opposition is also concerned with the care of a firearm after it has been confiscated. He said it is just thrown on the shelf and left. I imagine he was referring to the metropolitan area, and not to the country districts specifically. If he was referring to the metropolitan area I would remind him that there is a ballistics section in the Police Force, and all confiscated rifles are cared for. They are not neglected and left on the shelf.

Mr. Bickerton: What did you mean when you said during your introductory speech that the amendments were so worded that they would not apply? Did you mean they will not apply in the remote areas?

Mr. CRAIG: The honourable member is referring to the comments he made.

Mr. Bickerton: I am referring to what is shown in *Hansard*.

Mr. CRAIG: If the honourable member will recall, when I was introducing the Bill he interjected. I was trying to reply to him, and the questions and answers might have become confused. For that reason I suggest he defer this matter until a later stage, because he was interjecting when I was in the process of introducing the measure. In brief those are my comments in reply to the contributions which have been made by members. I thank them for their comments. I cannot help but feel that despite some of their apparent objections they are nevertheless agreeable to the principles in the Bill.

Mr. Grayden: If this legislation is passed do you intend to implement it on all pastoral properties in Western Australia?

Mr. CRAIG: It does not specifically refer to any parts of the State, so it applies to all parts.

Mr. Grayden: Do you intend to implement this legislation in all parts of the State?

Mr. CRAIG: I see no reason why it should not be.

Mr. Grayden: You intend to implement it in all parts of the State, even in respect of prospectors?

Mr. CRAIG: Yes. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 3 amended—

Mr. BRADY: Has the Minister given any consideration to the points which were raised by the member for Gascoyne that certain common substances, such as saltpetre, are regarded as components of ammunition? Does the Minister intend that people selling these substances have to take out a firearms license? The member for Gascoyne also mentioned other common substances which are used for the making of gunpowder.

Mr. CRAIG: Under the Act the term "firearm" includes any lethal firearm, etc. The term also includes ammunition designed for discharge from any firearm. As was pointed out by the police when representations were made for the inclusion of the provision in the Bill, the components are stocked mainly by firearms dealers who are required under the Act to report sales of complete ammunition but not the sale of components. The police say this is considered most unsatisfactory, and the suggestion is that components, designed or sold for the purpose of reloading ammunition, be included. Mostly sporting goods stores and firearms dealers

stock these components, but as the member for Gascoyne pointed out some of these components can be obtained elsewhere.

It is possible to make ammunition from substances other than those mentioned by the member for Gascoyne. In this morning's newspaper there appeared a report of a metal bolt having been fired into a car. Under the Bill that would be an offence, and that is the reason why the police have requested the inclusion of the particular provision.

Mr. DAVIES: We have complained about this sort of thing before. The Minister has mentioned that certain things have occurred which necessitate an amendment to the Act. Why not name those certain things? Why make it a blanket cover on all components of ammunition? As the member for Gascoyne has said, a person could find himself in possession of some of these components but for a completely different purpose than for making ammunition. However, technically, under this amendment he would be committing an offence. I must continue to protest about these all-embracing amendments to legislation without any specific cases being mentioned.

Mr. BICKERTON: I think the Minister said that mostly the components of ammunition are sold by licensed—

Mr. CRAIG: Licensed firearms dealers.

Mr. BICKERTON: Would the Minister have any objection to adding after the word "ammunition" in line 5, the words, "as sold by licensed firearms dealers"? That would overcome the problem of those who have the components for other purposes.

Mr. CRAIG: I do not see any objection to it, but it could possibly lead to another loophole. Some dealers might not be as reputable as we would like them to be. They could acquire these components and dispose of them by means other than in their normal retail business. However, this is one matter on which I would like to seek some information. I will do this and if there is no objection to it at all I will have it included in another place.

Mr. EVANS: I hope members will not feel that on this matter I am doing a somersault, but I have had second thoughts on it. It was not until the Minister read the definition that I saw the significance of it. The words, "designed for discharge from any firearm" naturally rule out the possibility that a person could be prosecuted if he had in his possession saltpetre or gunpowder which he required for some other lawful purpose, because such ingredients would not be used for ammunition.

Mr. NORTON: I would like to point out that the three components of gunpowder are on practically every primary producer's property. With these components it is possible to make a first-class gun-

powder, probably better than that which could be obtained from the Army. I want it made quite clear that these primary producers will not be prosecuted for having these components in their possession.

Mr. BRADY: Under the definition to be included in the Act, all the butchers in Western Australia who have saltpetre in their possession will require a firearms license, as will all primary producers in a similar position. There is quite a lot of objection to this provision and I feel the Minister should have a look at the matter before we go any further. He should also study the other objections raised by the 11 speakers to the debate.

#### *Progress*

Mr. BRADY: In order to give the Minister ample time to consider these provisions I move—

That the Chairman do now report progress and ask leave to sit again.

Motion put and negatived.

#### *Committee Resumed*

Mr. TONKIN: The point taken by the member for Swan was very well taken. After all we should not pass legislation in a slipshod manner, believing it will do certain things, if it will not. I am asking the Minister straightout, "What does he understand by this provision in the Bill?" Would these components include saltpetre in a butcher's shop? If they do, I think we should do something about it. I would like to hear the Minister's view on this!

Mr. CRAIG: I cannot understand the concern of the Deputy Leader of the Opposition. The member for Pilbara raised the point and I undertook to inquire into it and suggested that if possible the clause could be amended in another place. Surely that is fair enough!

Clause put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Section 12 amended—

Mr. TONKIN: Regarding paragraph (b) of this clause, and the reference to the alteration of a firearm, would that cover the alteration of the sight or firing pin? If it does I feel it is unnecessary. Quite frequently an experienced rifleman alters the sight as a result of his experience.

Mr. Ross Hutchinson: Could you imagine the police charging him with that offence?

Mr. TONKIN: This provision makes it an offence to alter a firearm.

Mr. Ross Hutchinson: Could you imagine such an alteration being taken into consideration by the police?

Mr. TONKIN: I can imagine certain things being done under certain circumstances.

The CHAIRMAN: Order! I think we will stick to the point being discussed.

Mr. TONKIN: That is a good suggestion. I desire to know from the Minister in charge of the Bill whether this clause would cover the situation where the owner

of a firearm has altered the sight or the firing pin. It seems to me that this clause was framed deliberately to prevent any alteration whatever. I have been asked this question by the person to whom I have previously referred. He has, on occasions, altered his firearms in this way and he desires to know whether this would be an offence.

If it is an offence it is unnecessarily unfair that the rightful owner of a firearm should be subject to this petty restriction which, in my view, does not achieve anything at all.

Mr. CRAIG: I do not think this clause would apply in such cases. This provision is to cover instances where rifles are converted to concealable weapons, and where a license would not be granted by the police except under special circumstances.

Mr. EVANS: Having regard to the objections which have been raised to the existing paragraph (b) of clause 5, and seeking to overcome at least some of the objections as I see them, I propose to move an amendment. I propose to move for the deletion of item 13B and to insert the following words in lieu:—

Carrying a firearm, other than on a road open to the public, without reasonable excuse, onto or across land that is used for, or in connection with primary production, without the express or implied consent of the occupier or some person apparently authorised to act on behalf of the occupier.

In the first place, I humbly feel that this is grammatically more correct; and, secondly, and what is more important from my point of view, it overcomes the objection which the member for South Perth instanced. I move an amendment—

Page 3, lines 1 to 17 of item 13B.—

Delete all words commencing with the word "Except" down to and including the word "production" with a view to substituting other words.

Mr. CRAIG: The proposed alteration to this clause, as suggested by the member for Kalgoorlie, is acceptable to the Government. I think it goes further than the proposal in the original amendment inasmuch as it could overcome quite a lot of the objections raised. This would apply particularly to the restriction that would be placed on the responsible type of shooter and, more particularly, on the prospectors referred to by the member for South Perth. The amendment will include the words "without reasonable excuse" and I feel this is protection for the responsible person who has been referred to so often in this debate.

Mr. GRAYDEN: I hope the Committee will agree to this amendment. I imagine that the inclusion of the words "without reasonable excuse" would cover the kind of person shooting game for the express purpose of eating it, as in the case of a

prospector, or a resident in the north-west. If the amendment allows that it is satisfactory as far as I am concerned. However, it would be intolerable to agree to the amendment thinking that it would protect the legitimate shooter only to find that it did not protect him at all.

My main objection to the clause was that we were going to introduce something which would deprive people in the north, and elsewhere in remote areas, of their fundamental rights. During the last few weeks we have heard a lot about the rule of the majority, especially in regard to the Barracks archway. If the majority want a certain thing, then in a democracy we should implement their desires. If we were to take a census in any town in the Murchison, or the Kimberleys, or the Pilbara, or Eucla, or Esperance, we would find that 75 per cent., at least, of the inhabitants would be completely opposed to the clause as it exists in the Bill.

While we are talking on this clause, Mr. Chairman, one comment was made which I think should be clarified now rather than on the third reading.

The CHAIRMAN: As long as it deals with these words.

Mr. GRAYDEN: It is dealing with this particular clause. The member for Murchison mentioned earlier that I had made a stupid threat about the measure. I am going to give the member for Murchison the benefit of the doubt and assume that he did not hear what I said or, alternatively, that he was not listening because, had he been listening, or known what I had said, his accusation against me would have been malicious to the extreme. I am not suggesting for one moment that he would have made that accusation had he known what I said. However, I do say he should not have made it if he was in any doubt as to what I had said.

To return directly to the amendment, I repeat that providing this does effect what we intend for the residents of the north-west, and other remote areas of Western Australia who have legitimate reasons for carrying firearms, I think we can well support it.

Mr. BICKERTON: Many of the objections I raised were on the particular clause with which we are now dealing, and many of the points I brought forward concerned the possibility of people who genuinely made mistakes by carrying a firearm onto a property without the permission of the owner being penalised. Of course, it all depends on whether "without reasonable excuse" does in fact cover those points to which I refer. I will support the amendment at this stage but would like the assurance of the Minister that, before this Bill goes to another place, he will find out whether "without reasonable excuse" does cover the points brought forward by the majority of members on this side of the

Chamber, particularly by the north-west members. If these words do not cover the situation, I seek the Minister's assurance that he will make some endeavour to have the Bill amended in the other place in order to cover these points.

Mr. CRAIG: I consider this request an understandable one and normally I do this with any amendment that is agreed to by this Chamber. Always I have the amendment checked by those in a position to do so before the Bill goes to the other place.

Amendment put and passed.

Mr. EVANS: I move an amendment—

Page 3, line 1 of item 13B.—  
Substitute the following words for the words deleted—

Carrying a firearm, other than on a road open to the public, without reasonable excuse, onto or across land that is used for, or in connection with primary production, without the express or implied consent of the occupier or of some person apparently authorised to act on behalf of the occupier.

Mr. TONKIN: I would like some elucidation of some of the terms used in this amendment. How does one prove "implied consent"? It is simple enough to prove that one has consent if one has it, but how can one prove to anyone who doubts whether consent has been given that one has implied consent? I would like to hear the Minister explain that point.

Mr. CRAIG: The amendment was proposed by the member for Kalgoorlie and he included this provision of "implied consent."

Mr. Tonkin: It was in the original Bill.

Mr. CRAIG: I can only place my own interpretation of what the member for Kalgoorlie means in the amendment.

Mr. Tonkin: What did you mean when you included it in the Bill?

Mr. CRAIG: The member for Kalgoorlie is trying to overcome the objections raised by certain members where a shooter is on one property and wants to go on to the next property which may be 200 or 300 miles away, and where it is impossible for the shooter in such a situation to obtain consent but where it is implied—in writing, or by word of mouth—from some person in authority. I feel this is what the member for Kalgoorlie means, but if I am wrong he can correct me.

Mr. Tonkin: What did you mean? It was in your Bill.

Mr. EVANS: In order to show that I did not lift the words completely *holus bolus* I will attempt to mention briefly what I would regard as being an incident where a person could show an implied consent. Of course, consent, if not expressed, can be implied by contact with the occupier or with a person acting on

behalf of the occupier. For example, if a person has been allowed to pass through a certain property in order to shoot and without any objection being raised by the particular occupier, or some responsible person on his behalf, it could be said—in law at least—that the occupier has waived any objection to this particular purpose.

In other words, the owner, or someone in authority, has given him a license to travel through the property in order to shoot thereon. Therefore, if at any time an objection was raised and a prosecution was launched, I feel that the person with the firearm—if he could substantiate the fact, by evidence, that he had passed through this property many times—could say that he had travelled through by implied consent. I feel, too, the court would say there had been implied consent in that particular instance. There are, of course, other instances where consent could be so implied.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

## STRATA TITLES BILL

### *Second Reading*

Debate resumed from the 21st September.

MR. EVANS (Kalgoorlie) [10.19 p.m.]: I can assure members that, after the last marathon, my remarks on this Bill will be extremely brief, notwithstanding the fact that this Bill is of paramount importance.

I consider this Bill deals with a subject which is of great interest, particularly to those persons who are now occupying, or considering purchasing, a home unit. The Bill is concerned with facilitating the provision of a certificate of title in respect of home unit ownership.

The needs of a growing metropolis, aggravated by increasing rates and a diminishing number of sites for residential purposes, have brought about the trend of individuals acquiring flats on different strata, and this trend has gained great momentum. This is evidenced by the number of substantial buildings comprising home units which are clearly visible not many a stone's throw from Parliament House building.

The need for such legislation can be seen in an interesting light—I do not wish to adopt the attitude of a pedagogue in this matter—if one clearly has regard for the theory of land law. That theory teaches us that the freeholder of a particular lot—I use the word "lot" to mean a particular confined area of land—is said to be seized of that particular area not only on the surface at ground level, but from the depths of the earth to the heights of the heavens. That theory, of course, has been

qualified by many forms of legislation, such as town planning legislation, and also legislation reserving right to the Crown in timber, royal metals and, more recently, petroleum. Also, having been seized of the freehold from the ground level to the heights of the heavens, we have seen that air navigation legislation has seriously encroached on this theory, but nevertheless it still holds true and, in regard to home units, it does justify a title of land being issued for an area on which can be constructed a building so many feet above ground level.

At least two methods have been used in this State to achieve separate titles for persons who have purchased home units, and for the sake of brevity I will content myself by saying that obvious disadvantages have been found in both of these approaches. As a result a means was sought to regulate this situation, and the need for legislation, as is at present before us, became evident. The Executive Governments of Australia have considered this subject and some Governments have already legislated, with Western Australia now following suit.

I am not referring to the legislation we have before us tonight, but the salient features of this type of legislation dealing with separate titles of individual lots in strata should be given particular attention under the four headings I am now about to enumerate. Such a law must not have the effect of defeating the Town Planning and Development Act by allowing substandard premises to be built. To confirm my point in that regard I made a search of the Bill and I found in clause 5, subclause (6), paragraph (b) that any objection I might have had in that regard has been obviated.

My second point is that the scheme of law must be satisfactory to the persons who are willing to lend money on security of mortgage in respect of these home units. The scheme should not be unduly cumbersome and expensive and should provide the minimum work for the Titles Office and the minimum of confusion for those persons who will need to be concerned with such land transactions.

The final point is that the scheme should not only be for the benefit of co-owners who own large and expensive buildings. What is paramount is the question: Why should the benefit of such a title be refused to those persons who desire separate right of ownership to a part of a one-storied building or even some detached building?

I turn now to one or two clauses of the Bill. Clause 4 provides that land may be subdivided into lots by registering a strata plan. This seems to be the basis of this legislation; that is, the subdivision of land into lots on strata and registering a plan showing this subdivision.

It is quite clear the Bill does not purport to deal with a one-storied building.

The words used in regard to the registration of such a plan are, "two or more strata." It is a plan dealing with two or more strata, so it is obvious that the Bill does not deal with one-storied buildings. Such buildings are ignored. Clause 4 also provides that on the registration of the strata plan the lots comprised therein may be dealt with in the same manner as land held under the Transfer of Land Act. The Registrar of Titles is to issue to the owner a separate certificate for each lot together with the share of the common property appurtenant to his particular unit.

Clause 9 provides that common property shall be held by all the owners as tenants in common proportionate to their unit interests. These are the basic aspects of the legislation. I make the particular point that there is no provision for adjustment, in my reading of the Bill, in regard to compensation for one unit being neglected and another being cared for, even in the event of the co-owners deciding to sell the building as a going concern.

Clause 10 provides the general rule that no share in common property may be disposed of except as appurtenant as a lot to the proprietor thereof. This provision is most essential. I do not wish to weary the House any longer. I support the Bill. It is obvious that only time will tell whether we in Western Australia, who appear to have closely followed the New South Wales scheme rather than, for instance, the Victorian scheme, on passing this Bill will have achieved the perfect form of such legislation.

I clearly indicate that it appears to me that there is need for one amendment. There may be need for many others, but the one I have in mind is that the Bill does not expressly exclude the Partition Act, which is an old Western Australian Act. There does not appear to be any express exclusion of this Act by the provisions of the Bill and I draw that point to the attention of the Minister in the hope that an examination of it may be made. With these few remarks I support the second reading.

**MR. CROMMELIN** (Claremont) [10.30 p.m.]: I would like the opportunity to say a few words with regard to this Bill, more especially because I am now the owner of a home unit. The Bill itself appears to be quite cumbersome, but I am given to understand that its contents really amount to having the right, as the owner of a home unit, to obtain a title.

As things stand now there are two methods by which one becomes the owner of these units. The one in which I am involved is by purchasing through a proprietary company, where shares are allotted providing a right in the unit. I am advised by members of the legal profession that under this arrangement the proposition would not hold water.



Mr. Guthrie: That has been cleared up by the Companies Act which is coming before us shortly.

Mr. CROMMELIN: That will be good. The introduction of this legislation has possibly been brought about by the fact that today the cost of land and the cost of building are reaching such heights as to make it difficult to finance the building of homes.

This applies particularly to young people who have not sufficient finance to buy the land, let alone build a house. It applies also to older people who find that their homes are bigger than they require, and they are anxious to obtain a unit where their work will be lessened to some extent. It is quite interesting to note that as a result of the metropolitan area being cut up into different sized blocks the problem has arisen that some of the blocks are not big enough to build home units on.

In Wellington, New Zealand, every lot is one-eighth of an acre, and, consequently, in order to buy a large enough area of land it would be necessary to buy more than one lot. Here, however, most of the lots are quarter-acre blocks. A number of people find even these blocks too big for the size of home they need.

Today, with changing conditions, different municipalities are changing their plot ratios quite considerably. For instance, whereas two years ago in the town of Claremont where 12 home units could have been built, under the plot ratio today it would be possible to build only nine. This of course is raising the price of the home units.

In the paper tonight I read of a house in Freshwater Parade which brought only \$27,000; whereas three years ago it would probably have brought \$35,000. This is due to the fact that the plot ratio has been amended to such an extent that fewer home units can be built on the same area of land. The purpose of this, of course, is quite plain. The municipality is anxious to see a good type of unit built, together with ample provision for open space around the unit. This is a good thing.

There are some problems in regard to this legislation as it affects Claremont; though it would not only apply to Claremont. I would, however, ask the Minister to take cognisance of the fact that in Stirling Highway, just past the Highway Hotel, there is a block of 11 home units.

Seven of these home units are on the double-storied basis, four are on the ground floor, and three on the top floor. The remaining four are attached in front of the two-storied section on ground level. Consequently, under this legislation, I could assume that those who live in the back portion on the ground floor, and those who live on the top floor, would be entitled to apply for a strata title; but those four who live on the ground floor only would have no right to a strata title.

This is perhaps an unusual case; but what is the answer? Will the people in those 11 flats I have mentioned have the right to a strata title if the back of the property is built in two stories, and the front portion in a single storey?

There is another property in Vaucluse Street, Claremont, which contains eight home units which were built on a very large area of land. When the company was proposing to build the units it evidently thought that the prospective owners did not want to have to climb stairs and so, instead of building a block of two storeys of four flats each, they decided to build eight home units on the ground floor level.

Under this legislation it is obvious they will not be able to get a title to their flats. Of course by having a title to one's flat one reaps the benefit of being able to have one's land tax, municipal rates, and water rates as taxation deductions; whereas if one has no title one cannot get such deductions. The company gets them.

So it seems unreasonable that all the flats in a block of eight flats, that is four on the ground floor and four above shall have titles, but that those with single stories shall have no titles.

There is another block of flats in Thomas Street, Subiaco. I am advised that the people there would like to get strata titles, but here again, under this legislation they would not be able to do so. I am wondering why the strata title is confined to two or more stories. I can appreciate that in some of the areas in Perth it perhaps would not be a good idea to have a title for units on the ground floor, inasmuch as they could perhaps be classed as of a lower standard; but after all is said and done a unit is surely a self-contained residence—in other words, it must have a living-room; it must have one or two bedrooms; it must have a separate lavatory, and a separate kitchen. In some of the smaller units to which I am referring, and which are let as small flats or flatettes, the people have to share the amenities. I think this is a totally different proposition from a unit which is entirely self-contained.

For that reason I would like to know why it is not possible for the owners of units on the ground floor, if the units are of sufficient standard, to get a title. I am well aware of the fact that they cannot do so in New South Wales, or Victoria; but when we talk of New South Wales, and of home units there, we must realise that the area of land there is very restricted by comparison with ours. A lot of the home units in Sydney are in the area of the harbour, and go up eight, nine, or ten stories, and one could be expected to pay \$100,000 for a flat. One would not expect to pay that amount here.

The important thing is that the land in Sydney is so much more expensive than

the land is here, and it would not be good business to build home units here of perhaps five, six, or more stories.

In those circumstances I think consideration should be given to the people who desire to obtain titles for flats on the ground floor; otherwise I do not know quite how one is going to answer the questions that are asked. I know quite well that a justice of the peace who lives in Stirling Highway, Claremont, approached me over a year ago when he heard this legislation was coming forward.

I did not know much about the matter then, as I had returned from New Zealand only a short while before. I told him I understood that strata titles legislation would be introduced in the coming session of Parliament, but I was not aware at that stage that it would be confined to structures of two or more storeys, although I understood the meaning of the word "strata." I am wondering whether consideration can be given to the people concerned.

I wrote to an alderman in the Sydney City Council, and he advised me that that was the position, the reason being the high value of the land. He pointed out that in New South Wales the reason for strata titles being so popular was that they provided an opportunity to the owners of home units, if they so desired, to raise a mortgage for some purpose, and to obtain deductions in taxation. We should not lose sight of the fact that many home units moderately priced at £3,000 to £5,000 are purchased by retired people on fixed incomes; and a deduction of \$100 or \$200 a year for rates and taxes is quite considerable to them.

This person also pointed out that it was a good idea to introduce strata titles, especially as some people in New South Wales, who were the original owners of the buildings, could sell some of the flats by forming a company and by selling the relevant shares, but retaining for themselves certain privileges not shared by the new owners—such as exclusive use of portions of the grounds, or the right to certain decisions, and other such privileges. He said that the strata titles system was much better than a system under which the original owner—perhaps a little more unscrupulous than most—could obtain benefits which the other owners of the units did not have.

There is one clause in the Bill which I find difficulty in understanding, and that is clause 13 (1), which refers to section 11 (2) of the Act. When the Minister replies to the debate I would be grateful if he could give an explanation of this provision, although there are members of the legal profession in this House who might be able to put me right.

Mr. Guthrie: I have explained that matter to your constituent, and he is now satisfied.

Mr. CROMMELIN: He might be satisfied, but in case I am questioned by other constituents I want to know the explanation.

Mr. Court: Can you clarify the case which you mentioned? As I understand it there are three storeys to the structure, and you are concerned that the flats in one story cannot be given a title.

Mr. CROMMELIN: There are 11 flats in the one building. In the front section, on the ground floor, there are four flats, and behind that there are four other flats. On top of those four rear flats there are three other flats.

Mr. Guthrie: In other words, one portion is single-storied.

Mr. CROMMELIN: Yes. The front portion consists of flats on the ground floor, but the back portion consists of four flats on the ground floor and three flats on top.

Mr. Court: The one building is independent.

Mr. CROMMELIN: The one building is a complete unit, and has been passed under the by-laws of the Claremont local authority. In regard to the other case, the eight flats are located on a large area of land. Separate titles to them cannot be obtained, although right next door the two-storied flats can be issued with eight separate titles. It is embarrassing when I, as member for the district, am asked why separate titles cannot be obtained. I support the Bill. It is a good piece of legislation, and it will certainly be an improvement.

MR. ELLIOTT (Canning) [10.45 p.m.]: There is one aspect of this Bill to which I have not heard any reference tonight. Because I consider that some comment should be made on it, I shall do so very briefly. Most members are aware that because of the lack of legislation of this nature, ex-servicemen in this State have not been able to obtain war service homes assistance to purchase home units.

Many ex-servicemen of World War II have reached an age where a home unit is perhaps a more attractive form of accommodation than a conventional home, because attendant gardening and other problems are removed. I am particularly pleased the Minister made a point of the fact that this legislation is very much akin to that of New South Wales.

It is interesting to note that in New South Wales ex-servicemen have been able to secure war service loans up to 75 per cent. of the value of the unit, or the purchase price, whichever is the lesser. The maximum amount is \$7,000, with a repayment period of 30 years.

Whilst it cannot be said with certainty until this Bill becomes law, it is reasonable to assume that it will eventually allow ex-servicemen in Western Australia to

obtain war service loans to purchase home units—an advantage which has been enjoyed by ex-servicemen in New South Wales for some years, and I understand also in some other States. I felt this aspect should be commented on, and that some record should be made, because it will be of great interest to the ex-servicemen of Western Australia, many of whom qualify for war service loans. For that reason there is much to commend the Bill.

**MR. DAVIES** (Victoria Park) [10.47 p.m.]: My remarks will be very brief. Firstly, I congratulate the Government on at least attempting to bring in legislation of this nature, and on the manner in which it is being done. It must be, to some degree, contentious. As we are aware the Government introduced similar legislation during the last session, but it was set aside. In the meantime representations from interested parties have been received, and the Government has modified the legislation accordingly. I expressed the hope before that when important legislation is introduced in Parliament the interested parties should first be consulted and their views obtained.

The only point I wish to make is similar to one which has been made by the member for Claremont, but it refers to a slightly different area of housing. Almost every year since I have been a member of this House I have asked questions relating to the purchase of duplex homes built by the State Housing Commission. Originally I was told it was not possible to allow the tenants to purchase these homes because there was no strata titles legislation in force in Western Australia. Therefore I waited with interest for the introduction of the measure before us. I now find that apparently, because the duplex houses built by the State Housing Commission are only one storey high, they will not be covered by the measure.

It will therefore still be impossible for the tenants of duplex homes to purchase them. These are complete home units and contain all the normal requirements of housing—bedrooms, lounge, bathroom, toilet, kitchen, verandah, etc. This type of house is still being built. At Balcatta I noticed recently that some duplex houses were being built. I have always understood it was the policy of this Government to encourage the tenants of Housing Commission homes to purchase them wherever possible. Indeed this Government does not have the sole prerogative to that objective, because the Australian Labor Party also encourages people to own their own homes.

After the long wait for the introduction of strata titles legislation it appears that it still will not be possible for the State Housing Commission to sell duplex homes to the tenants. I am hoping that the Minister when replying will be able to tell me whether or not that is so. As

I pointed out earlier, my concern is much the same as that of the member for Claremont, although his concern is generally with the greater number of housing units. I hope the Minister can inform us that these State Housing Commission homes will be available for sale to the tenants.

**MR. GUTHRIE** (Subiaco) [10.50 p.m.]: With all due respect to the member for Kalgoorlie, who was the first to speak, and the member for Claremont and the member for Victoria Park, who followed, it must be appreciated just what this Bill is. It is not a home unit Bill. It is not a terraced house Bill. It is a Strata Titles Bill, and has been introduced purely to revolutionarily reform our land registration laws which, from the time of Sir Robert Torrens who introduced the Torrens system in 1857 to this day, as far as this State is concerned, only permit, under the Transfer of Land Act, land being subdivided in a vertical manner. It was not possible, legally, to subdivide land in a horizontal manner and this is what a Strata Titles Bill sets out to achieve. In other words, it separates one floor from another. At the moment it is only possible to have a piece of land registered on a title, and under our Transfer of Land Act anything which stands on that land goes with it.

The purpose of this Bill is to give people a title to a piece of a building which sits above another piece of the same building. Therefore that is the reason for the definition that it must be a building of two or more storeys.

**Mr. Cremmelin**: If the underneath of a house is completely dug out for garage space, would not that be strata?

**Mr. GUTHRIE**: There must be two floors before strata can be considered. If there is only one floor there is no question of horizontal subdivision. There is nothing to stop the Registrar of Titles at this moment from subdividing single-storied properties into as many pieces of land as he wishes. No difficulty exists from the registration point of view. The Commissioner of Titles is perfectly entitled to issue a title to me or to anyone else for a piece of land 1 in. square, if he wishes. The problems which arise, of course, are under the town planning legislation.

I wish to point out to the House that this measure is not designed to overcome town planning problems. It is purely to provide a system of registration—a system which up to this point of time in our history has not been permissible inasmuch as the Commissioner of Titles can only, at this moment, issue a title for portion of a piece of ground. That piece of ground can be any area desired and the title automatically carries with it all the improvements on that ground, whether such improvements be one storey or 22 storeys. Every piece of building on that

piece of ground, for which a title is issued, goes with it, and it has not been possible to issue a title to Mr. Jones for the first floor of the building on that piece of land, another title to Mr. Smith for the second floor, and a further title to Mr. Brown for the third floor. It is not capable of being done; and that is the purpose of this measure.

The question raised by the member for Victoria Park and the member for Claremont is an entirely different matter. If the Town Planning Board would pass a subdivision for the duplex houses to which the member for Victoria Park referred, the Registrar of Titles would have no difficulty in subdividing the title. The member for Victoria Park has in his electorate, as I have in mine, many properties with a 12-foot frontage for which titles have been issued. I could take members to a street less than half a mile from here where the widest block is 18 ft., and this is a street where there are over 200 houses. No difficulty is experienced with the Titles Office; the only difficulty is with the modern town planning methods of subdivision.

It is of some interest to know that in the year 1957 it took an English lawyer to write a book, really as a memorial to Sir Robert Torrens, who was responsible for the introduction of the Transfer of Land Act as we know it today. As no doubt members know, he was a man brought up in the customs world in South Australia. He was not a lawyer, but a layman, and the reason he saw fit to change the very cumbersome system of conveying titles under the system which still prevails in large portions of England, and which is known as the general law conveyance, was because of his experience in shipping. He realised there was a very simple system of registration existing in the shipping world and he introduced it to land transfers and earned his niche in the history of the world as one of the most striking reformists of his time, and of this present time.

This English lawyer, whose name was Ruoff—I hope I pronounced it correctly—made the point in his book that Sir Robert Torrens introduced his system to make land registration practicable for the ordinary person in the community, and if that was good enough in 1857 it was equally good enough at the time he wrote that book, which was 1957. He said that we must adapt ourselves to the conditions applying today.

People today want horizontal subdivisions of buildings, and he forecast this legislation some three years before anyone in Australia thought of introducing it, and strongly commended it to the people of Australia as a desirable reform that should be instituted with the ever-increasing value of land. Not only in connection with home units is this desirable, but also in connection with city buildings and any other

type of building we can think of; because it then becomes possible for someone to get a title to something which he has bought but which does not necessarily sit on a piece of ground; and it certainly does not sit exclusively on that piece of ground. Someone below him or above him also sits on the ground and has a title to his portion of the building.

I must point out to the House that it does not become absolutely essential for anyone who wishes to buy a home unit to operate under the Strata Titles Bill. Up to this time we have got along—somewhat unsatisfactorily I admit—with two alternative methods of dealing with home units. One is the system to which the member for Claremont referred, of forming a limited liability company. This system caused some difficulties when recently the New Zealand Court of Appeal held that all such agreements were illegal as they amounted to an unauthorised reduction of capital. A Bill is at present before another place to amend the Companies Act in that regard and to solve that difficulty.

Mr. Crommelin: Does that give us deductions?

Mr. GUTHRIE: I am not interested in the taxation angle but only in the point of view of the title to the property, and whether a person has bought something he can lose because the contract is illegal.

The other method is for all the owners to become tenants in common of the land and enter into a series of lease agreements. If by any chance the type of scheme or plan that is prepared cannot get the necessary consents provided for in this Bill to enable a strata title to be registered, it is still possible for those people to become a company, or enter into the arrangement of a tenancy in common with lease agreements.

This means that they will not be put into the unfortunate position where they will have to forgo their scheme if they cannot get a title under this legislation. However, I strike this note of warning to the member for Claremont: He should not assume that every block of flats built in recent years in Perth will automatically get the necessary consents that are required from the local authority and the Town Planning Board to enable a strata title to be registered.

There is one major danger in this Bill and it is a risk which I suppose we have to run. Nevertheless, I feel I should draw the attention of the House to the matter. As members will appreciate, if at the present time I am issued with a certificate of title to ground, that ground cannot disappear. It is there for all time. I have a title to something which is always there. However, when I get a strata title to a flat which could be on the tenth floor of a multi-storied building the piece of property to which I have the title is only there if it remains physically there. If it is destroyed

by an explosion or a fire it ceases to exist. I have still got in my possession a certificate of title issued under the seal of the Registrar of Titles for something which no longer exists.

Mr. Jamieson: That would be handy to have.

Mr. GUTHRIE: The member for Beeloo interjected that that would be handy to have; but nevertheless if I were an unscrupulous person, and I wanted to borrow money, I could go to someone and they would accept the title for what it was worth. The Registrar of Titles may not even be aware of the fact that the building had been destroyed and he would register the mortgage.

Mr. Lewis: Without looking at the security?

Mr. GUTHRIE: The registrar would not look at the security.

Mr. Lewis: I thought only fools lent money without security.

Mr. GUTHRIE: There are some fools born every day and one has only to go to the Police Court to listen to some of the stories put across by people to get money. Nevertheless, be that as it may.

A safeguard is provided in this Bill that it is obligatory for the company to notify the registrar if, in fact, the building is destroyed. The whole structure of the Bill depends on that notice being given. I will agree that there is no other way of doing it. However, the point I do make is that the penalties provided in this Bill are the same for every offence, and I feel—and I recommend to the Minister—that careful consideration should be given by the Government to the question of whether this particular offence—failure to give notice that a building has been destroyed—should not be made a much more serious one with much heavier penalties than are provided for the other more minor breaches.

No doubt, the Minister knows that there is one penalty for all offences with a maximum fine of \$200. I have already suggested to the Minister in another place that the penalty should be as high as \$1,000 for failure to give notice, because the whole structure of the Bill depends on that notice.

Mr. Croomelin: Who is responsible for the notification?

Mr. GUTHRIE: The company is responsible. There are various methods and the court can make a declaration if the company does not give notice. I think certain people can apply to the court for an order that the building is deemed to be destroyed. But it is the company which has to give notice; that is, all the people.

The final comment I wish to make is on the main principle of this Bill. Although the owners of these strata titles are referred to as a company, they are not a limited liability company under the Companies Act. The individual owners or

proprietors still remain jointly liable for all the debts of the company. If one studies the provisions in the Bill one will discover that this is so. The individual owner will be liable for the debts of the company, but the company will not be liable for the individual debts of the owners. In the case of joint debts, such as the painting of the building, every individual owner can be made liable for his proportion of the debt.

I commend the Bill to the House; it is a step forward. The Bill was modelled on the New South Wales legislation, which has been in force for only seven years. I think that is a short time and I do not doubt that in the course of time both New South Wales and Western Australia will find provisions which will require alteration. I can only trust that Parliament will deal with such matters sensibly and sympathetically.

The member for Kalgoorlie referred to the Partition Act. I could not follow what he meant and I would point out that the Partition Act applies to vertical partition and not horizontal partition. I stress that the present Bill is for the registration of horizontal titles.

Mr. Davies: Should there be any difficulty with the State Housing Commission selling duplex houses?

Mr. GUTHRIE: The only difficulty, as I understand it, is getting a subdivision allowed by the town planning authorities. The difficulty would arise if the blocks were below the minimum size. In those cases there is not a strata title; the title is to the actual area of the land.

Under this Bill, even when the building goes the land in its entirety reverts to all the owners in the company as tenants in common. If there are 38 owners they do not finish up with one-thirty-eighth of the block of land each. The vertical subdivision is not altered. This problem does arise with duplex houses. There is the street in Subiaco to which I referred where there is a terrace of houses with 12-foot and 15-foot frontages.

Mr. Davies: I was thinking of the houses built at Balga.

Mr. GUTHRIE: I presume they have less than a 50-foot frontage. The town planning regulations set down a minimum frontage, and also a minimum area. In such cases, the people cannot get their individual titles and so cannot borrow money on the titles. That, of course, is one of the purposes of the Strata Titles Bill.

MR. COURT (Nedlands—Minister for Industrial Development) [11.6 p.m.]: I thank members for their support of this measure, and I particularly thank the member for Subiaco who, because of his great practical experience of the legal side of this question, dealt with some of the points in a masterly way. He demon-

strated the value of having people of varied experience in a Chamber of this kind.

The main point of the Bill is that we are breaking new ground so far as titles are concerned. It was never intended that we would interfere with the basic principles, so far as actual ground titles are concerned, which principles we have known for so long.

We had to deal with this new development—this new social development—which has arisen because of the desire to have horizontal titles as distinct from what are known as vertical titles. There was no intention to deal with the particular problem to which the member for Victoria Park referred, or the problems about which the member for Claremont expressed some concern. I can only assume that the building to which he referred stands independent as a single-storied building on a block of land. Such a structure was never intended to be covered by this strata titles legislation.

It would not be proper in this legislation to cut across the town planning provisions in respect of titles to ground level buildings. In the light of experience it may be possible to devise legislation, or to amend this legislation, to deal with that situation without in any way interfering with the basic principles which are inherent in our Land Act, by dealing with the actual piece of land itself as distinct from the horizontal title we are now seeking to introduce through this legislation.

Mr. DAVIES: I was under the impression that single titles to duplex houses could not be obtained because there was no strata legislation.

Mr. COURT: I can only suggest to the honourable member that in considering his question at the time, it was probably natural that the Minister would think in terms of this; that is, in terms of a strata title. That is the only explanation I can give. If there has been any inconvenience caused to the honourable member, I know the Minister concerned would be regretful of it. Had I been in his position, I would have been inclined to think of duplex homes as coming within this general question of strata titles.

When the matter was first raised, I thought of this more in connection with all types of home units which were on a piece of land, regardless of whether the buildings were one storey or several storeys. However, when we study the legislation as we have to when seeking ways of dealing with a new problem—we were dealing with this question of the strata as distinct from the buildings which were on the basic piece of land itself—I think it is fair to say, and, in fact, this has been referred to by some other members, that with the passage of time it might be found that there are weaknesses in this legislation. We are introducing a new element—a personal element—into this whole question. As in cases such as dealings under the

Companies Act—and other laws when there is a personal element—some people fail in their duty.

I think we will have to be prepared to grasp the nettle now and allow experience to dictate what further amendments are necessary to deal with a situation such as the one to which the member for Subiaco referred. In particular, the member for Subiaco referred to a case where there had been an explosion—or some other destruction or alteration of a major nature—to a home unit within a block of flats—or home units: one can call it what one likes—and somebody had failed to notify the registrar of this destruction. This is a human factor and something that will forever be with us. How we are going to deal with it in the future, apart from imposing penalties, is something I could not predict.

However, I think it is a risk we should take because we have to face up to this great uncertainty—and, in certain cases, great injustice—that exists. For that reason, I think we are wise to introduce this legislation, using, as we are, the maximum experience available to us from other places at the present time. I thank members for their support and I commend the legislation.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

Mr. GUTHRIE: I have discussed this particular amendment with the Chief Parliamentary Draftsman and with the Minister in another place. I would draw the Committee's attention to the definition of "council" which appears on page 2 of the Bill. The definition is—

"council" means the council of a company constituted under Part I of the Schedule to this Act; .

If members study the Bill, they will discover it is possible for the company, by unanimous resolution, to rid itself of the by-laws which constitute part I—and, for that matter, part II—of the schedule to the Act and substitute their own and provide their own method of electing a council.

If that happened, the council would cease to be a council of the company as constituted under part I of the schedule but, under by-laws prepared by the company in themselves, it would become such a company as by the definition of "council" would not be covered by the Act. Therefore, we have come to the conclusion that the simpler way is to have the definition read—

"council" means the council or company constituted under this Act.

If this were done, it would not matter how the council is appointed or where it gets its legal authority from. Accordingly I move an amendment—

Page 2, lines 12 and 13—Delete the passage "Part I of the Schedule to".

Mr. COURT: I have no objection to the deletion of these words; in fact, I think they meet a desirable purpose.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 12 put and passed.

Clause 13: Incorporation of proprietors—

Mr. GUTHRIE: The member for Claremont did make some reference to this clause during the course of the second reading debate and I interjected to intimate that I had satisfied the particular person who raised it with me. The particular difficulty is just a peculiarity of wording rather than a weakness in the Act. Part of subclause (1) of clause 13 reads as follows:—

13. (1) Upon the registration of a strata plan, the proprietors, including the persons entitled to the parcel pursuant to subsection (2) of section eleven of this Act, shall be a body corporate . . .

When one refers back to subsection (2) of section 11, one sees that the persons referred to are the persons who are the registered proprietors as tenants in common of the land. Subclause (1) of clause 13 rather makes it appear as if the people who are the proprietors of the company are not only the home unit owners but some other people who, on the face of it, appear to be extraneous people, and who are the owners, or tenants in common of the land. In actual fact, when one refers back to clause 11 one sees that that only applies where the building is destroyed and notices are given to the registrar, and all the home unit titles have disappeared. What is really intended is that this should mean that when a building is standing, the proprietors of home units are the owners of the company, but when the building ceases to exist, the people who are the owners of the title—the tenants in common under section 11—then become the owners of the building.

It is really a definition clause which covers two separate cases. In one case it is the owners of the company who build the flats, but when the building goes the people who own the title to the land are the tenants in common. The simple way to interpret it would be to refer to the owners of the flats in one set of circumstances, and the owners of the land in another set of circumstances. Initially, it seemed wrong to me, but when the clause was explained to me it made sense.

Clause put and passed.

Clauses 14 to 23 put and passed.

Clause 24: Voting—

Mr. GUTHRIE: I also discussed this clause with the Parliamentary Draftsman and I agreed to let it go, but I would like to draw the attention of the Committee to the provision contained in it so that members may understand clearly what is provided when dealing with voting with regard to a home unit which is mortgaged. Where a mortgage is in existence it is provided that the voting is given to the mortgagee and not to the owner of the home unit. The difficulty that occurred to me was that if the mortgage was for a very small sum the mortgagee may not be prepared to exercise his vote, and in a number of circumstances it is provided that it must be a unanimous vote. If the mortgagee simply says he will not vote then a unanimous resolution cannot be carried.

The difficulty is in regard to the question of degree. A mortgage can be taken out for 99 per cent. of the total value of the home unit, and it is hoped that common sense will prevail. However, this is one of the aspects regarding which at some future time we should state clearly that the mortgagee has the vote when the mortgage is in default or the mortgagor is behind in his payments. The Committee should be clear on the fact that the owner of the flat does not have the vote, but the mortgagee.

Clause put and passed.

Clauses 25 and 26 put and passed.

Clause 27: Offences—

Mr. GUTHRIE: This clause contains a point to which I referred during the second reading debate and I wish to refer to it again. It will have been observed that I said \$200 when speaking previously. I was thinking of the old Bill which provided for £200. Members will note that the specific offences referred to in subclause (1)(a) of this clause have reference to clause 11, which states—

Upon destruction of the building the company shall forthwith lodge with the Registrar of Titles, notice thereof in the prescribed form.

Irrespective of the fact that this is the most serious offence in the Bill it draws the same penalty as any other offence, and I still feel that the penalty should be greater. However having drawn the attention of the Committee to it I do not propose to proceed further with it.

Clause put and passed.

Clause 28 put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with an amendment.

## SWAN RIVER CONSERVATION ACT AMENDMENT BILL

*Returned*

Bill returned from the Council without amendment.

## ADJOURNMENT OF THE HOUSE

MR. BRAND (Greenough—Premier)

[11.27 p.m.]: I move—

That the House do now adjourn.

In moving this motion I would, with your permission, Mr. Speaker, warn members that we will be sitting after tea on Thursday nights on and from the first Thursday in November.

Question put and passed.

House adjourned at 11.28 p.m.

## Legislative Council

Thursday, the 6th October, 1966

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

## BILLS (5): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Wood Distillation and Charcoal Iron and Steel Industry Act Amendment Bill.

2. Wundowie Works Management and Foundry Agreement Bill.
3. State Housing Act Amendment Bill.
4. Farmers' Debts Adjustment Act Amendment Bill.
5. Country High School Hostels Authority Act Amendment Bill.

## QUESTION WITHOUT NOTICE

## POTATO GROWING INDUSTRY TRUST FUND ACCOUNT

## Money Held and Value of Investments

The Hon. F. D. WILLMOTT asked the Minister for Mines:

Could the Minister inform the House as to the present sum of money held in the Potato Growing Industry Trust Fund Account, and the value of investments under the provisions of section 20 of the relative Act?

The Hon. A. F. GRIFFITH replied:

I acknowledge prior notice of this question for which I thank the honourable member. The reply is as follows:—

As at the 30th September, 1966:

|                  |              |
|------------------|--------------|
|                  | \$           |
| Cash at Treasury | 17,018.92    |
| Invested         | 96,001.74    |
| Total            | \$113,020.66 |

## QUESTIONS (7): ON NOTICE

## LAND WEST OF MERREDIN

## Rezoning for Industrial Purposes

1. The Hon. R. H. C. STUBBS asked the Minister for Local Government:

Regarding the land west of the railway crossing west of Merredin, and continuing to the pumping station, is it intended to rezone any of it for industrial purposes in the future?

The Hon. L. A. LOGAN replied:

The initiative for rezoning lies with the Merredin Shire Council. No submission has been made for ministerial approval and I am not therefore in a position to answer the question.

## KARRAKATTA CEMETERY BOARD

## Funerals: Naming of Pallbearers

2. The Hon. H. R. ROBINSON asked the Minister for Local Government:

- (1) Is the Minister aware that the Karrakatta Cemetery Board has recently imposed a regulation requiring pallbearers to be named at least eight hours prior to a funeral?

- (2) If the reply to (1) is "Yes," will steps be taken to cancel such regulation, and thus save bereaved families from the embar-