Legislative Council

Tuesday, the 10th April, 1973

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

QUESTIONS (4): ON NOTICE

1. HOUSING

Aborigines: Funds and Subsidies

The Hon. S. J. DELLAR, to the Minister for Community Welfare:

With reference to the article in *The West Australian* dated the 4th April, 1973, in which it is stated that 14 houses are to be built at Meekatharra, and that it had been decided to allocate them all to Aborigines, will he advise—

(a) the source of the funds for the construction of the houses;

(b) the department for which the houses are to be built; and

(c) do Aboriginal tenants in State Housing Commission homes receive any special rental subsidies?

The Hon. R. THOMPSON replied:

(a) Funds made available to the State by the Commonwealth for the housing of people of Aboriginal descent.

(b) The State Housing Commission.

(c) The tenants taking occupation of Commission rental homes subsequent to the 1st July, 1972, are installed on the same basis as all other tenants, and they are entitled to the normal rebate concessions.

2. UNEMPLOYMENT

Bunbury and North-West

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

(1) In view of the report from the Commonwealth Employment Office which showed a registered unemployment of 815 persons above the 26th parallel for January 1973, with the majority in the Kimberley, another report which showed registered unemployment of 685 in Bunbury area for February 1973, and in consideration of the relative populations of the areas, will the Minister advise if he is aware of a newspaper heading in *The Sunday Times* dated the 1st April, 1973, which said "Bunbury to get first bite of the unemployment relief"?

(2) Is it a coincidence that this article is accompanied by statements from the Federal Minister, the Premier, and a Labor candidate, and it is published six days prior to an election in the area covered by this political promise?

(3) If the statements are made with a genuine concern for the welfare of people, why was not the plight of the northern people mentioned by the Premier?

(4) Would the fact that there is no pending election in the North of this State have any bearing on the subject?

(5) What can be promised to the northern people to correct their unemployment situation?

The Hon. J. DOLAN replied:

(1) Yes.

(2) and (3) The Hon. Member is advised to read the article again. If he does so he will find it contains statements by the Federal Minister for Labour, the Premier, the Labor candidate, Mr. Kirwan; campaign Manager for the Liberal Party, the Hon. Graham MacKinnon and the Liberal candidate, Mr. Sibson; as well as the Chief Electoral Officer, Mr. McIntyre. The only one of the persons mentioned who referred to unemployment relief was the Federal Minister for Labour who said that Bunbury would "become one of the first areas in Australia for the Federal Government's new measures on unemployment relief". The heading that Bunbury was to get first bite must be attributed to the newspaper. The only comment of the Premier published in the article was as follows—"Visits to Bunbury indicated to me there were good prospects of the Government winning the seat for the first time since 1955."

(4) The implication drawn by the Hon. Member from the article and the resultant imputation, are unworthy of him.

(5) The Government will continue in its efforts to relieve unemployment in all parts of the State without favouring any particular district.

3. HOUSING

Meekatharra

The Hon. S. J. DELLAR, to the Minister for Community Welfare:

How many applicants are listed for housing assistance at Meekatharra for—

(a) State rental homes;

(b) purchase homes?

The Hon. R. THOMPSON replied:

(a) Forty-one (41) applications are held for rental assistance, of which thirty-six (36) are from people of Aboriginal descent.

(b) Nil.

4. FITZGERALD RIVER RESERVE

Mining Applications

The Hon. A. F. GRIFFITH, to the Leader of the House:

Which sections of the Mining Act did the Minister for Mines use to reject the applications made for the coal mining areas in the Fitzgerald River area?

The Hon. J. DOLAN replied:

Unless the applications made for coal mining areas in the Fitzgerald River area are voluntarily withdrawn (which appears likely) it is intended to implement the Government's decision by using section 267A of the Mining Act.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd March.

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.42 p.m.]: When he introduced the Bill the Minister stated that its object was to remove a possible cause of injustice. During my research on the legislation I found that in point of fact the Law Society of Western Australia has spent nearly three years debating this very amendment.

It seems to be an injustice—and in fact it is an injustice—that a person could be in such a situation as not to know he had been involved in an accident. The amendment in the Bill involves a complete departure from a strict legal procedure—that is, the onus of proof—which has obtained in the courts of justice for many years, except in relation to the gold stealing Act and one other criminal Act. Under the Bill the defence must now prove its case; it does not rest upon the prosecution to do so. However, the apprehension which might have been felt when one first scanned the Bill is quite dissolved because the defendant is not excused from the original charge. Under the Act the defendant does not stand a chance. It becomes almost mandatory for the penalty to be imposed. Mandatory penalties written into any Act sometimes inhibit the judiciary from arriving at a just and equitable solution.

It is interesting to note that the submission made by hit-and-run drivers and drunken drivers does not excuse them because it will not be accepted as a defence.

A very eminent gentleman connected with the law of this State said that whilst he was happy about the practical point of view expressed in the Bill, and its application, he was quite unhappy about the conceptual point of view in the interpretation of the law as such. His unhappiness about the conceptual point of view arises from the fact that the onus of proof is now moved to the defence. However, I cannot fault the Bill as it is presented and I therefore give it my wholehearted support.

THE HON. I. G. MEDCALF (Metropolitan [4.45 p.m.]: I also support the Bill, which, as the Minister indicated, is the result of a representation made to him by the Law Society. I understand that following a case in Bunbury it appeared quite inequitable that a person should be charged with an offence when, in fact, he was completely unaware that he had committed one. Nevertheless under section 29 as it stands persons are liable for what are called hit-and-run offences, even though they are unaware they have committed such an offence. If a hit-and-run driver injures a person he is liable to a term of imprisonment not exceeding 12 months; and if he damages property he is liable to a term of imprisonment not exceeding six months. At present under the Act, if the court is satisfied that the person involved was not aware of the occurrence, or if in the court's opinion special reasons exist why the prison sentence should not be imposed, it may impose a fine.

In other words, the situation is that if a person is unaware he has committed an offence or even if he has special reasons to explain the circumstances under which the offence was committed, he is still liable to a fine not exceeding $200. It was this situation the Law Society sought to correct and it is the situation which the Minister is proposing to correct under the amendment to section 29.

I must confess that when I read the amendment I had some lingering doubts—as I believe other members must have had—as to whether or not it was proper to allow a hit-and-run driver simply to say he was not aware he had committed an offence and, after having said he was not aware he had committed an offence and, presumably, having established *prima facie* evidence to this effect, to allow him to be excused or acquitted of a charge under section 29.

I had these lingering doubts so I decided to look into the question of what evidence would, in fact, be required in order that a person might establish the defence that he was not aware he had committed an offence. Members will know that in most criminal charges a person must be aware that he has committed the offence. In most criminal charges he must not only be aware of it, but he must have intended to commit the offence.

Clearly, if a person is not aware that he has committed an offence he neither intended to commit it, nor did he know anything about the offence. It occurred to me, therefore, that I should inquire into this and my inquiries revealed that it appears it would be quite unusual for a person to be able to satisfy a magistrate he was unaware that he had committed an offence, even though he said he was unaware, unless he could produce very convincing evidence of the surrounding circumstances.

In other words the mere statement by a person that he did not know he had hit someone and thus committed a hit-and-run offence would not be sufficient. It would not be necessary for the prosecution —indeed it would be improper for the prosecution—to prove, for example, that he had just left a hotel or that he had done something else which might have caused his faculties to be impaired; but, on the other hand, it would still be necessary under the amendment for the defendant to prove positively he was unaware of having committed an offence by convincing the magistrate that circumstances existed which caused him to be unaware of the fact.

When the charge is heard in a situation such as a hit-and-run case, the police would normally give evidence that a person was found, dead or injured, on the roadway. They would also give evidence in relation to any marks on the road and the damage to the car—that is, once they had found the car.

This evidence would be quite relevant, but the person who committed the offence would have a very large hurdle in front of him; he would have to satisfy the court that he was not aware of the occurrence. It would be a large hurdle to overcome; to satisfy the magistrate in the light of marks on his car, marks on the road, other circumstances, injuries which had occurred, and proof that he was in the vicinity at a certain time.

Had I not been satisfied as to this, I would have opposed the amendment because I believe we cannot be too strict when it comes to hit-and-run drivers, particularly the type of driver who knocks somebody over as a result of his having had too much to drink. Sometimes they have themselves admitted to hospital or to some other place and notify the police of the accident the following day. There have been many cases of this. Under these circumstances we must have careful safeguards in the law. I believe the safeguards exist in the legislation and this is a sensible proposal. I commend the Minister for having adopted the Law Society's suggestion and I have much pleasure in giving my support to the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.52 p.m.]: I thank both Mr. Williams and Mr. Medcalf for their support of the Bill. I express my appreciation to Mr. Medcalf for going further into possible legal complications associated with an amendment of this nature. Mr. Medcalf has subjected the amending legislation to keen scrutiny and has come out in support of it. This makes me feel that the introduction of the Bill was completely justified. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

FIREARMS BILL

Second Reading

Debate resumed from the 3rd April.

THE HON. F. D. WILLMOTT (South-West) [4.55 p.m.]: Before proceeding, I express my thanks to the Leader of the House for his co-operation in granting what was virtually a week's adjournment of this Bill. Despite the week's adjournment, I regret to say that I cannot hold out any hope that the Bill will receive a speedy passage through the House. The Leader of the House is probably aware that amendments to the Firearms and Guns Act have, in the past, caused more debate and more differences of opinion than most amending Bills which come before the Parliament.

The Hon. A. F. Griffith: That and the Dividing Fences Act.

The Hon. F. D. WILLMOTT: Yes, that is another. Many representations from various sources have been made to me in connection with this legislation. I do not think for one moment that the representations have now finished. I am sure many more representations will be made and various opinions expressed.

I have before me a submission from the Shooters Suppliers Association and I will now deal with the last part of that submission which sets out general comments. It says—

> In general we feel the whole act is out of step with recent acts brought into Victoria and proposed legislation in N.S.W. It seems likely that S.A. and QSLD. will adopt the Victorian Act.
>
> The Commissioner of Police has informed us many times over the past few years that they desired the adoption of a uniform National Firearms Act. On the basis of this bill and what has been adopted by Victoria and we believe will be adopted by other states, W.A. will be the only state out of line. Eastern States are licensing the person not the firearm.

I say at the outset that I am not familiar with the Victorian legislation, but if there is any basis in fact in this contention it may have been wiser for the Government to leave the repeal of the existing legislation and the rewriting of new legislation until a little later when further discussion has perhaps taken place with the other States. It is known only too well that one of the chief drawbacks to the control of firearms in Western Australia is the fact that some of the other States have very little legislation on the subject. It is difficult to control the situation in Western Australia when firearms can be brought in from another State without any control. It is well known that many firearms find their way into Western Australia and these become unlicensed firearms in this State. This happens because they can be purchased in other States where there is little or no control.

Although I have made these remarks I have no intention of advocating that we should reject the Bill which is before us. I have made the comments so that the Government may consider whether it would perhaps be wiser to have further discussions and to introduce more uniform legislation so far as the other States are concerned. I repeat I do not intend to advocate we should oppose the Bill.

I am uncertain about a number of provisions in the legislation. Representations have been made to me on various aspects and I will mention some of these. Doubtless other speakers will pick up points which I miss.

The first comments I wish to make relate to clause 6 which deals with regulation-making powers. It is a fairly wide-sweeping provision and could place severe restrictions indeed on the licensing of firearms. A great deal will depend on how the regulating powers are to be used.

The Sporting Shooters' Association of Australia (W.A.) has made representations to me that the Bill should be amended to confine the severer restrictions only to pistols as defined in the Bill.

I have looked at this problem fairly carefully myself. Up to a certain point I agree that the association could be right. I feel also that this could be a dangerous move because the strictest control should be exercised on the licensing of pistols or on those firearms defined as pistols in this Bill. If it is the intention, under this legislation, to place very severe restrictions on centre-fire rifles, then I do not agree with it.

I do not know the personal opinion of the commissioner, but all too often some police officers and members of the public feel that any centre-fire rifle—a high-powered rifle—is a danger to the general public. In my opinion this is very far from the truth. It is frequently stated that a .22 rimfire rifle is not as dangerous as a centre-fire rifle. I would venture to say that more accidents have occurred with .22 rifles than with other firearms. One of the reasons for this is that so many people regard them as being innocuous, and this is not so.

People who purchase centre-fire, high-powered rifles usually have had more experience in handling firearms, and it is for this reason that fewer accidents occur with such rifles. In my opinion the regulating powers contained in the Bill should not be used to restrict the licensing of centre-fire rifles. However, I must say that I do not know whether this will be so or not, and I would like information on this point when the Minister for Police replies to the debate. This point was not covered in the Minister's second reading speech, and his comments about the clause will enable me to form an opinion.

As the Minister for Police is aware, at this stage I have not placed any amendments on the notice paper. I believe one or two amendments will be necessary to the Bill but I do not wish to be uncooperative and clutter up the notice paper with too many amendments. I will leave the drawing up of amendments until the Minister and other members have examined the legislation further.

Various submissions have been made to me from interested parties, some as recently as lunchtime today. Members will realise that I have not had sufficient time to study the submissions.

The Sporting Shooter's Association has expressed the fear that the legislation will be used to discriminate against it. I do not know whether or not there is any basis for the fear, but I would like to say at this stage that it is far better for persons who indulge in the sport of shooting with high-powered rifles to do so under the auspices of such an association. There are always a number of responsible people in these types of clubs and they will give a lead to those who otherwise may be irresponsible. It is far better for people who enjoy shooting as a sport to do so with a club than on their own.

I would like to make another point in regard to .22 bore rifles. I have already said that many people consider that this rifle should be easily available to all and sundry whilst other rifles should be restricted. I have done a good deal of shooting myself, mainly for the destruction of vermin. A high-powered rifle is capable of destroying vermin far more humanely than a .22 bore rifle. When a .22 bore rifle is used, many maimed and wounded animals are left behind. An experienced man with a high-powered rifle kills the animal with the first shot. It is a mistaken idea that all shooting should be done with a .22 bore rifle.

Such a rifle can be quite effective in the destruction of rabbits, but it is not good enough for foxes and kangaroos.

There is a tendency on the part of Governments—perhaps all Governments, but certainly the present Government—in relation to the licensing of motor vehicles and drivers, to think far more about restriction than education. The same concept applies to the licensing of firearms. It is for this reason that I believe the associations and clubs should not be restricted; members of these clubs are educated in the use of firearms. In my younger days, when compulsory military training was in vogue, one of the best side-effects of it was that the young people were taught to handle firearms correctly. Again I say it is not always a matter of restriction; it is a matter of education. Restricting firearm licenses will not necessarily solve the problem.

I believe that 90 per cent. of the criminal acts involving firearms occur with firearms which are not licensed. This relates to my earlier comments that firearms can be brought in from other States. I do not doubt for one moment that many firearms have been brought into Western Australia legally but they are not licensed. It is not illegal to bring them into the State.

I am aware that from time to time the Police Department declares an amnesty on firearms in an endeavour to obtain knowledge of their whereabouts. To some extent this approach has been successful. However, anyone who wishes to conceal a firearm may do so quite easily, and it is usually such a firearm which is used in criminal acts. I realise this is a very difficult problem, and we will not solve it until the States legislate uniformly.

I will not comment any further on clause 6, except to say it is my belief that it would be better to apply the severe restrictions only in relation to pistols as defined in the Bill. These are the potentially dangerous firearms. Any regulations brought down subsequently should be closely scrutinised. I ask the Minister for more information in regard to regulations under the provisions of clause 6 of the Bill.

At the present time the commissioner has very wide powers in restricting permits for firearms, and this can be seen in section 10 of the Firearms and Guns Act. The section provides that the commissioner shall not grant a permit or issue a license if, in his opinion, it is not desirable in the public interest; or that the person is unfit to hold a license; or that the person concerned does not have a good reason for requiring or possessing the firearm or ammunition to which the application relates.

Submissions have been made to me that the word "lawful" should be substituted for the word "good". However, after due consideration of the matter, I believe the word "good" should remain in the legislation.

The Hon. R. F. Claughton: That is as it appears in the Act at present?

The Hon. F. D. WILLMOTT: Yes. I draw this matter to the attention of members so that they may consider it. I believe that the use of the word "lawful" would give rise to a great deal of litigation as to whether or not the reason is lawful. I believe the legislation is best left in its present form, but I draw this matter to the attention of members because of the submissions made to me.

Mr. President, I hope you will forgive my referring to the clauses of the Bill during the second reading debate. In introducing the Bill, the Minister dealt with different clauses, and I feel this is the easiest way to debate the measure.

Some objections have been raised to clause 13. The basis of the objections is the same as that which I have already mentioned in regard to clause 6. Again a lot will depend on what is proposed in the regulations. Clause 13 (1) commences—

> A license or permit in respect of an air rifle, a shotgun, or a firearm—

I believe this is simply confusing the legislation. The word "firearm" is defined in clause 4, and this would cover air rifles and shotguns. The words are again repeated in subclause (2), and this clutters up the legislation.

The Hon. L. A. Logan: The provisions differ in subclauses (1) and (2). That is why the words are included.

The Hon. F. D. WILLMOTT: I disagree. Subclause (1) provides for the issue of licenses for firearms which are not described as being potentially dangerous. I would refer the honourable member to the earlier part of clause 6. Subclause (2) of clause 13 commences as follows—

> A licence or permit in respect of any firearm which is not an air rifle, a shotgun or a firearm of a kind prescribed—

The additional words are redundant in both subclauses. I ask the Minister and other members to consider this matter.

I would like to draw the Minister's attention to clause 14 because I feel a few words have been left out. It reads as follows—

> (1) Where any power of the Commissioner under this Act is exercised on his behalf and with his authority by any member of the Police Force, as the Commissioner is hereby empowered to authorize subject to the

provisions of subsection (2) of section 13, that power shall be exercised in accordance with that delegation and if the exercise of the power in relation to a matter is dependent upon the opinion, belief or state of mind of the Commissioner may be exercised upon the opinion, belief or state of mind of the member of the Police Force.

To me those words do not seem to flow. After the word "Commissioner" in line seven I think we should insert the words "and that power". It would then become quite clear what is meant and would read—

> ...power in relation to a matter is dependent upon opinion, belief or state of mind of the Commissioner and that power may be exercised upon the opinion, belief or state of mind of the member of the Police Force.

The Hon. J. Dolan: In line three on page nine the words "that power" are used and this would apply to what you have referred to.

The Hon. F. D. WILLMOTT: It may be implied but I think it would be clearer to anybody who may read it if my suggestion were adopted. I think it makes the provision flow and it would be much clearer if the words "and that power" were inserted. I do not insist on the point, however, but I think it should be looked at.

A further clause to which I wish to refer is clause 21. It is claimed by many people who have made representations to me that this clause is too restrictive; that it should be limited to pistols as defined in the Bill. They also claim a minimum penalty should be provided. I do not agree with the suggestion, because a maximum penalty is provided. Whether or not it is too high is a matter of opinion, but I think it is pretty stiff and does not require the provision of a minimum penalty. This should be left to the judgment of the person who tries the case.

The Hon. V. J. Ferry: The penalty in this case appears to be a lot higher than it is in other provisions.

The Hon. F. D. WILLMOTT: It does. I cannot see why the penalty should be as high as this. Perhaps the Minister could have a look at the matter and tell us why it is necessary to apply a penalty as stiff as that contained in this clause. For the type of offence for which the penalty is provided it does seem a little tough to me. There may be a reason for this, but if there is I would like to know it.

There is something in clause 22 which intrigues me a little. The provision is very similar to that contained in the existing Act. It provides for an appeal to a magistrate. In the Act, however, there is no restriction on further appeal. Clause 22(3) states—

> (3) The decision of a stipendiary magistrate under this section—
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> (a) is final and not subject to any appeal;
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> (b) shall be given effect according to its tenor.

This did not occur in the previous legislation and I wonder why it should be considered necessary to include it in this Bill.

The Hon. R. F. Claughton: He is appealing, in the first place, from a decision of the Commissioner. It says "A person aggrieved by a decision made by or on behalf of the Commissioner".

The Hon. F. D. WILLMOTT: Clause 22 states that "A person aggrieved by a decision made by or on behalf of the Commissioner under this Act may, within two months of receiving written advice of the decision, appeal . . . to a stipendiary magistrate".

The Hon. J. Dolan: It is when the Commissioner knocks him back that he has the right to appeal to a magistrate who hears the appeal and that is the end of it.

The Hon. F. D. WILLMOTT: The Minister will find the provision in the existing Act is exactly the same except that there is no restriction on an appeal from the decision of a magistrate, and that should be the case now. If the Minister looks at the existing Act he will find the wording is almost identical, except that there is no further appeal from the decision of the magistrate in the new legislation and I wonder why it should be included now. I am never happy about restricting people on appeals of any sort. I refer now to clause 23 (10) on page 19 which reads—

> (10) A person who, without reasonable excuse,—
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> (a) uses a firearm on land belonging to another person; or
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> (b) carries a firearm, other than on a road open to the public, onto or across land that is used for or in connection with primary production,
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> without the express or implied consent of the owner or occupier of the land or some person apparently authorized to act on behalf of the owner or occupier, commits an offence.

The Pastoralists and Graziers Association has taken this matter up with me and I can see the point of view expressed by its members; though perhaps others may not see the point quite so readily. The association does not like the inclusion of the words "without reasonable excuse".

Perhaps members who were here some years ago will recall there was a great deal of debate and argument in this House over this matter—and I am sure you will

remember, Mr. President, there was considerable trouble on properties around Kalgoorlie as a result of shooters indiscriminately shooting kangaroos and anything else that happened to be around and leaving the bodies in the dams. This of course, resulted in the pollution of the water in those dams.

In the Act the landholder at that time had no restriction on the people concerned. It was after these incidents that the Act was strengthened. The main argument put forward by the Pastoralists and Graziers Association in regard to the words "without reasonable excuse" was the fact that the Department of Fisheries and Fauna can issue permits to kangaroo shooters to shoot in specified areas.

The pastoralists and landholders claim that some of them object to particular shooters being granted a permit to shoot on their properties, and under the existing Act they can prevent this from happening.

In this respect it is contended that the shooters can use the fact that they are holders of a permit from the Department of Fisheries and Fauna to shoot in an area and that this can be held as a reasonable excuse for defying landholders by entering their land.

There is a good deal of merit in these arguments, because this sort of thing could also lead to everlasting legal controversy as to their legal right to be on the land. If the words "without reasonable excuse" were taken out I think the provision would be strong enough as it is. If the words were left in the shooters could go on to the properties without the express or implied consent of the owner or occupier of the land or of some person authorised by the owner or occupier. So the whole provision is clearly wide open for shooters to operate.

I think there is some merit in the submission made by the Pastoralists and Graziers Association. I am aware of the trouble pastoralists and landholders have had in the past of not being able to refuse entry. At present they can refuse. In most cases the people concerned will agree and permit the shooter to enter their property because they like him. But there may be the odd case where they have had a row with the shooter concerned and it is possible they may tell him, "No you can shoot somewhere else; you are not going to shoot on my property."

I know there has been a great deal of argument on this matter in the past, and if the words "without reasonable excuse" are left in the controversy to which I have referred will continue.

The Hon. I. G. Medcalf: Are you in favour of their not being able to shoot between 7.00 a.m. and 7.00 p.m. as provided in clause 23(3)?

The Hon. F. D. WILLMOTT: This is reasonable, because unless the shooter holds a license or a permit under this Act entitling him to shoot he cannot do so. If he holds an ordinary firearms license it certainly entitles him to shoot between those hours.

The Hon. I. G. Medcalf: It could be restrictive.

The Hon. F. D. WILLMOTT: I think it could be under the provisions of this Act. This is one of the points I raised in clause 6, as to what is intended under the regulation. It all depends on what is prescribed and why it is prescribed.

I want to know a great deal more before I am completely happy about this provision. I think I said earlier that I certainly cannot give my unqualified support to the provision. I would want to know a great deal more about it. If it were intended so to use it, the provision referred to could be used quite restrictively. I do not know what is intended. The provision depends on so many things and without knowing more about the matter I will be left completely in the dark.

The Hon. V. J. Ferry: How would it affect kangaroo shooters?

The Hon. F. D. WILLMOTT: They shoot at night with the help of spotlights. I know there is a great deal of vermin on various properties and the only way to deal with them is to shoot them at night with the assistance of spotlights.

The point raised by Mr. Medcalf was considered by me but I apparently overlooked the matter while speaking. I am sure, however, other members will have plenty to say on this point and they will add to what I have already said. They will raise points that I may have overlooked as a result of the time that has been taken up in meeting people and listening to their various objections. It has not been easy in the last two or three days.

The last clause to which I wish to refer is clause 34(2)(b). This again is a matter of regulating powers. Here again many people have raised the issue of the power contained in paragraph (b) which states—

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

If this only refers to pistols, as defined in the Bill, it is all right. Here again I am not too sure whether this would be wise. It all depends on how it is intended to use these regulating powers. I repeat if it is intended to use them to place considerable restriction on centre-fire rifles I am not in agreement with the provision.

On the other hand, if this is limited to pistols only as defined in the Act, what would be the situation in the case of, for instance, submachine guns. It is unlikely that these weapons will be licensed, but

under certain circumstances they may be. If they are, then very severe limitations should be imposed on their use. To limit this provision to pistols might be going further than is desirable, and here again I reserve my judgment on this matter.

Many of my objections relate to the regulation-making powers. I repeat what I have said: A great deal will depend on how it is proposed to use these powers. If, as I believe and as appears to be the view of the commissioner, it is intended to use these powers to impose severe restrictions on the licensing of high powered rifles then I am not in agreement; but if it is intended to use these powers to impose restrictions on pistols and that type of weapon then I am in agreement. However, I would like more information on this matter before I commit myself. At this stage I support the second reading of the Bill. To a large degree this is a Committee Bill, and during the Committee stage many of the points which I have raised will, no doubt, be dealt with.

THE HON. L. A. LOGAN (Upper West) [5.31 p.m.]: I do not intend to deal with this Bill in the same way as it has been dealt with by Mr. Willmott. It is fair enough to observe that since the first Firearms and Guns Act was passed in 1931, circumstances have changed entirely and there is need for this legislation to be revised.

We are aware that the opportunity for people to use firearms has been restricted with the passing years, as a result of the opening up of new land. This has had the effect of driving the animals further out, and so the opportunity for people to use firearms has been restricted.

In my opinion it is necessary to have strong control over the use of firearms; I say this for more reasons than one. The only part of the Bill on which I would ask the Minister to give me some information is clause 17. In introducing the second reading of the Bill the Minister said—

> Clause 17 is an entirely new provision and the issue of temporary licenses under this section covers various needs which include licenses for guided hunting tours, a tourist attraction now becoming popular in the north of this State.

Where will these hunting tours be conducted? Will they be conducted on private property? If so, will the permission of the owner have to be obtained before the tours are conducted? Will hunting tours be conducted on Crown land or land reserved for the use of Aborigines? What type of animals will be shot during these tours, and what will happen to the carcases of the animals that are shot? We require answers to these questions before we can support this proposition.

To say that the provision in clause 17 is required to cater for guided hunting tours is not a sufficient ground. There are many aspects associated with this proposition, because nearly all the land up north is controlled for the use of Aborigines, is used for pastoral-station purposes, or comprises Crown land.

The Hon. A. F. Griffith: If the Commonwealth takes over the responsibility of Aboriginal reserves then these reserves will become Commonwealth places.

The Hon. L. A. LOGAN: It may be necessary to obtain permission from the Commonwealth.

The Hon. A. F. Griffith: If these places are Commonwealth places then they are not subject to the law of the State.

The Hon. L. A. LOGAN: I am asking the Minister to tell us what is likely to happen in this regard. Will animals classified as vermin be the only types to be shot during these guided hunting tours? Surely people will not go on hunting tours unless there is something for them to shoot at. We should be told what is contemplated.

I express no concern about the rest of the Bill, as Mr. Willmott did, or as the president of the firearms association did because he considered it too restrictive. I do not think it is too restrictive, because firearms placed in the hands of the wrong type of people can become very dangerous; therefore, some control over them is entirely necessary.

The Hon. J. Dolan: I will obtain the answers to the questions you asked.

The Hon. L. A. LOGAN: With those remarks I support the second reading.

THE HON. S. T. J. THOMPSON (Lower Central) [5.35 p.m.]: I support the Bill. I have only a couple of small queries to raise, and I think Mr. Willmott dealt with one of them; this relates to clause 6. The other query of mine relates to curio licenses. I thank the Minister for inserting a reference to curio weapons. In so doing the Minister has complied with something which I have sought to achieve for a long while. I refer to the provision governing antique weapons.

In this State some people are in possession of very valuable antique weapons. I should point out that it is possible for people to have these weapons in their possession in the Eastern States, but when they are brought over to Western Australia the owners have to obtain licenses for them. Under the existing legislation the barrels of curio weapons have to be rendered ineffective or filled with lead. This, however, detracts from their value as antiques.

I know of one gentleman who has some very valuable antique weapons which the police have been holding for him for some considerable time. Under the provision

in clause 15 relating to firearm curios, this person will be able to retrieve some of the weapons being held for him by the police. I hope that when they are returned to him the department will lay down conditions and restrictions.

It is of advantage to the Police Department to know where guns are held in this State. I am certain that there are many weapons in Western Australia at the present time of which the Police Department has no knowledge. Under clause 15 this aspect will be dealt with satisfactorily. I hope that when the Minister replies to the debate he will supply the information I have sought, and will indicate that the gentleman to whom I have made reference will be able to retrieve the guns which have been stored for him by the department.

The provision in clause 23 (3) puzzles me. It states—

> (3) Unless he holds a licence or permit under this Act entitling him to do so, or unless the provisions of section 8 apply, a person who carries or uses a firearm between the hours of seven in the morning and seven in the following evening commits an offence.

Does it mean that after 7.00 p.m. a person may carry a firearm with impunity and be immune from this provision?

The Hon. J. Dolan: No, this provision covers both periods. One period is from 7.00 a.m. to 7.00 p.m., and the other period is from 7.00 p.m. to 7.00 a.m. the next morning. Different penalties are imposed for the respective periods.

The Hon. S. T. J. THOMPSON: With those remarks I support the second reading of the Bill.

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

LAPSED BILLS

Restoration to Notice Paper: Assembly's Message

Message from the Assembly received and read requesting that in accordance with the provisions of the Standing Orders relating to lapsed Bills, adopted by both Houses, the Legislative Council resume consideration of the following Bills—

Electoral Act Amendment Bill.

Acts Amendment (Abolition of the Punishment of Death and Whipping) Bill.

ADJOURNMENT OF THE HOUSE

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.40 p.m.]: I move—

That the House do now adjourn.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.41 p.m.]: I wish to speak briefly to the motion for the adjournment of the House. In the first place I wonder why the Leader of the House moved for the adjournment of the House when there is another item appearing as an order of the day on the notice paper. There must be some special reason for the Leader of the House to do what he has done.

This is an opportune moment for me to ask the Minister to indicate to the House what are the intentions of the Government during the week following Easter. I should point out that Anzac Day falls on the 25th April. I have heard it said that the House may not be sitting on the Thursday following Easter. Will the Leader of the House advise us of the position?

I take this opportunity to raise one other matter. Under the date of the 5th April the Chief Secretary was good enough to write to me and supply information concerning a question I had asked in the House previously regarding the number of permits that had been issued in respect of the game of bingo.

The list of organisations—apparently these are charitable organisations under the definition in the legislation—which the Minister was good enough to supply to me covers 14 foolscap pages. I was quite surprised to learn that this game should have got such a firm grip on the community in the short space of time it has been legalised.

If I were content to receive this letter and write to the Minister thanking him for the information, then members of the House and of the general public would not be familiar with the details and the matter would be forgotten. I think that is undesirable. The letter referred to form No. 8, pertaining to the general conditions applying to the game of bingo, and forms Nos. 9 and 10, copies of which I do not have in my possession. I think the contents of this letter and the lists should be laid on the Table of the House, or be incorporated in *Hansard*, so that members and the general public would be able to see the contents of this formidable list.

The Hon. R. H. C. Stubbs: I have no objection at all to that.

The Hon. A. F. GRIFFITH: I do not know how I will be able to achieve my objective.

The Hon. R. H. C. Stubbs: Leave it to me and I will attend to it tomorrow.

The Hon. A. F. GRIFFITH: It will be for the Chief Secretary to ask that the information which has been made available to me be taken as read and be incorporated in *Hansard*. I am raising this

question, because a practice—which has been going on for a long time, and to which I do not object—often adopted is to supply some of the information in the written answers to questions and other relevant information subsequently by letter to the members concerned. However, the question I have raised is a matter of public interest, and I am sure that the people will be interested to know the extent to which the game of bingo is played. I am grateful to the Chief Secretary for agreeing to the information being laid on the Table of the House.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.44 p.m.]: I think I should reply to the queries that have been raised by the Leader of the Opposition. In respect of the last point mentioned, the Chief Secretary has indicated that he will have no objection to tabling the contents of the advice he forwarded to the Leader of the Opposition.

The second matter raised by the honourable member is in relation to the sittings of the House on the week following Easter. As there will be a break from Thursday of next week until the Thursday of the following week, I consider it inadvisable to bring the country members back on the Thursday for the one day of the week. So, when I move for the adjournment of the House on Thursday next I intend to move for an adjournment until the Tuesday of the week following Easter. Those remarks should make the position clear to members.

The Leader of the Opposition queried why I, as Leader of the House, should move for the adjournment. This is the first time I have ever heard an adjournment queried. However, I took advice on the present situation. It was felt, with the business which existed, that it was advisable I should move for the adjournment of the House at this stage.

The Hon. A. F. Griffith: The only reason I raised the query was that I knew The Hon. Clive Griffiths was ready to go ahead with his speech on the Western Australian Marine Act Amendment Bill.

The Hon. J. DOLAN: He can make his speech tomorrow. I often waited day after day for my turn to speak to a Bill only to find that the House had been adjourned. On those occasions I had to wait until the next day.

The Hon. A. F. Griffith: No criticism is intended.

The Hon. J. DOLAN: I am sorry if I have inconvenienced Mr. Clive Griffiths; he represents the same area as I do.

Question put and passed.

House adjourned at 5.46 p.m.

Legislative Assembly

Tuesday, the 10th April, 1973

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

QUESTIONS (19): ON NOTICE

1. TERTIARY EDUCATION

Commonwealth Scholarships and Allowances

Mr. MENSAROS, to the Premier:

Does he support the Commonwealth Government's contention—contained in the Prime Minister's letter of 27th March, 1973 written to him—to abolish the present form of Commonwealth scholarships based on academic merit and substitute with means-tested allowances to tertiary students?

Mr. J. T. TONKIN replied:

Commonwealth scholarships are awarded on the basis of academic merit and meet the cost of fees.

A living allowance is part of the present scholarship scheme and is subject to a means test.

Dependent upon the amount of the living allowance and the nature of the means test applied, the Government would support in principle the abolition of the present form of Commonwealth scholarships in favour of a scheme that provides living allowances for all students attending tertiary education institutions according to an assessment of individual needs.

2. TERTIARY EDUCATION

Commonwealth Grants

Mr. MENSAROS, to the Treasurer:

(1) Is the proposed reduction in general purpose grants on account of the Commonwealth inspiration to take over and finance tertiary education in Western Australia—as outlined in the Prime Minister's letter (dated 27th March, 1973) to him—satisfactory and acceptable by him and the Treasury?

(2) Are the new grants to be based on recommendations of various Commonwealth educational committees proposed to be general grants or special grants with conditions attached?

(3) If the latter is the case, does this not mean more intrusion by the Commonwealth Government into