Legislative Assembly

Tuesday, 8th September, 1953.

CONTENTS.

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

ADDRESS-IN-REPLY

Presentation.

Mr. SPEAKER: I desire to announce that, accompanied by the member for North Perth and the member for West Perth, I waited upon His Excellency the Governor and presented the Address-in-reply to His Excellency's Speech at the opening of Parliament. His Excellency was pleased to reply in the following terms:—

> Mr. Speaker and members of the Legislative Assembly: I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen and for your Address-in-reply to the Speech with which I opened Parliament.

ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Supply Bill (No. 1) £16,000,000.

QUESTIONS.

SUPERPHOSPHATE.

As to Permits to Road Hauliers.

Mr. CORNELL asked the Minister for Transport:

(1) When did each of the undermentioned persons first apply for and receive permits from the Transport Board, to carry, or allocations for the carriage of, superphosphate:—

(a) H. S. Cousins;
(b) G. A. Lockyer;
(c) E. B. Williams;
(d) T. J. Morgan;
(e) L. Adams;
(f) J. Saunders?

(2) What total tonnage did each receive thereafter, and over what period of years was it received in each case?

(3) How many trips did each receive for each such year?

(4) What milage was covered by each such person in each of such years?

The MINISTER replied:

(1) (a) February, 1950. Normally employed on wheat carting.

(b) December, 1949.

(c) May, 1950.

(d) Vehicle registered in 1949 under name of P. D. H. Irwin. Operated under name of Irwin and Morgan as from the 26th January, 1951. Transferred during the same season to T. J. Morgan. During the season 1951-52 T. J. Morgan also registered a small truck in addition.

(e) November, 1949. Two vehicles registered under the name of L. A. Adam.

(f) November, 1949.

(2) Tonnage carried in each season was as follows:—

Name.	1949-50.	1950-51.	1951-52.	1952-53.
H. S. Cousins	5 loads	87 tons	111 tons	Nil
G. A. Lockyer	65 loads	852 tons	569½ tons	235 tons
E. B. Williams	25 loads	No application	No application	No application
T. J. Morgan (or Irwin)	75 loads	685 tons	1321 tons	608½ tons
L. A. Adam	157 loads	1971 tons	1470 tons	292½ tons
J. R. Saunders	25 loads	368 tons	1602 tons	1152½ tons

(3) Number of loads for each operator is as follows:—

Name.	1949-50.	1950-51.	1951-52.	1952-53.
H. S. Cousins	5	7	11	Nil
G. A. Lockyer	65	82	54	23
E. B. Williams	25	No application	No application	No application
J.T.Morgan (or Irwin)	75	75	123	56
L. A. Adam	157	147	119	22
J. R. Saunders	25	38	91	51

(4) Information as to milage traversed by operators is not available.

IRRIGATION.

As to Channel Maintenance, Revenue, etc.

Mr. MANNING asked the Minister for Works:

(1) What are the cost details which make up £31 per mile for maintenance on cement-lined irrigation channels?

(2) What was the total area watered with accommodation water during the 1952-53 irrigation season?

(3) What amount of revenue was re-received for accommodation water for the season 1952-53?

The MINISTER replied:

(1) The average cost of £31 per mile covers all lined channels in the three irrigation districts and includes repairs to linings, structures, removal of weed growth and silt, and conditioning of the levees, etc.

Costs were approximately—Labour, 60 per cent.; materials, 10 per cent.; incidental, 30 per cent. (Supervision, transport of men and materials, plant and tools, pay roll overheads, lost time, etc.)

(2) 2,222 acres.

(3) £1,249 17s. 6d.

HARBOURS.

(a) As to Financial Results, Bunbury and Albany.

Mr. HILL asked the Premier:

(1) Can he explain why while return No. 11 submitted with the Estimates last session gave these figures for the year ended the 30th June, 1952—

Bunbury harbour board deficiency, £39,540.

Bunbury, other deficiency, £13,307.

Albany harbour board deficiency, £33,438.

the Auditor-General's report shows—
Bunbury harbour board loss, £68,510.
Albany harbour board loss, £7,887?

(2) Can he explain why while, according to "Hansard" 1924, page 1220, the Bunbury harbour board showed a surplus of £796 for the year ended the 30th June, 1924, the board made a loss of £68,510 for the year ended the 30th June, 1952, and on that date had an accumulated loss of £760,519?

The PREMIER replied:

(1) Return No. 11 is not comparable with the published accounts of the various undertakings. Return No. 11 is a statistical return showing the cost of servicing the public debt averaged over the amount of capital invested in each undertaking. The Auditor General's report includes—in the case of the Bunbury Harbour Board—the cost of dredging at the harbour, which is not included in Return No. 11, because the expenditure was met by the Public Works Department.

(2) Since 1925, revenue for each year has been insufficient to recoup the capital charges for that year. Consequently, the total accumulated deficit has mounted each year. The main reasons for the deficit are—

(a) Increase of capital liability—In 1924 it was £453,489. In 1952 it was £1,053,653.

(b) Increase operating expenses—In 1923-24 they were £19,658, while in 1951-52 they were £49,579.

(c) Decreased earnings—In 1923-24 they were £33,836, while in 1951-52 they were £21,159.

(b) As to Wharfage Charges on Wheat, etc.

Mr. HILL asked the Premier:

Is it the intention of the Government to improve port revenue by departing from the practice of allowing wheat and other primary products to be exported without wharfage charges?

The PREMIER replied:

The suggestion will receive consideration.

(c) As to Extension Work, Bunbury.

Mr. HILL asked the Minister for Works:

(1) Is the action in proceeding with the jetty extension and the provision of a 32ft. berth at Bunbury consistent with the report of the Outports Royal Commission?

(2) What is the estimated cost of this work?

(3) What is the estimated annual cost, i.e., capital charges and maintenance?

(4) What is the estimated additional annual revenue that the harbour board will receive from this work?

The MINISTER replied:

(1) The action in proceeding with the jetty extensions, etc., may not appear to be consistent with the report. The decision to proceed was made to cater economically for anticipated greatly increased development and production from the large zone behind it.

(2) £600,000.

(3) £28,000.

(4) This is not capable of estimation, but it is expected that trade will increase considerably.

WATER SUPPLIES.

As to Collie Catchment Area.

Mr. MAY asked the Minister for Lands: Will he say what the position is with regard to land within the Collie water catchment area—

(1) land held privately and already developed?

(2) additional areas required to enlarge existing properties to meet present-day requirements?

(3) Regarding a property of 20,000 acres, known as the "Army Home" property, approximately two miles north-east of Collie, in respect of which negotiations are proceeding for sale, if sold will there be any interference with normal rights of freehold by either the Forests Department or the Water Purity Committee?

The PREMIER (for the Minister for Lands) replied:

(1) Bylaws have been gazetted for the prevention of pollution of the Collie water area. These bylaws set out in detail the restrictions placed upon persons occupying land within the catchment area.

A departmental officer has already interviewed every farmer on the catchment area and explained the provisions and interpretations of these bylaws.

The policy is to cause as little inconvenience as possible to farmers, at the same time ensuring that all necessary precautions are taken to safeguard the purity of the water.

(2) The Public Works Department has no control over the interchanges of land between private owners.

Crown lands are not thrown open for selection without prior reference to interested departments.

(3) This land is private property and is subject to the conditions set out in the bylaws.

The Forests Department has no jurisdiction over private property.

RAILWAYS.

(a) As to Use of Concrete Sleepers.

Mr. McCULLOCH asked the Minister for Railways:

(1) Is it a fact that concrete sleepers are being used in lieu of the normal wooden sleepers in certain parts of the W.A.G.R.?

(2) If the answer to No. (1) is in the affirmative, what has the result been up to date in so far as durability, etc., is concerned?

(3) Are concrete sleepers used in any other country for railway purposes?

The MINISTER replied:

(1) Yes, as an experiment.

(2) Sufficient time has not elapsed to enable definite conclusions to be drawn.

(3) Yes.

(b) As to Action on Royal Commission's Report, etc.

Hon. Sir ROSS McLARTY asked the Minister for Railways:

Will he inform the House on the following points:

(1) Following the presentation of the Gibson-du Plessis (Royal Commission) report in 1947, what steps were taken by the Railways Commission to advise the McLarty-Watts Government regarding the purchase of rollingstock and equipment in respect of—

(a) motive power;

(b) trucks and other rollingstock;

(c) track requirements?

(2) What were the dates of the above recommendations?

(3) What were the approximate total cash commitments entered into by the McLarty-Watts Government in respect of items referred to in No. (1) (a), (b) and (c) as a result of these recommendations?

(4) What were the respective purchase prices of steel rails—Australian and oversea—in each of the following years:—1950, 1951 and 1952?

(5) Were supplies of Australian rails restricted?

(6) Do departmental files disclose that the former Minister for Railways interviewed the management of B.H.P. in regard to procuring a greater allocation of the lower-priced Australian rails, and indicating that track requirements would call for greatly increased supplies when available?

(7) What track relaying has been carried out since the present Government took office?

The MINISTER replied:

(1) See answer below.

Subject.	Date of Commission Submission.	Requirement.	Estimated Cost where Sanction has not been Accorded.	Government Sanction.	Cost or Estimated Commitment.
			£A.		£A.
Motive Power....	14-4-47 (Former Commissioner's submission prior to report of Royal Commission.)	25 PM. steam locos.	....	4-6-47	1,243,000
		10 PM. steam locos.	....	2-1-49	
	1-9-49	40 W. steam locos.	....	5-9-49	2,121,000
	29-11-49	20 W. steam locos.	....	21-12-49	
	29-11-49	48 X. diesel electric locos.	....	21-12-49	3,180,000
	29-11-49	18 Y. diesel electric locos.	....	21-12-49	634,000
	29-11-49	3 Z. diesel shunters	....	21-12-49	54,000
	22-8-50	24 VF. steam heavy duty locos.	....	25-8-50	1,036,000
	24-5-51			8-5-51	
Wagons	1-9-49	4,160 wagons—various types equivalent to 4,610 singles	....	5-9-49	8,400,000
	20-12-49			17-1-50	
	2-5-51	16 bogie log hauling wagons	....	16-6-51	40,000
	27-10-50	1,840 wagons—various types, equivalent to 2,170 singles	3,268,000	....	....
	13-12-50	40 ton steam breakdown crane	....	3-4-51	35,000
Brake vans	31-10-50	177 brake vans	748,000	....	....
Coaching stock	20-4-50	107 country coaches	1,070,000	....	....
	23-7-51	22 diesel rail cars	....	14-8-51	660,000
Track	....	Prior to establishment of Railways Commission Government authorised purchase of :—			
		100 miles 80 lb. English rails	....	Ordered 29-4-49	608,000
		25 miles 60 lb. English rails	....	Ordered 7-2-50	57,000
	7-6-49	100 miles 80 lb. English rails	448,000	....	....
	8-3-50	25 miles 60 lb. English rails	....	1950	126,000
	31-10-50	Track components	....	1950	24,000
	6-4-51	300 miles of rails (60 and 80 lb.)	1,600,000	....	....
	22-6-49	2 Flash Butt welding machines and	....	24-6-49	55,000
	13-2-50	operating plant		28-2-50	
	31-10-50	Woolery weed burning machine	....	10-11-50	4,000
					£18,937,000

(2) Answered by No. (1).

(3) Answered by No. (1).

(4) Cost in £A into store in W.A.—

	Australian per ton. £ s. d.	British per ton. £ s. d.
1950	19 1 0	34 4 3
1951	21 14 10	43 14 3
1952	27 14 1	60 6 8

(5) Yes.

(6) Yes.

(7) Relaying carried out since mid-March, 1953:—S.W.R., 1½ miles; E.G.R., eight miles. Relaying of 100 miles authorised for current financial year to cost £800,000.

(c) As to Freight Capacity.

Hon. Sir ROSS McLARTY asked the Minister for Railways:

Is the Press statement, attributed to him, announcing that the railways were able to carry all traffic offering, correct?

The MINISTER replied:

Yes.

BASIC WAGE.

As to Variations and Margins.

Mr. JOHNSON asked the Minister for Labour:

(1) Will he have a schedule prepared to show as at the 1st July, 1927, 1937, 1947, 1950, 1951, 1952, 1953—

(a) the basic wage at the various dates;

(b) percentage variation of the basic wage, using 1926 as a basis;

(c) the margin for a fitter (electrical) at each date expressed—

(i) as a sum of money;

(ii) as a percentage of the basic wage current at the date concerned;

(iii) as a percentage of the margin at the 1st July, 1927?

(2) Will he also state the amount in present-day money required to equalise "real money" value of the 1937 standard—

(a) as to basic wage;

(b) as to margin for a fitter (electrical)?

The MINISTER replied:

(1) (a) and (b)—

	Metropolitan Male Basic Wage operating at 1st July.			Percentage of 1926 Wage as Base (to nearest unit).
	£	s.	d.	%
1926	4	5	0	100
1927	4	5	0	100
1937	3	13	9	87
1947	5	7	10	127
1950	7	0	0	165
1951	9	4	3	217
1952	11	3	10	263
1953	12	1	10	285

Apart from the quarterly and other adjustments designed to keep the purchasing power of the State basic wage constant and made solely on account of retail prices movements, special increases were granted by the Arbitration Court as follows:—

Five shillings (in July, 1938); 5s. (February, 1947), and 20s. (December, 1950), thus raising the purchasing power on each occasion. From the time of their inclusion in the basic wage, these amounts have also been subject to variations in the retail prices index which means that they are now considerably more in nominal money terms than they were when originally included and, of course, the total basic wage has been increased accordingly.

(c) (i), (ii) and (iii)—

	Margin of Electrical Fitter at 1st July (*)			Margin expressed as Percentage of Basic Wage then ruling.	Margin expressed as Percentage of margin operating on 1/7/27.
				%	%
1927	1	4	0	28	100
1937	1	4	0	33	100
1947	1	10	0	28	125
1950	2	6	0	33	192
1951	2	6	0	25	192
1952	2	15	0	25	229
1953	2	15	0	23	229

(*) As furnished by Department of Labour and excluding war loadings.

(2) (a) (b) No precise measurement is possible.

ROADS.

As to Bitumen Strip, Yuna.

Hon. D. BRAND asked the Minister for Works:

When will the bitumen strip through Yuna, which has already been approved, be completed?

The MINISTER replied:

The roadway through Yuna was primed with bitumen in July last. The bituminous surfacing of this section will be completed during the coming summer.

LAKE MONGER.

As to Combating Midge Nuisance.

Mr. JOHNSON asked the Minister for Health: Will he ensure that experiments made last year with regard to extermination of midges at Lake Monger are recommenced before these pests reach plague proportions again?

The MINISTER replied:

Operations against midges on Lake Monger are the responsibility of the local authority and are undertaken by that authority.

Facilities and equipment made available by the department last season will again be given if the local authority so requests.

STATE GOVERNOR.

As to Variations in Allowance.

Mr. JOHNSON asked the Treasurer:

(1) Will he supply the variations that have taken place in the allowance to the State Governor since the 1st January, 1952?

(2) Will he give the reason for these variations?

The TREASURER replied:

	£
(1) As from the 1st January, 1952	4,500
As from the 1st August, 1952	4,600
As from the 1st November, 1952	4,700
As from the 1st May, 1953	4,800
As from the 1st August, 1953	4,900

(2) As from the 1st January, 1952, the special allowance paid to His Excellency the Governor was fixed at £4,500 per annum, this amount to be adjusted (in multiples of £100) by the same percentage as any variations in the "C" series index number subsequent to the March quarter of 1952 such adjustment to be made on the first of the month following the Arbitration Court's declaration.

HOUSING.

As to Proposed Flats, Subiaco.

Mr. YATES asked the Minister for Housing:

(1) What is the name of the architect who prepared the drawings of the proposed block of flats at Subiaco?

(2) Is he in the employ of the State Housing Commission or the Public Works Department?

(3) If not, which firm employs him?

(4) How many rooms will be contained in each flat?

(5) What are the dimensions of each room and ceiling height?

(6) Will he lay on the Table of the House all plans, drawings (and specifications, if any) in connection with these flats?

The MINISTER replied:

(1) Krantz and Sheldon.

(2) No.

(3) Answered by No. (1).

(4) Three and four rooms, plus bathroom and balcony.

(5) Living room, 16ft. x 11ft.; bedroom, 12ft. x 10ft.; second bedroom, 100 sq. ft.; kitchens, 90 sq. ft. and 100 sq. ft.; ceiling height, 9ft.

(6) Working plans and specifications have not yet been completed.

EDUCATION.

(a) As to Term Holidays for Primary Schools.

Mr. HUTCHINSON (without notice) asked the Minister for Education:

(1) Has he yet made a decision to extend the end of term holidays for State primary schools, so bringing them into line with State high school procedure?

(2) If not, when can teachers expect a decision on the matter?

The MINISTER replied:

(1) and (2) A decision has been made, but because of two or three words that have been tacked on to the end of the first question it is not possible to say "Yes" definitely. A decision has been made as I have already stated, but not along the lines of the hon. member's question and the secretary of the School Teachers' Union has been advised accordingly.

(b) As to Government's Decision.

Mr. HUTCHINSON (without notice) asked the Minister for Education:

Following upon the question I have just asked, is it possible for him, at this stage, to give the House an idea of what extension of holidays he has granted to State primary schools?

The MINISTER replied:

I suggest that this is not a proper time to make an explanation of the decision. If the hon. member will put his questions on the notice paper, I will endeavour to give him specific answers.

BILLS (5)—FIRST READING.

1, Criminal Code Amendment.

2, Asociations Incorporation Act Amendment.

3, Companies Act Amendment (No. 2).

4, Local Courts Act Amendment.

Introduced by the Minister for Justice.

5, Hospitals Act Amendment.

Introduced by the Minister for Health.

BILL—BEE INDUSTRY. COMPENSATION.

Second Reading.

Debate resumed from the 3rd September.

MR. YATES (South Perth) [4.57]: The Bill is one that the industry has been seeking for a number of years although the beekeepers did not make much of an effort to bring the legislation forward, mainly because they operate in remote parts of the State. Also, their numbers are not large and they have not the means of getting together as often as they would like in order to have steps taken for the benefit of their industry generally.

Recently, however, they have become more active because of the possibility of overseas trade expanding to a greater degree and because they have realised the benefits of the agricultural research that has been carried out in the past by the officers of the Department of Agriculture. These experts have been travelling around the country assisting beekeepers to control the various diseases that are encountered in the industry. In 1937 and 1938 especially, these diseases worried the beekeepers to such an extent that hundreds of hives had to be destroyed.

The establishment of a compensation fund is sought not so much because of the monetary gain that will be due to the beekeepers if his hives are destroyed, but principally because each and every individual has a liking for money and does not care to spend it unnecessarily. If 10 hives to the value of approximately £60 were destroyed, it would not mean such a great financial loss, but the beekeeper would still not care to sustain that loss. Therefore, the establishment of the fund will be an incentive to a beekeeper to report any disease that may occur in his hives because by so doing he will be entitled to compensation.

That is the aim of the department, namely, to encourage beekeepers to report from time to time either any irregularities that may occur in their hives or any noticeable diseases, a number of which were mentioned by the Minister when introducing the Bill. Consequently the industry should prosper greatly as the result of our passing such a measure.

When the Minister was moving the second reading, he did not say very much about the industry itself. This is a new subject to be discussed in the House, although many years ago legislation was passed to afford protection against the occurrence of disease, and the provisions of that measure were put into effect in the year when disease was somewhat prevalent. Apart from that, there has been no occasion for Parliament to discuss the bee industry. It should be of interest to members to know that the industry in

this State is an up-and-coming one that is going to be of great benefit, not only to the beekeepers but also to the State.

At present two-thirds of the total honey produced in Western Australia is sold on the oversea market and the sale price is £100 per ton sterling. Let me quote the production figures for the last five years, as follows:—

1947-48	1,731,902 lb.
1948-49	4,290,418 lb.
1949-50	2,041,156 lb.
1950-51	1,314,587 lb.
1951-52	3,479,935 lb.

The sudden jump from 1,731,902 lb., to 4,290,418 in the years 1947-48 and 1948-49 was due to the production in the karri country. It is known to beekeepers and to the department that there is a cycle of four years in which the karri country yields a record production. This year is again the favourable year in the cycle and a bumper yield from that area is expected.

Mr. J. Hegney: How much of that is exported?

Mr. YATES: Two-thirds of the total production is exported oversea and the remainder is consumed either here or in the other States. The approximate output for the year ended the 30th June, 1953, was 3,328,574 lb.

I have an interesting marketing report issued recently by the Honey Pool and shall read it for the information of members—

> During the last 12 months ended the 30th June, 1953, honey exports from Western Australia have been an all-time record. Export statistics over the last six years are as follows:—
>
1947-48	422 tons
1948-49	929 tons
1949-50	687 tons
1950-51	336 tons
1951-52	839 tons
1952-53	1,429 tons
>
> The quality of the honey produced during the last 12 months has been mostly light amber grades, and oversea buyers have been very active on our market. The buoyancy of the export demand has caused a number of small packers to apply to the Commerce Department for export packing licenses, and speculators not previously dealing in honey have made some purchases for the export market. Unfortunately for our industry, some small packers have not been able to fulfil their contracts and buyers are faced with litigation for breach of contract with London importers.

From figures supplied from the Department of Commerce and Agriculture, Canberra, honey arrivals in England, from all sources, totalled approximately 8,000 tons, compared with 7,000 tons in 1951, 7,100 in 1950 and 17,000 tons in 1949.

Consumption of honey in the United Kingdom is not more than 8,000 tons per annum.

Western Australian honey has a good name on the export market and the inspection officers of the Department of Commerce and Agriculture here are in no small way responsible for the confidence oversea buyers have in the standard of Western Australian honey.

Home consumption on the local market has shown an increase, and this fact can be credited to the value of honey advertising as carried out by the beekeeper's section of the Farmers' Union, the Australian Honey Institute and the West Australian Honey Pool.

The Farmers' Union newspaper, "The Farmers' Weekly," has this year given a wealth of publicity to our honey industry, and has undoubtedly been a big factor in the furtherance of honey consumption in this State.

Production of honey this year has been stepped up by the exploration of the northern areas of this State during the winter months, and it is anticipated that these sub-tropic areas of the West will be a big factor in honey production in coming years.

During the year ended 30th June, 1953, the production of honey was 3,328,574 lb. approximately, compared with 3,479,935 lb. for the previous year.

The record production year was 1948-49, when 4,290,418 lb. of honey was produced.

The karri forest which produced this record yield is now coming into production and another heavy yield is forecast.

The Trustees of the Honey Pool, on whose shoulders will fall the responsibility of marketing the bulk of this crop, have already purchased a block of land with a view to building a modern factory to accommodate and handle the Pool honey on the most economical basis.

Another record Pool turnover is imminent this year, because last year's record turnover has already been passed and there are still another three months to go before the current Pool finishes.

The report shows that the industry is soundly based and is deserving of all possible encouragement. Unfortunately, with this pool as with most pools, the profits derived from the yearly trading are returned to the beekeepers who participate

in the pool. Under the articles of association of the Honey Pool, all profits are returned to those participating in the industry, and therefore funds cannot be set aside for the expansion of operations, except, of course, a small sum for year-by-year trading.

On this account, it is becoming increasingly difficult for the pool to operate. The report I have read mentions that valuable land has been purchased in West Perth, and it is intended to build a modern factory, to cost, I believe, about £15,000. Most of the requisite equipment is installed in the premises at present occupied. The pool has been operating for nearly 30 years in premises in Stuart-st., West Perth, owned by Westralian Farmers Ltd. The Honey Pool has no connection whatever with that firm, though many people are under the impression that it is part of the organisation of Westralian Farmers Ltd. The Honey Pool merely rents a portion of the premises of Westralian Farmers Ltd. The building now occupied is very old and cramped and it is becoming increasingly difficult for the pool to operate to the satisfaction of all concerned.

The question arises as to where finance is to be obtained to assist in the establishment of modern premises, and this is where the Government could help, either through the Department of Industrial Development or by arranging for an overdraft from the Rural and Industries Bank. Such assistance would make possible the extension of activities in the country. The proposal is to impose a levy to the extent of one-eighth of a penny per lb. of honey, which would produce added revenue to the amount of £2,500 a year. That sum would be sufficient to permit of so much being paid off the loan each year so that in 15 or 20 years the total amount would be liquidated. The pool at present has not the money to finance the scheme, but given Government assistance, the figures I have quoted could be greatly increased because of the further interest that would be taken in the industry and the fact that adequate storage space would be provided for the honey coming in.

A comparison of the population and the quantity of honey produced in each State during the year ended the 30th June, 1952, is illuminating—

	Population.	Production (lb.)	Per Head Population (lb.)
S.A.	739,563	4,191,000	5.55
W.A.	601,266	3,480,000	5.78
N.S.W.	3,388,437	6,814,000	2.01
Victoria	2,335,475	5,208,000	2.23
Queensland	1,238,425	706,000	.56

Thus the production per head of population in Western Australia is the highest of any State in the Commonwealth. Mention was made in the market report of the pool that the northern areas of this State were being investigated. The member for Greenough should be particularly interested in this because a lot of the beach strip from Geraldton to Dongarra and further south is where the wax flower grows in profusion and beekeepers have been testing that area with a view to establishing their hives there. This year equipment has been located there and the bees are lapping up the pollen in the wax flowers. Apiarists are also hopeful that further inland from Geraldton a considerable increase in the production of honey may be obtained.

The Bill will be the means of assisting the industry to conduct its affairs on a business-like basis and will encourage beekeepers to report the occurrence of any disease in their hives, and that is the most important point of all. There is only one clause in the Bill that I should like to see amended and that is the one dealing with the permissible amount of money in the compensation fund. The proposal is that £800 shall be the maximum in the fund at any one time. I have discussed this point with interested people and they would not be averse to having the amount increased to £1,000, because they consider that £800 would not be sufficient to meet requirements should we have an outbreak of disease such as occurred in 1937-38. If compensation had to be paid for the destruction of 400 hives, the total would be beyond the resources of the fund. Therefore, to be on the safe side, we should increase the maximum amount to £1,000. In Committee, I intend to move an amendment to that effect. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Premier in charge of the Bill.

Clauses 1 to 10—agreed to.

Clause 11—Maximum amount that compensation fund may have in credit:

Mr. YATES: It was considered by a number of beekeepers that £800 was sufficient, but after I talked the matter over with some of them, they referred it back to an executive meeting on Friday, and now they are not against the amount being increased to £1,000. I move an amendment—

> That in line 5 of Subclause (1) after the word "sum", the words "eight hundred pounds" be struck out with a view to inserting other words.

The PREMIER: There might be some merit in the amendment, but the Minister for Agriculture is away in the country, and I would like him to have an opportunity of considering it.

Progress reported.

BILL—FIREARMS AND GUNS ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd September.

HON. A. V. R. ABBOTT (Mt. Lawley) [5.20]: The Act sought to be amended was passed in 1931. In the other States, there are Acts applying to lethal weapons, but I think ours is by far the widest and has the greatest scope. In New South Wales, as far as I can ascertain, the corresponding Act is the Pistol Licensing Act, which only covers, in its definitions, pistols or weapons of a like nature that can be carried on the person. In Victoria, the corresponding Act is wider but it does not include smooth-bore guns, sporting guns or air guns.

The Western Australian Act covers all weapons capable of discharging a bullet or missile, so it is very wide in its application. The object of the Bill is to widen still further the operation of the Act, to increase the penalties, and to enable, in some cases, a gunsmith or vendor of firearms to give demonstrations without on each occasion applying for a permit to use a particular weapon. This, I think is of some advantage. The measure also provides that on every occasion when a demonstration is made, a record shall be kept. The records that have to be kept under the Act are now very wide and involve considerable expense. Perhaps this provision could be made a little simpler. I have no quarrel with the increased penalties. They appear to correspond basically with those provided in New South Wales and Victoria.

A new provision prohibits—

> defacing or altering, without lawful excuse, the proof whereof shall be on the alleged offender, any number or identification mark on a firearm; or, being in possession of a firearm whereof any number or identification mark has been altered or defaced.

The Victorian Act contains a provision prohibiting the defacing of any mark on a firearm and our Act covers every weapon. The proposed provision will apply to every class of gun, whether an air-gun, sporting gun or any other type. The New South Wales legislation refers only to pistols, and it contains a prohibition in regard to defacing any identification mark and also in connection with having possession. I point out that many sporting guns and rifles do not bear a registration number or any particular mark. There may be a great many weapons at present in the State that already have the identification mark erased or so damaged that it cannot be read.

It would be difficult to administer this portion of the Bill. I see no reason why being in possession of a rifle without an identification mark should be made an offence. It is not an offence in Victoria; it is only an offence there if it is the defacement of a pistol. After all, the object of this is to prevent the number or identification mark from being erased. The Bill covers all sorts of rifles and guns. In New South Wales these provisions do not apply to rifles or guns, but only to pistols. The provision in Victoria relating to being in possession of a firearm from which the number has been erased, does not apply.

The department here desires a much wider scope—I think unnecessarily wide—for its purposes. These prohibitions all mean additional difficulties and worry to people who are interested in sporting activities of this nature. The clause could be well amended by making it apply only to pistols, which are lethal weapons, or, if it is to be applied to every type of firearm, including sporting guns, it should be made to deal with the defacing and not the being in possession phase.

The Minister for Police: The object of it is to prevent anyone from destroying the identity of a particular firearm.

Hon. A. V. R. ABBOTT: That is so, but surely there is no great objection if it is a sporting gun and it happens to be defaced. The Bill states, "without lawful excuse." What "lawful excuse" means I do not know. The onus is on the party to establish the lawful excuse. I might have a gun without the number on it, and I might be entirely innocent of any ill-intent, yet I have to satisfy a magistrate in court that I have defaced it with lawful excuse. That is almost impossible. How a magistrate can say what is lawful and what is not, I do not know, because the Act does not provide for it unless it is without lawful excuse.

The Minister for Police: A man might, as the result of an accident, have the registration marks defaced.

Hon. A. V. R. ABBOTT: Would that be lawful?

The Minister for Police: I should say it would be reasonable, if not lawful.

Hon. A. V. R. ABBOTT: I should think it would be reasonable.

Hon. J. B. Sleeman: What is reasonable?

Hon. A. V. R. ABBOTT: That is purely a description.

Hon. J. B. Sleeman: What is the interpretation of the world "reasonable"?

Hon. A. V. R. ABBOTT: I think the Minister has gone a little too far in this clause. If he had followed the Victorian section it would have been sufficient.

The Minister for Native Welfare: In this connection, what would be your interpretation of "lawful excuse"?

Hon. A. V. R. ABBOTT: I do not know. It is hard to interpret the meaning of the words "lawful excuse" unless there is a definition of "lawful excuse" in the Act. In this case there is no such definition.

The Minister for Native Welfare: As a prominent legal man, what would be your interpretation?

Hon. A. V. R. ABBOTT: I could not give an interpretation of the words. I suppose one could say that it meant the intention of the Act generally had not been avoided. There is a provision in the Bill as regards a new penalty to be imposed for pointing a firearm at any other person. There again I presume it means intentionally, but it does not say so. A firearm could be pointed at any other person without intention and yet, as far as I can see, such an act would come within the scope of the Bill. A person might say he was absent-minded and had pointed the firearm at some other person but that act would come within the scope of the measure. So I think the provision should be given further consideration.

There is a further clause where the responsibility is placed on the accused to prove a fact because the averment in the prosecution is to be taken as prima facie evidence. I do not object to that because when I was Attorney General I gave approval in certain cases where it would have been extremely difficult or expensive for a man to prove a fact.

Hon. J. B. Sleeman: It would be a pity to make it more difficult for the Crown.

Hon. A. V. R. ABBOTT: It might be difficult or expensive for the Crown to prove a given fact and easy for the accused.

The Minister for Police: It is exactly the same as the production of a motor driver's license.

Hon. A. V. R. ABBOTT: I do not object to the provision but I think, when the Minister was on this side of the House, he frequently objected to such a proposition and I am glad that the Crown Law Department, or whoever was responsible for submitting the Bill, has been able to change the Minister's mind. It is funny how situations seem to change a person's mind and the Minister's mind has certainly been changed in this connection. Can one imagine a more violent provision than this?

It says—

> Defacing or altering without lawful excuse, the proof whereof shall be on the alleged offender . . . .

It would be difficult for an accused to prove because he would not know the meaning of the words "without lawful excuse." What is a lawful excuse? There is nothing in the Bill about it. I think that provision could be withdrawn from the Bill and further thought given to it.

Some members who support the Government will, I am sure, have to strain their consciences to agree to this particular part of the measure. It is a technical clause and I would like the Minister to give further consideration to it because, in my view, it is one that needs careful attention from technical advisers. Such a provision should not be mutilated by members who are not fully aware of its implications and if the provision is given further consideration, the Minister's object could be achieved.

I ask the Minister to leave the provision dealing with erasion and delete that part which deals with possession; in other words, follow the Victorian Act. Under that Act proof is simple and I think it goes far enough. Section 38 of the Firearms Act of Victoria, 1951, reads—

> Any person who defaces or alters, or attempts to deface or alter any numbers or letters or other identifying symbols or marks on any firearm shall be guilty of an offence.

Then the penalty is imposed and I think that is sufficient. I believe confusion will arise as to whether a mark has or has not been erased. I am sure that a number of sporting rifles and guns have no definite identification marks on them.

The Minister for Police: Therefore you could not erase them and you would not be committing an offence.

Hon. A. V. R. ABBOTT: That is so, but a person could have a firearm in his possession without knowing that the identification marks had been erased or defaced without lawful excuse, and the onus would be placed upon that person to show that he had not committed the offence.

The Minister for Police: If a registration number were erased, there would be a filing mark on the weapon.

Hon. A. V. R. ABBOTT: That might or might not be so. Let us assume that there was no mark on the gun and a person was accused of having in his possession a weapon. The onus would then be placed upon that person to prove that the number had not been erased while the gun was in his possession. It is not as easy as it seems and it might cause a good deal of embarrassment. I think the whole provision could be simplified and, in my opinion, it need not be carried quite so far as it has been in this measure. If the Minister does not make some alteration during the Committee stage, I shall attempt to do so myself.

HON. J. B. SLEEMAN (Fremantle) [5.40]: I had intended to say that this Bill was like the curate's egg but on second consideration I would say that it is a measure that is bad in parts. Some clauses, such as those which enable the Governor, diplomatic and consular representatives, to obtain licenses for their guns, are quite satisfactory, but I agree

with the member for Mt. Lawley when he objects to placing the onus of proof on the accused. I have never agreed to that principle and I am not likely to do so now. So I hope that the Minister will withdraw the Bill for the time being and alter it to overcome that objection.

It is a vile proposition to place the onus of proof on the accused person and in this instance it would be much more difficult for an accused person to prove that he was not guilty. Further on in the measure there is a similar provision and the principle is the same. The essence of British justice is that a person is innocent until proved guilty. Under this measure it is only natural that the Police Department will make it as easy as possible for members of the force. Over the last 30 years Ministers in various Governments have tried to introduce this principle, but on every occasion the late member for Murchison and I were not backward in ventilating our grievances against such a provision. Consequently I do not intend to agree to it now.

As I mentioned earlier, there is a second part of the Bill to which I object and it reads as follows:—

> In the prosecution of an offence against this Act an averment made by the complainant and contained in the complaint of the offence that at a particular time the person was not the holder of a particular license under this Act is prima facie evidence of the matter averred.

When the Minister introduced the Bill he used the argument that a case might occur in the country and it would be difficult for the Commissioner or his officers to get their evidence to the court. That is not an excuse because the case need not be heard the day after the offence was committed or after the accused had been apprehended. A letter from the Commissioner could be received at any part of the State within a few days, especially now that we have air and motor transport.

Next we come to the question of licenses. This is only another form of taxation, because to my mind there is no need to license firearms every 12 months.

Hon. A. V. R. Abbott: They are not licensed every 12 months in Victoria.

Hon. J. B. SLEEMAN: In the Eastern States people do not have to renew firearm licenses every 12 months except in the case of pistols.

The Minister for Police: In New South Wales a person has to hold a license only for a concealable weapon.

Hon. A. V. R. Abbott: Not in Victoria.

Hon. J. B. SLEEMAN: In Victoria, if a person obtains a license for a firearm he has it for life. The Victorian Act states—

> A firearm certificate in respect of a pistol or pistols shall unless previously revoked or cancelled as provided in this Act continue in force for a period of 12 months, but upon application in the prescribed manner and form the Chief Commissioner of Police or any authorised officer of police, may renew any such certificate for a further period of 12 months and so on from time to time.

That deals with pistols and then the Act continues in respect to other firearms—

> A firearm certificate in respect of any firearm or firearms other than a pistol or pistols shall unless previously revoked or cancelled as provided in this Act continue in force until the holder dies or ceases to have the possession of the firearm or firearms to which it refers.

I claim that is all that is required. For an ordinary firearm all that is necessary is to have a book that shows that Jones has a firearm, or Brown has a firearm, or Smith has a firearm. Nothing is done for the individual. One goes along and pays 1s. and the policeman writes out a certificate on a piece of paper to say that the license is good for another 12 months.

It is not like licensing a car or a bicycle where the authorities concerned can claim that their roads are being used. This is simply a taxing machine. The State Government does not seem to be satisfied with getting its tax every 12 months for firearms, but it now proposes to increase that and to do so by regulation. I will never agree to government by regulation if I can prevent it. We all know how easy it is for a regulation to get through. The Minister merely gets up with a bundle of papers and reads through them and after 14 days have elapsed we find a regulation has been put through.

There are times when this has happened in the last week of the session, which means that it holds good till the following August—and nothing can be done about it. If the Government wants this extra tax and is desirous of introducing a taxing measure, let it tell the people and the members of this House in order that we may decide whether we agree to the amount to be charged. There are a number of objectionable features. Firstly, the onus is placed on the defendant; then the Government wants the firearms to be licensed every year and to increase the fee, and it wants this to be done by regulation. I think the Minister would be well advised to withdraw the Bill and have another look at it. I could never agree to such provisions. They are most serious, and I must object to them.

HON. L. THORN (Toodyay) [5.49]: I support the member for Fremantle in his observations on the increasing of the registration fee, particularly as it con-

cerns the man on the land. It is most necessary for these people to have firearms in order to control vermin. When a Bill was first introduced into this House I remember that the Minister made a statement indicating that the purpose of the measure was to endeavour to get, as completely as possible, a true register of all those people holding firearms. That was the purpose of the Bill. It was never meant to be a taxing measure. But it went on and each year, the owners of firearms have paid their shillings and, as the member for Fremantle has pointed out, they get no service at all.

Another aspect is that the cost of ammunition today is very high and I repeat that it is essential for a man who has a vineyard or an orchard to possess firearms for the protection of his property against vermin. A great mistake would be made if we were to increase the registration fee. It is necessary that a complete register should be provided showing the names of all people in possession of firearms. At one stage it was held that those holding firearms did so because it was considered that they were in some danger.

But the whole purpose of the Act is being altered and I strongly oppose the increasing of the registration fee. I do not think it is necessary. It will not produce much revenue, and, as I have said before, the original purpose of this legislation was to endeavour as far as possible to obtain a true register. Therefore I strongly oppose the clause which deals with the increasing of the fee and I hope the Minister will give that some consideration. The provision is not necessary.

As a matter of fact, I think it is an imposition on the holders of firearms to make them pay that registration fee every year. The Victorian Act was quoted to show that once a rifle was registered it should continue to be so unless transferred or the person who owned it died. We should follow that procedure. I trust the House will not agree to the increasing of the registration fee.

MR. PERKINS (Roe) [5.53]: There is one other provision in the Bill to which I would like the Minister to give some consideration. That is the one relating to the owner of the firearm who, not being the holder of a license to possess it, refuses lawfully to dispose of the firearm and within six months of its coming into the possession of the police officer, the Commissioner of Police may dispose of the firearm as he deems necessary either by destroying it or selling it. The proceeds of the sale are paid over to the owner of the firearm if he is known, otherwise the amount is credited to Consolidated Revenue.

It is possible that an individual could own a valuable gun and because he was living in the city, and, unknown to the police, did not have any license for it they could refuse to license that particular weapon. On the other hand, that individual might be loath to part with his gun and might feel that at some future time he would be in a situation where he would have need of it, and accordingly get it licensed. In circumstances such as that or in any circumstances where the owner of the gun would like the police to retain possession of it and not sell it because he felt he might have need of it at some future time, the wishes of the individual should be respected.

We all know that, particularly with smooth bore guns, the owners attach great importance to a particular gun which they may feel is difficult to replace with an exactly similar weapon. Accordingly I do not think the purpose of the department will be served in any way by compelling the owner to dispose of the weapon. As far as I can see, the only inconvenience caused to the Police Department is that of storing the guns. Admittedly, if a great number of guns had to be stored conditions might be a bit crowded. Unless the Minister can give some adequate reason for the retention of this provision in the Bill, I will move to have it deleted.

THE MINISTER FOR POLICE (Hon. H. H. Styants—Kalgoorlie—in reply [5.56]: There have been a number of objections raised to the provisions in the Bill and I think most of them are very trivial. The main objective of the measure is to apply a heavier penalty to members of the criminal classes in connection with unlicensed and concealable weapons. Whether the owners be of the criminal classes or not, I think it will be realised that the Bill intends to deal with unlicensed weapons.

The law of the State since 1931 has been that each weapon shall be licensed or that a person shall be licensed to own a weapon and I see no objection whatever to the continuance of the legislation. I think it is just as essential today as it was then not only for people to have a license to possess a weapon, but to get a permit for the purpose of purchasing a weapon. That was made quite evident by the incident which brought about the introduction of the Firearms and Guns Act and caused it to be placed on the statute book. The incident concerned a respected sergeant who had given long and faithful service in the Police Department and who was shot dead by a person who was able to purchase indiscriminately a weapon from the first firearms and gun shop to which he came. It is just as essential today as it was at that time.

The objection raised to a record having to be kept by a seller of firearms when a weapon is taken out of the shop and tested for the purpose of satisfying a prospective buyer is, in my opinion, particularly trivial. As a matter of fact, up to

date it has been necessary for a seller of firearms to get a permit from the Police Department on every occasion he wanted to test a firearm for sale to a prospective client or for any other purpose. We have eased up on that.

A deputation of sellers of firearms in the metropolitan area waited on me and I had Inspector Hickson of the Firearms Branch in my office to meet them and discuss the whole question. The sellers of firearms were quite satisfied with the provision, namely, that instead of having to take out a permit each time they required to test a firearm, they would be given a general permit. But they were to keep a book in which would be recorded the fact that a certain firearm was tested on a certain date.

Hon. A. V. R. Abbott: What advantage is that to anyone?

The MINISTER FOR POLICE: It has this advantage that there will be a general license and a record of what took place. Otherwise they would have to revert to the practice in force during the time the hon. member was a Minister on this side of the House when each time they desired to test a firearm they had to get a license. There is the question of hardship there. Is it a great hardship to have a ledger, with three or four columns ruled off so that the seller can set out the type of weapon and the place at which it was tested and so on?

Hon. A. V. R. Abbott: Yes, I know, but is that?

The MINISTER FOR POLICE: The advantage is that it permits the seller to have a general license.

Hon. A. V. R. Abbott: Yes, I know, but what advantage is it to the department to have that record kept?

The MINISTER FOR POLICE: The department would know that that particular firearm had been tested on a particular day by a particular person.

Hon. A. V. R. Abbott: Why does it want to know that?

The MINISTER FOR POLICE: The other point raised by the member for Mt. Lawley was that of pointing a firearm at another person. Of course, the instance he indicated was quite ridiculous. Actually what this provision is intended for is to provide a penalty in a case where a person, with the intention of using a firearm, makes a threat by pointing it at another person; his better judgment prevails and he decides not to proceed with the shooting.

The hon. member thinks it would constitute an offence in that the person had pointed a firearm at another person. He knows quite well that in the case of assault it is not necessary for blows to be struck in the legal sense. One person threatens another and, though he does not strike a blow, he can be had up for assault because he is within striking distance. But if he actually delivers a blow, he can be charged with assault and battery. This provision is very much the same. A person has an altercation with another person, points a firearm at him and threatens to shoot him.

Hon. A. V. R. Abbott: I did not take any exception to that.

The MINISTER FOR POLICE: Then he decides not to go on with the shooting. However, the pointing of the firearm would constitute an offence. The hon. member submitted that the man might inadvertently or accidentally point a firearm. I think that is too ridiculous to be taken as a real objection to the purpose of the clause. Does the hon. member think there is any danger of the police taking action against a person who inadvertently swings a gun around in line with another person; or does he think that a penalty should not be provided when a person threatens to shoot another and points a weapon at him, even though he does not actually carry out the threat? To provide such a penalty is the intention of the clause, and I hope the House will agree to it.

Hon. A. V. R. Abbott: I queried only the drafting.

The MINISTER FOR POLICE: The provision was drafted in the first place by the Police Department, and it was then passed by the Parliamentary Draftsman. When it comes to a question of drafting, I should be inclined to think that the Parliamentary Draftsman, having a complete knowledge of what is required, would be a better draftsman than the hon. member in this instance.

Hon. A. V. R. Abbott: I should think so, too.

The MINISTER FOR POLICE: The other point raised by the member for Fremantle and the member for Mt. Lawley is not one that I think infringes the principle of onus of proof. The onus of proof that I supported so often when on the opposite side of the House had reference to a case where a man is charged with a certain offence and the onus is on the prosecution to prove him guilty. But in this instance it is so easy for a person to prove whether his firearm is licensed. All he has to do is to produce the license, in exactly the same way as a motorist is required to do.

If a motorist is accosted by a member of the Police force or a traffic inspector while he is driving his vehicle and is asked for his license and he replies that he has not got it with him, all he has to do is to produce it to the nearest police station within three days, and that constitutes proof that he is in possession of such license. Similarly, if a man were charged by the police with having an unlicensed firearm, all he would have to do would be to produce his gun license. It is stretching the matter quite a distance to say that

that is a violation of the principle of the onus of proof being placed on the prosecution.

It was contended by the member for Fremantle that when a man was charged with being in possession of an unlicensed firearm, there would be no need for the charge to be heard next day. But let me point out that in the back country which the hon. member instanced, it would possibly work very much to the detriment of the person charged if the case were not heard the following day. He might have been in the town for the week-end, and his place of employment might be 40 or 50 miles away. If the case were not heard expeditiously on the Monday morning, and he had to remain in the town till the following Wednesday or Thursday, it might mean the loss of three or four days' work. Yet all that person would have to do would be to produce the license to prove that he was licensed to possess a firearm.

Concerning the increase in fees, the question is not whether a yearly fee should be charged. That is a principle that has been endorsed by Parliament since 1931. It has been accepted that there should be an initial license fee not exceeding 5s., and that there should be an annual registration fee set by regulation. The member for Fremantle says that he will not agree to the fee being established by regulation, but that has been done ever since the parent Act was passed in 1931.

Hon. J. B. Sleeman: That does not make it right, and it should be altered.

The MINISTER FOR POLICE: I have been acquainted with the hon. member since 1936, and I have not known him to bring down an amendment to the Firearms and Guns Act to provide that this should be abolished.

Hon. J. B. Sleeman: There is no time like the present.

The MINISTER FOR POLICE: I have not heard the hon. member raise his voice against the principle since 1936. The member for Toodyay said that a farmer requires a firearm, and he has an objection to an increase in the fee because of the tremendous impost it may place on the farmer. The fee can be increased from 5s. to 10s. for the initial license.

Hon. Sir Ross McLarty: Up 100 per cent.

The MINISTER FOR POLICE: Exactly the amount by which the hon. member's Government increased the motor driver's license fee and the fee for a cripple's car!

Hon. L. Thorn: That is not comparable. You get a service for the fee you pay for a driver's license.

The MINISTER FOR POLICE: No service whatever! The fee for the driver's license is for exactly the same purpose as that for the gun license. It is used to pay for stationery and for the tim spent by an officer in making the recor The member for Toodyay has an objectio to an increased fee to defray the addition wages of the police constable and the co of stationery used in keeping the record but he was a member of the Ministr which last year brought down a measu to increase drivers' licenses 100 per cent which is exactly the intention in this in stance.

Hon. L. Thorn: No: it is very differen

The MINISTER FOR POLICE: It very different inasmuch as the hon. mem ber thinks that an additional 5s. a yea for an additional certificate, or an in crease of 1s. or 1s. 6d. a year, would b an awful impost on the farmer who desir to keep the firearm for the purpose of kil ing vermin.

Hon. L. Thorn: What about the co of patrolmen to trail traffic?

The MINISTER FOR POLICE: I als think that the member for Roe—

Hon. L. Thorn: You cannot answer tha one!

The MINISTER FOR POLICE: —dre quite a long bow in connection with th matter to which he referred. He objecte to the provision that where the police hav a firearm in their possession for over si months and the owner will not take ou a license for it, they shall have the righ to destroy it. There are plenty of fire arms in the possession of the Police De partment that are unsafe to use.

Hon. L. Thorn: Yes, because they wer handed in. I handed one in during 1944.

The MINISTER FOR POLICE: The were not all handed in. If the hon. mem ber handed in a Winchester that was i an unsafe condition, would he have an objection to its being destroyed?

Hon. L. Thorn: They could do wha they liked with it.

The MINISTER FOR POLICE: That what the Bill provides. But if the weapo were considered to have a market valu the provisions in the Bill would permi the Commissioner of Police to sell it t the highest bidder and pay over to th owner what was received.

Hon. L. Thorn: The police asked fo obsolete firearms for their museum.

The MINISTER FOR POLICE: A obsolete firearm might have some valu for that purpose. I have no doubt th police appreciated the hon. member's ges ture in handing over a museum relic.

The Premier: They should have take the hon. member as well as his gun!

Hon. L. Thorn: I knew you would sa that!

The MINISTER FOR POLICE: I hav been through the firearms branch i Perth and I found there many obsolet

weapons that are of no value to anyone. They are cluttering up the premises, and the objective of the Bill is—

Hon. Sir Ross McLarty: To get more money!

The MINISTER FOR POLICE: —that where there is an unlicensed weapon—I think that in the case quoted by the member for Roe there would be no reason whatever why the man concerned could not get a license—if it is of a type that the police consider not worth licensing, and they feel that they do not want to provide storage space for it, they should be given the opportunity to sell it to the highest bidder and give the proceeds to the owner, though they are not prepared to give him a license. That would occur in very rare instances.

There are old-type firearms which are held by the police and stored in space which could be used for other purposes. The whole intention of this clause is that if an owner will not license his firearm, the police shall have the right to dispose of it by destroying the weapon or selling it and giving the proceeds to the owner. What could be fairer than that? I agree with the point raised by the member for Mt. Lawley concerning the attempted erasure of an identification number. The provision in that respect may be a little too wide, and I would be prepared to give some consideration to the matter. The other contentions that have been submitted, however, have been so trivial that they should not influence the House against supporting the measure.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Police in charge of the Bill.

Clause 1—agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 2—Section 5 amended:

Hon. A. V. R. ABBOTT: I move an amendment—

> That all words after the word "it" in line 6 of paragraph (a) of proposed new Subsection (4) be struck out.

I do not see why it should be necessary for a dealer to obtain a special permit on every occasion when he might wish to test or demonstrate a gun for his own purposes.

The MINISTER FOR POLICE: The people chiefly concerned in this matter came before me in a deputation at which I had with me Inspector Hickson, who is in charge of the firearms and guns branch of the department. The whole question of the restriction of the sale of firearms was gone into. Inspector Hickson suggested this provision and the deputation agreed to it. On his return to his office, Inspector Hickson drafted this provision and it was submitted to those concerned. They approved of it without complaint or objection. I cannot agree to the amendment.

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

Ayes	....	....	....	18
Noes	....	....	....	19
Majority against			....	1

Ayes.	
Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Brand	Mr. Oldfield
Dame F. Cardell-Oliver	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Mann	Mr. Wild
Sir Ross McLarty	Mr. Hutchinson *(Teller.)*

Noes.	
Mr. Andrew	Mr. McCulloch
Mr. Brady	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Sleeman
Mr. Jamieson	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	*(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. Bovell	Mr. Guthrie
Mr. Cornell	Mr. Sewell
Mr. Manning	Mr. Hoar
Mr. Hill	Mr. O'Brien
Mr. Yates	Mr. Johnson

Amendment thus negatived.

Hon. A. V. R. ABBOTT: I move an amendment—

> That paragraph (b) of proposed new Subsection (4) be struck out.

I do not think we should do anything to increase the number of records that must be kept. Why make extra work of this kind necessary?

The MINISTER FOR POLICE: In this case also those most concerned were quite satisfied with this provision.

Hon. A. V. R. Abbott: Not all of them. I know the views of one of the biggest gunsmiths in the State.

The MINISTER FOR POLICE: There were about 10 represented on the deputation that I received and which was introduced by the member for Leederville. They approved of the provision and made no complaint about its wording.

Hon. A. V. R. Abbott: Perhaps they did not understand it.

The MINISTER FOR POLICE: This provision is necessary. Many records must be kept in connection with firearms, the sales of which must all be recorded. In addition, there must be kept a record of the sales of ammunition and one has to produce a gun license before one can

purchase ammunition, the sale of which is then recorded. I cannot agree to the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 3 and 4—agreed to.

Clause 5—Section 11A added:

Mr. PERKINS: I move an amendment—

That in line 3 of paragraph (b) of Subsection (1) of proposed new Section 11A the word "or" be struck out, and paragraph (c) be struck out.

I do not think the Minister replied very convincingly to the questions I raised during the second reading. By the amendment I do not propose to interfere with the power of the Commissioner of Police to destroy any firearm that he considers to be unfit for use. However, some hardship could be imposed on an individual by having his gun either sold or destroyed simply because he was not in a position to license it, or the police did not desire to license it at that time. For instance, it is possible that a valuable gun may have been in the possession of a family for hundreds of years and been passed down from father to son. The present owner might be only 17 years of age and considered by the police not to be a fit and proper person to hold a license.

Occasionally the police do refuse to grant a gun license to any young person living in the city because they think it is unwise for him to have one, or that he has no particular use for it. In the instance I have just quoted, however, it could be that the lad, who has had the gun passed down to him, might desire to retain it so that he could put it to better use at some future date. That is only one instance, but I am sure other members could quote similar cases. The Minister could well omit paragraph (c) because at some future time when the Commissioner of Police finds his office cluttered up with firearms because of this provision, he may desire to have an amendment made to the Act.

The MINISTER FOR POLICE: It may be that a situation as outlined by the hon. member could arise, and I suggest progress be reported so that I may consider the amendment.

Progress reported.

BILL—ROYAL STYLE AND TITLES ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd September.

HON. SIR ROSS McLARTY (Murray) [7.40]: There is not much one can say on the Bill. It has become necessary because of the death of King George VI and the accession to the Throne of Queen Elizabeth II. I understand that, under the Statute of Westminster, the Prime Ministers of the various Dominions agreed that legislation such as this would be approved when it had to be introduced. The Minister has stated that in future the introduction of such legislation should not be necessary but that a proclamation could be issued to make the required alteration, and I agree with him. In such circumstances, I consider the legislation could be cumbersome, and there is no reason why a proclamation should not be issued.

I have perused the Commonwealth statute and find that similar legislation has been introduced and the wording of the Schedule to that Act is exactly the same as in the Bill now before us. However, I have also noticed there is a definition in the Commonwealth Act that is not included in the Bill. I think that legislation of this nature should be uniform. The definition in the Commonwealth Act reads as follows:—

In this Act "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

The Minister might agree to inserting that definition in the Bill we are now dealing with, to make it uniform with the Commonwealth legislation. I support the Bill.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre—in reply) [7.43]: I am glad the Bill has been received without much opposition. The definition referred to by the Leader of the Opposition has been omitted, although I do not know why. On the other hand, I cannot see any special reason why it should be inserted but as there is no harm in it, I have no objection to the suggestion put forward by the Leader of the Opposition.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 2 repealed:

Hon. Sir ROSS McLARTY: On a point of information, may I ask you, Mr. Chairman, where my proposed amendment should be inserted?

The CHAIRMAN: What does the hon. member propose?

Hon. Sir ROSS McLARTY: I propose to add a definition of "United Kingdom," in the following words:—

In this Act "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

The CHAIRMAN: I suggest that those words might be added at the end of Clause 4, in the form of a new clause.

Clause put and passed.

Clause 4—agreed to.

New Clause:

Hon. Sir ROSS McLARTY: I move—

That a new clause be added as follows:—

5. In this Act "United Kingdom" means the United Kingdom of Great Britain and Ireland.

New clause put and passed.

Schedule, Title—agreed to.

Bill reported with an amendment.

BILL—NOXIOUS WEEDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd September.

MR. ACKLAND (Moore) [8.0]: I support the second reading as I feel quite sure that the proposed amendment is a practical and commonsense one and will have the effect of expediting the eradication of noxious weeds and making the duties of those who have the policing of the Act much more workable without causing any detriment to the people who are required to eradicate noxious weeds.

I consider that the special reference to the Cape Tulip made by the Minister when moving the second reading was a very happy one because it was an excellent illustration of a noxious weed that is spreading with the most alarming rapidity over a great part of the State. This weed is spread not only by the seed but also by tubers, and so members can readily understand why it is increasing at such a rapid rate. Some of the most fertile land in the agricultural areas is fast becoming quite useless because of the increase of this particular weed. In parts of the Avon Valley, particularly around the township of York and between there and Northam, the weed in many places has taken possession of the fields where some of the very best fat lambs were grown in years gone by.

Hon. Sir Ross McLarty: Is there much Cape Tulip in those areas?

Mr. ACKLAND: Yes. Whilst supporting the Bill, I wish to direct attention to the fact that in many instances this weed has commenced its ravages, not on private property but on roads, commonages, water supply reserves and reserves under the control of the Forests Department. While I agree that it is the duty of the landholder to eradicate the weed and the duty of the department to ensure that that is done, the same should apply to those authorities on whose reserves the weed is prevalent. I could quote many instances of the weed having started on Government property. This applies to two townsites in my electorate. There is far more Cape Tulip growing on those townsite areas than in any other part of the district, and so I say it should be an obligation on the authority concerned just as much as on the private individual to ensure that this work of eradication is undertaken.

There is one other matter I should like to mention. While it is recognised that a landholder should be entitled to hold the title deeds of his property, he holds them only in trust for the nation. Land is the basis of all wealth, and a landholder has a responsibility in relation to the assets of the country and the nation. While that is an indisputable fact, there is also an obligation on the people and the Parliament to see that it is made possible for property-owners to obtain a reasonable standard of living after they have looked after the nation's assets by destroying noxious weeds and maintaining the fertility of the land. It is an obligation to ensure, by this amending Bill, that the provisions of the Act are made more easy to police and operate under, but we must not lose sight of the fact that the owner should be permitted to earn sufficient money in order that he may safeguard those assets.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ADOPTION OF CHILDREN ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd September.

HON. A. V. R. ABBOTT (Mt. Lawley) [8.9]: I support the second reading. I consider that the amendment is a desirable one for the reason put forward by the Minister for Justice. There have been instances in this State where the court has refused an adoption order because the domicile of the child was not Western Australia, although the child had been resident here for a considerable time. Apparently some doubt exists at law as to whether the court has jurisdiction to dispose of a child for adoption when it is not domiciled within the State and, of course, a child takes the domicile of its parents.

We were told by the Minister that the Bill was designed to enable a child to be adopted here in those circumstances, but I think the clause has been drafted somewhat in the negative rather than in the positive because it says—

> An order of adoption shall not be made unless, at the date of the application, either the applicant or the child to whom the application refers is domiciled in the State.

So I assume by implication that if I were the adopting party of a child domiciled within the State, the court would have jurisdiction.

The Minister for Justice: For a period of three months.

Hon. A. V. R. ABBOTT: That is correct. Somewhat similar words are used in the English Act. The words used there are that an adoption order shall not be made in England unless the applicant and the infant reside in England nor in Scotland unless the applicant and the infant reside in Scotland. Those words appear in the Act of 1950. Members will observe that the word "reside" is used, but I understand that the court has interpreted it to mean residence of a permanent nature. Consequently it would have a somewhat similar meaning to "domicile," and probably the term "domicile" is more capable of accurate interpretation than the word "reside." One might have to reside a much longer time to come within the provisions of that Act than to come under the provisions of our law, for which the minimum period is three months.

Domicile can be acquired when a person wishing to change his domicile determines to accept a new domicile, and this may be done within any period at all. It is a question of state of mind and intention rather than length of residence. The provision might have been drafted a little more strongly by adding the words, "but subject to the foregoing, an adoption order shall not be refused because of the domicile or residence of any applicant or child." As the provision is drafted, a judge could still refuse if the parent or the child was not domiciled in Western Australia on the ground that he considered it preferable not to make the order. In other words, although the parent was domiciled in Western Australia and the child in Victoria, a judge could, if he thought fit, say that because the child was domiciled in Victoria, he should not exercise his discretion.

The Minister for Justice: If the child is domiciled in Western Australia for three months, he may grant the order.

Hon. A. V. R. ABBOTT: Yes, but he could refuse if the child was not domiciled in Western Australia, even though the applicant was. On the other hand, it is customary to give the court the widest of discretions. Taking it by and large that is probably the wisest thing to do. An occasion may arise, however, when a judge will allow the fact that a child or the parent is not domiciled in Western Australia to influence him. Under the proposed amendment, only one has to be domiciled here.

The Minister for Justice: I think both the applicant and the child must be domiciled in this State for three months.

Hon. A. V. R. ABBOTT: No, the applicant or the child. Only one has to be domiciled within the State to give the court jurisdiction. If neither is domiciled he cannot do it. He need not do it if one is. The judge might say, "Although the applicant is domiciled here the child is not, and while I am not prohibited by the Act from making an order, I prefer not to make one because the child is domiciled elsewhere."

The Minister for Justice: If he thought the applicant was worthy of the child he would exercise his discretion.

Hon. A. V. R. ABBOTT: Yes, but he could still use the matter of domicile as an objection if he wanted to. It is usual to give the court the widest of discretions and the judge would use them if he thought there was some very good reason for making his decision on those grounds. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 3rd September.

HON. A. F. WATTS (Stirling) [8.20]: The Bill merely seeks to extend for a period of five years the provisions of the Industries Assistance Act which has been on the statute book for approximately 38 years. As the Minister said, it was renewed from year to year for a long time but about five years ago it was decided to renew it for a period of five years, and that proposal is again before us.

There was a time when the parent Act contained provision for the assistance of secondary as well as rural industry, but it appears that this provision has now been deleted from the Act and has taken its place in other legislation with the same effect, so that all the Act we now seek to renew can deal with is, I think, rural industry. The management of the legislation was handed over to the Rural and Industries Bank at the time of its constitution, it having been held by the Agricultural Bank for a considerable number of years prior to that time. Its operations in recent years have not been very great.

There was a time when a substantial proportion of those engaged in rural industries were obliged to submit themselves to the help rendered by the Industries Asistance Board as it was then called—popularly known as the I.A.B.

The Minister for Health: It did a lot of good work.

Hon. A. F. WATTS: I frankly admit that. I trust that the time will not recur when so substantial a proportion of those engaged in farming pursuits of one kind and another will have to seek the assistance of that institution under the parent Act. I would much prefer—and I believe all other members would, too—that the conditions with regard to the operations under the Act, which have existed in the last couple of years at any rate, should continue for a long and indefinite period.

So long as the operations under the Act are of so minor a nature, then for so long will it be perfectly clear that those engaged in the farming industry are at least reasonably prosperous and able to pay their way out of their own resources. That, I think, is a state of affairs which we ought to be very happy to know exists in the great majority of cases at present, and which we all sincerely hope will continue for a long time in the future.

Why I referred to the last couple of years is because I noticed in the report of the Rural and Industries Bank for 1951 that seasonal assistance granted under the Industrial Assistance Act totalled £8,706 18s. 7d. When one compares that with the many hundreds of thousands of pounds which in past years had to be advanced through the Industries Assistance Board, purely to maintain large sections of the farming industry, it indicates a substantial improvement. The figure for 1952 is even more encouraging because the amount mentioned in the bank's report is £1,902 5s. 3d.

There is no doubt in my mind that the Industries Assistance Act should remain upon the statute book. It can certainly do no harm, and there may come a time when, perhaps because of seasonal conditions in some part of the State, its services will be required temporarily by some of those engaged in rural industries. It would be a great shame if the machinery which has been available and which functions as it now does through the Rural and Industries Bank, should not be in existence if such cirumstances should arise. In this event I have no doubt it will be administered in a reasonable and sympathetic manner. The idea of extending the Act for a period of five years seems to me, in these circumstances, to be a wise one. Without more ado, I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—MINE WORKERS' RELIEF ACT AMENDMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn) [8.29] in moving the second reading said: The Bill is designed to bring all State battery employees—approximately 120—and all employees of privately-owned mills where crushing is carried out for the public, within the provisions of the principal Act. The State and privately-owned batteries, according to the existing Act, do not come within the scope of the provisions relating to mine workers' relief. Therefore the battery employees are not classed as mine workers. They cannot contribute to the Mine Workers' Relief Fund and are not eligible for any of its benefits. If they contracted silicosis in an advanced stage they would not be eligible for any benefits under the Act.

As a general rule battery employees are recruited from the mines and if a mine worker, at the time of leaving the mine, had some degree of silicosis he would not, after becoming an employee of a State battery or a privately-run battery where public ore is being crushed, be eligible for compensation. It is realised that work on the batteries is surface work and employees are not subject to dust. But at the same time these men are handling what might be termed "silicosis ore" and they could contract silicosis in the early stages before leaving their employment on the mines. In that case these men, by their handling of battery ore, could quite easily promote the growth of silicosis.

Miners working in goldmines are loath to leave the industry and seek employment at State batteries or privately-owned mills because they realise that by so doing they become ineligible for benefits under the Act. Consequently it is difficult for the State-owned mills to obtain employees. But if we bring employees of State batteries and privately-owned mills within the scope of the Mine Workers' Relief Fund it will enable employees recruited from the mines to continue to be eligible for contributions to the fund and thus become eligible for payments if they contract silicosis.

Under the scheme the Government would, of course, have to pay 2s. per man employed in mill work and the employee and the company would pay 2s. each. This measure will give protection to about 120 men who are unprotected today. It is interesting to note that there are 6,091 protected men in the industry and the total number employed in the goldmining industry is 6,266. This means that there are only 175 men in the industry who

are not protected. As there is an accumulated balance of £308,542 2s. 6d. in the fund, it is sufficiently adequate to cover the men I have mentioned. We have felt, for some time, that these men should be protected and all mine workers, no matter in which section of the industry they are employed, should be protected in this way. The Bill is designed to cater for approximately 120 men in the industry. I move—

That the Bill be now read a second time.

On motion by Mr. Wild, debate adjourned.

BILL—KALGOORLIE AND BOULDER RACING CLUBS ACT AMENDMENT (PRIVATE).

Adoption of Report of Select Committee.

Order of the Day read for the consideration of the report of the select committee.

The CHAIRMAN OF COMMITTEES (Mr. J. Hegney): I report that the Bill contains the several provisions required by the Standing Orders.

Hon. H. H. STYANTS (Kalgoorlie): I move—

That the report of the select committee be adopted.

Question put and passed; the report adopted.

BILL—COLLIE CLUB (PRIVATE).

Adoption of Report.

Order of the Day read for the consideration of the report of the select committee.

The CHAIRMAN OF COMMITTEES (Mr. J. Hegney): I report that the Bill contains the several provisions required by the Standing Orders.

Mr. MAY (Collie): I move—

That the report of the select committee be adopted.

Question put and passed; the report adopted.

House adjourned at 8.38 p.m.

Legislative Council

Wednesday, 9th September, 1953.

CONTENTS.

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

QUESTIONS.

NORTH-WEST.

As to Boring Scheme, Kimberley Stations.

Hon. C. W. D. BARKER asked the Chief Secretary:

(1) What is the total expenditure to date on the £ for £ water boring scheme in the Kimberleys?

(2) What is the total number of bores which have been sunk?

(3) Which are the stations that have benefited by the scheme, and what number of bores have been sunk on each?

The MINISTER FOR THE NORTH-WEST replied:

(1) The amount paid by the State on the fifty-fifty basis is £15,609. This is the State's liability for 24 watering points.

(2) Watering points completed to date total 28. These are mainly bores but two wells and one spring have been developed.

(3) Bow River—2.
Fossil Downs—4.
Cherrabun—1.
Christmas Creek—2.
Louisa Downs—3.
Argyle—4.
Ivanhoe—1.
Rosewood—1.
Brooking—2.
Yeeda—1.
Mt. House—3.
Lissadel—1.
Texas Downs—1.
Mabel Downs—1.
Alice Downs—1.