

of relaxation with safety. However, that is a matter for the proposed Royal Commission to find out.

On motion by Hon. G. W. Miles, debate adjourned.

House adjourned at 6.4 p.m.

Legislative Assembly,

Wednesday, 17th June, 1931.

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

QUESTION—HOSPITAL TAX, ASSESSMENTS.

Mr. SAMPSON asked the Minister for Lands: 1, Was it the intention of Parliament to limit the payment of taxation imposed by the Hospitals Fund Act to income from 1st January, 1931? 2, Is he aware that individuals, as well as limited companies, are being assessed for hospitals tax on the basis of income covering a period anterior to 1st January, 1931? 3, As the Act provides for payment on all income received subsequent to 1st January, 1931, will he advise whether the imposition of the tax as indicated is mandatory, and if so, whether it is his intention to amend the Act and so give effect to the intention of Parliament? 4, As income from all sources is, generally speaking, now much reduced, will he advise what action is proposed in connection

with over-plus of taxation, estimated on the balance sheet of a previous year and already paid?

The MINISTER FOR LANDS replied: 1, No. See Sections 5 and 8 of the Act. 2, Yes, in accordance with the sections just referred to. So far as individuals are concerned, the first contributions for which they are assessed is subject to adjustment on the next assessment in accordance with the second proviso to Section 5. In regard to companies, contribution is only payable on actual profits, and the payments of such contribution will adjust themselves over a period of years. 3, One principle of the Hospitals Fund Act is to endeavour to place persons receiving income from business, land, property, dividends and such like, on the same basis, as far as is possible, as the person receiving salary and wages. It is not proposed to submit any amendments of the Act. 4, Answered by Nos. 2 and 3.

QUESTION—RAILWAYS, EAST GUILDFORD.

Filling in of Clay Pit.

Mr. GRIFFITHS asked the Minister for Railways: 1, Do the filling in operations at the clay pit at East Guildford beyond East Street, which have been carried on for some years now by the Railway Department, represent an improvement of private property, which the Government have leased for that purpose? 2, Who are the owners being benefited and what is the date of the lease, if any? 3, What is the cost to date? 4, Was not the land indicated intended for immediate resumption, according to the report of the Town Planning Commission? 5, If not resumed, will the several owners, who have thus been benefited, have a claim for a higher price for their land, due to this great expenditure on the part of the Railway Department? 6, Will he look carefully into this matter in order to safeguard the funds of the Treasury?

The MINISTER FOR RAILWAYS replied: 1, Yes. They also gave a necessary strengthening to the railway embankment. 2, (a) Mrs. Button; (b) 18th January, 1929. 3, The cost is covered by the benefit to the railways, both as referred to in No. 1 and as a means of disposing economically of surplus ashes. 4, Not to my knowledge. 5, No doubt. 6, This has already been done.

QUESTION—HOSPITAL FOR INSANE AND FREMANTLE GAOL.

Mr. PANTON asked the Chief Secretary: Will he supply a statement showing: (a) the cost per week per inmate of the Hospital for the Insane and the Fremantle Gaol; (b) the cost of food per week per inmate of the Hospital for the Insane and the Fremantle Gaol respectively?

The CHIEF SECRETARY replied: The total cost per inmate per week of the two institutions is: Fremantle Gaol, £1 7s. 7d.; the Hospital for the Insane, £1 8s. 9d. The cost of food alone is: Fremantle Gaol, 4s. 1d.; Hospital for the Insane, 3s. 11d.

BILL—WORKERS' COMPENSATION.

Reports of Committee adopted.

BILL—FIREARMS AND GUNS.

Second Reading.

Debate resumed from the previous day.

HON. J. C. WILLCOCK (Geraldton) [4.40]: I have no great objection to the principles embodied in the Bill because it is obvious that some alteration to the existing legislation can be made with advantage. The time has arrived when there should be some form of control over people possessing lethal weapons, particularly pistols and revolvers. It seems to me that the progress of civilisation should connote respect for law and order so that there would be less necessity for persons carrying weapons of that description. The fact remains that the preponderance of lawless people nowadays seems to indicate otherwise, and we know that many persons carry firearms without being licensed to do so. Just as in the case of nations to whom the possession of big armies, navies, and huge armaments is a temptation to become embroiled in war, so with the individual who carries a revolver. There is always the possibility that he may be tempted, or be faced with the necessity, to use his weapon in an entirely illegal manner. The Minister is on good grounds when he seeks to assume strict control with regard to the short-barrelled weapons, such as pistols and revolvers, that can be concealed easily on the person.

In America, which is supposed to be one of the foremost nations in latter-day civilisation, there are hundreds of thousands who find it necessary to carry firearms. In some instances that has become essential for self-protection, while in very many instances the purpose is to further the individual's nefarious and illegal practices. In the Eastern States, much the same course has been pursued, and it is becoming quite common for gun play to be resorted to in public places. We have not reached that stage in Western Australia, but, as the Minister pointed out when moving the second reading of the Bill, it is by no means uncommon for persons, when arrested here for offences of various descriptions, to be found in possession of pistols or revolvers without reasonable or lawful excuse. Everyone will agree that, in the interests of public safety, the time has arrived when strict control should be taken over the licensing of lethal weapons. On the other hand, when we consider the position regarding the possession of rifles and guns that are used for the purpose of providing food or dealing with pests, particularly in the back country, a rather different set of circumstances has to be appreciated. Under the original Act passed in this State, no one was required to license any such weapon if the owners lived outside the confines of a municipality or beyond five miles of any such centre. The Bill before us seeks to alter that to a certain extent, although it implies that by proclamation other parts of the State outside municipalities and the surrounding area for five miles will be exempted. Personally, I do not think it necessary to go further than the original Act in that regard. The grave necessity for the Bill arises in connection with revolvers and pistols. The Bill seems to imply that the Governor may by proclamation exempt certain country districts, but I do not think the House will approve of the Government having that power. That was the rock upon which the previous Bill was wrecked, and I think there will be considerable opposition to the provision in this Bill. If the House agrees to amend the provision so that the existing conditions may apply, I do not think there will be much objection to the Bill. The inclusion of the air gun and the pea rifle will, I think, be welcomed, because those weapons

have caused many accidents resulting in the loss of human life. There can be no great objection to providing effective control of the use of such guns, particularly by small boys. If one searched the newspapers during the last three or four years, one would find that a considerable number of preventable accidents had been caused with such weapons. A reasonable amount of control and supervision over them is advisable. But if the Government promulgated regulations as provided under this measure, much hardship would be inflicted upon people in the back country. Numbers of railway men are living 40 or 50 miles from the nearest township. They rely upon their guns and rifles for much of their food. Under the Bill they would have to be licensed, and they would also be prevented from selling a gun to a mate if transferred to the city. If two men were living at a railway camp and one was transferred to the metropolitan area, he could not sell his gun to his mate because he would not be a dealer. The same thing would apply to prospectors. Two men might be prospecting 100 miles from the nearest town. They would have firearms to provide food, and probably for protection. If one of the men decided to pull out and return to civilisation, he could not sell his gun because he would not be a dealer. Even if he could sell it, the other man would have to take out a license before buying it. While there is much merit in the measure, it is likely to cause considerable hardship in the back country. There is no need for people who live away from townsites and who have guns with which to shoot game, to take out licenses, and they should not be prevented from making a reasonable deal with friends in the event of wishing to sell. In Committee we may be able to overcome those difficulties by proposing suitable amendments. It would probably be no great hardship for the holder of a pastoral area to take out a license for his guns, but if he was getting a new manager, the retiring manager would not be able to sell his gun to his successor. The latter would have to journey to the nearest police station in order to get a license before he could take possession of the gun.

Hon. A. McCallum: That would apply to changes of station hands.

Hon. J. C. WILLCOCK: They would not be able to deal with one another, and it would be necessary to take out a license.

The Minister for Police: That is the position if no proclamation is issued.

Hon. J. C. WILLCOCK: It would be well to have it set out in the Bill and not leave it to different Governments to promulgate regulations. If there is a difference of opinion as regards districts, there might be room for issuing regulations, but if we can agree upon the principle, it should be enacted. The original Act did not require a person to have a license if he was more than five miles from the boundary of a municipality. As regards rifles and guns used in remote parts of the State, there is no necessity for control, but people who carry pistols, revolvers and other lethal weapons that can easily be concealed, I do not care whether they are out beyond Marble Bar or in Perth, should take out a license. The need for that has been shown by recent experiences. Such weapons are not used for the shooting of game or pests. The type of firearms usually employed in the back country is a .303, or .44 rifle, or a shotgun. So there is no need for altering the law, except to include the smaller weapons. There are many large towns that formerly were in municipalities and are now in road board areas, and those towns should be included. I do not know whether all road boards have town wards, but if they have, it could be provided that they be included for the purposes of this measure. The Minister for Works would know whether that applied to Wyalcatchem.

The Minister for Works: There is one there.

Hon. J. C. WILLCOCK: There is no reason why people should carry firearms there or in any other town of importance unless they have first secured licenses. We should amend the measure to include town wards or any gazetted townsite, though many of the gazetted townsites now have no population. If the Minister will accept some reasonable amendments regarding rifles and guns used in the back country, there should be no serious opposition to the Bill.

The Minister for Police: Will you agree to give the Government the right to bring them under the measure in case of emergency?

Hon. J. C. WILLCOCK: I do not think there is likely to be much emergency.

The Minister for Police: Neither do I.

Hon. J. C. WILLCOCK: I shall have something to say presently regarding the other clause upon which the Minister dwelt yesterday. He said the purpose of the Bill was not to raise revenue. If that is so, and if it is designed only to impose control, why cannot the amount of the license fee be inserted in the measure? In the existing Act it is 5s., and if the object now is merely to exercise control, a license fee of 2s. 6d. should be sufficient. Otherwise an impecunious Treasurer might regard it as an opportunity to raise a little more revenue. He might take the view that anyone who can afford to own a gun for sport or for other reasons might be able to pay £1 a year.

The Minister for Police: Would you agree to a fee not exceeding 5s.?

Hon. J. C. WILLCOCK: If the Minister suggests a particular amount, we can discuss it in Committee. I do not think there is much necessity for Clause 14, particularly in view of the provisions contained in the preceding clause. If there is any need for provision of this kind—

The Minister for Police: It arose only the other day.

Hon. J. C. WILLCOCK: I do not know that it did. I think the member for South Fremantle will agree with me when I say that if the Minister had had this measure in force at the time of the Esplanade Hotel trouble, judging by the display of force then made, he would have issued a proclamation against anyone dealing in firearms for a week or two weeks.

The Minister for Police: There was never any question about it at that time.

Hon. J. C. WILLCOCK: I do not like the idea of parading ambulances and other apparatus on the score that there might be some casualties.

The Minister for Police: That was merely a display of force.

Hon. J. C. WILLCOCK: There is one point upon which authorities on international politics are agreed, and it is that a display of force is a danger to the world. That is why such serious arguments are being conducted in favour of disarmament. It is realised that nations which, when conducting diplomatic negotiations, indulge in

a display of force, are apt to provoke trouble. I do not believe in a display of force. It is unnecessary. Neither do I see any necessity for a proclamation in the ordinary sense. If a serious situation arises, for the good government of the Commonwealth as a nation, power should be taken under the Defence Act to do all sorts of necessary things to safeguard the peace, the goodwill and the law and order of the people of the nation. That is different from handing over to the Police Department and the State Government some comparatively trifling thing which is likely to have no effect upon the good government of the nation as a whole. I refer to a proclamation such as this. Power is given under Clause 13, and in other clauses, in regard to the taking of stock where people have munitions, etc., for sale. If this proclamation did exist, it would probably be extended all over the State, and no one in any small country town, for instance, could make any sale of firearms. If a proclamation were issued, some portion of the firearm would have to be taken away to render it innocuous. There might be some disturbance in the city, and the whole trade in guns and firearms could be stopped altogether during the period. I do not think such a period is likely to exist. If one does arise, the Federal Government should take power to deal with it by proclamation. No reasonably minded representative of the people would object to the Commonwealth Government having power to take any action they thought fit for the good government of the nation and for law and order. It is unnecessary in a comparatively small Bill like this to take this power by proclamation. I have nothing else to say so long as the Minister is prepared to make reasonable amendments in Committee, and limit the scope of this measure to an extent so that it will not interfere with the people outback. We can easily give effect to what Parliament desires without leaving it to the Government to make a proclamation. If the Minister is prepared to agree to amendments in Committee, the Bill will have a comparatively smooth passage. I think every member is satisfied that there is room for strict control and supervision over people who carry revolvers to the danger of the lives of many good citizens. Meanwhile I support the second reading.

MR. MARSHALL (Murchison) [5.6]: I support the second reading with reservations. The Bill contains certain clauses that are most objectionable, and others which must impose a great deal of hardship upon very deserving and law-abiding citizens. I subscribe to the principle of controlling generally the use of firearms, including guns, rifles, pistols and revolvers, and would assist the Minister to get that control. I cannot, however, subscribe to the measure in full. If I did so I would lay myself open to the charge of unnecessarily assisting in the imposition of hardships on people. The Minister put forward the bright side of the Bill, and did not imply that there was anything so drastic as Clause 15. He merely stated that the time had arrived when something should be done to control the use of these weapons, and with that we all agree. The Bill proposes to do a lot more than he outlined last night. Because of the expeditious treatment the Bill is receiving we have not had sufficient time in which to consider it. I cannot recall an occasion when a Bill has been introduced one evening and the second reading debated at the following sitting. Even with the short time at my disposal for consideration of the Bill I have discovered many anomalies in it. The Minister must concede the right of members on this side to move lengthy and drastic amendments in Committee, or we shall have no alternative but to attempt to vote out the Bill on the third reading. I have no desire to prevent the Minister from obtaining control over the weapons I have referred to within municipal areas. If the Bill went through in its present form, however, it would act most unjustly in certain parts of the State. This would be evident to the Minister himself if he thought of what would happen in Kalgoorlie and Boulder. Hundreds of people in that district will be affected. Ever so many workmen have their guns and rifles and live just outside the mile radius of those municipalities. If they ventured to bring their weapons in for repair they would be liable under the Bill. They would not be compelled to take out licenses, but immediately they brought the weapons within the municipal area, they would be breaking the law. They would have no license and would therefore have no right to be in possession of such weapons. I admit it would be necessary to issue a proclamation covering this point. There are kangaroo shooters, prospectors and drovers

who also carry guns. They could not even go upon a pastoral lease and shoot game. They dare not shoot anything on a pastoral lease without the permission of the lessee. The Bill provides that a weapon shall not be used upon land owned by others.

Hon. J. C. Willcock: A pastoral lessee has only the right to the grass on his area.

Mr. MARSHALL: Judging from some recent prosecutions, I say the hon. member is entirely wrong.

Hon. J. C. Willcock: Something was wrong with the decisions.

Mr. MARSHALL: These men have been prosecuted for trespassing. A person who is in pursuit of a kangaroo may leave the main road and shoot the animal on some property. If he did so he would be liable to prosecution. There are many anomalies in the Bill. The definition of "air gun" includes popguns and other sorts of guns used by children.

Mr. Sampson: Some of them are very dangerous.

Mr. MARSHALL: And some are not dangerous. I would not permit a child of mine to have them, it is true.

The Minister for Police: Why subject the children of other parents to the danger?

Mr. MARSHALL: There are parents who do not object to their children having these weapons. They are mostly quite harmless. Because I disbelieve in a certain form of pleasure, I have no right to deprive other people of it, even if I assume there is danger in that pleasure. I am sure the Minister does not desire to take up that stand, but merely wants to cover powerful weapons and those that are fired by some powerful contrivance. He cannot want to cover the Christmas popgun, although that can be classed as a firearm under the Bill.

The Minister for Police: Where are we to draw the line as to what is dangerous and what is not?

Mr. MARSHALL: What is dangerous in the mind of the Minister would be a matter of persecution to somebody else. Thousands of parents take their children into toy shops on Christmas Eve and specialise in the purchase of popguns. They think they are giving their children pleasure. If this Bill were strictly enforced, no one could either manufacture, stock, or sell such things.

Hon. J. C. Willcock: It would not do children any harm to go without them.

Mr. MARSHALL: I agree, but what right have we to say that other people shall not have these things? Even if someone is injured, the accident could not be fatal with a popgun. Parents should have the right to say what amusements their children should have.

The Minister for Police: Not necessarily.

Mr. MARSHALL: Again the Minister is more or less right, but there are certain bounds beyond which we should not go. The Bill, however, does go beyond a reasonable thing. Popguns have a cork at the end of a string and these corks are exploded by means of a compression of air. Under the Bill the sale of these could be prohibited within any municipality. They do not come within the scope of the Bill outside municipalities. In defining firearms the Minister has not gone to the trouble of discriminating between ammunition and firearms. The definition links the two, and in that respect the Bill is objectionable. The wording of the definition, too, is most comprehensive. While I agree that the measure will not affect everybody, I say it will affect some people. Ammunition suitable for discharge from a gun is also suitable for use by prospectors. I refer to gunpowder. In many cases gelignite, the popular form of explosive used by prospectors, is not advantageous or economical. Gelignite tears, and if it is used in soft ground the results are not satisfactory. It merely makes a cavity where the explosion takes place. Gunpowder is used in such places.

The Minister for Police: No; blasting powder.

Mr. MARSHALL: It is all ammunition.

The Minister for Lands: Blasting powder could not be used in a gun.

Mr. MARSHALL: If one ordered a case of gunpowder, one would be able to get out of it sufficient powder to recharge thousands of cartridges.

The Minister for Police: Gunpowder, but not blasting powder.

Mr. MARSHALL: The two vary only in degree. If the definition had omitted the word "suitable" it would still attain all that is needed, and would inflict no hardship. It is the word "suitable" that does the damage. It can safely be omitted. Gunpowder is not used to a great extent in mining, but occasion does arise for its use. Frequently it is more economical than blasting powder. Both powders are used for practically

the same purposes. If ammunition is within the scope of the measure and a mining area is proclaimed under this Bill, prospectors would have to take out licenses under it. I look with anxiety upon the proclamation of districts under the measure. Once we empower the Government to proclaim any portion of the State as being within the scope of the Bill, our position is hopeless, and we have no further control over what may happen. All our pleadings would then be in vain. We are now asked to give the Government supreme power over that which, for the present, we think they should not exercise such power. The Minister's object, I take it, is merely to control firearms, particularly pistols and revolvers, where the population is thick and damage can be done; that is to say, within municipal boundaries. But to apply it to isolated and remote parts of the State is something I do not at the moment feel inclined to agree to; at all events not without an amendment giving Parliament the power to intervene if necessary. I do not know why only African and Asiatic aliens are precluded from obtaining licenses under the Bill. They are certainly temperamental, but I know of other foreigners who are still more highly-strung and more in the habit of using firearms than Africans or Asiatics are. Those other foreigners will be able to take out licenses. I would be less inclined to trust them with firearms than to trust Africans or Asiatics.

The Minister for Police: But the difference is that the Bill excludes them even though they are naturalised.

Mr. MARSHALL: Naturalised or not naturalised, they are excluded.

The Minister for Police: A license can be withheld from a person of the description you mention, who is not naturalised.

Mr. MARSHALL: My reference is to the members of a highly-strung nation. In their hands any weapon is dangerous at moments of anger. That does not apply so much to the Asiatic. I do not think one can get a more even-tempered man than the Chinaman, and yet the Chinaman would be unable to obtain a license. In the absence of the member for Kimberley (Mr. Coverley) I would point out that there are in Broome and along the North-West coast Asiatics, principally of Chinese origin, who have been naturalised and are carrying on big businesses, and have shown themselves

worthy citizens in every sense. But such Asiatics would not be eligible for licenses needed to protect their lives or property. Yet they are more stable in temperament than many other foreigners who will be able to obtain licenses. I regard the Bill as even hampering myself. If I were to borrow a gun—as I confess is my practice—and were to damage it while out shooting, then, if I brought it into the metropolitan area with the object of having it repaired, I might possibly be asked by a policeman to produce my license. In my case the danger of that is great, as I live within the boundaries of a municipality. As I have not a license, the gun would be liable to forfeiture, and I would become liable to a penalty, as also would the person who lent me the gun. The owner of the gun in the first place need not take out a license, because he is not under the measure until the area in which he resides is proclaimed. I have frequently, out of consideration for the owner of a gun, brought it to the metropolitan area to have it repaired and then returned to the owner. Under the Bill I would be liable to prosecution for doing such a thing. Surely the Minister does not wish to be as drastic as his Bill is. In the short time at our disposal it is difficult to formulate amendments which will enable the Minister—

The Minister for Police: I do not think you are quite right. Read Clause 5.

Mr. MARSHALL: If the Minister reads the proviso to Clause 4, he will see where the trouble arises. If I had in my possession a gun for which I had no license, I would be liable to prosecution.

The Minister for Police: No.

Mr. MARSHALL: Yes, if the police took me to court. Being resident within a proclaimed area and being in possession of a weapon without having a license, I would naturally be convicted. Another clause of the Bill throws upon the defendant the onus of proving his innocence, instead of the prosecutor being called upon to prove the defendant's guilt. The greater part of the measure is to be carried into effect by regulation. That fact leads me to believe that the Minister has not submitted the Bill for the sanction of the other members of Cabinet. One member of the Cabinet would certainly be prominent in protesting against legislation by regulation. The Attorney

General would never stand for the powers contained in the clause in question.

The Minister for Police: This is my Bill.

Mr. MARSHALL: The Attorney General has consistently objected to giving Governments the power to make regulations. He has always stood out against such a course. All the activities of this measure will be carried out by regulation.

The Minister for Police: No.

Mr. MARSHALL: But I say yes. The Bill does not even state what number of licenses will have to be taken out by a person in possession of more than one gun. A license is to suffice for any number of weapons, but we do not know what charges will be made. There may be a charge for a license to cover all the guns in the licensee's possession, or by regulation there may be a fee for each gun.

The Minister for Police: I will put that in the measure.

Mr. MARSHALL: When?

The Minister for Police: When we get into Committee. I have told the member for Geraldton so.

Mr. MARSHALL: I agree with that.

The Minister for Police: I have to give you something.

Mr. MARSHALL: Then another anomaly creeps in. It is provided that a license shall be taken out for the conducting of a shooting gallery on specific premises. There was a shooting gallery in Wiluna a few weeks ago, but it was shifted to Meekatharra, and shortly afterwards to Cue. How could the owner of that shooting gallery take out a license for specific premises? If the Bill goes through as it is, travelling shooting galleries will be impossible, for the owner of such a gallery does not know on which block he will squat with his outfit until he arrives in the town.

The Minister for Police: No license would be necessary.

Mr. MARSHALL: Certainly under paragraph (d) of Clause 5 the license will be necessary.

The Minister for Police: Only if the owner of the shooting gallery comes under the Act. Travelling in outback places, the owner would not come under the Act.

Mr. MARSHALL: But in certain circumstances outback areas will be proclaimed under the Act. When that is done prospectors and kangaroo shooters will be placed in a most invidious position, for they will

be miles away from any police station where they could take out licenses for their guns. I do not like the provision at all. It does not seem necessary. I cannot see any danger in a shooting gallery, nor have I ever known of an accident happening in such a place.

The Minister for Police: They take out a license now from the municipality in which they are situated.

Mr. MARSHALL: Well, we can deal with that in Committee. Indeed, this is more a Committee Bill than a second reading Bill. I wish to get certain information that will enable me to frame amendments, but in view of the speed with which the Bill is being rushed through, it will be impossible. It is proposed that the licenses shall inure from the 1st January to the 31st December in each year. I suggest that will not be convenient. Almost all other licenses and registrations expire at the end of the financial year, the 30th June. Consider the position of a man outback with a motor truck. In July, August or September he has to go to the nearest town to take out a license for his truck. Under the Bill he will have to return again in December to get a license for his gun. Except excess water rates, this will be the only form of fee or charge to expire at the end of the calendar year. All these things ought to be brought into conformity, and so I suggest that gun licenses should expire on the 30th June in each year. In another clause it is proposed to give the Commissioner of Police very drastic power, more particularly in regard to Asiatic and African aliens. It is proposed to give the Commissioner of Police supreme power in the issuing of licenses to those people. Under this provision the Commissioner may refuse a license. Even though the Asiatic applying for the license be a naturalised subject, if the Commissioner thinks he is not a fit and proper person to hold the license, the Commissioner may refuse him a license, and there is no appeal against that decision. Against decisions under other provisions of the Bill there is an appeal, but none against this one. The Commissioner of Police will have supreme power, and may confer that power on members of the force. So a Chinese born in Australia, no matter how successful he may be in business, no matter what property he may have, he will not be permitted to take out

a license under this measure, and will not be able to appeal. That is too great a power to give the Commissioner of Police. In British justice we should treat all applicants on the one basis. I have spent nine years in the Malay Peninsula and I am not prepared to say that all Asiatics are temperamentally unsuited for the holding of a gun license. On the other hand, I know of certain European countries whose subjects are more highly strung and apt to act on the impulse of the moment than are Asiatics. So it is altogether too drastic to declare that a boy born of Chinese parents in this country may be denied a gun license by the Commissioner of Police. It is going too far altogether. There is also in the Bill a very objectionable provision, to the principle of which I have always been opposed. I refer to the compelling of a person charged with crime under the Act to prove his innocence. That principle is creeping into our legislation, and I hope the Minister will not stick to it. I am sorry to say that in another Bill which the Minister handled some time ago he insisted upon that principle. A much sounder principle is that when a person is charged with a crime his accuser should be made to prove his case.

Hon. J. C. Willcock: In which clause is that principle contained?

Mr. MARSHALL: In Clause 15.

Mr. Parker: It is a very common provision.

Mr. MARSHALL: In Clause 11 the Minister proposes to permit the police to do almost anything without a warrant. I will go with the Minister as far as is reasonably possible, but to allow the police without a warrant to search, stop and question a person suspected of carrying an unlicensed firearm is going too far, to say nothing of the Minister's desire to permit the police to detain such a person. I admit there is necessity for some such provision, but I want it to be couched in milder terms than is this, which gives the police power to search a suspected person and even detain him without a warrant. Surely if the police suspect that a person is carrying unlicensed firearms, it is not very difficult for them to get a warrant to search that person. Under the Bill, without any warrant, even without any provocation, a police officer may stop, search and detain a person suspected of carrying an unregistered firearm. I have

in mind a case mentioned by the Minister himself an evening or two ago. This provision would have prevented that. Still, it is excessive power to give a police officer. If the Bill becomes law, cases such as that mentioned by the Minister the other evening would not be possible; under the Bill they would be prevented long before this clause was invoked. The Commissioner of Police could not well suspect a person of carrying unlicensed firearms without first giving the matter some consideration; and if after consideration he came to the conclusion that a certain person was likely to be carrying unlicensed firearms, it would not take him many minutes to secure a warrant signed by a justice of the peace. But it seems the Minister desires to depart from that procedure and provide the Commissioner of Police with a short cut.

Hon. J. C. Willcock: Even if he had reasonable grounds for taking action, if a mistake were made he would be liable to damages.

Mr. MARSHALL: But it would cost the victim of the mistake a considerable sum, and one cannot get costs against the police.

Hon. J. C. Willcock: Oh yes, you can.

Mr. MARSHALL: The hon. member cannot assure me on that point. I have been in one or two cases myself, and I do not think there is any chance of getting costs against the police.

Hon. J. C. Willcock: If a police constable does something in excess of his duty, or if there are no reasonable grounds for the action, costs will lie.

Mr. MARSHALL: But this says reasonable grounds for suspecting, not reasonable ground for action. After all the grounds for stopping an individual are one thing, but grounds for suspecting an individual are another, and it is on assumption that stopping or detaining or searching is done. I advise the Minister to be pretty careful before he gives sanction to that clause, because I can see a lot of unfairness arising from it. I admit that there are times, in cases of emergency, where it is necessary for quick action, and I have no desire to hamper the Commissioner of Police, where it is imperative that prompt steps be taken. The Bill will lend itself to a great deal of imposition, if I may use that word, or doing things which might prove injurious to a person when there might really be no cause for so doing. I should like to know

why the Minister has imposed a penalty for using a Maxim silencer. If the Bill becomes law and everyone has to take out a license, there is provision for records to be kept, so that the authorities will know in whose possession firearms are and who controls them. Therefore I do not see why it is proposed to bring the Maxim silencer into the picture at all. I could put the Minister fly to a little gun practice that goes on quietly on the Swan River, and there are no Maxim silencers on the guns that are used there. Those guns are used on ducks. Anyhow, I should like to know what the Minister has in mind when he brings that under the schedule of offences. I should like the Minister to explain also why the Bill affects shooters on pastoral leases. Some of those leases are very extensive and frequently a person might have to travel 100 miles to secure a license to shoot. In such circumstances the Bill would be hampering indeed. The Minister has already promised that the fees shall be prescribed in the Bill instead of by regulation. I shall assist the Minister all I can to get what he wants, but I hope he will be generous in the way of permitting us to make amendments in Committee, so that we may secure a workable Bill. I do not mind the Minister, on the speech that he made, getting all he wants, but there is a lot more in the Bill than his speech signifies.

HON. M. F. TROY (Mt. Magnet) [5.50]: I intend to support the second reading of the Bill. It is high time that Parliament made provision to control firearms, and particularly the ownership of revolvers. We have had quite sufficient experience since the war to realise the necessity for a measure of this character, and I particularly approve of the proposal to control the use of revolvers, pistols and small shotguns, in respect of which, in 99 cases out of a hundred, a person will use them for no good purpose. In Australia the community has become demoralised by the manner in which shooting affrays are taking place almost daily in the capital cities. We rarely take up the newspaper nowadays without reading that someone has been shot; it is becoming quite an ordinary occurrence, so much so that a newspaper in preparing its news for the morrow would be justified in setting up that someone had been shot. I can remember the time when the shooting of a person was looked upon with horror.

People regarded murder as being an extraordinary happening, and the community was horrified by it. So far as I can see shooting is now mostly done with revolvers, pistols and sawn-off shotguns, and so the Minister is justified in submitting this measure for the approval of Parliament. Any action that may be taken to restrict the use of such weapons in the community should receive our support. It is an extraordinary thing that anybody, even a child, can go into a shop and buy a gun. And it is equally extraordinary that such a great number of people should be carrying firearms. For what purpose? Ordinary men do not carry firearms about with them. Those who do carry them may be people who are guarding sums of money, or those who fear assault which might result in loss of life, but in the main people who carry guns are bent on mischief, the mentally unbalanced, and those who are highly strung and imagine danger. A greater number who carry revolvers, however, are people of evil habits. This habit is increasing, and the sooner Parliament takes action to control it the better it will be for all. There is one objection I have, and it is its application to the ordinary man in the country, who needs a gun either for amusement, his own protection, or the killing of vermin. It is unreasonable to penalise this section of the community. I hope this will not be regarded as a taxing measure, but I fear it may be. In these bad times when the Treasurer is in need of money the Minister may be persuaded to utilise this measure for the purpose of raising revenue. It should not be in any shape or form a taxing measure. I do not agree that by legislation we should make the possessor of a gun, whether he be a pastoralist, a miner, prospector, or a farmer, pay a license fee. I object to the provisions dealing with the transfer of guns.

The Minister for Police: I have already agreed not to make that possible.

Hon. M. F. TROY: very well; I am satisfied. The member for Murchison (Mr. Marshall) objects to the restriction of the ownerships of guns to boys over 16 years. We must have regard for the community and society, and children under 16 should not be permitted to possess guns. It is not what they or their parents think; it is what we think. On a farm, perhaps, a lad might be permitted to have a gun, but generally speaking under the age of 16 a lad is too young to possess a firearm. It is a most

dangerous age for a lad to be possessed of a firearm. I approve of the principle that we should prevent the ownership of guns by boys under 16 years of age. The Minister provides that pistols shall not be in the possession of persons under 21 years of age. No one uses pistols for pleasure, nor are they used in the rural areas for the destruction of game or pests. Revolvers are generally used for purposes that lead to injury.

Mr. Millington: They are the man-killing weapons.

Hon. M. F. TROY: I support the provision that no Asiatic shall be allowed to hold a license. One hon. member asked why he should not be permitted to do so. We all know the reason. We know that their mental control is not equal to that of the more highly civilised members of the human race. We do not place revolvers in the hands of individuals whose civilisation is not on a high plane. We do not place a lethal weapon of that description in the hands of a wild aboriginal in the belief that he will make good use of it. I readily admit that many Chinese are quite mild-mannered, but, even so, we know that the Asiatic cannot control himself as well as a European, when once he is aroused. I do not think that the Minister should apply the provisions of the Bill to other races; I do not think that he should go so far. With these few objections, I approve of the Bill. At the same time I hope it will not be made a taxation measure. Men in the back country must possess guns for protective purposes and should not be penalised.

The Minister for Police: Those people will not pay anything.

MR. SLEEMAN (Fremantle) [6.3]: I move—

That the debate be adjourned.

Motion put and negatived.

MR. SLEEMAN (Fremantle) [6.4]: I am sorry that the Minister has not seen fit to give us more time to examine the Bill. It was placed before us last night and now the Minister seeks to push it through.

The Minister for Police: It will go off easily.

MR. SLEEMAN: The Bill is all-embracing and takes in popguns as well as revolvers. I believe the Minister would achieve all that he desires if he were merely

to apply the Bill to revolvers and pistols. Most of the damage and most of the deaths have been caused by weapons of that description. I agree that there is need to exercise care in respect of the people allowed to carry revolvers, whether in the country or in the city. I do not think there is so much need to make much provision for the carrying of revolvers in the back country. A revolver is not much good to the people there, but yet, whether possessed in the country or in the city, revolvers should be under some control. I do not believe there is any necessity for ordinary sporting guns and similar weapons to be licensed. Much has been said about people in the country areas being allowed to have their weapons without the necessity for payment of a license fee. On the other hand, it is suggested that people residing in municipalities and within a 5-mile radius should not be allowed similar concessions. I disagree with that. Is it the contention that the loss of life in the city is more valuable than the loss of life in the country? Why should there be restriction on the possession of rifles by people in the municipalities, whereas the country people are to be allowed to retain possession without the necessity to license? As far as I can remember, most of the murders committed in recent years have been in the country areas. If the people there are not to be restricted in the use of firearms, they will be subject to just as much danger as the people in the city. If it is logical to protect the lives of the people in the city, it should be equally necessary to control the use of firearms in the country districts.

Hon. J. C. Willecock: We all agree that the use of revolvers and pistols should be controlled all over the State.

Mr. SLEEMAN: But the Bill does not provide for that.

Hon. J. C. Willecock: Yes, it does.

Mr. SLEEMAN: I have not had time to do more than run through the Bill. I have already pointed out that most of the murders of late have been committed in the country and not in the city.

The Minister for Police: The Bill cannot prevent that.

Mr. SLEEMAN: I do not agree that there is any great necessity for the control of firearms used in the city except revolvers. Then, again, I agree with the member for Murchison (Mr. Marshall) that the clause

providing that the onus of proof shall rest with the accused person is wrong and contrary to British justice. I have always fought against that principle and I hope we shall be successful in fighting it on this occasion.

The Minister for Police: To which clause are you referring?

Mr. Marshall: Clause 15.

The Minister for Police: The clause does not say that.

Mr. SLEEMAN: It means that the onus of proof is on the accused person. Moreover, if, for instance, a member of a family is found in the possession of a revolver, the parent has to prove his own innocence of any knowledge that the child had possession of the weapon. I do not think that is right at all, and I will fight against the clause.

THE MINISTER FOR POLICE (Hon. J. Scaddan—Maylands—in reply) [6.10]: I wish briefly to reply to some of the statements made in regard to the provisions of the Bill. The main objection has been to the possibility of the whole State being brought under the provisions of the Bill. The objection to that is that in certain parts of the State rifles are necessary for destroying pests and providing food. There is no intention on my part, nor do I think it is indicated in the Bill, that such people shall be prevented from the legitimate use of their firearms. The object of the measure is to protect the public. Exception has been taken to the proposal to issue a proclamation exempting certain parts of the State from the operations of the Bill. I am quite prepared to reverse the position and amend the Bill so as to have the effect of exempting the country areas and providing that certain parts may be brought within the scope of the Bill by the issuing of a proclamation.

Hon. A. McCallum: Why not provide for that being done by regulation, and then the House would have some control.

The MINISTER FOR POLICE: I do not mind that course being adopted. I will meet hon. members. At the same time I would warn the House that the issuing of a proclamation is not so easy as the mere framing of a regulation. It is quite a simple matter to fix up a regulation and put it through. They are often framed without the careful consideration that is necessary when a proclamation is being

issued. For my part, I think it would be better to make provision for the issuing of a proclamation. Under the Police Act there is power for the issuing of proclamations to give effect to its provisions but that power had not been used by any Government for many years until quite recently. The issuing of that proclamation proved effective and I think the same would apply under the Bill before hon. members. The restrictive clauses having State-wide application apply to pistols only, but, even so, that will not prevent a person possessing a small gun, who has resided outside the city, for instance, coming into the city with that weapon.

Sitting suspended from 6.15 to 7.30 p.m.

THE MINISTER FOR POLICE: I have just about completed my remarks, but I should like to say I am afraid the member for Murchison misunderstands the temperament of Asiatics.

Mr. Marshall: I have had more to do with them than have most other members.

THE MINISTER FOR POLICE: That is the trouble. The hon. member has been so much amongst them that he does not understand them. If he had stood further off from them he would have been able to see them with a better comprehension. On the other hand, if he has understood the Asiatic correctly, then he misunderstands the attitude of people who use firearms, not for the purpose of destroying pests, but for the purpose of destroying other men. In the main the man who carries a revolver or pistol is not a man of a highly-strung temperament, but is a coward, a man who will get away with trouble if he can, but who is always fearful that if he strikes it it may overwhelm him. So he carries a pistol in his pocket. That is the type of Asiatic we wish to control, for if there is anyone on earth who ought to be prevented from carrying weapons concealed on his person it is the Asiatic or the man of Asiatic temperament. It will not be doing any harm to provide that they shall not carry unlicensed firearms.

Mr. Marshall: The Asiatics are no worse than other nationalities.

THE MINISTER FOR POLICE: Perhaps not. Still, in very few instances do we find highly strung people, such as mentioned by the hon. member, carrying pistols. It is the man who would sneak away from

trouble who carries a pistol or revolver. We want to prevent him from indulging that practice. On another point: We have no desire to make revenue from persons possessing firearms, and so I propose when in Committee to move an amendment providing that the licensing fee shall not exceed 5s. That ought to meet the hon. member's objections. As to the facility with which at present children may purchase firearms, may I say that a few months ago some children who had been to a picture show depicting the activities of persons like the Kelly gang, got up to some pranks in East Perth, jumping in through windows on to beds where girls were asleep, and jumping out again. The only harm they did was to frighten the girls, but some older boys, hearing of this, decided that they would catch the youngsters. But consider the means they adopted. They decided first of all to get a gun. So one of their number, a boy aged 14 years, stole the necessary money from his mother, went to a second-hand shop, and bought a revolver. Heaven only knows what damage they might have done had the affair not leaked out, as a result of which a man secured the weapon from them. Under the Bill nothing of the sort could have happened, for the second-hand dealer would not dare to sell a weapon to a young boy. Of course, we cannot prevent such a thing as happened in an agricultural district recently, when a man took a rifle to lie in wait for another in order to pick him off; but we can at least prevent the foolish use of firearms and in many instances prevent improper persons from getting a license.

Mr. Sleeman interjected.

THE MINISTER FOR POLICE: Perfectly true, but that is only because in the main the man in the country obtains a rifle or gun for the purpose of securing food or for destroying pests. We do not wish to prevent that. But a man with a gun or rifle in city or suburb does not keep it for shooting pests in his garden; so we say we ought to be able to discover exactly who have weapons in their possession and satisfy ourselves that such persons are entitled to take out licenses. Even if one wants to obtain poison with a view to destroying vermin in the metropolitan area he has to go through the proper procedure, whereas at present he can buy a gun with the intention of destroying human life, and until the

tragedy happens, nobody is interested. If there is in the Bill anything objectionable, I am quite prepared to meet members in their objections, but I do want on the statute-book something that will enable us to restrict the unlawful or careless use of firearms to the menace of public safety.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Richardson in the Chair: Minister for Police in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Definition:

Mr. MARSHALL: If the definition of "air gun" remains as printed, it must cover the manufacture, sale and distribution of even popguns. Does the Minister contend that a popgun is to come under the Bill?

The Minister for Police: It is excluded. Read the definition of "pistol."

Mr. MARSHALL: But take the small air guns firing pellets or darts. Under this definition, "air gun" means any rifle or gun not being a firearm or pistol which is capable of propelling a projectile of any kind by mechanical means or by means of compressed air. If it is intended to include air guns, well and good; but if the Commissioner of Police desires to exercise the powers conferred upon him by the Bill he can prevent the manufacture and sale of popguns.

The MINISTER FOR POLICE: The definition of "pistol" specifically excludes a toy pistol. The popgun propelling a cork can be fired with one hand, and so is excluded.

Mr. SLEEMAN: But that mentions only the toy pistol. The air gun shooting darts is not a pistol, but a gun, and so comes under the Bill.

The MINISTER FOR POLICE: There might be a difference of opinion as to whether we ought to permit the use of air guns projecting darts. A number of persons have been seriously injured by them. This provision is to be found in similar Acts in other parts of the world, and I do not know that it has prevented the use of popguns and toy pistols. It is not likely to do so here. But unless the definition is sufficiently wide to embrace dangerous wea-

pons, we shall be leaving a regrettable loophole.

Mr. MARSHALL: I appreciate what the Minister desires, and I wish to assist him. The air gun he wishes to include is almost as deadly as a shotgun. I think the Minister is justified in bringing such a weapon within the scope of the Bill. I move an amendment—

That after "pistol" in line 2 of the definition, the words "or toy gun" be included.

That will include all the small mechanically worked air guns. We should distinguish between a toy gun and an air gun.

Amendment put and passed.

Mr. SAMPSON: I move an amendment—

That the following definition be inserted:—" 'Dangerous weapon' means stiletto or similar weapon."

The Minister for Police: That does not come within the title of the Bill.

Mr. SAMPSON: I propose at a later stage to move a new clause.

The CHAIRMAN: I cannot accept the amendment, because it is outside the title of the Bill.

Mr. MARSHALL: In the definition of "firearm" the Minister has included ammunition, and that would embrace all kinds of explosives. Prospectors use blasting powder, which is really gunpowder, and if the measure were applied to districts in which they were operating, they should not have to take out a license. To overcome this difficulty, I move an amendment—

That in the definition of "firearm" the words "or suitable" be struck out.

Amendment put and passed.

Mr. SAMPSON: I move an amendment—

That after "but" in line 5 of the definition of "pistol," the words "subject to the approval of the Commissioner" be inserted.

The definition of "pistol" excludes a toy pistol and an antique pistol kept or sold as a curiosity or ornament. I remind members of a tragedy that occurred in Calcutta some years ago. Antique pistols may be deadly, and if they are to be retained, the approval of the Commissioner should be secured.

The MINISTER FOR POLICE: This is a definition of "pistol" and we cannot allow the Commissioner of Police or anyone else to say that one antique is a pistol

and another is not. There is little business in the antique line in Perth.

Amendment put and negatived.

On motion by Mr. Sleeman, the definition of "pistol" was consequentially amended by striking out of line 8 the words "or suitable."

Clause, as amended, agreed to.

Clause 4—Application of Act:

The MINISTER FOR POLICE: Following the remarks made on the second reading, I propose to strike out the greater part of Clause 4 and insert other words, copies of which have been distributed amongst members. I move an amendment—

That all the words after "to" in line 1 of paragraph (a) be struck out, with a view to inserting other words.

Mr. MARSHALL: The amendment is preferable to the clause, but I thought the Minister would provide for the Act being applied by regulation.

Amendment (to strike out words) put and passed.

The MINISTER FOR POLICE: I move—

That the following be inserted in lieu of the words struck out:—"firearms other than pistols and air guns shall not apply to any portion of the State not being within the boundaries of a municipality or within five miles of such boundaries unless the Governor, by proclamation, orders that any specified portion of the State for a time to be specified in such order is to be subject to the provisions of this Act. Provided that the above non-application of the provisions of this Act shall not relate to any person having or carrying such firearms and who is an Asiatic or African alien or who is an Asiatic or African deemed to be a British subject."

Hon. J. C. WILLCOCK: The clause, as redrafted, is an improvement on the original, but it will be necessary for the Governor, by proclamation or regulation, to stipulate the area. Why the necessity for this power? Further, there are big towns that are not included in municipalities, and yet are densely populated. Katanning and Merredin are bigger than is Wagin. A man living in Wagin would have to take out a license, whereas a man living in Katanning or Merredin would not. That is unfair. There should be no differentiation between the people of country towns. I am prepared to move for the deletion of the

words "unless the Governor by proclamation orders that any specified portion of the State for a time to be specified in such order is to be subject to the provisions of this Act," but provision should first be made for the application of the measure to towns such as those I have indicated, although they are not within municipalities. Does the Minister desire to move an amendment to include a town like Katanning?

The Minister for Police: That could be done by proclamation.

Hon. J. C. WILLCOCK: I want to avoid proclamations in this regard. This part of the measure should not apply to country districts.

The MINISTER FOR POLICE: The difficulty we found in arriving at a satisfactory basis for all is due to the fact that we have both municipalities and road boards. We have them in the metropolitan area. The Perth Road Board, for instance, includes a very essential residential suburban part of the city of Perth, and a mile from the municipal boundary of the city is a thickly populated residential centre. We could not very well make a person register a firearm on one side of Walcott-street and not on the other. In our statutes there is no definition of a town site. What I propose to do is to provide that in certain places we will, by proclamation, declare towns as coming under the Act. These places will be as nearly as possible uniform as to conditions. Members may rely upon the Government to embrace those portions of the State that are thickly populated, and leave out the others. All we desire is to provide against the use of firearms in the more crowded parts of the State. We shall be fully satisfied before we issue any proclamation of this kind. Regulations are more hurriedly dealt with than are proclamations.

Hon. A. McCallum: There is no difference between a proclamation and a regulation.

The MINISTER FOR POLICE: The hon. member will know from experience that Governments do not issue proclamations hurriedly.

Hon. J. C. Willcock: Neither do they issue regulations hurriedly.

The MINISTER FOR POLICE: They are usually more hurriedly dealt with than are proclamations.

Hon. A. McCallum: That was not our habit.

The MINISTER FOR POLICE: That is the difference between proclamations and regulations.

Hon. A. McCallum: A proclamation takes things out of the hands of Parliament.

The MINISTER FOR POLICE: The Government should have power to include any portion of the State that it is deemed necessary to include, and the best way to do so is by means of a proclamation.

Mr. Angelo: Would the amendment of the Minister enable him to exclude a small municipality like Carnarvon?

Hon. J. C. WILLCOCK: I move—

That the amendment be amended by striking out the words “unless the Governor, by proclamation, orders that any specified portion of the State for a time to be specified in such order is to be subject to the provisions of this Act.”

I do not know any member of the Committee who wants the Government to have this power. The whole justification for the Bill is that it enables control to be had over pistols and air guns, and in that the Committee is with the Minister. Apparently he does not want to adopt the suggestion I made with regard to the larger towns that are not municipalities.

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

Ayes	16
Noes	21

Majority against	5
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AYES.

Mr. Corboy
Mr. Cunningham
Mr. Hegney
Mr. Johnson
Mr. Marshall
Mr. McCallum
Mr. Millington
Mr. Munsie

Mr. Panton
Mr. Raphael
Mr. Sleeman
Mr. Thorn
Mr. Wansbrough
Mr. Willcock
Mr. Withers
Mr. Wilson

(Teller.)

NOES.

Mr. Angelo
Mr. Barnard
Mr. Brown
Mr. Davy
Mr. Doney
Mr. Ferguson
Mr. Griffiths
Mr. Latham
Mr. Lindsay
Mr. H. W. Mann
Sir James Mitchell

Mr. Parker
Mr. Patrick
Mr. Piesse
Mr. Sampson
Mr. Scaddan
Mr. J. H. Smith
Mr. J. M. Smith
Mr. Thorn
Mr. Wells
Mr. North

(Teller.)

Amendment on amendment thus negatived.

Mr. PARKER: I move an amendment on the amendment—

That after the word “African,” in the last line of the amendment, “aboriginal” be inserted.

Clearly the clause means Asiatic aboriginals or African aboriginals, but that is not expressed. The Federal Electoral Act refers to “Asiatic aboriginals.” The expression is not at all uncommon.

Amendment on amendment put and passed; the amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clause 5—Licenses:

Hon. J. C. WILLCOCK: Subclause 1 should not apply to a man in the bush selling a gun to another man in the bush.

The Minister for Police: Such a transaction would not come under the measure at all.

Hon. J. C. WILLCOCK: I move an amendment—

That the following proviso be added to Subclause 1:—“Provided that this shall not apply to any person whose business is not wholly or partly to deal in firearms.”

If a transaction of the kind I described took place in a municipality it would be contrary to this measure.

The Minister for Police: Not unless the municipality was proclaimed.

Hon. J. C. WILLCOCK: It is absurd if people cannot have a simple transaction with one another except by consent of the Commissioner of Police. We are prepared to have reasonable restrictions on the sale of firearms, but this is ridiculous. Most of the people in the bush would never know of the existence of this prohibition.

The MINISTER FOR POLICE: The hon. member has set up a case which does not come under the measure. It is exempted by the clause as to proclamations which restricts the operation of the measure to municipalities and within five miles of their boundaries. But a person should not be permitted to set up purchasing and selling firearms outside proclaimed territory without any restriction whatever. The kangaroo shooter or prospector can sell a gun to anybody he pleases without any license.

Hon. J. C. Willcock: Under the Bill could the member for Carnarvon buy a gun from a resident of Carnarvon without obtaining the consent of the Commissioner of Police?

The MINISTER FOR POLICE: The trader in guns ought to be licensed in order that the guns he deals in may be traced. The sale and purchase of wireless sets, for instance, have to be notified.

Hon. A. McCallum: That is for revenue purposes.

The MINISTER FOR POLICE: The purpose here is the proper control of firearms. Therefore, the unrestricted sale of firearms just outside the boundaries of municipalities ought not to be permitted.

Mr. MARSHALL: Unfortunately the Bill defines firearms as including ammunition. Therefore storekeepers merely stocking cartridges will have to take out licenses. That is an objection to the Bill from the aspect of small towns.

Mr. H. W. MANN: The Bill has been framed for the preservation of life. Recently there have been several cases of intoxicated men walking into secondhand shops—

Hon. J. C. Willcock: Everybody is agreed upon that aspect already. You have just blown into the Chamber.

Mr. H. W. MANN: Surely there is no hardship in compelling a person who sells cartridges to take out a license at a cost of 5s. a year.

Hon. J. C. Willcock: That will be a restriction upon trade.

Mr. H. W. MANN: I would not object to the license being taken out without a fee, so long as there is effective control over the sale of firearms and ammunition.

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

Ayes	..	..	..	14
Noes	..	..	..	21
				—
Majority against	..			7
				—

AYES.				
Mr. Cunningham		Mr. Raphael		
Mr. Hegney		Mr. Sleeman		
Mr. Johnson		Mr. Troy		
Mr. Marshall		Mr. Wan-brough		
Mr. McCallum		Mr. Willcock		
Mr. Millington		Mr. Withers		
Mr. Panton		Mr. Wilson		

(Teller.)

NOES.

Mr. Angelo	Mr. Munsie
Mr. Barnard	Mr. Parker
Mr. Brown	Mr. Patrick
Mr. Lavy	Mr. Piessie
Mr. Doney	Mr. Sampson
Mr. Ferguson	Mr. Scaddan
Mr. Grimths	Mr. J. M. Smith
Mr. Latham	Mr. Thorn
Mr. Lindsay	Mr. Wells
Mr. H. W. Mann	Mr. North
Sir James Mitchell	

(Teller.)

Amendment thus negatived.

Mr. MARSHALL: The clause deals with the types of licenses to be issued, but no reference is made to the question of fees, regarding which the Minister promised to meet us. Where does he intend to insert the provision regarding a fee of 5s.?

The Minister for Police: I propose to include that after Clause 18.

Clause put and passed.

Clause 6—Period of license:

Mr. MARSHALL: The clause provides that the license shall inure until the 31st December. It would be better if the date of expiry were brought into conformity with that of other licenses, and the 30th June substituted for the 31st December.

Clause put and passed.

Clause 7—agreed to.

Clause 8—Persons under 21 not to hold pistol license:

Hon. J. C. WILLCOCK: Will the Minister explain the reason for the inclusion of the proviso to Subclause 3 reading, "Provided that this paragraph shall not apply to any person of the Jewish race."

Hon. A. McCallum: I will move to strike out those words.

The MINISTER FOR POLICE: I do not think the member for South Fremantle intends to move any such amendment. It has been customary to exclude members of the Jewish race because they are British subjects.

Hon. J. C. Willcock: Under a mandate.

The MINISTER FOR POLICE: I frankly admit that there are some other races close to Palestine that I should also like to include in the proviso.

Hon. A. McCallum: Why exempt the Jews?

The MINISTER FOR POLICE: Because they are Asiatics.

Hon. A. McCallum: Yes, but why exempt them from the application of the clause?

The MINISTER FOR POLICE: They are the chosen people!

Hon. M. F. TROY: The proviso will have a wide application because the Jews are not a nation but a sect. We find Jews amongst the Chinese races and among the Africans. I move an amendment—

That in line 7 of Subclause 3 after "Jewish" the words "or Lebawonese" be inserted.

The Minister for Police: I will agree to that amendment.

Hon. M. F. TROY: The people of that race are highly cultured and we have some in business in the city.

Amendment put and passed; the clause, as amended, agreed to.

Clause 9—Exemptions:

Mr. SLEEMAN: Provision is made for exempting naval, military and air services, the police force and rifle clubs from the necessity to take out a license. There is no provision for the boy scouts. In the Fremantle district the scouts often engage in rifle practice. The lads have their .22 Winchesters, and I do not want to see them get into trouble. I move an amendment—

That in line 3 of paragraph (a) after "club" the words "or troop of scouts" be inserted.

Mr. PANTON: The proposed amendment is dangerous. Boy scouts are usually fairly young. It might be all right if a troop master were in charge of the lads, but even so, with such a provision in the Bill it would be possible for irresponsible boys belonging to a troop to make use of the firearms, without any supervision whatever.

The Attorney General: The use of firearms is no part of the scout organisation.

Mr. PANTON: I do not know. The mere fact of the license being for the scout troop would not prevent some of the younger boys taking out their arms, because no supervision is here provided for. I think the scout master should be able to get a license, and so the difficulty would be overcome in that way.

Mr. SLEEMAN: I know the scouts must have musketry badges. The boys have to pass a certain course with the .22 rifle before they can get those badges. It is only the older boys who take the musketry course.

Amendment put and negatived.

Clause put and passed.

Clauses 10 and 11—agreed to.

Clause 12—Offences:

Mr. SLEEMAN: I want to draw attention to No. 9.

The MINISTER FOR POLICE: I propose to omit that. I move an amendment—

That No. 9 be struck out.

Amendment put and passed.

Hon. J. C. WILLCOCK: I do not think we want the special penalty provided in No. 14. The ordinary law of trespass would apply. I move an amendment—

That No. 14 be struck out.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clauses 13 and 14—agreed to.

Clause 15—Evidence:

Mr. SLEEMAN: Here we have the principle of the accused having to prove his evidence.

The Minister for Police: No, this is only to avoid having to send for witnesses from the ends of the earth.

The Attorney General: This only allows the Commissioner's certificate to be taken, instead of the Commissioner having to go into the witness box.

Mr. SLEEMAN: If the Attorney General is satisfied, so am I.

Clause put and passed.

Clauses 16 and 17—agreed to.

Clause 18—Regulations:

The MINISTER FOR POLICE: I move an amendment—

That the following words be added to paragraph (g):—"Provided the fee for a license to possess a firearm shall not exceed 5s."

Mr. MARSHALL: It is difficult for the Minister or members either to know exactly what the fee will be. The Minister's figure is too high.

The Minister for Police: It is the maximum.

Mr. MARSHALL: And it will become the minimum. In all cases where a fixed sum appears in any Act it becomes the minimum, as it will here. Under the Bill a lot of licenses will be taken out and in consequence there will be an appreciable amount of revenue coming in. I move an amendment on the amendment—

That "5s." be struck out and "2s. 6d." inserted in lieu.

Amendment on the amendment put and negatived.

Amendment put and passed; the clause, as amended, agreed to.

Schedule, Title—agreed to.

Bill reported with amendments.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Council's Amendments.

Bill returned from the Council with a schedule of two amendments which were now considered.

Standing Orders Suspension.

On motion by the Premier, so much of the Standing Orders suspended as was necessary to enable the message to be taken into consideration forthwith.

In Committee.

Mr. Richardson in the Chair; the Minister for Works in charge of the Bill.

No. 1. Clause 2, paragraph (i).—Delete all the words after "business" in line 7 of the paragraph down to and inclusive of "siding" in line 9:

The MINISTER FOR WORKS: I move—

That the Council's amendment be agreed to.

This will leave the farmer or pastoralist or grazier free to use his truck in his own district. It will not allow him to use it on prescribed routes. Also it will put him in the same position as the sandalwood getter.

Hon. A. McCALLUM: I do not object to the amendment, but it breaks down much of the argument used by the Minister when the Bill was previously before us. The Minister said trucks were used only for a month or two in the year and then only between the farms and the siding. By agreeing to the amendment he undermines that argument. I told him at the time that the trucks were on the road a good deal of the time, running into the towns, doing business with other farms, or carrying parties to picnics, sports gatherings and pictures. The Minister can afford to give away other people's money. The money belongs to the road boards.

Mr. Sampson: A percentage goes back to the Government.

Hon. A. McCALLUM: Yes.

The Minister for Works: So I am giving away some of the Government money.

Hon. A. McCALLUM: The bulk of it belongs to the road boards. This is practically a subsidy to the industry which is certainly in need of help.

Question put and passed; the Council's amendment agreed to.

No. 2. Insert after "distance" in lines 12 and 13 of paragraph (i) the words "measured by the length of existing roads":

The MINISTER FOR WORKS: This will apply only to the Port Hedland-Marble Bar railway.

Hon. A. McCallum: It will apply to all the ports in the North-West.

The MINISTER FOR WORKS: No, it applies to railways, and there is only one railway in the North-West. The exemption will be granted if the distance is nearer to the port than to the siding by existing roads. I move—

That the amendment be agreed to.

Hon. A. McCALLUM: The member for Pilbara, when moving his motion recently, mentioned that the owners of a station had cut their own road. Does the amendment mean that if shorter access to the siding were thus obtained, the amendment would not apply?

The Minister for Works: No.

Hon. A. McCALLUM: But it refers to the distance measured by the length of existing roads.

The Minister for Lands: It would mean existing at the time the license was issued, and the license is an annual one.

Hon. A. McCALLUM: I hope it will not mean existing at the time of the passing of the measure.

Mr. ANGELO: In the region of the Marble Bar-Port Hedland railway are hills and creeks which are crossed by motor tracks but over which heavy loads cannot be hauled. There is a made track, somewhat longer, and the amendment will permit of wool being carted over tracks capable of carrying the load. The Minister is wrong when he says the amendment will affect only the North-West. There is a Murchison station the road from which traverses hills and creeks and is a trifle longer than the shortest existing route.

The Minister for Works: The amendment applies only north of the 26th parallel.

Mr. ANGELO: Then the Murchison station owner will be able to continue using the present route?

The Minister for Works: Yes.

Hon. S. W. MUNSIE: I consider the amendment will prohibit what the member for Pilbara desired. He mentioned a station, the distance from which to the nearest siding was 12 miles, but it was impossible to cart from the woolshed to the siding.

The Minister for Works: If that were so, there would be no road.

Hon. S. W. MUNSIE: The practicable route would be much longer. That station owner would get no benefit under the amendment.

Mr. MARSHALL: What the member for Pilbara complained of was that certain station owners, in order to get to the siding, had cut roads on their own property and they were not public roads. To be compelled to go to the nearest siding over roads they had cut would penalise them. The member for Pilbara complained that the owners of one station, to get to the nearest siding, had to go away from the port. The distance to the siding would have meant a journey of 54 miles whereas to the port the distance was 34. The amendment will not affect that. It merely deals with the nearest siding and the distance to the port. Pippingarra station, 18 miles from the port, received exemption as against Wallareena, which was forced to cart its wool 14 miles to the nearest siding and then 54 miles by rail to the port.

Mr. Sampson: Are the existing roads usable?

Mr. MARSHALL: The existing public road is usable, but a surcharge has to be paid. Pippingarra station received a refund, because it was considered to be nearer to the port than to the railway. However, a new agreement has been arrived at. We have now to consider only the difference between the siding and the port, and that distance is to be measured by the length of existing roads. I assure the hon. member that this amendment is of no importance in the matter referred to by him.

Hon. A. McCALLUM: This amendment makes an unfair discrimination between the North-West and the agricultural districts. The clause was amended so that the concession made to the agricultural districts should not be confined to trading between

the farm and the nearest siding, but the trading can take place anywhere in the district so long as the vehicles are not travelling along prescribed roads. In the case of the North-West, however, the use of a truck will be confined to the road between the wool shed and the nearest siding. If concessions had to be made, they should have been made to the North-West stations.

The MINISTER FOR WORKS: We are trying to protect the Port Hedland railway. In the agricultural districts we have prescribed roads along railways where farmers cannot go without the payment of the necessary fee. The amendment means that if the road is longer to the siding than it is to the port, the station owner must continue to pay the same fee. It is necessary to have this Bill through before next Tuesday because we are so close to the end of the licensing year. That is why the Standing Orders have been suspended.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

MOTION—SHIPPING AND PILOTAGE CONSOLIDATION ORDINANCE.

To Disallow Regulations.

HON. J. C. WILLCOCK (Geraldton) [9.20]: I move—

That the regulation made under the Shipping and Pilotage Consolidation Ordinance, 1855, re pilotage in Geraldton Harbour laid on the Table of the House on 19th May, 1931, and published in "Government Gazette" on 17th April, 1931, be and is hereby disallowed.

At Geraldton there is a jetty and a harbour, and both are at present being used. The jetty needs a large amount of repair work done to it, and it is proposed to close it for four or five months during the winter. It is also proposed that all the boats, when berths are available, shall go into the harbour in enclosed waters. I have no objection to that. We have the harbour and want to use it, particularly in the winter months. We are prepared to pay for the better facilities that are offering at the wharf. I do not want people who use the harbour to pay unnecessary costs. The regulations really mean that a pilotage charge shall be made on every boat that goes into

the harbour. At all other harbours along the coast exemption certificates are granted enabling traders to go in and out of the ports without a pilot. On receipt of such a certificate, the captains can take steamers in and out of those ports, because they are familiar with them. The North-West boats on the average call twice a month at Geraldton. If the pilotage charges remain, they will not call there. Very often they pick up only small consignments. It may be a question of 50 bales of wool that are going to London so that the prices there may be compared with the local prices. It may be that a consignment of lead is to be sent away from the Northampton district, or small parcels of wheat or flour. A considerable amount of flour is sent away from Geraldton to the different ports. Before a boat could come in, she would have to pay pilotage amounting to about £18. If the cargo consists of only 20 tons, it would mean an extra loading of about £1 per ton, and the ships would not come in to do the business.

Mr. Angelo: Would the State ships be subjected to the same charge?

Hon. J. C. WILLCOCK: It would not make any difference to them. They would pay the money into the Harbours and Rivers Department, and ultimately it would be transferred to the Treasury. It might make some difference from the actuarial point of view and affect the profits of the State Shipping Service. If there is any dredging going on or structural alterations in the harbour, it would be quite reasonable to say that before anyone went into the place he should be accompanied by the pilot, in the event of any alteration being made to the depth of the water. No such work, however, is going on, and for some time to come there is very little probability of structural work of this kind taking place in the harbour. Whatever work is being done is being done on the wharf. That will not interfere with the pilotage side of the business. Provision should be made for exemption certificates. No pilotage charge should be made if the navigation is not affected. We could enact a regulation making provision that these exemption certificates should only be granted for six months. If in the meantime any structural alterations take place, and a captain had been away for six months, he would require a pilot to enable him to enter the harbour until such time as he was

acquainted with the depth of water, when he could obtain exemption. As a general principle the Government have agreed not to load the industry with costs. I have discussed the matter with the Chief Secretary who has been most anxious to meet the people. As it happens, the Harbour and Lights Department control the harbour, and they have delegated their powers to the Railway Department, who collect the revenue. The Public Works Department are constructing the wharf, so we have three different departments concerned, and it is difficult to get an agreement. If any structural alterations are going on and the depth of the channel is likely to be altered, regulations can be made to suit those circumstances. There is a difference in the charges between the various ports. When vessels come to Geraldton there are pilotage charges, but not at any other port along the coast. This drives a certain amount of trade away from Geraldton.

The Premier: Other ports have not such an expensive harbour as that at Geraldton.

Hon. J. C. WILLCOCK: I do not think there would be any objection to exemption certificates at Geraldton provided nothing was going on to affect the depth of the water. It may be that the Government, for some time to come, will be unable to find money for dredging. This should not prevent the captain in charge of a boat, who knows the position, from going into or out of the harbour, and thus enable the harbour to get some revenue. Similar conditions operate in regard to the railways. When the railways are being worked by the Works Department, a higher freight is charged than is the case when they are taken over by the system generally. While construction work is going on, the construction engine and rolling stock may be hung up for two or three hours to allow traffic to go through, and it is necessary to charge that traffic at a higher rate. On the Wiluna line, however, there is no work going on that will affect the Railway Department, and so the traffic is allowed to run without this extra charge. If there is no work going on in the harbour, the harbour can be used, and no pilotage fees should be charged. The Chief Secretary has been sympathetic, for the original charge of £18 has been reduced to £8. Probably the Government will, after going into the matter, agree that exemption certificates can be granted to people who regularly

make use of the port. If they do, there will be no growling about the matter at all. In the Geraldton district the consensus of opinion of stevedores and persons who have to deal with the harbour is that the fee is unnecessary. The Geraldton people are greatly concerned about the matter, and have had held two public meetings of protest. The question is not yet definitely decided, but notice had to be given within a certain time to bring the regulation before the House. Probably the Chief Secretary and other authorities concerned will see the reasonableness of the request. There is already a tendency for goods from oversea ports for Geraldton to be shipped via Fremantle. We want the business done direct with the port to which the goods are consigned.

Mr. Angelo: That is the only reason why the construction of the harbour was agreed to.

Hon. J. C. WILLCOCK: Yes. Unless we use the harbour for small consignments to build up trade, we shall never do any business at all through the port. I have only moved the disallowance of the regulation because, had I not done so at this stage, the regulation would automatically become law. I am sure the Chief Secretary is anxious to meet the wishes of the people of Geraldton. The object of the action I have taken is that the matter may be further considered by those concerned. I hope that as the result of that further consideration the regulation will be withdrawn.

On motion by the Minister for Lands, debate adjourned.

MOTION—WROTH BANKRUPTCY CASE.

To Inquire by Select Committee.

HON. W. D. JOHNSON (Guildford-Midland) [9.34]: I move—

That a select committee be appointed to inquire into—(1) the ownership of all those pieces and parcels of land in Certificates of Title Volume 349, Folio 91, Avon Loc. 366; Folio 92, Loc. 367; Folio 93, Loc. 371; and Volume 637, Folio 9, Avon Loc. 17977; (2) whether the land is portion of a bankrupt estate, and if so, why such land has not been sold and the proceeds distributed; (3) whether in such estate there are other assets undistributed.

This motion has a definite connection with the much-discussed case known as the A. J.

Wroth bankruptcy case. I do not ask the House to appoint a select committee to go into the details of a case that is now considerably over 30 years old. My object is to endeavour to obtain some finality in regard to that case. Therefore I have sought to limit the motion in such a way as to enable the committee merely to arrive at some conclusion why the estate has not been wound up, and why Mr. A. J. Wroth has not been given an opportunity to understand exactly how the matter has been finalised, or, if it has not been finalised, what peculiar circumstances have prevented that from being done.

Mr. H. W. Mann: The trouble is Mr. Wroth signed away his birthright.

Hon. W. D. JOHNSON: I do not wish to enter into details. The land mentioned in the motion was originally part of the Wroth bankrupt estate. By a search I have found that while the land is part of the estate, it is, so far as one can judge, still in the hands of the Official Receiver as a trustee in the estate. To-day the land cannot be used to its maximum capacity, because there is really nobody interested in it. Apparently the trustee owns or controls the land as trustee of the Wroth bankrupt estate, without any ambition, and possibly without any power, to dispose of it or to utilise it in some way. There may be a difficulty as regards utilisation, because there would be doubt as to what should be done with the proceeds of such utilisation. But where a trustee, so far as I can judge, obtains possession of land, and particularly the Official Receiver as trustee of a bankrupt estate—naturally there are creditors of such an estate—one would assume that it was his duty to dispose of the land for the benefit of the creditors, or that the land having been disposed of, there would be a distribution of the proceeds. The aspect which I fail to understand, and which is causing some concern to a number of people, and has certainly irritated Mr. Wroth for a number of years, is that the estate has never been wound up—the fact that there has never been any conclusion to the matter. It has gone on for over 30 years. It has been discussed in Parliament over and over again, but we have never been able to arrive at any finality with regard to it. I believe that Parliament would have dealt with it years ago, but unfortunately whenever the question was submitted to

Parliament, legal action would be taken by some interested party thus making the matter sub judice, with the result that Parliament could not proceed. The land has been held by the trustee for many years, and the only thing in which I am interested, and in which I hope the House will assist me, is an inquiry into that phase of the affair—to find out whether the asset is there, and if so why it has not been disposed of, whether there are any other assets, whether there are complications which cannot be overcome by the ordinary process of law. By some means or other we should be able to reach some finality. My view is that there must be some legal complications. There have been so many actions extending over so many years that one can easily understand such complications arising. It is also quite possible that the long spread of years has rendered it difficult for the Official Receiver and perhaps for others to wind up the bankruptcy. I understand there are two Official Receivers connected with the case, the original Official Receiver having retired during its currency, and the present Official Receiver stepping in and taking it over at a given stage. The present Official Receiver appears to have acted purely in the capacity of trustee of the estate, without taking any action to finalise. My object, therefore, is to obtain a select committee, not to delve into the early history of the matter, but simply to take it up at the point suggested in the motion. It is true the motion also asks that the select committee should investigate whether there are any other assets, because it would be foolish to confine oneself absolutely to the land mentioned, since during the inquiry it may be found that there are other aspects which the committee would like to go into and report upon. I appeal to the House on the ground that Mr. Wroth is a very old resident of the State, one of the pioneers of Western Australia, and that he has for years been trying to obtain finality. He is now getting very old, and I consider it reasonable that Parliament should make an attempt to unravel the matter and give him in his old age an explanation of the complications and an idea as to how the estate was disposed of or distributed; or if, on the other hand, all has not been disposed of or distributed, why that has not been done. It might be possible, even at this late hour, to recommend some means of arriving at finality. I fully realise that it would be

wrong for Parliament to appoint a select committee to investigate legal decisions where a case has been brought before the tribunals of the country. I agree that it would be utterly wrong for Parliament to review such decisions unless a very strong case were made out. But where we find that the law has not actually functioned, where there do not seem to be any means by which the law can be set in motion, where the matter has become, as it were, stagnant, I think we might investigate whether there is not some avenue through which the affair might be set flowing again. It has drifted on for so long that one may say the courts are not likely to finalise it. Even supposing the courts could finalise it, it would be extremely difficult at this stage for Mr. Wroth, or for anyone else taking the matter up, to reach a starting point and to overcome the various difficulties. In a case of this kind, I submit, Parliament has a responsibility to a citizen who appeals to it. I am making this appeal on behalf of Mr. Wroth and of many citizens of this State. The desire is not that we should come to a decision regarding the case, but that we should appoint a select committee to investigate it and to report to the House and to the country any decision arrived at. In conclusion I want to reiterate that Mr. Wroth is getting old and, in addition to the other grounds I have advanced, that in itself should furnish another reason why we should make an effort to reach finality and to make that attempt in the simplest possible way. In an inquiry of this description, much will be left to the good judgment of the committee. It is one of those cases that require to be handled carefully, otherwise the committee may take up a lot of time in attempting to unravel points with regard to which it would be impossible to ascertain all the details. Thus, judgment will have to be exercised so as not to lead the inquiry into complications, and for that reason the committee should not attempt to unravel incidents that happened 30 years ago, but should investigate present-day conditions, with a view to seeing how the land has come to be held up by the trustee and has not been disposed of as the Bankruptcy Act would appear to contemplate. Then again the committee will be able to find out if anything, during the currency of the many trials in regard to the land, has prevented the trustee from carrying out his functions. The committee will be able to find out

whether Parliament can assist him to carry out his responsibilities. I would like the committee to be appointed and to function as soon as possible. I hope the House will agree with me and that we may find a way of securing to Mr. Wroth in his old age that which the courts have not been able, apparently, to accord him.

The ATTORNEY GENERAL: I move—

That the debate be adjourned

Motion put and negatived.

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

Ayes	..	..	..	..	22
Noes	..	..	..	..	13
					—
Majority for	..	..	..	..	9
					—

AYES.

Mr. Angelo	Mr. Raphael
Mr. Brown	Mr. Richardson
Mr. Corboy	Mr. Sampson
Mr. Cunningham	Mr. Sleeman
Mr. Hegney	Mr. J. H. Smith
Mr. Johnson	Mr. Thorn
Mr. H. W. Mann	Mr. Troy
Mr. Marshall	Mr. Wansbrough
Mr. Munsie	Mr. Wells
Mr. Panton	Mr. Withers
Mr. Piesse	Mr. Wilson

(Teller.)

NOES.

Mr. Barnard	Sir James Mitchell
Mr. Davy	Mr. Parker
Mr. Doney	Mr. Patrick
Mr. Ferguson	Mr. Scaddan
Mr. Griffiths	Mr. J. M. Smith
Mr. Latham	Mr. North
Mr. Lindsay	

(Teller.)

Question thus passed.

Select Committee Appointed.

Ballot taken and a select committee appointed, consisting of Messrs. Richardson, Parker, Thorn, Marshall and the mover, with power to call for persons and papers, to sit on days over which the House stands adjourned, and to report on the 1st July.

MOTION—BUNBURY HARBOUR BOARD.

To inquire by Select Committee.

MR. WITHERS (Banbury) [10.0]: I move—

That a select committee be appointed to thoroughly investigate the operations of the Bunbury Harbour Board, with a view to ascertaining—(1) the general condition of the wharf; (2) if certain statements in connection with abuses of Harbour Board property

by employees are correct; (3) to make inquiries of a general character with a view to recommending economies to, and other action by, the Government. Such committee to have the powers of a Royal Commission for the purpose of taking evidence on oath.

I am prompted to move this because of certain happenings in connection with the Bunbury Harbour Board, and the condition of the board's property generally. Previous to asking questions in the House I communicated with the Chief Secretary, who is in charge of the department, but he was not prepared to take any action. He said the board was all-powerful under an Act of Parliament. It will not be necessary to read the correspondence that passed between the Chief Secretary and me, but the answers I received from the Chief Secretary in the course of that correspondence, together with the answers I received from him to questions I asked in the House, were so unsatisfactory that I am convinced a select committee should be appointed to inquire into the whole ramifications of the board. One of the questions I asked in the House was as follows:—

1, Which engineer, if any, is responsible for seeing that the Bunbury jetty is maintained in safe condition to carry railway rolling stock? 2, Has any inspection by an engineer been made during the last twelve months? If so, what was the reported condition? 3, If there has been no inspection, will he direct that an inspection be made at an early date and a full report on the general condition of the jetty made available?

The Chief Secretary's reply was as follows:

1, The Engineer-in-Chief is consulting engineer to the Bunbury Harbour Board, or in his absence the Engineer for Harbours and Rivers, of the Public Works Department. 2, No. 3, Yes, if requested by the Bunbury Harbour Board or by the Government Railway Department.

I do not know whether the harbour board have made a request for any examination by a competent engineer, but if they have not done so, I think they have failed in their duty. I know from personal experience and from what I have been told that the jetty is in a deplorable condition, and if there has not been any examination by an engineering authority, something serious may easily happen before very long. If the harbour board are not prepared to exert themselves to the extent of getting an examination made by an expert, I am convinced that further inquiry should be made

into the position. I also asked the Chief Secretary the following question:—

1, Is the replaced property of the Bunbury Harbour Board disposed of by tender or by private sale? 2, What amount has been received by the board for such sales, including used electric cables, crane falls, and timber and steel bars recovered by the grab?

The Chief Secretary's reply was as follows:

1, By tender and private sale. 2, £18 7s. during the current financial year.

I take it that if there has been any sale of property by tender, the tenders would have been advertised in the local newspaper. I am satisfied that no such tender has been advertised in the Bunbury paper. I have been told that certain properties of the board have been disposed of, and that the money received has not gone to the Bunbury Harbour Board nor into Consolidated Revenue. If that statement is true, there is something wrong either with the board or with its employees, while if it is not true, there is need for an inquiry by select committee in order to vindicate the board.

Mr. H. W. Mann: Where does the money go?

Mr. WITHERS: The select committee will be able to determine that. If I can get evidence on oath from certain people, we shall know something about it. I do not know whether this has ever come within the knowledge of the board as a board; I am not blaming the board as a board for this, because it has been going on for a number of years. As I have said, the Chief Secretary replied that the board had received for sales of property £18 7s. during the current financial year. That was no reply to my question. I know quite well that the grab, which was not in operation during the current financial year, recovered a considerable quantity of timber from the sea bed. That stuff, I suppose, was disposed of at different times to different people and should have realised considerably more than that sum. As to the crane falls—the wire rope used on the jib crane—it is a very expensive item and there have been considerable renewals. I want to know what becomes of the old cables, because they are very valuable and should fetch a decent sum of money for use in other places where there would be less danger from breakage. Then there has been a large quantity of electric cables sold, and I want to know how they were disposed of, whether by ten-

der or by private sale, and what amount was received for them. As to the recovery of steel bars, I asked that question because quite a number of those bars have been recovered from the sea bed after being accidentally dropped over the side. Actually, they are the property of the stevedores. On one occasion a bar was picked up by a servant of the board. The stevedore said, "You have got that bar." The man who recovered it replied, "Yes." "Well, come along," said the stevedore, "and I will give you a tip." When an official of the harbour board learnt of this he made a fuss about it and insisted upon the man handing over to the harbour board the money he had received from the stevedore. Quite a lot of other bars have been recovered and money has been received for them. I want to know whether it has been paid to the harbour board, and I want the select committee to inquire into the whole position and see whether the statements are true. Other questions I asked related to the charging of batteries. I asked—

Is it a fact that batteries have been recharged on the Bunbury Harbour Board property? If so, by whose authority, and what amount was charged in each case, and what was the total amount received by the board?

The reply of the Chief Secretary was—

Yes, for the Harbour and Light Department and the Bunbury Harbour Board only. No charge was made.

There is a boat called the "Petrel" in the Harbour and Light Department, and I take it that boat would have only one battery and it would not need to be charged very often. Witnesses are prepared to swear that they have seen three batteries being charged on various occasions. Those batteries have been charged with Harbour Board current, and if the owner has paid for it, I want to know whether the money has gone into the Harbour Board's revenue. According to the reply of the Chief Secretary, it has not, because he said batteries were charged only for the Harbour and Light Department and for the board. We can imagine what it has cost the Government if a considerable number of batteries, as stated, have been charged in this way. I have ascertained from garage proprietors that it takes 48 hours continuous running to charge a battery. If a number of batteries have been charged, as stated, the

Government and the Harbour Board have lost a considerable amount of money. The Bunbury Municipal Council used to charge batteries at the electric light station, but the council wisely decided not to continue the business because they were competing with townspeople who were making a living by charging batteries with current bought from the council. If this sort of thing has been allowed to happen by the Harbour Board, to the detriment of the tradespeople of the town, there is something wrong. I asked further questions regarding salvage work as follows:—

1, Do the Bunbury Harbour Board operate similarly to the Fremantle Harbour Trust in connection with contracts for salvage work done for ships in port? 2, If so, what was the amount received for each of the following ships:—s.s. "Bradavon," s.s. "Koolonga," s.s. "Ashburton," and s.s. "Stanley"; and were the conditions of payment similar to those operating at Fremantle?

The Chief Secretary replied—

1, The Bunbury Harbour Board and the Fremantle Harbour Trust carry out salvage work for ships in port where necessary. 2, The amounts received in respect of the following ships are as under: April, 1925, s.s. "Bradavon," £32 0s. 6d.; February, 1927, s.s. "Koolonga," £15 5s.; August, 1927, s.s. "Ashburton," £10; June, 1928, s.s. "Stanley," £24. There is no special scale of charges. With both the Bunbury Harbour Board and the Fremantle Harbour Trust the principle is to charge the wages that are paid, plus a reasonable charge for use of equipment and gear, and a small margin to cover overhead costs.

The actual time engaged on the work of the "Bradavon" for which £32 0s. 6d. was charged was one day two hours. The two hours were worked on Good Friday, but on that day the diver could not recover the anchor and cable which had been lost. He found them on the following Tuesday. The s.s. "Koolonga" lost an anchor and cable and, for four days' work to recover it, the charge was £15 5s. Why the difference between the two charges for those boats? According to the scale laid down in 1920 the charge for the "Bradavon" should have been £25. Consequently the board charged £7 0s. 6d. more than they should have and considerably undercharged the "Koolonga." According to the figures the cost of the four days' work was £14 7s. 4d., without taking into consideration actual charges for the foreman's time and the Harbour Board's charges. The

board charged £15 5s. in that case. I want to ascertain whether the charges were favourable to one ship and unfavourable to the other. The "Ashburton" lost only its anchor. One day was occupied in recovering it and the charge was £10. For wages the board paid £5 4s. 4d., so that there was a profit of £4 15s. 8d. on that job. For the work on behalf of the s.s. "Stanley," three hours Sunday overtime, the board charged £24. The actual amount paid in wages was £5 1s. 1d., so that there was a difference of £18 18s. 11d. after paying the diver's fees, etc. It is time we had an inquiry into the charges and general working of the port. The board have dispensed with the services of some of their employees. One of them was a diver by profession and was employed by the board as a maintenance man. He had to help the carpenters and do all sorts of maintenance work when not required to go diving. Now that the board are without his services, we can imagine what it would cost to send a diver from Fremantle to Bunbury if he was required for important work there. I understand it works out at about £7 per day to send a diver from Fremantle to Bunbury. Something serious might easily happen at Bunbury and there will be no diver at the command of the board. I also asked the Chief Secretary a question about the policy of the present Government to give preference to returned soldiers and married men, and to have regard for seniority when retrenchments were being made. In the retrenchments that have been made, none of those things has been taken into consideration. Two of the men dismissed by the board were returned soldiers. Altogether five have been retrenched and all of them are married men. Some of them had longer service than other men who have been retained by the board and who are not returned soldiers. Preference to soldiers was never considered by the board. The Chief Secretary said, in effect, that the matter was within the board's jurisdiction and that they could please themselves what they did.

The Premier: You are pretty keen on returned soldiers just now.

Mr. WITHERS: That is not entirely the question. Should a semi-Government body be allowed to remain under a stigma? The information I have given is common property in Bunbury. Do the Government approve of employees of a semi-Government body being accused of doing certain things

such as I have alluded to? Either the charges should be proved or the board should be vindicated, and to do that an official inquiry is necessary. When the men were retired, there was some correspondence on the question of having an independent tribunal to inquire into the justice or otherwise of the dismissals, but the Chief Secretary was not prepared to interfere. If the board are going to allow employees to carry on in the manner that it has been stated they are carrying on, without taking any action against them, the board have become a body merely to consider minutes, pass accounts, and then go about their own business. More attention should be paid to the affairs of the wharf generally, and more notice should be taken of the officials in charge of the wharf. For many years it has been said that it is in the hands of the foreman and that the foreman is the board itself. One man is allowed to control all the affairs of the wharf. In the circumstances it is time an inquiry was held into the position. It is a well known fact to everyone who works on the wharf that the old waling pieces that have been taken out have not been lifted up and put ashore, but have been dropped to the bottom of the sea under the jetty. The old pile ends are left as a breeding ground for the teredo and other sea pests, which destroy the good timber that is put in from time to time. If we go on like this from year to year and the present Government continue to show their indifference and no dredging whatever is done in the harbour, the silt will become worse and the harbour will suffer severe damage. It is time an inquiry was held; if not, I might as well shut my mouth in my efforts to do something for the district. Surely it is admitted that the port is a vital necessity to the district. The Government are lacking in their duty in failing to have the port properly looked after. If the select committee after inquiry are satisfied that the board are functioning as they should and nothing can be done, I too will have to be satisfied. If they find otherwise we shall have to endeavour to induce the Government to do more than they have done in the past 12 months.

Mr. H. W. Mann: Has everything been all right up to now?

Mr. WITHERS: At times for the past six years, and until recently, we have had two dredges operating in Bunbury, and

throughout the regime of the previous Government we were never without a dredge. Since then we have not had one.

Mr. Angelo: Is the harbour any good?

Mr. WITHERS: Is it any good? It will take three dredges next year to do the work which one could have done last year and this year. Dredging is essential to the well-being of the harbour. Every Engineer-in-Chief has said that whatever happened dredging must go on; otherwise there is no saying what will happen. Again, if the jetty gets into a worse condition the harbour will not be satisfactory for shipping. Apparently the Government are not prepared to listen to the member for the district who is endeavouring to get something done, but perhaps a select committee will show better the necessity for something being done. By means of an inquiry we can get a general cleaning up. In the present circumstances I would be prepared to sacrifice the board for the time being. I do not say they should be sacked, because the members are personal friends of mine. I have nothing to say against any individual on the board, but the board are costing the country about £2,000 a year. The Geraldton harbour is run satisfactorily by the Railway Department, and that department could run the Bunbury harbour and save a good deal of money.

Mr. Wansbrough: Why not have one port authority?

Mr. WITHERS: That would be better still. It might mean repealing the Act that was passed in 1904 to create the harbour board in Bunbury, but the money could be saved. I hope the committee will be appointed so that the whole of the ramifications of the harbour may be fully inquired into. If the statements that have been made are true, the people concerned can be brought to book, and if they are untrue, the board will be vindicated.

On motion by the Premier, debate adjourned.

House adjourned at 10.27 p.m.