Legislative Assembly

Wednesday, 9th September, 1953.

CONTENTS.

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

QUESTIONS.

COCKBURN SOUND.

As to Dredging for B.H.P. Works.

Hon. J. B. SLEEMAN asked the Minister for Works:

(1) In view of the answer given by him on the 2nd September that no expenditure would be involved in providing a 30ft. berth at a 600ft. jetty, and also a 30ft. swinging-basin for Broken Hill Pty., will he tell the House if at 600ft. from the shore there is at present 30ft. for a berth for a 12,000 ton ship, and also a swinging-basin?

(2) If this is not the case, will he inform the House how he is to provide the berth and swinging-basin without any expenditure?

The MINISTER replied:

(1) Yes.

(2) Answered by No. (1).

TRAFFIC.

(a) As to Lights and Passage for Ambulances and Fire Engines.

Mr. McCULLOCH asked the Minister for Transport:

What provision has been made for the uninterrupted passage of ambulances and fire engines when the proposed automatic traffic lights commence to operate in the city?

The MINISTER replied:

Traffic regulations in connection with the operation of traffic lights are receiving consideration.

(b) As to Penalty for Car Stealing.

Hon. L. THORN asked the Minister for Police:

(1) Has he noticed reports in the "Daily News" of the 2nd and 3rd September (a) of a man whose behaviour was attributed to liquor by the magistrate and who was given one month's gaol for stealing a car valued at £900 and doing £400 worth of damage thereto; (b) of a woman who shoplifted goods to the value of £6 13s. 6d., and was given one month's gaol?

(2) Does he not think the first mentioned case is a travesty of justice?

(3) What action is being taken regarding this man's driver's license?

(4) Is he prepared to direct that an appeal be lodged to a higher court seeking punishment more commensurate with the man's offence?

(5) If not, why not?

The MINISTER replied:

(1), (2), (4) and (5) These questions should be addressed to the Minister for Justice.

(3) Inquiries are being continued to ascertain this man's fitness to hold a driver's license.

HORTICULTURE.

As to Fruit-fly Spraying and its Efficacy.

Mr. McCULLOCH asked the Minister for Agriculture:

(1) What warrant had the Agricultural Department subsequent to the "poll" registering only 6 per cent. of eligible voters of the 1,590 on the roll, in placing at the disposal of the Hills Committee an expensive motor sprayer?

(2) Would the department vouch that during the past six years an efficient inspection has been made in the hills district?

(3) Would the department vouch that both spraying and inspection, apart from commercial varieties, had been applied in the "spraying area" to the potential dangers that exist in flower gardens and referred to by his entomologists as "particularly dangerous in that they, as hosts for fly, act as a carry over of fruit-fly from one commercial crop to another"?

(4) Taking into consideration the migratory habits of the fruit-fly, would the department guarantee the elimination of the fly within these "spraying areas," and if so, why has it not been applied before?

(5) Does not the fact that the fly having spread like wildfire from Carnarvon to Mt. Barker and east to Kalgoorlie 11 years ago indicate that there is something lamentably lacking in the department's knowledge and methods?

(6) What measures has the department adopted to combat the fruit-fly menace in the Kalgoorlie area?

The MINISTER replied:

(1) The number of persons on the roll was 711, mostly backyard growers. Of the 176 commercial growers it is thought that 50 per cent. exercised their right to vote.

The adoption of baiting schemes is strongly recommended by the Fruit Fly Advisory Board and supported by the W.A. Fruit Growers' Association.

Section 12 (C) of the Plant Diseases Act, No. 25 of 1946, lays down the conditions which shall apply if 60 per cent. of those voting are in favour of adopting a baiting scheme.

The provision of equipment is Government policy, to assist in controlling fruit-fly in commercial areas.

(2) No. Though considered effective, full control by inspection only is limited to the degree of co-operation received from growers.

(3) No. Fruit-fly can be and is carried over from one season to another in commercial orchards as well as in backyard gardens.

(4) As the fruit-fly baiting areas are surrounded by orchards not being regularly baited, it is not thought that the pest will be eliminated. However very effective results in fruit-fly control have been secured in these areas.

(5) It is not considered that fruit-fly has spread like wildfire. Mt. Barker is free from infestation as well as other districts in the South-West.

Infestation is general over a large part of the State, but could be substantially controlled if all the people concerned carried out the methods of control recommended by the department.

(6) Active measures are taken only in commercial fruit growing districts.

HOUSING.

(a) As to Assisting Home Builders.

Mr. ANDREW asked the Minister representing the Minister for Local Government:

As there is a lag in the building of homes, and many people have built good homes for themselves while using temporary accommodation on their blocks, thus helping towards easing the general situation, will he use his powers and influence with certain local authorities to assist genuine home-builders instead of—as appears to be the case at present—putting every possible obstacle in their way?

The MINISTER FOR RAILWAYS replied:

Experience is that local authorities generally are sympathetic towards the self-help builder.

If any exceptional cases are brought to the Minister's notice, he will have them investigated.

(b) As to Pre-cut Homes, Collie.

Mr. MAY asked the Minister for Housing:

Will he state the completed cost of pre-cut houses being erected in Collie, as supplied by Messrs. Bunning Bros.?

The MINISTER replied:

Costs vary according to site. Excluding the cost of land, the average final capital cost in respect of eight houses completed and occupied some time ago in Wilson Park is £1,900, compared with two pre-cut houses nearing completion at an estimated completed capital cost of £2,176.

(c) As to Snowden and Willson Contracts and Overcharges.

Mr. OLDFIELD (without notice) asked the Premier:

(1) Can the evidence taken by the Royal Commissioner in the Snowden and Willson inquiry on which he based his finding that

overcharges had been made, be utilised in a civil court by persons whose cases were investigated and who are seeking to recover the amount of the overcharge?

(2) If not, will the Government take steps to make this possible?

(3) If the answer to No. (2) is in the negative, why not?

The PREMIER replied:

(1) and (2) I will have inquiries made.

(3) I do not know.

EDUCATION.

(a) As to Dalkeith School, Additions.

Hon. C. F. J. NORTH asked the Minister for Education:

In replying to a question on the 2nd September, regarding additions to schools in the Claremont electorate, no mention was made of the Dalkeith school. Does this mean that no move is contemplated, or that it is considered to be in the Nedlands electorate?

The MINISTER replied:

Two classrooms are to be added to the Dalkeith school at a cost of £12,650.

This school was not included previously as it was thought to be in the Nedlands electorate.

(b) As to Term Holidays for Primary Schools.

Mr. HUTCHINSON asked the Minister for Education:

As a decision has been reached on the matter of the extension of State primary school holidays, will he inform the public of the details of the decision?

The MINISTER replied:

Particulars of the decision have been released for publication.

KWINANA.

As to Lease of Shop, Medina.

Mr. LAPHAM asked the Minister for Housing:

(1) Will tenders for the leasing of the hairdresser-tobacconist shop at Medina, Kwinana, be limited to qualified registered hairdressers?

(2) If the answer is "No," will he give consideration to limiting the tenders to qualified registered hairdressers as a measure to prevent non-hairdressers from using the premises mainly for s.p. betting operations?

The MINISTER replied:

(1) No, but the successful tenderer will be required to sign a lease which, among other things will require him to comply with the requirements of all relevant Acts of Parliament governing the conduct of the particular type of business.

(2) Answered by No. (1).

WATER SUPPLIES.

(a) As to Projected Works in Country Towns.

Mr. HEARMAN asked the Minister for Works:

(1) What new works are envisaged for country town water supplies for this year?

(2) To which, if any, of these town water supply schemes, does the Government regard itself as committed, and how is it committed?

(3) In deciding what new works should be proceeded with, has the Government been influenced by any considerations other than the comparative need and urgency of the towns to receive consideration?

(4) Is he aware of the extremely grave situation with regard to water supply at Bridgetown?

(5) If Bridgetown is not to be included in this year's works programme does the Government think its claim to consideration less than that of some of the country towns included in this year's new works programme?

The MINISTER replied:

(1) No new water supply undertakings were provided for in the authorised programme.

Restricted funds necessitated reduced activity on some of the works in progress, while others had to be discontinued entirely.

However, it is possible that additional funds may become available to the State following representations which have been made by the State Government to the British and Commonwealth Governments. Consideration is therefore being given to water schemes for Cranbrook, Tambellup, Mt. Barker and Bridgetown.

(2) The Government is not committed to the provision of water schemes in any of the places mentioned in the reply to No. (1), but existing agreements made between the McLarty-Watts Government and the local authorities of Cranbrook, Tambellup and Mt. Barker undoubtedly put such places in an advantageous position.

(3) No decision to proceed with new water supply undertakings can be made until it is known what further funds will be available.

(4) The fact that Bridgetown, together with many other towns, has suffered water restrictions during several summers is known; also that the flow into the Bridgetown reservoir so far this year is the lowest since 1948.

(5) Answered by No. (1).

(b) As to Railway Requirements, Bridgetown.

Mr. HEARMAN asked the Minister for Railways:

(1) How much water has been hauled by the W.A.G.R. to Bridgetown since the 1st January, 1953?

(2) Is the quantity more than usual for this period?

(3) Can he say when or if, this haulage of water by the W.A.G.R. is likely to stop?

(4) In view of the anticipated increase of rail traffic due to the reduction in road haulage of goods, will the railway haulage of water tend to increase?

(5) What does he consider the cost of this water haulage will amount to for the year 1953-1954?

The MINISTER replied:

(1) 2,026,615 gallons.

(2) Yes.

(3) No.

(4) Yes, unless more water becomes available at Bridgetown.

(5) Answered by No. (4).

(c) As to "Millstream," Bridgetown.

Hon. D. BRAND asked the Minister for Works:

(1) When was action first taken with regard to "Millstream" Bridgetown water supply?

(2) Has land around the stream been resumed?

(3) If so, on what date and at what cost?

The MINISTER replied:

(1) "Millstream" as a potential source of water supply has been known for many years. Investigations and surveys as a definite source of supply for Bridgetown were first conducted early in 1950.

(2) No, but a sum has been provided for in the Estimates and negotiations for acquiring the land are in progress.

(3) Answered by No. (2).

RAILWAYS.

As to Trans-Train Improvements.

Hon. C. F. J. NORTH asked the Minister for Railways:

(1) Is a report on the working of the East-West (Federal) line available to him?

(2) Will he, when introducing his estimates, assist members by pointing out how far, if at all, the improved methods obtained on the Federal line could be introduced here?

The MINISTER replied:

(1) Yes; for 1951-52.

(2) Yes.

NORTHERN DEVELOPMENT AND MINING COMPANY.

As to Government Assistance and Representation.

Hon. A. F. WATTS asked the Premier:

(1) Is a person named Donald W. McLeod concerned, or interested, financially or otherwise, in a body known as the Northern Development Syndicate?

(2) Did the Government take any financial interest therein or give same any financial assistance?

(3) If so, when, to what extent, and for what purpose? Is the Government represented on the management, and if so, who is its representative?

(4) Will he lay on the Table of the House the papers relating to the matter?

The PREMIER replied:

(1) Mr. Donald W. McLeod is the managing director of the Northern Development and Mining Coy. Pty. Ltd.

(2) Yes; to the company referred to in (1).

(3) In April, 1953, the company was assisted by means of a bank guarantee to the extent of £1,500, to permit it to meet a progress payment on the purchase of a station. The guaranteed advance was repaid during April and the guarantee was then cancelled.

Since April, further assistance, amounting to £3,000, was given to the company towards the purchase price of a boring plant, a second-hand motor utility and a second-hand tractor, all of which will be covered by hire purchase agreement between the Government and the company. Action towards the registration of the agreement is now in course.

The two Government nominees to the board of directors are the State Mining Engineer (Mr. E. E. Brisbane) and Mr. L. C. James of Weston, James and Coy., chartered accountants.

(4) Yes.

I might add that the assistance granted by the Government in connection with these matters was granted in the interests of the natives employed by the company. I have the papers asked for by the hon. member and they will now be laid on the Table of the House.

SUPERPHOSPHATE.

As to Manufacturers' Agreement.

Hon. A. F. WATTS asked the Minister for Agriculture:

(1) Is there any agreement, or arrangement, in existence under which, irrespective of the proportion of orders placed by farmers with the companies manufacturing superphosphate in this State, each company is assured of a minimum disposal of its own output?

(2) If so, what, in outline, are the conditions of this agreement or arrangement?

(3) Between what parties is the agreement or arrangement made?

The MINISTER replied:

(1) There is a zone agreement between the companies, which was necessary to make establishment of outport works practicable.

(2) There is no knowledge in outline of this agreement as it is a private arrangement between the companies concerned.

(3) Answered by No. (2).

TAXATION.

As to Donations to Infant Health Centres.

Hon. A. F. WATTS asked the Minister for Health:

To what extent are donations to infant health centres allowable as deductions against income tax?

The MINISTER replied:

As infant health centres do not come under the heading of public benevolent institutions donations to such centres are not allowable as deductions against income tax.

BLACKWOOD ROAD.

As to Widening Mt. Barker-Pardelup Section.

Hon. A. F. WATTS asked the Minister for Works:

(1) Has the Main Road Department any plans for widening the Blackwood-rd. between Mt. Barker and Pardelup prison farm?

(2) If so, what widening is proposed and will it be necessary to resume any land for the purpose?

The MINISTER replied:

(1) Yes.

(2) A total reservation of two chains is proposed. Additional land will need to be resumed to provide the width of two chains proposed.

HEALTH.

As to Sanitary Conveniences, Canning Dam.

Mr. JAMIESON asked the Minister for Mines:

(1) Is he aware that the sanitary conveniences at Canning Dam are totally inadequate to handle the week-end crowds at this time of the year?

(2) As the reservoirs are always considered a tourist attraction, would he endeavour to have these primitive conveniences improved?

The MINISTER replied:

(1) No.

(2) The area around Canning Dam is vested in the Metropolitan Water Supply Department, and any sanitary conveniences there have been provided by that department. The provision of sanitary conveniences is not within the scope of the Tourist Bureau at present.

DEPARTMENTAL SALARIES.

(a) As to Government Employees.

Mr. ANDREW asked the Minister for Police:

Would he supply information as to the number of servants drawing a salary in excess of £600 in 1939?

The MINISTER replied:

Four.

(b) As to Civil Service.

Mr. ANDREW asked the Treasurer:

What was the number of civil servants drawing salaries in excess of £600 in 1939?

The TREASURER replied:

One hundred and twenty-six.

(c) As to Railway and Tramway Departments.

Mr. HEAL asked the Minister for Railways:

What was the number of servants of the Railway and Tramway Departments drawing salaries in excess of £600 in 1939?

The MINISTER replied:

Railways, 40; Tramways, 4.

(d) As to Education Department.

Mr. HEAL asked the Minister for Education:

(1) Were there any servants of the Education Department in receipt of salaries of £600 or over in 1939?

(2) If so, how many?

The MINISTER replied:

(1) Yes.

(2) Administrative, 14; Teachers' College, 1; secondary, 6; technical, 3; primary, 12; total, 36.

COAL INDUSTRY.

(a) As to Wage Increase to Miners.

Hon. A. V. R. ABBOTT asked the Premier :

(1) Is it correct that the Government approved of a wage increase of about 12s. per week, as requested by the Collie Miners' Union, being paid by the Amalgamated Collieries of W.A., Ltd., and the Western Collieries, Ltd., to the Collie coalminers, without the same being awarded by the Coal Mining Tribunal or the Arbitration Court?

(2) Is it a fact that the coalminers already receive benefits and amenities by way of (a) coalmine workers' (pensions) scheme; (b) coal miners' welfare fund

scheme, not received by the average worker, which add to the cost of coal to the Electricity Commission and the Commissioner of Railways?

(3) Does not the cost of coal constitute one of the major costs (a) in the production of electricity, (b) in the working of the railways?

(4) Will not any increase in the price of coal result in additional charges being passed on to workers and other users of (a) electricity, (b) the railways?

The PREMIER replied:

(1) The Government agreed to the incentive agreement operating between the Griffin Coal Mining Company Ltd. and the Miners' Union being extended to Amalgamated Collieries of W.A. Ltd. and Western Collieries Ltd.

(2) The benefits mentioned were granted by Parliament by way of legislation.

(3) No. Labour is the major cost.

(4) This has not yet been considered.

(b) As to One of the Major Costs.

Hon. A. V. R. ABBOTT (without notice) asked the Premier:

As the Premier's reply to No. (3) of my question on today's notice paper was "No, labour is the major cost," which did not answer my question which was "Does not the cost of coal constitute one of the major costs—," would he say that coal is not one of the major costs in the production of electricity and in the running of the railways?

The PREMIER replied:

I think the member for Mt. Lawley is opening up an avenue for a long argument as to the meaning of the word "major". If it would assist to satisfy him, I would be prepared to say that the costs referred to in the question under review are important.

ADDRESS-IN-REPLY.

As to Precedent for Governments' Amendment.

Hon. Sir ROSS McLARTY (without notice) asked the Premier:

(1) Is there any recorded Western Australian precedent for the action of the Government in presenting to His Excellency the Governor an Address-in-reply which had been amended by the Government itself?

(2) Is not such an action equivalent to a criticism by the Government of the Speech prepared by the Government itself for His Excellency the Governor to deliver to Parliament?

(3) Does he consider such a practice by a Government would be a desirable one in regard to future Addresses-in-reply?

The PREMIER replied:

(1) I do not know. I would add that the Address-in-reply was amended not by the Government but by the House.

Hon. Sir Ross McLarty: You have a keen sense of humour!

The Minister for Native Welfare: It is just as well that you have.

The PREMIER: To continue my replies—

(2) The action could not by any stretch of the imagination, even of that of the Leader of the Opposition, be regarded as a criticism by the Government of the Speech prepared by it for His Excellency to deliver to Parliament.

(3) I would say that action would depend entirely upon the tactics of the Opposition of the day.

BILLS (3)—FIRST READING.

1, Government Employees (Promotions Appeal Board) Act Amendment.

Introduced by the Minister for Railways.

2, Nurses Registration Act Amendment.

Introduced by the Minister for Health.

3, Constitution Acts Amendment.

Introduced by the Minister for Justice.

BILLS (3)—THIRD READING.

1, Noxious Weeds Act Amendment.

2, Adoption of Children Act Amendment (No. 1).

3, Industries Assistance Act Amendment (Continuance).

Transmitted to the Council.

BILL—ROYAL STYLE AND TITLES ACT AMENDMENT.

Report of Committee adopted.

MOTION—GAOL PRISONERS.

As to Legislation for Parole.

HON. J. B. SLEEMAN (Fremantle) [4.55]: I move—

> That in the opinion of this House, the Minister for Justice should bring down a Bill providing for the parole of prisoners similar to the Canadian Act.

It will not take long for me to speak in support of the motion because I am sure it will appeal to all members in this House. The parole system is not new because it is already in vogue in many countries, and I think we are hundreds of years behind in not following their example. The countries in which this system is already operating are Germany, the Netherlands, Japan, France, Canada, Austria, Italy, Portugal and some States of America.

It is a little over 28 years since I first moved for the abolition of the degrading system of transporting prisoners in public to the Fremantle gaol, and I am proud to state that my object was achieved

shortly afterwards. At that time, prisoners were dragged through the streets, with people lined up on either side watching them, and I vowed that if I ever entered Parliament I would do everything possible to have such degrading spectacles stopped. Of course, in those times there were many people who would have dragged prisoners through the streets in chains if they had had their way, but fortunately those holding such views were very few. In the Fremantle gaol there are both men and women who have been convicted as criminals, and unfortunately they are left to rot instead of some humanitarian steps being taken to assist them to return to society and to become useful members of the community.

I am sure the motion will make a special appeal to the Minister for Justice, because there is no doubt that he is one of the most humanitarian men in the House. Although some people are inclined to refer to him in other terms, I do not think that anyone can object to the humanitarian principles he has always adhered to in this Assembly. To allow prisoners to rot in the Fremantle gaol will not achieve any useful purpose. It would be far better to educate them with a view to bringing them back into the outside world to become ordinary citizens once again. In my view, there are quite a number in the Fremantle gaol who could be treated in this way. I have been instrumental in assisting three men to be released after they had served part of the life sentences to which they had been condemned, and I am proud to say that they have all made good.

If men serving life sentences can be released and prove that they are prepared to lead reformed lives, surely other prisoners who are serving shorter sentences can be given a reprieve and be reinstated in society. Of course, I admit that there are always some that could not be released, such as dangerous criminals and sexual offenders. I have expressed my opinion on such prisoners previously and pointed out that they should receive some treatment. However, they would not be affected by the motion I am submitting to the House.

A parole system operated in England as far back as 1660. However, I had better not speak at length about that, because some men were sent to this State and given tickets-of-leave under a kind of parole system. Those men were allowed certain freedom, but in these enlightened days it should be our desire to improve considerably on that system. When in Melbourne a few weeks ago, I saw a reference in a newspaper to the proposed introduction of the parole system there. I had been living in hopes that Western Australia would be the first State of the Commonwealth to move in this direction, but Victoria is ahead of us.

Hon. A. V. R. Abbott: The judge already has power to put a man on parole.

Hon. J. B. SLEEMAN: Perhaps so, but it is not exercised.

Hon. A. V. R. Abbott: But the judge has that power.

Hon. J. B. SLEEMAN: Of course, but we do not want to bother the judges about this. They have their work to do, and I consider it to be the duty of the Government to have a committee formed to determine whether certain prisoners should be released on parole. The reference in the Melbourne Press was as follows:—

> Parole Soon, says Chief of Prisons.
>
> A parole system would soon replace Victoria's outmoded imprisoning, the Inspector-General of Prisons (Mr. A. R. Whatmore) said at Wesley Pleasant Sunday afternoon yesterday.
>
> Parole would give more chance of reform, be far less harsh on prisoners' innocent wives and families, and be far less expensive to the taxpaper, Mr. Whatmore said.
>
> It would involve part prison sentences and part parole under the supervision of trained officers.
>
> Every other civilised country had adopted parole systems.

That is what he thinks of it.

> In the meantime, Mr. Whatmore gave this tip to lawbreakers: "If you're thinking of going to goal, put if off for a couple of years, and then we may be able to do more for you!"
>
> Conditions at Pentridge had much improved in recent years, Mr. Whatmore said.
>
> Prisoners could smoke, listen to the radio, attend weekly entertainments and train themselves for trades. But prison would never be a country club or a home away from home, he said.
>
> Most of the Pentridge prisoners were the under-educated, underprivileged and unskilled members of the community, but every section of the community was represented there.
>
> Soon we shall look back on our present prison system with the same horror as we now do on the drawing and quartering, use of dungeons and other barbarities that failed to arrest crime in the past, he said.

Those are the views of the Inspector-General of Prisons in Victoria. Here is an interesting cutting from the Adelaide "Mail" of the 2nd June last. It deals with an extreme case but is worth quoting.

> Killer on Holiday.
>
> A murderer serving a life sentence for a brutal killing has been given five days leave from goal. Without guard, he travelled by train from

Perth Prison, Scotland, to visit his family in England. The prisoner rang the doorbell outside Perth Gaol's iron gates and returned to his warder, promptly on time.

He is one of 20 long-term prisoners granted holiday leave from Perth. All have been granted five to seven day's freedom. All have returned.

Pleased with the success of their sociological experiment, goal officials are extending it to short-term prisoners. Selected convicts will be allowed to take outside jobs, returning to their cells each night. Only sexual offenders are barred from these privileges, which are granted on good behaviour and the results of prison observation.

The best course for me to adopt is to read an explanation of the parole system from the "Canada Year Book," which presents the case much better than I could do. It is called "The Ticket-of-Leave System." I do not like that title and, if we put the system into operation. I think we shall be able to find a better name for it—

> The Ticket-of-Leave or Parole System rests on the power of the court to suspend, conditionally, the imposition or the execution of a sentence. Its aim is to achieve, through the substitution of a form of control or treatment, the reformation or civil rehabilitation of a prisoner outside of close imprisonment. The British ticket-of-leave system began in 1660 when statutory power was given judges to transport prisoners to the colonies, where, after a penal settlement period was fulfilled, they were allowed for the remainder of their sentence the freedom of the colony, under certain restrictions.

I have already quoted the restrictions. I do not know that that was much of a system, but it was an attempt to achieve something.

> All such prisoners were prohibited from carrying firearms and had to report monthly, quarterly or yearly for inspection to the authorities. By 1840, transportation of prisoners was disallowed, but a new policy of imprisonment was inaugurated under which all long-term convicts must pass through the prisons for a period before conditional release on ticket-of-leave could be granted. When released, the convict is kept under the surveillance of the police and reports at stated periods. He is returned to prison for any infraction of this ticket-of-leave license. The British system is altogether automatic in operation.
>
> Other countries have also adopted the parole system. It was accepted in Germany in 1871, the Netherlands in 1881, Japan in 1882, the French Republic in 1885 and has since been used by Austria, Italy and Portugal. A number of the States in the United States have now a system of parole or conditional liberation in force for prisoners.

In Canada the parole system was first adopted for penitentiaries in 1899 and was later extended to include gaols and reformatories. In this, the Canadian system differs from every other parole system in the world. The parole system was legalised under the Ticket-of-Leave Act (RSC. 1927, C.107).

It is the duty of the Minister of Justice to advise the Governor General on all matters connected with or affecting the administration of the Ticket-of-Leave Act. By an order in writing, under the hand and seal of the Secretary of State, the Governor General may grant to any prisoner under sentence of imprisonment in a penitentiary, gaol or other public prison or reformatory ticket-of-leave to be at large in Canada or any specified part thereof during such portion of his or her term of imprisonment and upon such conditions in all respects as the Governor General may see fit.

The working of the Ticket-of-Leave Act in Canada is in the following manner:—Any convict serving a prison term, or any person on behalf of a prisoner, may make application through the Minister of Justice for a ticket-of-leave. Each application, whether received from the most humble petitioner or from a person of high standing in the State or the community, receives the same very careful attention. Reports and opinions are requested from the trial Judge, the police who handled the case and the warden of the prison where the prisoner is incarcerated. The past environment and the previous criminal record, if any, of the prisoner are studied. All the circumstances in each case are carefully considered by well-qualified investigators in the Remission Service Branch of the Department of Justice. If the consensus of opinion is that the prisoner has profited by the time spent in prison and it is felt that an exercise of clemency will result in the prisoner becoming rehabilitated and again a useful member of society, and if honest, gainful employment and proper supervision are assured, then the Solicitor General recommends to His Excellency the Governor General that the subject be released to serve the remainder of his sentence under the restraint of a ticket-of-leave. The Governor General approves by placing his official signature thereon. The offender is then issued with a ticket-of-leave licence under the hand and seal of the Secretary of State

and is released from prison to serve the remaining portion of his sentence at large, subject to the conditions and provisos laid down in his license.

The Commissioner of the Royal Canadian Mounted Police has been designated by the Ticket-of-Leave Act to enforce the conditions under which each ticket-of-leave subject is liberated. This he does through the Ticket-of-Leave Section, Identification Branch, located at Ottawa.

Every holder of a ticket-of-leave license, upon release, is required to notify the place of his residence to the Chief Officer of Police or Sheriff of the city, town or district in which he resides and, whenever he is about to leave a city, town, county or district he is obliged to notify such intention to the said police officer or sheriff of that place stating the place to which he is going and, if possible, his intended address. Upon arrival at his new destination, he is required to notify the local police officer or sheriff. Further, each male ticket-of-leave subject is required to report once each month, so long as his ticket-of-leave period is in force, to the Chief Police Officer or Sheriff of the place in which he resides, unless this condition has been remitted by the Order of the Governor General.

A ticket-of-leave subject must produce his license if called upon to do so by a magistrate or police officer; he is required to abstain from any violation of the law; shall not habitually associate with notoriously bad characters such as reputed thieves and prostitutes; he shall not lead an idle and dissolute life without visible means of obtaining an honest livelihood, and is required to carry out any additional condition that has for some reason been attached to his license.

The Ticket-of-Leave Branch receives very efficient co-operation from the police forces throughout the country. Through their help record is kept of each ticket-of-leave subject at large in Canada and monthly reports are forwarded to headquarters. Most police forces treat ticket-of-leave information as strictly confidential; exercise care in protecting those concerned from embarrassment; give sympathetic consideration to the problems of these unfortunates, and are ever ready to give assistance and helpful advice to anyone who is honestly endeavouring to rehabilitate himself.

He who fails to carry out the minor provisions of his release is at first admonished and given another chance. If, however, no heed is taken of rebuke, the Governor General may order the license of the subject so transgressing to be revoked. In this case the culprit will be, by warrant, recommitted to prison to serve the portion of his sentence that was unsatisfied at the time he was granted ticket-of-leave.

If any holder of a license under the Ticket-of-Leave Act is convicted of an indictable offence, his license is forfeited. This is the only automatic feature of the Canadian ticket-of-leave system. In the case of forfeiture, the subject must first complete the sentence given on account of the indictable offence; he is then recommitted by warrant to prison to serve the portion of the former sentence that remained unsatisfied when he was granted ticket-of-leave.

The ticket-of-leave subject is not pampered. He is made to realise that he has been justly punished by imprisonment for offence committed and that judgment has been tempered with mercy by permitting him to serve part of his just sentence at large under the mild restraint of a ticket-of-leave license. On the other hand, no unjust advantage may be taken of him. He has all the rights and liberties of any free Canadian citizen to engage in any honest enterprise or occupation, and is fully protected by law from any impositions whatever.

The number of convicts released on ticket-of-leave each year from penitentiaries, gaols and reformatories varies between 700 and 1,000 persons. From the time the system was inaugurated in the year 1899 to the fiscal year ended 31st March, 1947, 35,043 offenders have been so released. During the 48 years ticket-of-leave has been in operation in Canada, only 5.4 per cent. of the total number released have lapsed into crime that has necessitated return to prison.

Criticism is occasionally heard when publicity is given to some case of a ticket-of-leave subject who is again convicted of crime. Because of the strictly confidential nature of this work, nothing is ever heard of the more than 90 per cent. of subjects who become useful and respected citizens. The Canadian ticket-of-leave system has indeed proven well worthwhile from a humanitarian as well as from an economical standpoint.

That speaks for itself. Canada has given this system a fair trial and it has been proved to be worth while. I believe that every member of this House will be agreeable to doing something for people who have been thrown into gaol. In my opinion, an appreciable number of persons outside of gaol are worse than quite a number who are inside and only by good luck do they happen to be outside. The time has arrived when we should give this system a trial and I hope that the House will approve of the motion. I believe that the Minister for

Justice will be only too pleased to put the system into operation and give it the trial it deserves.

On motion by the Minister for Justice, debate adjourned.

MOTION—POTATOES.

As to Recommendations of Select Committee.

HON. J. B. SLEEMAN (Fremantle) [5.15]: I move—

> That in the opinion of this House, the recommendations of the Select Committee on the disposal of potatoes made on the 7th September, 1949, should immediately be given effect to.

In 1946 an Act was passed to form a board for the marketing of potatoes. The general powers of the board are as follows:—

> The Board may for the purposes of carrying out the duties and functions imposed on it by the other provisions of this Act—
>
> (a) buy or sell any property;
>
> (b) enter into any contract;
>
> (c) borrow money and mortgage or charge any of its property as security for the repayment of any money borrowed.

I wish members to remember that particular paragraph.

> (d) delegate any of its functions and revoke any such delegation;
>
> (e) establish or maintain premises for receiving, handling, grading, treatment, storage or sale of potatoes;
>
> (f) contract or arrange for the processing of any potatoes;
>
> (g) purchase, hire, construct, erect and maintain any premises, machinery, plant and equipment required for any processing which the Board has the power to carry out;
>
> (h) may with respect to the marketing or production of any potatoes enter into arrangements with any body, association or corporation in the Commonwealth which has among its principal objects the management, control or regulation of the marketing or production of the potatoes, and may through any member or delegate of the Board participate in the membership or management of any such body, association or corporation;
>
> (i) undertake transport and carrying services;
>
> (j) exercise the functions usually exercised by shipping agents;
>
> (k) at its discretion, grant or refuse licenses to growers, and regulate the registration of growers and potato growing areas;
>
> (l) regulate the granting, issue, duration, refusal, suspension and cancellation of licenses and registration under this Act;
>
> (m) prescribe the conditions upon which licenses may be granted, including the power to limit and define the area or areas within which potatoes may be sown or produced for sale, and may from time to time add to, vary or revoke such conditions or any of them;
>
> (n) prohibit the production of potatoes for sale except in accordance with the conditions of any license issued by the Board;
>
> (o) require any grower who may cease to grow or produce potatoes for sale, or who may intend to produce less potatoes than contemplated by the conditions of his license, to give to the Board written notice and particulars of the circumstances within a reasonable time;
>
> (p) do all other acts, matters and things which it is required by this Act to do, or which may be necessary or convenient to be done by the Board for giving effect to this Act.

What I have read proves that the board has all the powers necessary to carry out the business of the disposal of potatoes, so we can hardly credit that potatoes have to go through many channels before arriving at the consumer. They have to go through the country agents and then to Potato Distributors Ltd.—a company I shall have a word to say about directly—then on to Mr. Murray and then through the Potato Board, from there to the wholesale merchants, and from them to the secondary wholesalers, who are the packers and from them to the retailers and so to the consumer.

None of these people work for nothing. They all have to get something, either wages or commission, and two or three get quite good commissions. Last year 45,609 tons of potatoes went through the board. Potato Distributors Ltd. got a commission of 8s. 10d. a ton for every ton handled—not only grown—in the State, and Mr. Murray received 5s. 2d. a ton for every ton of potatoes handled in Western Australia. Last year the Minister told us, by answer to a question, that Potato Distributors received a total commission of

£18,492, and Mr. Murray received a commission of £11,782—over £30,000 between them.

Potato Distributors Ltd. is a company of 26 people each holding a £1 share. The only thing I can see that this company does is to create the finance for the Potato Board. Mr. Murray seems to be the man on the job. He appears to be doing the work of the board, Potato Distributors Ltd. and everyone else, but they are all getting their cut. I think the time has arrived when we should carry out the recommendations of the select committee.

Mr. Nalder: What does the producer get?

Hon. J. B. SLEEMAN: He gets what is left. A select committee was appointed to inquire into the disposal of potatoes, and evidence was taken from 18 witnesses. Potato Distributors Ltd., by agreement with the board, was appointed the distributing agent, for the board. Although it is credited with being the distributing agent, it seems to me that Mr. Murray is the man. He has been appointed distribution manager for the Potato Marketing Board, and the distribution people have appointed him manager on their behalf. A few weeks ago a meeting of potato growers was held in Harvey, and they passed a vote of no confidence in the board. The following is a newspaper report of what occurred:—

> A vote of no confidence in the Potato Marketing Board was carried by a two-to-one majority at a meeting of about 150 potato-growers at Harvey on Friday.
>
> The meeting continued until after midnight.
>
> The motion included the State potato counsellor (Mr. G. Hard) and the distribution manager (Mr. A. Murray).
>
> The meeting was convened by the Harvey branch of the Potato-growers' Association.
>
> Those present included the president (Mr. F. Newman) and secretary (Mr. O. Synnott), two of the three growers' representatives on the board —Messrs. T. H. Rose and Mitchell— and the officer in charge of the vegetable branch of the Department of Agriculture (Mr. J. P. Eckersley).
>
> Growers from Waroona to Benger attended and Mr. I. W. Manning, M.L.A., was in the chair.
>
> Before the no-confidence motion was agreed to, several speakers warned growers of the "chaos" that would follow the dissolution of the board and orderly marketing.
>
> If the board were eliminated, growers would not get any more for their potatoes because the price had nothing to do with the board and was fixed by the Prices Commission, Mr. Hard said.
>
> Without a board, the growers would be at the mercy of merchants.
>
> The board had done its best to dispose of potatoes and had to keep enough potatoes to make the State's requirements secure.
>
> There was no surplus for export.
>
> Other successful motions were that all potatoes for local consumption be inspected at the point of loading and that this inspection be final.
>
> The executive of the association will be asked to urge an increased premium to cover bags.

Although a gentleman by the name of I. W. Manning, M.L.A., was in the chair, he did not seem to do much good in preventing a vote of no confidence in the board. The report of the select committee is—

> The secondary wholesalers or packers, by which latter term such persons or firms are more commonly known, cannot obtain supplies of potatoes other than from the wholesale merchants who secure their requirements through Potato Distributors (W.A.) Ltd., acting on behalf of the Potato Marketing Board. Packers are allowed a margin of profit of 12s. 6d. per ton as against an amount of 22s. 6d. per ton which is the margin allowed to the wholesale merchants on sales to retailers.
>
> When potatoes are in very short supply, there is a strong inducement for the wholesale merchant to sell to the retailer rather than to the packer, because of the larger amount of profit to be obtained and the packers, being without potatoes, suffer a consequent decline in their other business.

In some places the packers are larger firms than the wholesalers, yet they are not licensed and cannot get their supplies—

> The evidence seems to establish beyond doubt that excessive quantities of soil are being forwarded with potatoes by some growers with much resultant trouble and financial loss to merchants, retailers and the consuming public.
>
> Mr. R. R. Piercey stated that in one truck of potatoes sold to him the actual weight of soil in the bags was 23 cwt. 2 qrs. In one bag there was 35 lb. of soil. On another occasion in a truck containing 6 tons 5 cwt. there were 9 cwt. 2 lb. of soil present.
>
> As there is only one inspector of the Department of Agriculture engaged in examining consignments of potatoes received from growers, a close examination is not possible.

The report goes on to deal with Potato Distributors Ltd. and states—

> This company comprises all of the registered agents and of these all except four possess a wholesale merchant's license. By agreement made on the 1st October, 1948, between it and the Potato Marketing Board, the company has been appointed the distributing agent for the board.
>
> Mr. Alex Murray, by agreement with the company, was appointed its distribution manager, and the Potato Marketing Board appointed him as assembly manager and distribution manager to act on its behalf.

The recommendations are that—

> Immediate steps should be taken to make adequate financial resources available to the Potato Marketing Board by using Section 38 of the Marketing of Potatoes Act, 1946.
>
> When the necessary finance has been made available, steps should be taken by the Potato Marketing Board to terminate the agreement existing between it and Potato Distributors (W.A.) Pty. Ltd., and and the board should take over the work of distributing potatoes to merchants.
>
> The distribution manager should be a salaried officer of the Potato Marketing Board.
>
> The Potato Marketing Board should accept the responsibility for the quality of all potatoes sold, whether for local consumption or export, and to enable this to be done should acquire the necessary storage space where grading can be undertaken.
>
> The licensing of wholesale merchants and secondary wholesalers should be discontinued and potatoes sold by the Potato Marketing Board to all persons or firms requiring supplies who are genuine wholesalers of produce.
>
> The allowance for cartage should be revised and representations made to the Prices Branch accordingly.

I was a member of the select committee, and I think the recommendations are very good. We questioned Mr. Murray, and all he could tell us was that it was necessary for Potato Distributors Ltd. to exist. When he was asked why, he said that it was on account of finance, practically saying that the only thing it was useful to the board for was to handle the finance for it. Of course, it got a pretty good rake-off too.

It is time the Potato Board was given the finance necessary to run its affairs and not have to rely on Potato Distributors Ltd. which is raking off not only good interest, but something additional from the supposed handling of potatoes. One of the recommendations is that when the necessary finance has been made available, steps should be taken by the Potato Marketing Board to terminate the agreement. That is necessary. The board should be able to do the job. If it is not, then it should get out and let someone else have a go.

Another recommendation is that the distribution manager should be a salaried officer of the Potato Marketing Board. That is a good recommendation. Mr. Murray seems to be a live wire and is doing most of the work. If he were made an officer of the board, with a suitable salary for the work he had to do, it would be better than having him on commission as he is at present. Another recommendation is that the licensing of wholesale merchants and secondary wholesalers should be discontinued and potatoes sold by the Potato Marketing Board to all persons or firms requiring supplies. That would be a good way to handle potatoes, too.

At the present time we have wholesalers and secondary wholesalers, who are packers, and on occasions the secondary wholesalers cannot get supplies from the wholesalers if they are short. They look after themselves first. There was some argument about the cartage allowed, and it was proposed that that should be revised and representations made to the Prices Branch in connection with it. The time has arrived when the Potato Board, which was appointed for the purpose of handling the potatoes of the growers of this country, should do the job. There is no necessity for Potato Distributors Ltd. to exist. I think the Potato Board, with Mr. Murray as distribution agent or chairman, would be quite suitable for the job.

Hon. Sir Ross McLarty: Who was the chairman of that committee?

Hon. J. B. SLEEMAN: The present Minister for Works. I know what will be said. The people connected with potato distributors will claim that the growers would not get any more for their produce, and the consumers would not get cheaper potatoes, even if the recommendations of the select committee were put into effect. Can any member tell me what would happen to the £30,000 that is being paid out now? It would have to go somewhere. Either the growers or the consumers must get the benefit, so I hope the House will carry the motion. If it does, I hope the Government will put into effect the recommendations of the select committee.

On motion by the Minister for Agriculture, debate adjourned.

BILL—FERTILISERS ACT AMENDMENT.

Second Reading.

HON. A. F. WATTS (Stirling) [5.33] in moving the second reading said: This Bill proposes to amend the Fertilisers Act

which was passed in 1928, by making some new provisions in regard to the manufacture and sale of superphosphate. At the outset I shall outline what the new provisions are. The first is that power shall be given to the Minister to determine and prescribe by regulation the maximum quantity of moisture which may be contained in superphosphate. The second provision is to make it an offence to sell superphosphate which contains a moisture content greater than that prescribed. The third amendment is to provide that it shall be the duty of the manufacturers to forward to the Department of Agriculture, at regular intervals and free of charge, a sample of the superphosphate manufactured during the period since the last sample was dealt with so that it may be analysed. If it is found that a sample contains a moisture content in excess of that prescribed, the matter shall be reported to the Minister.

Then there is a provision making it an offence not to carry out the requirements of the Act concerning the delivery of an analysis of superphosphate supplied to a purchaser at or before the time of the delivery of the fertiliser to him. I will deal with that aspect later on. There is also a provision to add to the section of the Act which enables regulations to be made, power to make regulations prescribing the quantity of superphosphate to be provided as a sample and, as a corrolary to what I said previously, providing for the prescription of the maximum moisture content.

Over a long period of time there have been numerous complaints as to what is believed to be the excess quantity of moisture in superphosphate. A peculiar situation exists in Western Australia in regard to delivery because farmers are compelled to take delivery of their superphosphate long before they require it, and usually in two periods of the year. There have been numerous complaints not only as to the setting or lumping of the superphosphate when placed in storage pending its use, but also as to the grave difficulty experienced at times in passing it through the machinery. I will also make some reference to that aspect later on.

It is admitted that at the present time no State of Australia has regulations which prescribe the maximum allowable quantity of moisture in superphosphate; but that does not mean to say that such a prescription is either impracticable or undesirable. In regard to the latter, I feel certain that there is ample evidence that it is very desirable indeed. However, in order to ascertain the position from the other States of the Commonwealth we made some inquiries only to find, as I said, that there was no prescription by regulation or otherwise. We also made some inquiries of the C.S.I.R.O. and I have here a letter, dated the 21st August, 1953, from Mr. O. H. Frankel, the chief of the Division of Plant Industry. It reads—

> We have done no experiments to study the effects of moisture in superphosphate on the quality of superphosphate as a fertiliser.
>
> In assessing what should be regarded as a reasonable maximum content, it would be necessary to know the effect of moisture on the mechanical condition of the superphosphate, and the effect of the mechanical condition on the rate and uniformity of application in the field. There are also a number of other factors that would need to be considered. Unfortunately there is not sufficient information here on which we could base an informed opinion on the matter.
>
> The analysis of fertilisers listed in the South Australian Journal of the Department of Agriculture, give the percentage moisture in the superphosphate samples. In the 1951-52 Journal moisture content ranged from 2 to almost 9 per cent. Perhaps the South Australian Department has information on the effect of varying moisture content.

A variation of from two to nine per cent., as quoted in that letter, indicates a wide, and I think, unsatisfactory variation. It seems that, in view of the great importance of superphosphate to the farming industry all over Western Australia, and of the considerable cost of it at present, it is absolutely essential that we should take any and every means available to ensure that it reaches the farmer in a satisfactory condition and that it remains in that condition, under the circumstances of the delivery to which I have referred, until he is able to use it. We must also ensure that the superphosphate will pass freely through the machinery which the farmer must utilise in order to perform his farming operations.

As a result of a motion moved last year by the member for Geraldton, a departmental committee was appointed to inquire into matters concerning superphosphate. On behalf of the then Government I agreed that that committee should be appointed. That was the second or third such inquiry that had been held during the last decade, but its report was tabled in the House at the beginning of this session. I have the report here and on page 10, at paragraph 24, the committee makes these observations—

> The most objectionable feature of farm storage for a period of several months is the "setting" of the superphosphate with the need for subsequent reconditioning and, to a lesser extent, rotting of the jute sacks. Information supplied by the Farmers' Union contained few complaints that

the superphosphate rotted the bags—indeed one farmer complained because it did not rot the bags, claiming this as evidence of lack of strength of the superphosphate. According to information supplied to the Committee by the Farmers' Union, complaints were widespread of "setting" of some of the superphosphate delivered early in the season and stored on the farm for several months. Another major difficulty encountered by a number of farmers and which seemed to be more prevalent in deliveries late in the season, was that the fertiliser stuck to the stars of drills and built up into hard cakes within a short time. Damage to the drill and delays in seeding operations frequently resulted.

I now quote from paragraph 25 on the same page—

> So far as the Committee could ascertain, the popular belief that both these troubles were related to the moisture content (immaturity, greenness) of the superphosphate is correct, and some of the difficulties are due to the change over from Nauru to Xmas Island rock phosphate.

Further on, in paragraph 29 on the same page, the committee makes this observation—

> Since the setting in the bags and the clogging of drills is considered to be caused by relatively high moisture content of the superphosphate, which may be due to immaturity, the question arises of fixing a maximum moisture content for superphosphate under the Fertilisers Act, 1928. This is not a simple straightforward question as such maximum could only apply to the superphosphate at the time of despatch and not at the time of use and in no State of the Commonwealth or in New Zealand is a maximum moisture content specified for superphosphate. Furthermore the experience of the past few years shows that much of the superphosphate required for despatch in April to June could not have complied with a maximum moisture content based on that of mature superphosphate. Under these circumstances the Committee is of the opinion that a maximum moisture content for superphosphate should not be fixed under the Fertilisers Act, 1928, until conditions are such that superphosphate manufacturers have sufficient stocks to ensure that all orders can be filled with mature superphosphate.

I think members will agree that the last paragraph virtually amounted to a policy of despair. The committee, having declared quite unequivocally that the moisture content of superphosphate is responsible for the trouble complained of and having apparently satisfied itself that the troubles complained of are real troubles and the complaints reasonably justified, and having come to the conclusion that the moisture content ought to be attended to, advises that nothing be done about it. In a community which is now using something like 450,000 tons of super per annum; in a community whose continued existence in agriculture depends almost entirely upon the availability of super, both in satisfactory quality and quantity, that seems to amount to a state of despair.

I for one certainly cannot subscribe to leaving the matter where it is at present. For that reason, among others, this Bill is before the House. I will go a little further and read from page 18 of the report. Paragraph 69 says—

> No Government action appears necessary regarding storage problems.

If members will turn back to the paragraph I last read, namely No. 29, they will see that it says that no action should be taken under the Fertilisers Act until conditions are such that super manufacturers have sufficient stocks to ensure that all orders can be filled with mature super.

This report bears out that that state of affairs cannot be arrived at until there is sufficient storage. Yet this committee for some obscure reason says that no Government action appears necessary in regard to the storage problems. There again I am entirely unable to comprehend the committee's suggestion in that regard. Paragraph 69 continues—

> However, the Government Chemical Laboratories might usefully undertake a study of moisture changes in stored superphosphate to determine whether the establishment of moisture and other physical standards under the Fertilisers Act, 1928, could serve any good purpose.

I am perfectly satisfied, and I am sure the House will be perfectly satisfied, not only from the statements of the committee itself, but also from the numerous complaints that are heard around Western Australia, that the moisture content of super, if excessive, has a considerable amount to do with these troubles and that there should be immediate action taken to determine what the maximum moisture content of super should be, and to prescribe it.

It will be quite obvious that the matter of the regulation being issued for this prescription is one for the Minister. If this Bill were to pass today, he would not be obliged to issue a regulation tomorrow. He could not do so until he had arrived, with the aid of experts, at the determination and therefore no express moment for making the prescription has been put in this measure. What is intended is that the earliest possible opportunity should be taken of making the necessary examination and determination, and as soon

as that can be satisfactorily and completely done, the necessary regulation can be promulgated.

The next provision in the measure sets out that super having a moisture content in excess of that prescribed shall not be supplied. There again that will not come into effective operation until the prescription has been made. But it seems to me that is utterly useless, having made an examination, that some attempt should not be made to enforce it, because it can be assumed, and must be assumed, that all factors regarding the manufacture of super in an efficient and skilful manner were taken into consideration before the prescription was made.

Therefore, there will be no hardship whatever in being required subsequent to that time to dispose of super which complies with the regulation. At this stage I would like to say that the Minister was quoted the other day in the "Farmers' Weekly" as saying that the policing of the Fertiliser Act was a major departmental activity. I agree that there is a considerable amount of policing to be done, but suggest from the evidence before me now, that it is not sufficient in all the circumstances of the case, taking into consideration the various statements in the report of the committee, some of which I have read.

In the "Farmers' Weekly" of the 3rd September, the Minister is credited with saying—

> The policing of the Fertiliser Act, together with the Feeding Stuff Act, is considered a major activity of the Sheep and Wheat branch of the Department, the Minister for Agriculture (Mr. Hoar) has told the Farmers' Union in a letter in which he explains that he had made inquiries into the inspection of fertiliser, which was brought to his notice by a recent deputation from the Union.
>
> "These show that the inspection and sampling of fertilisers is continually being carried out as provided under the Act and the samples submitted to the Government chemical laboratories for analyses," Mr. Hoar has written the Union.
>
> "Generally the results of these analyses have complied with the registered analyses having regard to the permitted deviation allowed by the Act. On a few occasions where discrepancies have occurred, these have been taken up with the firms concerned, which have, in all cases, taken steps to remedy the matter and no further action has been necessary.
>
> "The policing of the Fertiliser Act, together with the Feeding Stuff Act, is considered a major activity by the sheep and wheat branch of this Department.
>
> "Action taken in connection with the sampling of fertiliser for the year ended June 30, 1953, is as follows:
>
> "Forty-three samples were taken in stores during this period, and in addition 24 samples of superphosphate, two of super-zinc and two super-copper-zinc, have been submitted to the Government analyst. Of these, 18 have been analysed and though the details of the results have not yet been received at this office, Dr. Samuel advises that they are all within the requirements of the Act.
>
> "In addition, ten samples, consisting of five each of two potato manures, three of other potato manures and three more fertilisers, including one superphosphate, have recently been delivered to the Government analyst for analyses. This makes a total of 87 fertilisers either tested or awaiting analyses."

Of those 85, it appears that 18 were analysed and the results of them stated by the doctor to be satisfactory had not been given in detail to the Minister. But it must be borne in mind that the number of analyses of super are not mentioned and there are, of course, many fertilisers other than super, some of which are quoted in the 10 last-mentioned samples which would have to receive attention.

My discussion this evening is all about super. Therefore it is quite clear that even in that considerable number of samples and out of the 18 so far analysed, there could have been only a fractional number of super samples. When one considers the very substantial amount of super manufactured and sold in Western Australia in every period of 12 months—which I think has an inclination to increase rather than decrease—it will be readily realised that in the interests of the consumer and in the interests of agriculture, and thus in the interests of the State, there should be more rather than fewer analyses taking place in the future.

Of course we must again reiterate that there is no provision whatever at the present time, nor is any action taken in the analyses with regard to the moisture content, because that is not as yet provided for in the existing legislation. Mr. Loton asked a question a few weeks ago in another place. The hon. member asked—

> How many samples showed an excess of moisture?

The answer given was—

> The moisture content is not required to be registered under the Fertilisers Act, 1928.

To give the Minister an opportunity to ascertain what the moisture content ought to be, and to arrange that state of affairs

in a reasonable manner is what I want to bring about in this Bill. Other questions were asked by Mr. Loton, namely—

> How many analyses of fertilisers were made during the year 1951-52 by the Government Chemical Laboratories?

and

> How many samples of superphosphate were not up to the required standard?

The answers given to these two questions were—

> During the 1951-52 fertiliser registration year 36 samples were analysed. None of the samples of superphosphate analysed during 1951-52 or up to date for 1952-53 were below the standard required by the Act and regulations.

The replies did not say how many samples of super had been analysed in that period. But during the 1952 session Mr. Loton in another place again asked the Minister how many analyses of super were made during the year 1951-52 by the Government Chemical Laboratories. The Minister replied that one analysis had been made and that it had complied with the standards.

So I can only come to the conclusion that while there is considerable activity in the department—an activity, of course, which we all appreciate—it has not been directed along the lines upon which I now seek to direct it, partly because the Act has made no provision concerning the moisture content, and partly because other fertilisers seem to have been and probably are, more important, on the face of it, from the point of view of the analyst, than superphosphate, which has apparently been regarded as measuring up to a satisfactory standard so far as its statutory or declared contents are concerned.

The Minister for Agriculture: I think that the officers concerned do all they are required to do under the Act.

Hon. A. F. WATTS: I would not be surprised. I am seeking to make the companies provide them with better opportunities in future at regular intervals. The Bill provides for that purpose that every person carrying on business as a manufacturer of superphosphate shall, at least once in every week, forward for analysis to the Department of Agriculture, without payment, a sample of the superphosphate manufactured by such person during the previous week. It is also provided that the Minister shall determine and prescribe by regulation the quantity of superphosphate to be forwarded as a sample, and shall cause every sample forwarded to be analysed for the purpose of ascertaining the quantity of moisture contained in the superphosphate, and where the analysis discloses that a sample has a moisture content in excess of that prescribed, the Director of Agriculture shall report the same to the Minister. I do not think, after all I have said in regard to that matter, that it requires any further explanation.

I now come to that part of the Act which provides for analyses to be forwarded with the fertiliser. The term "fertiliser" in the Act, of course, includes superphosphate, and Section 12 of the Act provides that—

> (1) Upon the sale of any fertiliser, whether paid for at the time of sale or not, the dealer shall at or before the time of delivery of the same or any part thereof, give to the purchaser an invoice in or to the effect of the prescribed form signed by the dealer or his agent.
>
> (2) There shall be correctly, accurately and clearly stated in or shown on the invoice—
>
> (a) The name and place of business of the vendor, and if the fertiliser is manufactured in the State, the name and place of business of the manufacturer;
>
> (b) a copy of the registered brand and name of the fertiliser;
>
> (c) the minimum percentages of nitrogen, phosphoric acid, and potash, and a statement in accordance with the regulations of the respective forms in which they are respectively present in the fertiliser.

It will be noticed that the words appear, "Upon the sale of any fertiliser, whether paid for at the time of sale or not, the dealer shall at or before the time of delivery of the same or any part thereof, give to the purchaser an invoice." The custom has grown up in quite a different way. Notwithstanding that the Interpretation Act provides that when the word "shall" is used it shall be mandatory in effect, whereas the word "may" is discretionary in all legislation passed after the passage of the Interpretation Act of 1918, the word "shall" in the Fertilisers Act of 1928 has apparently been taken to mean something different, because superphosphate can be ordered and paid for in October, November, December, January or February, and the invoice carrying this analysis and the other particulars required in the section may not reach the farmer until the following May or June.

I have one here before me where the superphosphate was paid for and delivered in October, 1952. Inquiries have been made of the distributors concerned as to when this invoice was despatched to the farmer, and the date has been given to me by

them, because it has been recorded, as the 19th June. Consequently, the farmer did not get his invoice with these particulars and the analysis stuck on the back of it—it happens to be a printed form and is therefore the same, I take it, on all invoices—until something like seven months after and not before or at the time of delivery of the superphosphate.

From the point of view of the farmer, it seems to me to be very important that he should have this document at the time prescribed by the Act; otherwise, why the deuce is it in the Act? I would suggest that obviously it was put there to enable the farmer, if he were dissatisfied for any reason with the stuff delivered to him, to comply with the provisions of the Act for the taking of a sample and ascertaining whether the sample so taken was in accordance with the document delivered at the time he received the superphosphate. But if he is going to receive the document seven months afterwards, and if his superphosphate is to come, as it does, in portions over a period of months, partly because of transport and partly because of other difficulties, then he is going to have a very poor, if not a non-existent, opportunity of taking advantage of the provisions of the parent Act to which I have just referred.

Mr. Andrew: Are there any penalties for non-compliance with the provision?

Hon. A. F. WATTS: So far as I can find out, no. So I propose to have Section 12 amended to provide that there shall be, and that is the third amendment in the Bill. The amendment to Section 33 is a minor one to accommodate the proposed amendment to Section 12, to which I have just referred. The balance of the Bill is made up of additions to Section 37 of the Act giving the Minister power to make regulations as to the quantity of super to be contained in any sample required under this Act to be forwarded by a manufacturer for analysis, and as to the maximum moisture content of superphosphate. Those, it will be seen, are put in entirely to ensure that if the Bill is passed and becomes an Act, power to make regulations dealing with the new intentions in the measure are quite undoubted. There will be no difficulty whatever in making regulations in respect to those two matters.

So I submit the Bill to the House. I can assure everybody concerned that it has not been introduced here in any spirit of carping criticism or with any desire to create political controversy. I think I said last year, when the member for Geraldton moved the motion to which I referred, that I had, during the time I had been in charge of a certain department, taken considerable interest in and encouraged various investigations into the many and complex problems surrounding the manufacture of superphosphate in Western Australia. There were during a large portion of that time very major problems. There was the greatest of all problems, I suppose, in regard to the manufacture of super, namely, the transfer, so far as the use of sulphur was concerned in the manufacture of sulphuric acid, from imported native sulphur to the sulphur obtained from pyrites in this country and there were the many and complex difficulties involved not only in obtaining it but in transporting and using it.

Coincidental with all that, there were these minor problems, or problems of a less complex nature, to which some attention was also given, and they culminated—because, as I said, the then Government was quite agreeable to it—in the report of the committee that has been laid on the Table and to which I have referred. My interest in the matter is entirely that of ensuring, so far as is humanly possible, that superphosphate supplied to rural users in a country which, agriculturally, simply cannot do without it, is the best possible fertiliser of its kind that can be made available by the most efficient and skilful methods, and for no other reason do I introduce this measure. I move—

That the Bill be now read a second time.

On motion by the Minister for Agriculture, debate adjourned.

BILL—MATRIMONIAL CAUSES AND PERSONAL STATUS CODE AMENDMENT.

Second Reading.

HON. A. F. WATTS (Stirling) [6.12] in moving the second reading said: This measure, despite its somewhat imposing title, does not propose to make any new provisions in the law relating to matrimonial causes that was passed in 1948. On the contrary, it proposes to restore something to the law which was there for a long period of years, and which I believe was inadvertently taken out. I am indebted to the Minister for Justice in regard to this matter because when I submitted to him the problem that I am about to relate to the House, he was good enough to take the advice of the Solicitor General on the subject, and to inform me that the Solicitor General agreed with the contention I had put to him. The Minister suggested that if I cared to proceed with the introduction of the Bill, provided the measure dealt with the matter as he expected, he would be prepared to support it.

So it will be quite clear that there are substantial grounds for the measure which I am introducing and which, because it goes back a little into ancient history, and members will be entitled to know just what it is all about, will take me a few minutes to explain.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. F. WATTS: As I was saying before tea, this Bill does not seek to put into the law any new provisions but only to restore something which was taken out in 1948, I think, by inadvertence. In order to explain that, it will be necessary for me to give a brief historical review. There were, as you know, Sir, certain affinities or relationships within which marriage was prohibited, and while there is a long list of them to be found, for example in the Anglican Book of Common Prayer, I do not propose to read them all but merely to refer to two of them. One is the relationship of the wife's sister and the other the relationship of the husband's brother, because those are the two which are mainly concerning me at the moment, although the provisions of the Bill, which aims to restore the law to what it was, could have effect in other degrees of affinity.

Under the Marriage Act of 1894 there was contained, in Section 33, the following provision—

> Nothing in this Act contained shall legalise any marriage declared to be made invalid by any court of competent jurisdiction or any marriage either party to which at the time of celebration thereof had another wife or husband living nor—

and this is the important part—

> —any marriage other than a marriage between a widower and a sister of his deceased wife.

which would be void by reason of the relationship. In 1915 the law was amended and Section 33 of the principal Act—which is the one I have referred to—had after the words "deceased wife" the following words inserted:—

> or between the widow and the brother of her deceased husband.

A new section was also inserted in the Act as 32A., reading—

> No marriage heretofore or hereafter contracted between a woman and her deceased husband's brother shall be deemed to have been or shall be void by reason only of such affinity.

That referred to marriages contracted before or after the passing of the Act.

We come now a little further and deal with the Supreme Court Act of 1935. It will be quite clear that the prohibited degrees of affinity included the wife's sister and the husband's brother irrespective of whether it was a case of a deceased wife's sister or a divorced wife's sister or a deceased husband's brother or a divorced husband's brother. The Acts I have already referred to provided for the actual death of the party concerned, but no provision had up to that time been made in respect of marriages that had been dissolved by divorce proceedings and where, within the prohibited degrees of affinity, one or other of the parties desired to marry again. But Section 38 of the Supreme Court Act of 1935 did make provision for that in these terms—

> As soon as any decree nisi for a dissolution of marriage or a nullity of marriage is made absolute either of the parties to the marriage may if there is no right of appeal against the decree absolute marry again as if the prior marriage had been dissolved by death.

Therefore these divorced people within those degrees of affinity could marry again as if the prior marriage had been dissolved by death, and therefore persons in such a position could, by virtue of the provisions of the Marriage Act and its amendments—which I previously read—marry again because of the words of that section, as if the prior marriage had been dissolved by death. In other words, they came within the provisions of the Marriage Act of 1894 and its amendment of 1915.

Section 85 of the Supreme Court Act was contained in Part 6 of that Act and by the Matrimonial Causes and Personal Status Code of 1948, Part 6 of the Supreme Court Act was repealed and the new provisions that were put in to replace those which were in the Supreme Court Act, while having in every other way than the one that I am dealing with precisely the same effect as those that were in the Supreme Court Act of 1935, omitted to make provisions to the effect that the marriage could be regarded as having been dissolved by death.

The Matrimonial Causes and Personal Status Code, which now governs the law relating to divorce and subsequently the marriage of divorced persons, as I have said, repealed Section 85, Part 6 of the Supreme Court Act and did not make any provision in regard to the marriage being treated as one that had been dissolved by death, similar to that which had been contained in the Supreme Court Act.

In consequence, cases have come to my notice where, because of the absence of those words in the now current law, registrars of marriages have refused to marry divorced persons who wish, in the one case, to marry a divorced wife's sister and, in the other, to marry a divorced husband's brother. I understand there are other cases known of similar happenings in recent years, during the four years or so in which the Matrimonial Causes and Personal Status Code has been in operation, with the result that these people, anxious as they are to marry and understanding, because they knew the previous law, that it was lawful so to do, have been prevented from entering into the bonds of matrimony, even through the civil authorities.

It seems to me that the provisions of the Supreme Court Act, as they stood in the 1935 Act, were a corollary to the

alteration of the prohibitions against marriage within the degrees of affinity which had been made over a long period of years and which, at the very least, had subsisted for 30 years between 1915 and 1948, and it is highly desirable that the law should be restored to where it was. So the Bill that I now bring before the House seeks to do one thing only, and that is to amend Section 58 of the Matrimonial Causes and Personal Status Code of 1948 by adding to that section, which is the relevant section, dealing with the same matters as did Section 85 of the Supreme Court Act, the words "as if the prior marriage had been dissolved by death," which are the same words as were left out of the section when it replaced as part of the Matrimonial Causes and Personal Status Code, Section 85 of the Supreme Court Act of 1935.

I feel that the position of a number of people, perhaps not very numerous at present but likely in the course of years to become more numerous, will be greatly relieved and their legitimate desires will be able to be carried into effect and the civil authorities in particular will not be involved in this unfortunate state of affairs and that nothing but good can accrue from bringing the law back to the position where it stood for so many years. As I also said before tea, the matter has been referred to the Minister—who knows the circumstances of this matter and who has had an opinion from his Crown Law officers who in turn have been good enough to say that they agree with the point of view I have expressed—who says he will support a Bill properly directed to altering the situation back to where it was. In those circumstances I move—

That the Bill be now read a second time.

On motion by the Minister for Justice, debate adjourned.

BILL—COMPANIES ACT AMENDMENT (No. 1).

Second Reading.

MR. BRADY (Guildford-Midland) [7.42] in moving the second reading said: The intention of the amendments contained in this Bill is to assist co-operative companies throughout Western Australia, and particularly those in more isolated parts of the State, to overcome difficulties. Arising from the findings of a Royal Commission, the Companies Act was amended and consolidated in 1943. Since that date there have been approximately half-a-dozen sets of amendments made to the consolidated Act, the last being made in 1951 when 11 amendments were agreed to dealing with the increase in the number of shareholders in a proprietary company from 21 to 50, protection for local shareholders in the winding up of a foreign company, the exclusion of certain persons from being auditors of the company, and other matters.

There are at least 430 sections in the Companies Act of 1943-1951, and 13 schedules. The majority of the co-operative companies and possibly many public companies have found difficulty in complying promptly with some of the requirements of the various sections, and it is the intention of the Bill to relieve, to some extent, the obligation on the co-operative companies to comply with certain sections of the Act under which they are required to notify the registrar within 28 days, or a month, as the case may be, of certain things. Without wishing to depart from the vital principle that the registrar should be notified, we feel that the position would be met, in the case of co-operative companies if he were notified annually.

I have reason to believe that the registrar would agree to the amendments I propose with the exception of one and I do not think that he would disagree entirely with that proposal. The object of all the amendments is to enable co-operative companies to have a little more latitude in raising share capital and also in their ultimate obligations arising from the formation of the company, increasing the existing capital of the company or raising new capital. In almost all instances co-operative companies are 100 per cent. community efforts and are run and controlled by the residents or producers in a particular area. It is possible, therefore, with such a close alliance between the community and the co-operative concern that there would not be the looseness in the handling of shareholders' cash or assets that there could be with a private or public company, the shareholders of which might be far removed or partially removed from the centre of the company's activities.

Again, the issuing of small parcels of shares, transfers or even the desire to repurchase shares become a feature of directors' meetings in the co-operative company more so than in other companies, and it is found irksome to have to be continually completing returns for submission to the Registrar of Companies when they could be submitted annually with the same result. Because of the nature or composition of a co-operative company, changes in appointments of directors become more frequent. Railway men, bank clerks, schoolteachers and miners who are shareholders are often transferred or leave the centre to take up other positions in another area and as a result, if they happen to be directors, they have to be replaced.

The penalties for failing to submit the required information for the completion of forms or schedules to the Registrar of Companies is sometimes £2 or £5 daily. These penalties continue for each day of

default for non-registration of any change that may take place. In addition, not only is the company fined for such breaches, but also the officers or directors are made liable. These exactitudes imposed on an already overworked staff or on an officer or manager not well versed in company law, can become quite a burden particularly when, in the main, very few, if any, difficulties are experienced by anyone except the registrar if the returns which must be submitted are belated for some months.

Another point is that in many of the outlying districts or mining centres where co-operatives are established, it is difficult to obtain trained staff. This is particularly so when an officer has to have the dual qualification of accountant-manager or secretary-manager. In the main, most co-operative managers and secretaries graduate per medium of the grocery, hardware and drapery sections of the companies and whilst they are specialists in these callings, they may not be able to do their best when handling the accountancy and secretarial requirements of the co-operative movements. I ask members to support the amendments as proposed in the Bill which have the approval of the Co-operative Federation. If they are embodied in the Act, I am sure they will assist the co-operative movement and the administration of the various co-operative companies in particular.

The first amendment proposes to waive the necessity of co-operative companies having to file, within one month, the names of persons to whom an allotment of shares has been made. At present, co-operative companies are required to register any change of directors within 28 days and the second amendment proposes to exclude co-operative companies from this provision. This amendment also provides for co-operative companies that have been registered since 1943 to repurchase five per cent. of their shares, as I believe it was possible for them to do in some cases prior to 1943.

The Bill provides that on the winding up of a co-operative company, payment of capital and surplus dividends can be distributed to shareholders who had business with the company up to a period of five years instead of three years which is the period fixed at present. The Act, as it stands now, prevents any shares being offered to the public other than through a stock exchange or a sharebroker. This section in the Act has proved to be rather harsh in its application to co-operative companies. Under Section 117 of the Commonwealth Taxation Assessment Act co-operatives are not exempt from tax if they sell shares through a stock exchange. A manager who offers to sell shares in a co-operative establishment or when he is on a round delivering goods to customers, could be fined £100 because he would be committing a breach of the Act.

Finally, it is desired, by means of the Bill, that the secretary of the Federation Trust be permitted to certify to the correctness of the particulars submitted to the Registrar of Companies. At present, the documents must be signed by a solicitor. This has proved to be not only a very expensive procedure but difficult to comply with. A solicitor may not be in the district or within 100 miles of the registered office of the co-operative company. In such circumstances, the obligation of having to engage a solicitor to sign these documents makes the procedure extremely awkward. On the other hand the trust officers of the federation are frequently in the area and in these days the secretary of the trust invariably takes an active part in the creation of the co-operative company.

That, in brief, outlines the contents of the Bill and I hope members will give it sympathetic consideration. As I said before, the co-operative companies, in the main, are usually formed as a result of community efforts and are administered and controlled by the people in the district. The principle of one man one vote is adhered to at the meetings of these companies irrespective of the number of shares held by each member. Also, each shareholder of a co-operative company becomes a watchdog over the activities of the directors, whereas, in the case of private companies the opposite is often the case because the shareholders are frequently far removed from the registered office of the company. I have much pleasure in submitting this legislation and I move—

That the Bill be now read a second time.

On motion by the Minister for Justice, debate adjourned.

BILL—BEE INDUSTRY COMPENSATION.

In Committee.

Resumed from the previous day. Mr. J. Hegney in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 11—Maximum amount that Compensation Fund may have in credit:

The CHAIRMAN: Progress was reported on Clause 11, to which Mr. Yates had moved an amendment to strike out the words "eight hundred pounds" in line 5 of Subclause (1).

The MINISTER FOR AGRICULTURE: I understand that the hon. member desires to insert in lieu of £800 the sum of £1,000. Originally, when the beekeepers approached the Minister for Agriculture to introduce legislation of this nature they stipulated that a maximum of £600 would be ample to cover all contingencies that may arise. The departmental officers and myself deemed it advisable at that time

to increase the amount to £1,000. Following further negotiations, however, the beekeepers were adamant in their preference for the amount of £600 and it was with much difficulty that we finally agreed on the figure of £800 as provided in the Bill.

In the circumstances, I was rather surprised, to hear from the hon. member that after he had recently approached the beekeepers they now have no objection to the amount being £1,000. If the amount is increased it does not matter much, but a further provision in the Bill sets out that if the fund should be depleted at any time, the beekeepers can call on the Government for a loan from Consolidated Revenue to tide them over for the time being. If we agree to the amendment, it might make such an approach to the Government entirely unnecessary. In view of the depleted funds of the State, I have no objection to it.

Amendment (to strike out words) put and passed.

Mr. YATES: I move an amendment—

That in lieu of the words struck out, the words "one thousand pounds" be inserted.

Amendment (to insert words) put and passed; the clause, as amended, agreed to.

Clauses 12 to 15, Title—agreed to.

Bill reported with an amendment.

BILL—FIREARMS AND GUNS ACT AMENDMENT.

In Committee.

Resumed from the previous day. Mr. J. Hegney in the Chair; the Minister for Police in charge of the Bill.

Clause 5—Disposal of firearms:

THE CHAIRMAN: Progress was reported on an amendment by Mr. Perkins to strike out the word "or" at the end of paragraph (b) and the whole of paragraph (c).

The MINISTER FOR POLICE: Last evening I reported progress to enable me to examine the amendment and other objections raised by the Opposition. I have discussed the amendment with the inspector in charge of the Firearms Branch and he is opposed ao it. Had the hon, member sought to attain his object by retaining paragraph (c) and moving a proviso or other addition, I might not have objected. To strike out paragraph (c) would defeat the object of the police in that they would not be able to dispose of a weapon taken from a person of questionable repute. Firearms are held by the police that were taken from a man with a criminal record in the Eastern States when he arrived here. He could not get a license and he refuses to dispose of the weapon and consequently the police would have to be the custodians of it for the lifetime of that man.

The hon. member put up what may be described as a mythical case that might happen once in a hundred years. He implied that firearms, something in the nature of an heirloom, might be handed down from generation to generation—I think he said for hundreds of years.

Mr. Perkins: I did not go so far as that. I said 100 years.

The MINISTER FOR POLICE: I will concede that point. The police have plenty of such weapons and wish to dispose of them. They are of no value for the department's museum and they would be dangerous weapons if permitted to revert to the owners, even if they could be found, which is unlikely. Provision could be made for a weapon handed down from generation to generation to be licensed as a curio and held by the owner, who perhaps attached sentimental value to it.

The hon. member also said that the father might die and that his son might not be eligible for a license to own a valuable weapon. Such a lad would have a relative who could obtain a license for him, but if the relative explained the circumstances to the Commissioner of Police, he would not observe the strict letter of the law and dispose of the weapon. In fact, he would be only too pleased to retain it until the boy became elegible to obtain a license. The paragraph is designed to enable the police to dispose of a weapon when the owner cannot be located or, not being entitled to a license, refuses to dispose of it.

Mr. Perkins: I am not objecting to that.

The MINISTER FOR POLICE: But the hon. member has moved to delete paragraph (c) which the police wish to retain for the reasons I have given. The man from the Eastern States with a criminal record had an up-to-date lethal weapon and the police refused to grant him a license and did not wish to be made the custodians of the weapon for perhaps the next 30 years. They want the right to dispose of the weapon and are prepared to hand the proceeds of the sale to the owner. The man, however, refuses to dispose of the weapon.

Mr. PERKINS: Some qualification should be inserted in order to avoid the possibility of an injustice being done. The incident I mentioned occurred to me on the spur of the moment.

The Minister of Police: So I thought.

Mr. PERKINS: I have discussed the matter with an experienced police officer and I believe such action as has been indicated might be taken, but much of what the Minister has said has been beside the point. If paragraph (c) were deleted, there would still be provision to

deal with a firearm if the owner could not be found because the department would have power to sell the weapon. Further, a weapon that was considered dangerous could be disposed of. I have no wish to interfere with those provisions, but unless a case can be made out to show that certain action is necessary, the rights of individuals should be considered. If a man desired to retain ownership of a gun, we should not make his position more difficult than is absolutely necessary in the interests of public safety. If the owner of a gun has no prospect of getting a license, he has the opportunity to sell the weapon. Paragraph (c) deals only with an owner who refuses to sell. The criminal mentioned by the Minister would probably agree to the weapon's being sold.

The Minister for Police: He has not agreed so far.

Mr. PERKINS: I cannot see much point in his retaining ownership of the weapon indefinitely when there is no prospect of his getting possession of it. It cannot give him much satisfaction just to own the weapon. A further difficulty arises. I am informed that the Police Department will not license guns for young people, or anyone else, resident in the city, purely for sporting purposes. It will refuse to issue a license unless the individual concerned can show that he will use it for the destruction of vermin, or for some other purpose that seems a good and sufficient reason to the department. Whilst the police are taking the right attitude, possibly, when the person is resident in the city area, he may expect to return to the country within 12 months and there to have further use for it. In those circumstances he would desire to retain ownership so that when he went back to the country he could go to a police station in the outer areas and have it licensed.

The Minister for Police: You are not stating the case fairly, and I shall tell you why.

Mr. PERKINS: I would like the Minister to make that clear. The onus is on him to show why a provision like this should be included, because it infringes the right of the individual.

The MINISTER FOR POLICE: The fallacy of the hon. member's contention is that he starts out by quoting what the police do in the metropolitan area. He says that if one cannot show good cause for the possession of a firearm the police will not give him a permit to purchase. Then he gets away from that point, after having misled members, and deals with the position of a person who comes from the country in possession of a firearm, and he suggests that the department will take possession of it and sell it after six months, although the owner may want to return to the country with it.

That is not the position at all. If a man has a firearm license in the country he can bring half-a-dozen weapons into the metropolitan area, if he comes here to reside, and the police will not take possession of them. It is true that if one has not got a firearm license and he wants to purchase a firearm, the police want to know what it is to be used for. If it is to be used for a legitimate purpose then the responsible officer will not refuse to issue a license. The legal use of a firearm in this State has been considerably restricted because of a regulation under the Traffic Act by which a person commits an offence if he discharges a firearm across a road, on to a road or from a road, whether in a motor vehicle or on foot.

Previously people would have spot-lights on a car and play them along the highway where they would shoot rabbits or foxes or anything else. If one goes on to another person's premises without the owner's consent, he can be had up for trespass, and that has always been the law. Because of damage done to stock, owners of properties have decided not to permit any shooting on them. A person can go around the farming areas now and see such notices as "No shooting allowed" and "Trespasses will be prosecuted." Consequently the scope for which a firearm can be used has been considerably restricted.

The police are quite right in asking a prospective buyer of a firearm what he proposes to use it for and where he is going to use it. If the prospective buyer says that Jones has permitted him to shoot rabbits on his property, and can show a letter to that effect from Jones, there is no difficulty. Otherwise, in nine cases out of ten the weapon is not being used for a legitimate purpose. The hon. member put up the case that a person could not get a firearm because of certain restrictions; then he instanced a person already in possession of a firearm license coming to the metropolitan area, and he presupposed that the police would take possession of the firearm. They would not do anything of the kind. Then he said that a firearm confiscated by the police when a man came from the country might be wanted by him when he returned.

Mr. Perkins: He might have come from outside the State or from the North-West.

The MINISTER FOR POLICE: So long as he has a firearms license—

Mr. Perkins: He would not in those circumstances.

The MINISTER FOR POLICE: There are some portions of the North-West to which the firearms legislation has recently been extended. The hon. member talks of a person from the country, and when the fallacy of his case is shown, he turns to the North-West. I guarantee that any man who had a legitimate use for a fire-

arm in the North-West, who came to Perth to reside either temporarily or permanently, and who told the police that he had used the weapon—provided that it was not a .303 rifle—for kangaroo shooting, would be given a license. What the hon. member wants in effect is to prevent the police from selling a weapon which has been in their possession for years and is owned by a person of questionable character—a criminal in one case who will not agree to sell.

The hon. member cannot see any reason for this, but he does not think along the lines of a gunman from Melbourne or Sydney. This particular man knows the weapon is a valuable one and he hopes some time—perhaps through the good offices of the member for Roe—to persuade the Commissioner of Police to hand it back to him. The police want, instead of retaining the custody of the rifle, to dispose of it. They will probably get a good price for it and will hand the money over to the owner.

Mr. PERKINS: I take strong exception to what the Minister just said. He stated that this criminal from Melbourne might expect to get his weapon back with the support of the member for Roe. The Minister ought to be a bit more responsible than that. What a remarkable change takes place when members move from one side of the Chamber to the other! I suggest to the Minister that he be a little more co-operative in dealing with matters such as this. If not, he cannot expect much co-operation from members.

We have not yet arrived at the stage when the private individual has not a few rights. The Minister is not making any attempt to safeguard the rights of a person who thinks he is being done some hardship. He has been talking about hypothetical cases. We know that the unexpected happens in regard to a lot of legislation, and a hardship can be done to an individual. I do not suggest that a police officer will knowingly do an injustice, but mistakes do occur from time to time. If the Minister does not want to take out the whole provision, he should agree to some qualification of it. An individual must have some good reason for wanting to retain the ownership of a weapon. If he could not license it, he would agree to the request of the police to dispose of it. If an individual does not want to sell, he must have some reason for it. So I hope the Minister will be a little more co-operative.

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

Ayes	19
Noes	20
Majority against	1

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

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

Pairs.	
Ayes.	Noes.
Mr. Bovell	Mr. Sewell
Mr. Cornell	Mr. Guthrie
Mr. Ackland	Mr. Hoar
Mr. Wild	Mr. Tonkin

Amendment thus negatived.

Mr. PERKINS: I move an amendment—

That in line 5 of paragraph (c), after the word "officer," the following words be added:—

"Unless the owner of the firearm requests the Commissioner in writing to retain the firearm in his custody, in which case upon payment of such annual fee as may be prescribed not exceeding five shillings the Commissioner shall retain the same, from year to year, either until the owner obtains a license or requests the same to be sold or dies."

The MINISTER FOR POLICE: I think the hon. member is overloading this clause. He knows that there is a provision in the measure which will enable the license fee to be increased. However, he is so anxious to protect one of these mythical individuals that he moves an amendment which he knows quite well I will not support. I do not propose to agree to this amendment while he limits the license fee to 5s.

Hon. J. B. SLEEMAN: I would be inclined to support the amendment if the words "five shillings" were altered. I am hopeful that the fee will not be 5s. There are exceptional cases and, although we have heard how easy the police are to deal with, it does not always work out in practice. Recently, I received a complaint that a man had arrived here from the East. He had with him a rifle and, because he came from the Eastern States, it was not licensed. The police took the rifle from him and it was only through some influential gentleman that he was able to get it back. I remember a kangaroo-shooter approaching Mr. Triat, who was the then member for Mt. Magnet, about getting a license to buy a rifle. This kangaroo-shooter was able to buy two new barrels to take back

with him, but he was not able to obtain a license to buy a new rifle which he had seen advertised. Mr. Triat had to go to a lot of trouble to obtain permission. The Minister says that the officers of the department will always co-operate, but that does not work out in practice.

The Minister for Police: If a person puts up a reasonable case, he will get a satisfactory answer.

Mr. HEARMAN: I feel disposed to support the amendment because the Minister has given us little information. He claims that the member for Roe is being obstructive and says that the amendment conflicts with some other part of the Bill, but he did not say with which part it conflicted. I think the Minister has been discourteous, and there is nothing in the amendment which will make things difficult for police officers.

The MINISTER FOR POLICE: I have endeavoured to explain that while there is a proviso that the license fee shall not exceed 5s., I shall not support the amendment. There is a provision in the Bill which will enable us to increase the license fee, and now the member for Roe has moved an amendment which includes the words "five shillings."

Mr. Perkins: That is not for a license fee, but merely a retaining fee.

The MINISTER FOR POLICE: The retaining fee will have to be the same as the licensing fee.

Mr. Perkins: Why?

The MINISTER FOR POLICE: I would have been prepared to accept an amendment which would protect some of the mythical cases quoted by the hon. member, but I am not prepared to accept this amendment while it contains the words to which I have referred. The officer in charge of the firearms branch particularly wants this part of the Bill passed. I have no objection to the rest of the words the hon. member has used, but I would have been prepared to move something along these lines as a proviso—

> Provided where such owner is known the Commissioner of Police shall notify him that it is intended to dispose of such firearm. The owner may, if he desires the firearm to be held, notify the Commissioner of Police accordingly. If the Commissioner of Police decided that such firearm should be sold or destroyed the owner may appeal to the police or resident magistrate in a similar manner as provided by Section 34 of the regulation made under the Firearms and Guns Act, 1931-39.

So, the owner could appeal to a magistrate. I would have been prepared to do something along those lines but the member for Roe persisted, despite the desire of the police officers to retain that provision, in his endeavour to try to get rid of it. I do not propose to agree to the provision of the fee of 5s.

Hon. J. B. SLEEMAN: I move—

> That the amendment be amended by striking out the words "not exceeding five shillings".

The CHAIRMAN: I would ask members to make copies available of long amendments. Small amendments can be handled without much difficulty but when a number of members want to acquaint themselves with the wording of a long amendment it is not easy to do so if it is not written out.

The MINISTER FOR POLICE: I have no objection to the further amendment.

Amendment on amendment put and passed.

Amendment, as amended, put and passed.

Clause, as amended, agreed to.

Clause 6—Section 12 amended:

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

> That in line 2 of paragraph (d) after the word "words" the word "knowingly" be inserted.

Section 12 sets out a number of offences. The particular offence to which I wish to refer is the selling, delivery or disposing of a firearm to any person not entitled to possess same under the Act. The penalty is to be not less than £10 and the maximum penalty is to be imprisonment with hard labour not exceeding six months, so a breach of this provision is a matter of some seriousness. The Bill proposes to insert after the word "delivering" the words "permitting possession to be taken."

The words "permitting possession to be taken of," in my opinion, mean that if a man has a licensed gun and someone gets possession of it he will be responsible because he permitted that to be done. The same words were used in the Licensing Act originally, and were used, in fact, up until 1949. The words then used dealt with permitting liquor to be supplied to a boy under the age of 21 years. I refer to Section 147 and I shall read the section as it was before it was amended in 1949. The old section read—

> No licensee or servant or agent of a licensee shall sell, supply or give or permit or suffer to be sold supplied or given any liquor in any quantity whatsoever either alone or mixed with water or other liquid to any person apparently under the age of 21 years for himself or any other person.

In 1949 the now Minister for Housing introduced a Bill to insert after the word "shall" the word "knowingly". I accepted that amendment. I remember, when I said that the licensee was practically an

insurer that that did not occur, the now Minister for Justice said, "That is the unfairness of that section." That amendment had the support of the present Minister for Police, and it was made. The same situation and language exist here. At the time the present Minister for Housing pointed out the difficulty the licensees were in owing to the language of that section.

The Minister for Police: Are you dealing with liquor or firearms?

Hon. A. V. R. ABBOTT: I am dealing with the language of the section. The language would be interpreted by the court in exactly the same manner, and I defy the Minister to get an opinion to the contrary.

The Minister for Police: What is the meaning of the word "delivering" in the present Act?

Hon. A. V. R. ABBOTT: The words the Minister is inserting are to be put in after that; it is an additional offence.

The Minister for Police: If you were down town and someone went into your bedroom, and took your gun, you would have permitted him?

Hon. A. V. R. ABBOTT: Yes.

The Minister for Police: It is too ridiculous.

Hon. A. V. R. ABBOTT: Both sections use the word "permitting". The judiciary can only interpret an Act of Parliament by the language used in it. If the barman sold liquor in spite of the licensee having warned him to the contrary, the licensee was held to have permitted it. That is my interpretation, and I move the amendment accordingly.

The MINISTER FOR POLICE: This is some more specious reasoning by an honourable member who held the position of Attorney General in this State for quite a time. The word "delivering" in the Act means just what the average person would say it meant, namely, "handing over" to a person. A man's friend comes along and asks him for a loan of his firearm.

Hon. A. V. R. Abbott: I am not discussing the word "delivering." I have never used it. You are inserting additional words.

The MINISTER FOR POLICE: The word "delivering" is in the Act. The Police Department has found that in certain cases permission has been given by the holder of a gun license to a person to take his firearm and use it. The man has said, "It is over in the tent" or, "It is in my room". The person goes to the place and gets the firearm and because of the word "delivering" being in the present Act that is not held as constituting an offence. The hon. member wants us to believe that the police or the court would hold that if I were away in Kalgoorlie and somebody went to my house and broke into it and took one of my firearms—

Hon. A. V. R. Abbott: I did not take it as far as that.

The MINISTER FOR POLICE: Then I will not go as far as Kalgoorlie! Say that this evening someone goes to my home and takes a firearm from my room. Then the hon. member would hold that I was guilty of an offence because I permitted the man to take the firearm. Is there any logic or commonsense in that? The police have found difficulty because of the word "deliver" being held by the courts to be a "handing over" of the weapon. What it is proposed to insert is to cover the case where one person says to another, "You are not the possessor of a license to carry a firearm but nevertheless you can have the loan of my rifle. If I go over to the camp and hand it to you, I commit an offence because I have delivered it to you. But what you can do is to go over and take it yourself, and although I permitted you to take it, I have not actually delivered it to you". What the hon. member objects to is the insertion of the words "permitting possession to be taken of".

Hon. A. V. R. Abbott: I did not say that.

The MINISTER FOR POLICE: What the hon. member tried to tell us was that if a person took possession of another man's firearm unknown to the man, the owner of the firearm would be responsible under this particular wording.

Hon. A. V. R. Abbott: Yes.

The MINISTER FOR POLICE: I do not think there could be anything more ridiculous.

Hon. A. V. R. Abbott: Judges have found that way in other cases.

The MINISTER FOR POLICE: I do not know of any case in which that has been decided. If a man returns to his home after an absence and finds that somebody has taken possession of his firearm, he reports it to the police. Then according to the hon. member, the police would proceed against the man for permitting somebody to take the firearm.

Hon. A. V. R. Abbott: I did not say whether the police would proceed or not, but I said what the court would hold.

The MINISTER FOR POLICE: Would any magistrate in such circumstances say that the person had permitted the man to take the weapon when it had been taken without his authority and in his absence?

Hon. A. V. R. Abbott: That is definite, because the court has already decided it in similar cases.

The MINISTER FOR POLICE: The word "knowingly" does not detract from the purpose of the provision, but I do say that I have not previously heard such a specious contention as has been put up by a man who has had a legal training and held the position of Attorney General in this State for six years.

Hon. A. V. R. Abbott: I challenge you to get the Solicitor General's opinion; so do not talk like that. You are not game to!

The MINISTER FOR POLICE: Why would I not be game to?

Hon. A. V. R. Abbott: Because you know your argument would be proved to be wrong.

The MINISTER FOR POLICE: I leave it to members to decide—

Hon. A. V. R. Abbott: Of course you do!

The MINISTER FOR POLICE: —who have no legal training to distort things and twist them. The hon. member held that if I were away from home and someone got into my room and took one of my firearms, I would be guilty of an offence under this Act because I had permitted a person to take it, whereas I did not permit him and, in fact, he took it without my authority.

Hon. A. V. R. Abbott: You did not prevent him, did you?

The MINISTER FOR POLICE: I have no objection to the word "knowingly" being inserted.

Amendment put and passed.

Hon. A. V. R. ABBOTT: I object to the language used in the penalty provision in proposed new item 5A. I do not like the use of the word "lawful" because I do not understand what it means. If the word "reasonable" were employed, it would be better. It would then be left to the discretion of the court. It is unlawful to erase an identification mark. How therefore can there be a lawful excuse? When it is unlawful to do something, what excuse can be lawful? I do not know.

The Minister for Police: There is a lot you do not know.

Hon. A. V. R. ABBOTT: I am aware of that. The Minister may be able to tell me. When a section says that something is unlawful, how can any excuse be lawful?

The Minister for Native Welfare: How can any reasonable excuse be unlawful?

Hon. A. V. R. ABBOTT: It could not be.

The Minister for Native Welfare: What is the difference between "lawful" and "reasonable"?

Hon. A. V. R. ABBOTT: There is a vast difference. In the Minister's opinion some laws are most unreasonable.

The Minister for Police: Is not the phrase "without lawful excuse" used in other legislation?

Hon. A. V. R. ABBOTT: It may be, but such legislation provides what is to be regarded as a lawful excuse. This legislation does not. If there were a definition of "lawful excuse" I would agree. I move an amendment—

> That in line 1 of the penalty provision in proposed new item 5A the word "lawful" be struck out.

Mr. LAPHAM: I oppose the amendment and also the penalty provision. Nothing will be gained by striking out the word "lawful." The proposed provision is a back to front method of saying that the number or distinguishing mark of an air gun, rifle or pistol shall not be altered. If the department's intention is to prevent the defacing of an identification mark, why was not a specific measure brought down for that purpose? There is no specific measure to say that there shall not be any defacing. This provision merely says there shall be no defacing or altering without lawful excuse. If I owned a rifle I would own it lock, stock and barrel and could erase any numbers or marks from it if I wished to do so. If the police desire to prevent me from doing that, a measure with that intent should be brought down. I oppose both the amendment and the penalty provision as a whole.

The MINISTER FOR POLICE: My colleague says that if he owned a rifle he would be permitted to file numbers or identification marks off it. He could not remove the registered engine number from his motor vehicle without finding himself in trouble with the authorities.

Mr. Lapham: What happens when one changes the engine in a motor vehicle?

The MINISTER FOR POLICE: The authorities have to be advised of the new engine number. The ex-Attorney General has said that there is no definition of "without lawful excuse," but my legal adviser tells me, "I consider the term 'without lawful excuse' would mean where a person has wilfully done some act which is not lawful and the word, 'wilful' would undoubtedly govern the lawful excuse." From what the member for Mt. Lawley has said one would think the words in question were to be exclusive to this legislation while in fact they are contained in a number of Acts and have not been questioned in the past.

Hon. A. V. R. Abbott: I did not say that the words were contained in no other legislation.

The MINISTER FOR POLICE: I will leave it to members to decide what the hon. member said. The words "without lawful excuse" are used in Section 40 of the Native Administration Act, No. 14 of 1905, as amended and in Section 25 (1) (b) of the Fauna Protection Act. In Section 68 of the Criminal Code the words, "without lawful occasion" are used in relation to the case where a person goes armed in public without lawful occasion and is thus guilty of a misdemeanour. They are also used in Sections 178 and 407 of the Criminal Code. The words, "without lawful excuse" have been accepted by previous Governments without comment. Last evening the hon. member said there were many weapons without identification marks or numbers.

Hon. A. V. R. Abbott: I said "many weapons without numbers."

The MINISTER FOR POLICE: And that a person found in possession of one would be committing an offence.

Hon. A. V. R. Abbott: No.

The MINISTER FOR POLICE: I have a copy of what the hon. member said. He said that if a person were found in possesion of a sporting or other type of firearm without an identification number he would be liable.

Hon. A. V. R. Abbott: Only if it had been erased.

The MINISTER FOR POLICE: The hon. member did not mention erasure. My interjection was recorded by "Hansard" when I said, "How could he erase the number if it was not there?" This provision is intended to prevent anyone—particularly in the case of a stolen weapon—effacing the identification marks or serial numbers so that the police will not be able to recognise the weapon. If such marks or numbers were effaced by the weapon being dropped or being held in a vice while undergoing repairs, or something of that nature, the possessor would have a lawful excuse and would have only to explain to the police what had occurred. I have quoted several Acts, where the words, "without lawful excuse" are used and I have no doubt that many more instances could be found. I cannot agree to the amendment.

Hon. A. V. R. ABBOTT: As members know, a soldier may carry arms without a license, and he has a lawful excuse. In the Acts referred to by the Minister the term is used in the sense that there are certain exceptions, but there are no exceptions in the present instance. There must be a guilty intent before a criminal offence can be established. Where an Act uses language of this kind to prohibit something being done it means that the act is done intentionally, with mens rea, but I thought there might be some excuse other than the non-guilty intention which a magistrate might hold to be reasonable. Why not allow him that discretion?

Amendment put and negatived.

Hon. J. B. SLEEMAN: I move an amendment—

> That in lines 2 and 3 of the penalty provision in proposed new item 5A the words, "the proof whereof shall be on the alleged offender" be struck out.

Judging by the penalties provided this offence is considered to be serious. Members will agree that the essence of British justice is that a person is innocent until proved guilty, but this provision would make him guilty until he proved his innocence.

The MINISTER FOR POLICE: I know the hon. member has always espoused this principle, as I have done so where there was any expense attached to the accused establishing his innocence. I have always maintained that the onus is on the prosecution to prove the guilt of the accused. Under this provision I do not think that that principle would be greatly violated except in theory, because it would be simple to prove the innocence of the accused. If a man were charged with the offence of having deliberately effaced or altered, without lawful excuse, the identification numbers on a weapon, he would merely have to say to the police, "I had an accident with the firearm" or "It was taken into the gunsmith and the numbers were disfigured by the jaws of the vice." As the member for Mt. Lawley has said, that would be a reasonable explanation. If an accused person has difficulty in proving his innocence I advocate as strongly as any other member of the Committee that the onus should be on the prosecution to prove his guilt rather than the accused to prove his innocence. However, I do not object to the amendment.

Amendment put and passed.

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

> That in lines 4 to 7 of the penalty provision in proposed new item 5A the words "or being in possession of a firearm whereon any number or identification mark has been altered or defaced" be struck out.

These words are not in the Victorian Act and do not apply to firearms, other than pistols, under the New South Wales legislation.

The Minister for Police: One does not have to have a license for such weapons in New South Wales.

Hon. A. V. R. ABBOTT: That is correct, but this provision is not in the Victorian Act. It is quite simple for a person to say that a firearm has no mark on it. While I agree with the Minister's contention on that aspect, that is not the point I am endeavouring to make. For example, one may acquire a Winchester rifle that has no mark on it, but subsequently it is found that it did have a mark but it had been erased. In such an instance the person in possession of the rifle is responsible. One of the leading gunsmiths in Perth has informed me that many weapons, bearing no mark, often pass through his hands.

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

Hon. A. V. R. ABBOTT: That may be so, but at some time or another a weapon may have had a mark on it. If a number is removed by a skilled gunsmith I am informed that no one would be able to ascertain whether it had a number on it previously or not. However, if it is discovered that a gun did have an identification number previously, the person in possession of it can be charged. The

minimum penalty for such an offence is £20, which is fairly severe and the magistrate has no discretion. It is all very well for one to say that the police will not prosecute, but I know that police officers endeavour to perform their duties to the best of their ability. However, they have often told me that it is not their duty to decide whether the story submitted by the defendant is true. It is for the magistrate to decide, especially in a prima facie case. I have been informed that many weapons in the possession of various people have had the identification numbers erased.

The Minister for Police: That is not right.

Hon. A. V. R. ABBOTT: That is what I have been told by a leading gunsmith. I know that some Winchesters do not have any identification numbers.

The Minister for Police: If they do not have a number, they generally have an identification mark.

Hon. A. V. R. ABBOTT: I do not know about that.

The Minister for Police: They have serial numbers.

Hon. A. V. R. ABBOTT: Even if they have serial numbers, that does not identify a particular rifle. Also, it often occurs that a person does not know where to look for the number on a rifle. I might say to a police officer that the weapon in my possession never had a number, but he would still consider that I was the person in possession of it. Why insert this provision when it is not in the Victorian Act?

The Minister for Police: Why take notice of the Victorian Act?

Hon. A. V. R. ABBOTT: This provision will apply to a .22 rifle. There are hundreds of such weapons and it is often found that the numbers on them have been defaced. Are we to take them along to the police and say to them, "Did this weapon have a number on it or not?"

The MINISTER FOR POLICE: I do not propose to agree to the amendment because it is another attempt to sabotage what the Commissioner of Police is seeking. He intends to prevent people destroying the identification number on a stolen weapon. That is the sole purpose of the provision. Assuming that a weapon does not have a number and I have purchased it from a firm such as Shimensons. In 12 months' time I may be accosted by a policeman and asked to give an explanation of why there is no number on the weapon. What is to prevent my taking him to Shimensons and letting the proprietor bear out my statement that the weapon was without a number when he sold it to me? The object of the Commissioner of Police is to protect the public in this regard and it is his desire to retain this provision in the Bill.

Mr. OWEN: We seem to have arrived at an impasse, so perhaps the Minister will agree to the insertion of the words, "or any number or identification mark shown on the license" after the word "firearm" which appear in the penalty provision perhaps that would overcome the difficulty that the member for Mt. Lawley has outlined. If a weapon in the possession of any person was without a number and the police checked the gun license and found that it had been registered with a number it would overcome many of the difficulties confronting the police, as suggested by the Minister.

Mr. OLDFIELD: I find myself agreeing with both the member for Darling Range and the Minister. If the amendment to strike out the proposed words were agreed to, the clause would read, "Defacing or altering without lawful excuse, any number or identification mark on a firearm". If that amendment were accepted, I do not think anyone could expect the police to obtain a conviction. If the license number had been erased or defaced and the owner claimed that he had not tampered with it, what chance would the police have of getting a conviction? Their only chance would be if the defendant was caught in the act or if he pleaded guilty to the charge. However, I agree with the member for Darling Range that the words he suggested would clarify the provision.

The MINISTER FOR POLICE: I oppose the amendment, but if after the word "mark" the words "as shown on his license" were inserted, that would largely overcome the fear expressed by the member for Mt. Lawley that the identification mark or number might have been erased before the owner purchased the weapon. If the hon. member consents to withdraw his amendment, which would sabotage the provision, I would agree to an amendment along the lines suggested by the member for Darling Range.

Hon. A. V. R. ABBOTT: Probably my desire would be met in the manner suggested, but I urge the Minister to give careful consideration to the drafting of the suggested amendment. The weapon in question may not be licensed—

The Minister for Police: In which event the owner would be up on a charge of having an unlicensed firearm.

Hon. A. V. R. ABBOTT: I merely suggest that careful consideration should be given to the drafting. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. OWEN: I move an amendment—

> That in line four of the penalty provision in proposed new item 5A, after the word "mark" the words "recorded on the license" be inserted.

Amendment put and passed

Mr. OLDFIELD: I move an amendment—

That in line 10 of the penalty provision in proposed new item 5A, the words "less than £20 or" be struck out.

The provision would then stipulate a fine of not more than £100. A man might be guilty of a technical offence and, without the amendment, the magistrate would have to impose a fine of not less than £20. Some discretion should be left to the magistrate instead of providing for a minimum penalty of £20.

Amendment put and passed.

Hon. A. V. R. ABBOTT: In the penalty provision in proposed new item 16 a penalty of £25 is set out for pointing a firearm at any person. I suggest that the word "knowingly" be inserted before the word "pointing."

The Minister for Police: I cannot agree to that.

Clause, as previously amended, put and passed.

Clause 7—agreed to.

Clause 8—Section 15 repealed and re-enacted:

Hon. J. B. SLEEMAN: In the proposed new section, the objectionable principle of putting the onus of proof on the defendant has bobbed up again. I move an amendment—

That in line 6 of proposed new Section 15 the words "is prima facie evidence of the matter averred" be struck out.

The MINISTER FOR POLICE: I cannot accept the amendment. A defendant could establish his innocence by the simple act of producing his license, and so the principle of onus of proof is not involved. The difficulty at present is that when a person in the country is charged with being in possession of an unlicensed weapon, a certificate has to be obtained from the records office in Perth. This takes time, and there was a case where the certificate did not arrive in time and the defendant escaped the penalty. The remedy is for the defendant to produce his license, just as a motor driver has to produce his license whenever requested by the police to do so.

The CHAIRMAN: Unless the member for Fremantle intends to move for the insertion of other words, his amendment will make the clause meaningless.

Hon. J. B. SLEEMAN: Then I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. J. B. SLEEMAN: I move an amendment—

That in line 6 of proposed new Section 15 the words "prima facie" be struck out.

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

Clause 9—Section 18 amended:

Hon. J. B. SLEEMAN: This is one of the most important parts of the Bill. I would like to strike out paragraph (h). We have not heard much about what the Minister proposes to do if he gets rid of the 5s. I object to fees being prescribed by regulation. If the Minister wants to alter the fee he should do it by means of the Act and not leave it to be done by regulation. I wish to move to strike out the section of the Act with which we are dealing.

The CHAIRMAN: The member for Fremantle will have to move that all words after the word "is" in line 2 of the clause be struck out with a view to inserting the word "deleted."

Hon. J. B. SLEEMAN: I move an amendment—

That all the words after the word "is" in line 2 be struck out with a view to inserting the word "deleted."

The MINISTER FOR POLICE: I do not agree to this proposal. If the amendment is carried there will be no license fee at all. It has been recognised since the parent Act was passed in 1931 that a license fee of 5s. should be charged for the initial license, and an annual renewal fee of 1s.; and that if one required to add to or subtract from the number of firearms on a particular license there should be a charge of 1s. made for the addition or subtraction. These fees were always set by regulation. The member for Fremantle has taken a long time to voice his objection to the fees being prescribed in this way.

Hon. J. B. Sleeman: Do not say too much about taking a long while, or I might tell you something.

The MINISTER FOR POLICE: The fee is not a taxing charge any more than was the doubling of the driver's license fee last year. The Act provides that the amount shall not exceed 5s. so that it is not possible, by regulation, to prescribe an initial fee beyond 5s. It cannot be done unless the section is deleted, and that is what is proposed by the Bill. At present there is no prohibition in the Act to prevent an increase in the annual renewal fee by regulation, but there is a prohibition against increasing the initial license fee beyond 5s.

Hon. Sir Ross McLarty: What is the fee now?

The MINISTER FOR POLICE: The initial fee is 5s. and the annual renewal fee is 1s., and 1s. is charged for any alteration in respect to the number of weapons mentioned on the license.

Hon. Sir Ross McLarty: Cannot the charge be 5s. instead of 1s. as it stands.

The MINISTER FOR POLICE: The 5s. is for the initial fee which we cannot increase. The fee has been set by regulation since 1931.

Hon. Sir Ross McLarty: You could charge an annual fee of 5s.

The MINISTER FOR POLICE: This is an increase of the initial fee. The proposition is to put it up to 10s.—the same as the amount of the motor driver's license fee which was increased from 5s. to 10s.

Mr. Oldfield: What about the annual fee?

The MINISTER FOR POLICE: It is proposed to raise that to 2s. 6d. The reason is that the present fees were set in 1931 when the basic wage was in the vicinity of £4 per week and stationery was correspondingly cheaper. The basic wage today is more than £12 and the amount of time involved by the recording police official is the same as it was in 1931. So we propose, if the Committee agrees, to delete this part of the Act and make the initial license fee 10s. by regulation, and the renewal fee 2s. 6d. instead of 1s.

Hon. Sir Ross McLarty: Is there anything in the Act to prevent you from making the renewal fee 2s. 6d.?

The MINISTER FOR POLICE: No.

Mr. Yates: In the future both will be done by regulation.

The MINISTER FOR POLICE: They are done by regulation now.

Mr. Yates: Not the 5s. fee.

The MINISTER FOR POLICE: Yes, it is.

Mr. Yates: The limit is stipulated in the Act.

The MINISTER FOR POLICE: Yes. It would have been possible in 1931 to set the initial license fee at 2s. or 4s. but it was not. It was set at the limit, 5s.

Mr. Oldfield: If this provision goes through as printed you will not be limited to 10s.

The MINISTER FOR POLICE: I am the Minister for Police and I and Cabinet will have to approve of the amount. If the basic wage keeps rising at the rate it has done in the last few years it may be necessary to increase the amount beyond 10s. in four or five years' time. If we insert into the Act the words "not to exceed 10s." then we may have to come back in a few years because of increased costs and ask for another alteration. Every regulation has to pass both Houses, and any member can challenge a regulation and have it defeated. The member for Fremantle said he objected to this being used as a taxing measure, nevertheless the principle has been established that there shall be an initial fee of 5s. and an annual renewal fee, and that has been agreed to since 1931—a matter of 22 years. I hope there will be no alteration to this provision because there is a need and justification for the striking out of these particular words in the Act.

Hon. J. B. SLEEMAN: After listening to the lecture by the Minister to the young member for Maylands, I warn the hon. member that regulations are not so easily objected to. I do not say the Minister would put it over the hon. member. Surely the Minister does not want more here than obtains in the Eastern States where there are 100 time more guns than there are in Western Australia and where a fee of 5s. covers a license lasting a lifetime!

The Minister for Police: I do not want to do anything unreasonable in regard to the fees.

Hon. A. F. WATTS: I support the amendment. The argument raised by the Minister appears untenable when he compares his proposed increase from 5s. to 10s. in the initial license fee for the registration of a firearm with a similar increase in the fee for a motor driver's license. There is not the complete justification for that argument that the Minister would lead us to believe exists. A considerable increase has occurred in the cost of the control of traffic in recent times, but the situation there is different from that in regard to the registration of firearms where in 99 cases out of 100, after the officer has filled in the form, the matter is no further concern of the police for the rest of the year.

This is not intended to be a measure for the mere collection of revenue. The department is entitled to recoup itself for that proportion of its expenses directly attributable to the initial registration of firearms, but that would be a very small fraction of its expenditure. The annual renewal does not come within the scope of this provision and so the Minister is not restricted in that regard. Apparently he is going to raise that fee by 150 per cent. which would more than compensate his officers for the additional expense involved. For those reasons I support the amendment.

Mr. OLDFIELD: We are reaching a stage where each session more and more legislation is being passed to allow Ministers to do various things by regulation and if the trend continues we will reach a time when Parliament will be required to meet only to pass regulations.

The Minister for Police: These fees have been fixed by regulation since 1931.

Mr. OLDFIELD: But there has been a limitation imposed on them. Without this amendment, the Minister could next year raise the fee to any figure.

The Minister for Police: Any member in this Chamber could prevent that from happening.

Mr. OLDFIELD: I know how regulations slip through this Chamber.

The Minister for Police: I hope that is not a reflection on members.

Mr. OLDFIELD: I would support the provision in the Bill if it limited the Minister's scope in this regard.

Hon. Sir ROSS McLARTY: I am inclined to agree with the point of view expressed by the Minister in his comments on the proposal submitted by the member for Fremantle, because I cannot see how the Minister would have any power to prescribe fees.

The Minister for Police: None at all.

Hon. Sir ROSS McLARTY: I am inclined to vote against the clause because I consider the initial licensing fee of 5s. is sufficient. The Minister said that he intended to increase the annual fee from 1s. to 2s. 6d. and by that action he will get a considerable amount of additional revenue. As the member for Stirling pointed out, no great hardship or extra work will be inflicted on the Police Department. When a man purchases a rifle he knows that it must be licensed and he takes it to the department. So I suggest to the Minister that he does not make this measure a taxing one because it was never intended as such. When the Act was first introduced we were all under the impression that it would not apply to the State in general but only to municipalities and one mile outside. However, that has been altered by proclamation and so I ask the Minister to vote against this clause. The cost of cartridges and bullets has increased considerably over the years and this extra licensing fee will be a burden.

The MINISTER FOR POLICE: I think the clause is justified. After listening to the remarks of the Leader of the Opposition it is amazing to think how a person changes his views once he changes his seat in the Chamber. The hon. member increased motor drivers' licenses by 100 per cent.

Hon. Sir Ross McLarty: I was after more revenue there.

The MINISTER FOR POLICE: This Government is not after more revenue but some compensation for the additional money that has to be spent for increased wages and stationery costs. In 1931 the basic wage was £4 a week but now it is over £12 a week, and I think we are entitled to increase the fees by 100 per cent. because wages and the cost of stationery have increased by 285 per cent.

Hon. J. B. SLEEMAN: The Minister keeps harping about the 100 per cent. increase in motor drivers' licenses and compares that to the proposition contained in the Bill. There is no comparison. However, as it is better to have half a loaf than none, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

Ayes	14
Noes	25
Majority against	11

Ayes.

Mr. Andrew	Mr. Kelly
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. O'Brien
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Styants
Mr. Johnson	Mr. May

(Teller.)

Noes.

Mr. Abbott	Mr. Moir
Mr. Brand	Mr. Nalder
Dame F. Cardell-Oliver	Mr. Nimmo
Mr. Court	Mr. North
Mr. Doney	Mr. Norton
Mr. Hearman	Mr. Oldfield
Mr. Hill	Mr. Owen
Mr. Jamieson	Mr. Perkins
Mr. Lapham	Mr. Sleeman
Mr. Lawrence	Mr. Watts
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Hutchinson
Sir Ross McLarty	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Sewell	Mr. Bovell
Mr. Guthrie	Mr. Cornell
Mr. Hoar	Mr. Ackland
Mr. Tonkin	Mr. Wild

Clause thus negatived.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.35 p.m.