

construction costs at their present level or even to reduce them, but it does not seem possible for the Railway Department to use such equipment similarly for the reconstruction of the permanent way.

That, of course, poses an extremely difficult question for those responsible for the maintenance of the railway system. If, as time goes on, we are to have further development in road building technique as well as in the efficiency of motor transport generally, whilst the technique of maintaining the railway system, both in regard to the maintenance of the road-bed, rollingstock and so forth, remains static, then obviously the road services, as time goes on, will be in a better position to compete with the railways. Although the Minister has stated that the cost of maintaining the railways per ton mile is lower than road haulage costs per ton mile—I am not disputing his statement because I have no evidence on the question either way—

The Minister for Transport: It is about half the cost of road transport.

Mr. PERKINS: I do not think it is half, but it could easily be that any disparity at present could be increased as time goes on and will create further problems for the Minister for Transport. So I hope that while he will not accept the proposition submitted by the member for Maylands in this Bill, he will at least adopt a more constructive attitude towards the problem than he indicated when speaking to the measure.

On motion by the Premier, debate adjourned.

House adjourned at 9.58 p.m.

Legislative Council

Thursday, 22nd October, 1953.

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

QUESTIONS.

RAILWAYS.

As to Freightex System, Trans-line.

Hon. G. BENNETTS asked the Chief Secretary:

(1) Is the Minister aware of the proposed new rail freight service, known as the Freightex system operating, between the Eastern States and Western Australia?

(2) What effect will this system have on our local railways and local industry?

(3) Will the Minister have investigations made in this connection, to ascertain whether the same system could be introduced, with advantage, within the State railways?

The CHIEF SECRETARY replied:

(1) No.

(2) Answered by No. (1).

(3) Yes.

FORESTS.

As to Conservator's Transfer of Business Interests.

Hon. J. MURRAY asked the Chief Secretary:

(1) Can the Minister inform the House whether it is a fact that prior to his appointment as Conservator of Forests,

Mr. A. C. Harris owned a 25 per cent. interest in Welshpool Sawmillers Pty. Ltd.; also a one-third interest in the freehold of property, over which the above sawmill had cutting rights, as well as certain timber business interests?

(2) Is it also a fact that Mr. Harris has now transferred these interests to his wife?

(3) If the answers to No. (1) and (2) are in the affirmative, does the Minister consider that the transfer of these business interests, in this manner, is sufficient satisfaction of the requirements of Section 17 of the Forests Act, 1918?

The CHIEF SECRETARY replied:

(1) He had the two interests specifically mentioned, but no other.

(2) Although the share of the land was transferred to his wife, she has no interest in the sawmill.

(3) The requirements of the Act are satisfied.

HOUSING.

As to War Service Homes, Loans.

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

Some considerable time ago I asked the Minister a question pertaining to instructions received by the Housing Commission from the Commonwealth Government relative to loans under the War Service Homes Act. The papers have not yet been laid upon the table of the House, and I would like to ask the Minister if he has them.

The CHIEF SECRETARY replied:

I have received a reply to the hon. member's question as follows:—

Referring to the request made by Hon. A. F. Griffith, M.L.C., for the tabling of papers dealing with the waiting period of six months for all future special advance applications under the War Service Homes Act, I have to advise you that these papers are the property of the Commonwealth Government and the Commission acts only as its agent. Before the papers can be tabled, it will be necessary to obtain the consent of the Minister for Social Services, Canberra, to the tabling of these papers.

A request for this permission has been forwarded to the department concerned.

BILL—ASSISTANCE BY LOCAL AUTHORITIES IN WIRING DWELLINGS FOR ELECTRICITY.

Introduced by the Chief Secretary and read a first time.

BILLS (6)—THIRD READING.

- 1, Criminal Code Amendment.
Returned to the Assembly with amendments.
- 2, Pig Industry Compensation Act Amendment.
- 3, Local Courts Act Amendment.
- 4, Royal Style and Titles Act Amendment.
- 5, Western Australian Government Tramways and Ferries Act Amendment.
- 6, Colliie-Griffin Mine Railway.
Passed.

BILL—BEE INDUSTRY COMPENSATION.

Report of Committee adopted.

BILL—DAIRY INDUSTRY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [4.44] in moving the second reading said: This Bill is designed to amend the Act so that a provision inserted in 1939 to establish a fund may be repealed. Before that year, the butter factories were in competition without an equalisation fund and it was desired to set up a fund to enable the quality of the product to be improved. The belief was that the quality of butterfat had deteriorated to some extent, and the producers desired to establish a fund to provide for the employment of four experienced instructors, with a view to improving the dairy industry generally and the butterfat section particularly.

The scheme worked exceptionally well, and we have now reached a stage where it is considered that, instead of the producers having to contribute to the fund for the payment of the salaries of the instructors, the burden should be transferred to the department. The levy was limited to 1d. in the pound, but it has never been necessary to collect the full amount. An amount of ½d. has been levied. Over the years, there have been occasions when contributions to the fund have ceased, because there is provision in the Act limiting the fund to a maximum of £1,000 after all outstanding commitments had been met.

In January of last year, the fund had reached a total in excess of that limit and ceased to operate until August. By that time the fund had been depleted to some extent and the levy was reimposed. The time has arrived when these contributions by producers of butterfat should be discontinued. The four officers who have been employed on this work will continue to operate in the interests of the industry. None of them will be displaced, and the industry will not be affected as

a result of this proposal. The officers will carry out their duties in a similar manner to stock inspectors, tropical advisers and so forth, and the department will pay their salaries. The amount involved is not large, the total being in the vicinity of £5,000 a year, but it is the principle of these salaries being paid by the producers that we desire to discontinue. Those salaries should rightly be paid by the department. I move—

That the Bill be now read a second time.

HON. C. H. HENNING (South-West) [4.50]: This Bill, as the Minister says, is one concerned with a principle, and I sincerely hope it will be passed as soon as possible. It deals with the interpretation of two things—the dairy products improvement fund and the special dairy instructors—which were included in the Act by an amendment in 1939. The other provision of the measure is to delete from the legislation the machinery for the collection of the levy—the machinery dealing with how it should be collected by the butter factories, the amount to be collected, and the provision that it should be levied on all suppliers of butterfat whether the product was for the manufacture of butter or cheese, or for processing as milk.

Reference was also made by the Minister to the fact that the levy was enforced during certain months of the year only, and one of the reasons why I hope the measure will be dealt with as quickly as possible is that this is the flush period, during which the levy applies. October is generally one of the months of highest production. The sum of approximately £5,200, which is collected each year, is not large; but when we consider that it is taken from people who are forced to sell their product below the cost of production, we must realise that to them it is a considerable amount of money.

The fund, through the inspectors, has achieved its purpose of improving the quality of our butter and of the dairies; but I would say that about 25 per cent. of the dairies in this State are still sub-standard, and I believe they will remain in that condition for a considerable time, until the producer is in a position, through his own efforts and by increasing his herd, to pay the cost of the improvements that are necessary. The fund makes no difference at all to the price of butter or any of its allied products, being purely and simply a levy on the producer. I have pleasure in supporting the second reading.

HON. N. E. BAXTER (Central) [4.53]: I support the measure. Having had some years of experience in the dairying industry, I think it is a good move that the levying of this fund should be lifted from the shoulders of the producers. The Min-

ister mentioned that the amount of the fund was limited to £1,000 over the cost of paying the salaries and expenses of the instructors, but it occurred to me that there might be a surplus left in the fund when it is wound up, and I wondered what the Government intended to do with any surplus that might exist.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [4.55]: I have no information as to what would happen to any surplus that might remain in the fund, but it is a point well worth raising. On looking through the collections, I notice that there have been surpluses at various times. The figures I have show the balance to the credit of the fund at the 1st January, 1952, as £1,515 odd; collections, £5,296 odd, less expenditure £4,821 odd, leaving a balance of £1,991 as at the 31st December, 1952.

Hon. C. H. Henning: I do not think the levy was enforced during the winter of this year.

THE MINISTER FOR THE NORTH-WEST: I have not this year's figures, so whether the sum shown to the credit of the fund has now been absorbed I do not know. The limitation, as set out in the parent Act, reads—

The liability to contribute to the said fund shall cease whenever and during such period as the moneys in the said fund, after allowing for outstanding commitments, exceed the sum of £1,000.

I imagine, therefore, that there might be a surplus in the fund. In regard to the point raised by Mr. Henning, I will go back to the middle of last year. On the 29th February, the fund was in credit to the extent of £2,208. The levy ceased then, and the fund gradually diminished until, by the 31st July, 1952, there was only £260 to its credit.

Hon. C. H. Henning: I do not think there would be much more than that there now.

THE MINISTER FOR THE NORTH-WEST: At the 31st August there was only £71 16s. 10d. in the fund, but by now it may have built up again, because, at the end of September last year, there was £691 to the credit of the fund. The point was well worth raising, and it is one that the Minister for Agriculture will no doubt attend to.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ELECTORAL ACT AMENDMENT.*Second Reading.*

HON. H. S. W. PARKER (Suburban) [4.58] in moving the second reading said: This is a short Bill, the sole object of which is to prevent persons standing outside polling booths on polling day and handing out "how to vote" cards. The only way in which I think that end can be achieved is that set out in the measure. Perhaps I should first explain the reason for its introduction.

As members are probably aware, on election day it requires a considerable amount of organisation and expenditure of money and energy to man each polling booth with canvassers. Also, at many of the booths there are four entrances. Very seldom has a polling booth less than two entrances. At present the law provides that no one can hand out to electors "how to vote" cards within a distance of 50 yards of the entrance to the polling booth. For example, in a suburban province there are approximately 97 polling booths, many of which have two or more entrances. Very often a candidate has to arrange for men to relieve those who are already engaged on handing out "how to vote" cards, and undoubtedly it is of considerable annoyance to electors to be approached by these people when they are about to enter a polling booth. Frequently there are three candidates standing for an election in a particular province or an electorate, representing the Labour, Liberal and Communist Parties respectively, and each will have a man in the vicinity of the booth engaged in handing out cards to the electors.

Hon. C. W. D. Barker: Do you intend that they should stand further away from the booth, or are you desirous of having them done away with altogether?

Hon. H. S. W. PARKER: This Bill, in effect, will ban them completely.

Hon. C. W. D. Barker: I do not agree with it.

Hon. G. Bennetts: A candidate need not have them now if he does not want them.

Hon. H. S. W. PARKER: That is quite true, and it is the crux of the whole matter. If one candidate has canvassers handing out these cards, the other candidate must also have a man similarly employed. During State elections, 90 per cent. of the electors know for whom they will vote when they go to the polling booth; and in a Legislative Council election, the voting not being compulsory, I would say that 99 per cent. of the people would know for whom they intend to vote before they go to the polling booth. If no candidate is permitted to distribute "how to vote" cards on polling day, it will be equally fair to all parties, especially when we take into account that approximately only 10 per cent. of the electors would receive any assistance from these cards in deciding

how to vote. Such electors would vote according to which card they were handed at the polling booth.

The Minister for the North-West: It depends on which candidate's name is at the top of the card.

Hon. H. S. W. PARKER: Yes; and, in my opinion, it is of no value. I believe that if the distribution of "how to vote" cards is prohibited at a polling booth it will save candidates tremendous expense and organisation. When such people are engaged in the distribution of these cards, a candidate has to arrange refreshment for them. He also has to arrange for transport to take the relieving men to the polling booths. That is a waste of time and money.

There is nothing in the Bill to prohibit a candidate from distributing "how to vote" cards in any other manner. There is nothing to prevent his having them sent through the post or delivered by hand. To distribute them in that manner a candidate would not require more than one-tenth of the people who are now engaged at election time handing out cards in the vicinity of a polling booth.

I have discussed this proposal with people holding different political views from mine, and they have encouraged me to go on with the measure. Electors have told me that it is extremely annoying to be approached by people handing out the cards near the polling booths. In fact, during a heated election I have seen men who have been engaged in distributing cards involved in arguments which would almost constitute a breach of the peace.

Hon. A. F. Griffith: What is your opinion about an elector taking a "how to vote" card into a polling booth?

Hon. H. S. W. PARKER: There is nothing to prevent him from doing that. Also, there is nothing to stop a person being driven to the polling booth in a car and picking up a "how to vote" card from the seat of that car. I do not know how he could be charged with any offence for doing that. All the Bill seeks to do is to prevent people from standing outside polling booths, and I consider that this is the only way to achieve that objective. If I drive an elector to a polling booth and he happens to pick up a "how to vote" card lying on the seat of my car, I cannot help it.

Hon. F. R. H. Lavery: That is a cunning one!

Hon. H. S. W. PARKER: There will be many ways by which the provisions of this Bill can be overcome. However, it is only intended to stop people from standing outside polling booths.

Hon. G. Bennetts: What about a candidate who cannot afford to provide a car to take his electors to the polling booth? Those electors would have no opportunity of picking a "how to vote" card off the seat.

Hon. H. S. W. PARKER: I think the hon. member would soon provide some other means whereby his electors could obtain "how to vote" cards. He would probably have a card printed with a photograph of himself on one side and a blotter on the other, and so they could not avoid rubbing their hands over his face each time they used it.

I think members will agree that the Bill is not party political, but is designed to assist members of all parties. In the Act, no definition of "polling booth" is given, but "polling place" is defined. The words "polling place" should be used throughout the Act; but unfortunately, by amendments made from time to time, the word "booth" has been inserted, and the Bill proposes to strike out the word "booth" in two places and insert the word "place." The definition given in the Act is as follows:

"Polling place" means any building or structure in which the polling at elections is appointed to take place.

The Bill provides that any person distributing "how to vote" cards must be a mile away from the polling booth. Section 183(4), which the Bill also proposes to amend, reads as follows:—

Any person who in any way interferes with any elector, either in the polling booth or within fifty yards from the entrance thereto from the nearest street or way with the intention of influencing him or advising him as to his vote;

I do not think any member would contend that a person would be interfering with an elector if he approached him within a few hundred yards of the polling booth, because in all probability the elector would have already voted. The next amendment is to Section 192, which provides that any person handing out "how to vote" cards is compelled to remain at least 50 yards away from the polling booth. That section reads as follows:—

The following acts are, on polling day and on all days to which the polling is adjourned prohibited in a polling booth or within fifty yards from the entrance thereto from the nearest street or way, namely:—

- (1) Canvassing for votes.
- (2) Soliciting the vote of any elector; or
- (3) Inducing any elector not to vote for any particular candidate; or
- (4) Inducing any elector not to vote at the election.

I desire the House, if it sees fit, to amend that so it may read:—

The following acts are, on polling day, and on all days to which the polling is adjourned, prohibited in a poll-

ing place or within a mile thereof and any such act shall be deemed to be an illegal practice under this Act.

In Section 188, the Act provides a penalty for an illegal act which reads—

Any illegal practice shall be punishable as follows:—

- (1) Bribery or undue influence by a penalty not exceeding two hundred pounds, or by imprisonment not exceeding one year;
- (2) Any other illegal practice by a penalty not exceeding one hundred pounds, or by imprisonment not exceeding six months.

That is a penalty that would never be inflicted. The penalty for a breach of Section 192 is provided under Section 190 which reads as follows:—

Any contravention of this Act for which there is no other punishment provided: Penalty not exceeding fifty pounds.

I thought it would be more advisable to insert a penalty at the end of the particular section to which it has application. Although I consider myself experienced in these matters, it took me some time to find the provision for this penalty in the Act as it exists at present. The amendment in the Bill is designed to make the matter clear. Therefore in submitting the Bill to members, I trust they will pass it. I have no objection to any amendment that may be suggested that will prohibit people from standing outside polling booths, where they not only annoy electors, but also put the candidates to considerable expense and trouble. I move—

That the Bill be now read a second time.

HON. C. W. D. BARKER (North) [5.13]: I oppose the Bill. Mr. Parker has said it is a simple measure to ban the handing out of "how to vote" cards at a polling booth. If the Bill is passed, it will mean that cards will only be distributed a mile away from the polling place.

Hon. H. S. W. Parker: On the day of the election.

Hon. C. W. D. BARKER: Yes. That means that in the metropolitan area at least no cards will be given out whatsoever. Let us take an electorate in the metropolitan area where there are 22,000 electors, with four or five candidates standing for election. Does the hon. member mean to tell me that they will be able to distribute their voting cards to every one of those electors? That would be a colossal job before polling day. Voters definitely need some instruction as to how to vote, particularly when there are five

or six candidates in the field, and there is preferential voting, and that is the best way to urge those people—

Hon. J. McI. Thomson: It would confuse them.

Hon. C. W. D. BARKER: Some parties might.

Hon. A. F. Griffith: You are insulting their intelligence.

Hon. C. W. D. BARKER: I can see no good in this Bill. If we have to get cards out to a colossal number of electors before polling day, it will be very expensive. The Bill will never do away with the issuing of cards. It will be a big job to instruct the people, particularly when there is preferential voting. I cannot vote for this measure. It is a retrograde and not a forward step. I have never seen people annoyed outside polling booths. They are treated with courtesy. How are we to get people to vote for us if they are annoyed? That is not the way to win their support. The easiest way to deliver these cards is at the polling booth, or in proximity to it.

Hon. H. S. W. Parker: How are you going to get them to the polling booth?

Hon. C. W. D. BARKER: They will go willingly if they want to vote. That is the place to catch them. The passing of the Bill would cause a terrific amount of expense to anyone fighting an election. It would not do away with voting cards. I have said that three times, and it is a fact, and the hon. member knows it. There is more behind the Bill than appears from the reading of it, and I oppose the measure.

HON. G. BENNETTS (South-West) [5.17]: I oppose the Bill. I can see that it will lead to a sort of underground movement. There would be no objection to a man's having a few cards at the side of his motorcar, and people would be able to give out a lot of tickets from a lot of motorcars and would have plenty of ways of ensuring that the electors received them. I attend polling booths on election day, and I do not think the handing out of cards is a menace to the people. Voters are always pleased to get them, and they appreciate instruction on how to vote. I do not think that this method should be prevented. It is expensive, but elections for this House take place only once in six years for each member; and if a member is not prepared to give his constituents a little instruction on how to vote, he is not worthy of re-election.

Hon. N. E. Baxter: What about candidates for the other place?

Hon. G. BENNETTS: They have to stand for election every three years, but I have not heard of any row in that place about the giving out of voting cards at polling booths. Members in that place are

all in favour of it, so far as I know. Certainly I have not heard any objections. People are not pestered at polling booths. Cards are handed out to them by representatives of candidates of the the different political parties. Some people ask that the roll be consulted to see whether their names appear thereon, and that is done for them.

Hon. H. S. W. Parker: Does it not annoy you when you receive a card from someone connected with the Liberal Party?

Hon. G. BENNETTS: No; I take it and say, "Thank you very much". I vote according to my conscience. The same occurs when I present a man with a Labour Party card.

Hon. A. F. Griffith: What did you say about your conscience?

Hon. G. BENNETTS: He puts it in his pocket and says, "Thank you very much". I do not argue with people at the polling booths. I hope that the House will not agree to this Bill.

HON. J. McI. THOMSON (South) [5.19]: I support the Bill because I can see much good in it. On election day, it is indeed very annoying to many people to have thrust under their noses "how to vote" cards as they enter the polling booth door.

Hon. R. J. Boylen: How do you know?

Hon. J. McI. THOMSON: From past experience. If we can cut out this business of people being pestered within 50 yards of the polling booth, and even up to the door, it will be all to the good. This Bill is a step in the right direction. It does not do away with "how to vote" cards, as the two previous speakers have endeavoured to mislead the House into believing. "How to vote" cards are handed out the day before an election and, according to Mr. Parker, they could still be handed out a mile away from the polling booth.

Hon. C. W. D. Barker: Does that make common sense to you? It would be too silly for words; they would not be there.

Hon. J. McI. THOMSON: Other people have different opinions. I am voicing the opinion of many people in country districts.

Hon. E. M. Heenan: How many?

Hon. J. McI. THOMSON: I would say that thousands of people would be pleased on polling day to be able calmly and coolly to walk up to the polling booth without being inconvenienced and annoyed with "how to vote" cards of all colours and descriptions. If people do not know how to vote when they go to the polling booth, they are not casting intelligent votes.

Hon. R. J. Boylen: Your electors might resent that remark.

Hon. J. McI. THOMSON: No; they are very intelligent. The Bill has much to commend it, and I hope that members will give it serious consideration. From the tone of the interruptions, I do not think serious thought has been given to it. I would have this provision applied to all elections, and not merely to State elections. I remember a Federal election that took place in the town in which I live.

Hon. R. J. Boylen: What town is that?

Hon. J. McI. THOMSON: The hon. member knows that very well! On that occasion, four or five people were canvassing for their candidates and making an absolute nuisance of themselves in an area in which they were not supposed to be standing. If we could cut out this business of pushing "how to vote" cards under the noses of people who do not want to be bothered with them—

Hon. C. W. D. Barker: Who pushes cards under the noses of the people?

Hon. J. McI. THOMSON: The hon. member can have a look the next time and find out for himself.

Hon. C. W. D. Barker: They are politely handed out.

Hon. J. McI. THOMSON: Of course this measure applies only to State elections, but it is one that should be given serious consideration. I trust that it will meet with the approval of the House and that of another place, and will become law.

HON. A. F. GRIFFITH (Suburban) [5.23]: I am, to say the least, surprised to find such ready opposition to this measure.

Hon. R. J. Boylen: You are one man who has had experience.

Hon. A. F. GRIFFITH: Yes, a lot. I am surprised to hear the opposition from those gentlemen who are looking most intently at me at the moment. One would think that Mr. Parker had thrown a match into a plug of dynamite.

Hon. C. W. D. Barker: When any rights are going to be taken away, it is a match to a plug of dynamite.

Hon. R. J. Boylen: That has got him stumped.

Hon. F. R. H. Lavery: Answer that one!

Hon. A. F. GRIFFITH: I will answer it.

The Chief Secretary: After due thought.

Hon. A. F. GRIFFITH: Mr. Barker said that there is more behind this Bill than it displays. What is meant by that?

Hon. C. W. D. Barker: Who told you to say that?

Hon. A. F. GRIFFITH: I heard what the hon. member said.

Hon. C. W. D. Barker: Who told you what to say?

Hon. A. F. GRIFFITH: Mr. Barker say there is more behind the Bill than it displays. What does he mean by a remark like that?

Hon. C. W. D. Barker: I will leave it to your judgment.

Hon. A. F. GRIFFITH: I know what the hon. member means. To my mind the Labour members of this House—

Hon. C. W. D. Barker: This is a non party House.

The PRESIDENT: Order! The hon. member should address the Chair.

Hon. A. F. GRIFFITH: Labour members should be very pleased with a proposition of this nature because, as we saw in the last State election, it will allow them to fool the people up to polling day and then there might be no change of Government.

Hon. C. W. D. Barker: Are you still crying about that?

Hon. A. F. GRIFFITH: It is an insult to the people's intelligence to imagine that the greatest percentage of the population do not know what they are going to do before they go to the polling booth on polling day.

Hon. R. J. Boylen: Do you think it makes any difference to the representation in this House whether the electors get cards or not?

Hon. A. F. GRIFFITH: I do not think that interjection is worthy of comment.

Hon. R. J. Boylen: Do you think it makes any difference to the ultimate representation of people in this Parliament whether they get cards or not?

Hon. A. F. GRIFFITH: I should say "No," in the main.

Hon. R. J. Boylen: Then why worry about it?

Hon. A. F. GRIFFITH: The one thing that Mr. Parker's Bill will do—and I venture to say it would help the hon. member's side the same as any other party—is to cut out the confusion that occurs on polling day. The hon. member has had a lot of political experience, and I know what takes place at a busy polling booth on polling day. Take, for instance a by-election, at which political temperatures are quite hot at times.

Hon. R. J. Boylen: What is the difference at a by-election?

Hon. A. F. GRIFFITH: Surely the hon. member's imagination will allow him to deduce that for himself!

Hon. R. J. Boylen: I have contested and I do not know.

Hon. A. F. GRIFFITH: The hon. member may have contested a by-election in connection with this House, which would not have had much political implication. But in respect of another place, when

numbers are so close to being even, the result of a by-election might determine what party would constitute the Government.

Hon. R. J. Boylen: What difference would "how to vote" cards make?

Hon. A. F. GRIFFITH: I remember hotly contesting with the present Minister for Housing the right to hand out cards. He was a boy well and truly on the job in handing out cards!

Hon. R. J. Boylen: We do not mind how many you hand out.

Hon. A. F. GRIFFITH: Very well. Now, if the hon. member will let me get on with my speech—

Hon. C. W. D. Barker: Do you not think it is confusing when there are four or five—

Hon. Sir Charles Latham: This is not a court to question people in!

The PRESIDENT: Order! The hon. member will proceed with his speech.

Hon. A. F. GRIFFITH: Mr. Barker likes to make his speech in such audible tones that nobody can possibly interject; but when anybody else is trying to put some constructive thoughts before the House, he seems to like to interject. I wish to ask him—

Hon. F. R. H. Lavery: That is his privilege.

Hon. A. F. GRIFFITH: As Mr. Barker has made his speech, I would like to ask him to let me make mine. I see no harm in this Bill at all. I think it will do more good than it could possibly do harm, for the simple reason that it will eliminate "how to vote" cards on polling days—

The Chief Secretary: No.

Hon. A. F. GRIFFITH:—being handed out at polling booths. That is what the Bill is intended to accomplish. At a busy polling booth on election day, from 8 o'clock in the morning till 8 o'clock at night, there are people standing, sometimes at three or four different entrances, with packs of cards, and they remain there during a long, dreary day, sometimes when it is wet, sometimes when it is hot.

Hon. C. W. D. Barker: It is a labour of love.

Hon. A. F. GRIFFITH: Whatever it may be, so far as the weather is concerned it is a long dreary day, and I do not think any advantage whatever is gained. Political parties in this State put forward their policies, each and every one of them, days before an election takes place, and it is my experience that there are very few people who do not know what they intend to do long before they go to the polling booth. The political parties subscribe to newspaper advertisements, and particularly those on the hon. member's side of politics.

Hon. R. J. Boylen: Yes, to the extent that they can afford to do it and can get a fair deal through the Press.

Hon. A. F. GRIFFITH: To the extent that they can afford it! In that case, I would say that at many past elections the hon. member's party has been quite wealthy.

The PRESIDENT: I suggest the hon. member address the Chair.

Hon. R. J. Boylen: Do you pay people for giving out "how to vote" cards?

Hon. A. F. GRIFFITH: I want to answer that interjection, but I did not quite hear it.

Hon. R. J. Boylen: Does the Liberal Party pay people for giving out "how-to-vote" cards?

Hon. A. F. GRIFFITH: Of course not!

Hon. C. W. D. Barker: If Mr.—

The PRESIDENT: I draw attention to the fact that interjections are highly disorderly.

Hon. A. F. GRIFFITH: It is unfair for members to suggest that people are paid for handing "how to vote" cards.

Hon. R. J. Boylen: I asked an honest question.

Hon. A. F. GRIFFITH: It is unfair, because it is provided in the Electoral Act that it shall not be done.

Hon. R. J. Boylen: There are many other things provided for in the Electoral Act that are not complied with.

The PRESIDENT: Order!

Hon. A. F. GRIFFITH: In the elections I have contested, and the others that I have had experience of, I have not known of such a thing taking place. Mr. Barker said it was a labour of love. I support the propositions in the Bill because I think they are good ones. It might be that certain members want to confuse the issue, and make it look as though Mr. Parker is introducing the Bill with some ulterior motive. I think that is furthest from his mind.

Hon. R. J. Boylen: I would not say it is.

The PRESIDENT: Will the hon. member resume his seat? I draw Mr. Boylen's attention to Standing Order No. 413. Mr. Griffith may proceed with his speech.

Hon. A. F. GRIFFITH: That was furthest from the mind of Mr. Parker in introducing the Bill. He desires to make the activities of the political parties on polling day run more smoothly than they do now by saving any unpleasantness that takes place—and it does; there is no doubt about that—and to save the candidates expense and inconvenience in connection with their helpers. The Chief Secretary knows of his own experience the organisation required on polling day in a metropolitan electorate such as he represents or, for that matter,

any other electorate where there is a large number of polling booths requiring 80 to 90 persons to be in attendance between the hours of 8 a.m. and 8 p.m. to hand out "how to vote" cards. He and other members will agree that it will be to the advantage of all if that does not have to be done.

The expense that candidates are put to would be a great deal less if the "how to vote" cards were got out prior to the polling day, because on polling day we have to make sure that our supporters receive refreshment, and we must have sufficient of them to perform the work. They are all voluntary helpers, believing as they do in the policy of the party they support. It would be desirable not to have the clustering around of over-anxious people outside polling booths poking "how to vote" cards under one's nose.

Hon. F. R. H. Lavery: I do not think the word "poking" is the one to use. Most people hand a card out, and if you do not take it you do not have to.

Hon. A. F. GRIFFITH: Mr. Lavery has not had much experience.

Hon. F. R. H. Lavery: I have had 27 years' experience at polling booths, and have given out thousands of cards.

Hon. A. F. GRIFFITH: I have seen people literally poking cards into voters' hands. No one will deny that if there are three or four active candidates in a contest the person who goes into the polling booth will enter with three or four cards.

Hon. F. R. H. Lavery: You are not allowing for their intelligence. They take the cards with good grace, but not always with the intention of using them. Do you not think they have already made up their minds?

Hon. A. F. GRIFFITH: The hon. member has given me the very argument for supporting the Bill.

Hon. F. R. H. Lavery: They will go in—

The PRESIDENT: Order! I do not want any further duets.

Hon. F. R. H. Lavery: It is not a duet, and I resent that remark.

Hon. A. F. GRIFFITH: May I resume, Mr. President?

The PRESIDENT: The hon. member may proceed.

Hon. A. F. GRIFFITH: Mr. Lavery gives us the crux of the whole thing when he asks whether I think a person's mind is made up before he goes to the polling booth. My answer is, "Yes." If a person's mind is made up before he goes there, why try to confuse him by giving him two or three "how to vote" cards from which to make a selection?

Hon. R. J. Boylen: He would not be confused if he had made up his mind.

Hon. A. F. GRIFFITH: Why add to the confusion?

Hon. R. J. Boylen: It is not adding to the confusion.

Hon. A. F. GRIFFITH: I contend it would be adding to the confusion, and also to the expense of the candidate. Mr Bennetts said he votes according to his conscience. I would like him to take that back to the people of the Goldfields where he speaks to them about the 35 per cent increase in rail freights. He voted with the Government on that question, so if he voted according to his conscience on that occasion, then his conscience will probably pay him a reward. I support the Bill, and I hope that members will too, because I think it is designed to assist the electors on polling day.

HON. A. R. JONES (Midland) [5.37]: I support the Bill because only good will come of it. I do not want to reiterate what other members have said, but I believe that, for one thing the measure will save every member of Parliament a certain amount of money. For another, it will save the public a certain amount of annoyance, and it will make the people more conscious of their responsibility to the State. In the past, "how to vote" cards have been handed out at the polling booth and this has tended to make people careless inasmuch as they may have left home without bringing a "how to vote" card and so may not have remembered just who their candidates were. When they have got to the booth they have taken a card, and then gone in to record their vote.

That sort of thing encourages people to become lackadaisical, and not give the time that they should to their responsibilities before the election. If the "how to vote" cards were not available, I believe we would have more intelligent votes when it came to polling day. Like many other members, I have stood in the rain and heat at a booth; and whether it is busy or there are only a few voters, there is nothing more distressing than to have to stand about like that all day. I believe there is no possible benefit from it whatsoever. I have pleasure in supporting the Bill.

HON. E. M. HEENAN (North-East) [5.40]: I listened to Mr. Parker's remarks when he introduced the Bill, and I quite agree that he had every right to introduce it. Although I cannot quite fathom what his exact motive is, I am sure it is a very sincere one.

Hon. H. S. W. Parker: I told you a clearly as I could.

Hon. E. M. HEENAN: I gather that the main motive is to save expense and prevent what Mr. Parker claims to be a nuisance to the public. If I am right in these suppositions, I shall deal with them. Whatever merit Mr. Parker put

forward for the Bill, I am afraid it has been somewhat diminished by the grossly exaggerated claims by the speakers who have supported him. A measure like this might have some merits, and we should debate it on its merits. If Mr. Parker can make out a claim that the public are being annoyed; that the expense is altogether unwarranted; and that no good comes of the present situation, and if he can convince the majority, then good luck to him. But it gets us nowhere for people to put forward the absurd and exaggerated claims that were made by Mr. Thomson and Mr. Griffith.

Hon. N. E. Baxter: What were they?

Hon. E. M. HEENAN: One of them said something about poking a card under one's nose.

Hon. L. A. Logan: That is not exaggeration.

Hon. R. J. Boylen: Of course it is.

Hon. E. M. HEENAN: I have had a lot more experience of elections than Mr. Logan has had.

Hon. L. A. Logan: I shall answer that when I get up.

Hon. E. M. HEENAN: I have had 25 years of active participation in a large electorate where there are many elections that are always fairly closely contested. The remark to which I referred was a gross exaggeration, and I am sure most members in the House will agree with me. If a canvasser is a person who goes poking cards under one's nose—

Hon. H. S. W. Parker: He did not say how far under.

Hon. E. M. HEENAN: That might be smart. He did not say under the chin, or under the stomach, or under the knees, but under the nose, and I interpret that as being pretty close to the nose. Mr. Thomson said it was an insult to the people's intelligence, and that the electors at Katanning were most annoyed and upset by the way they were pestered when these cards were handed to them.

Hon. N. E. Baxter: I do not think the hon. member mentioned Katanning.

Hon. E. M. HEENAN: If anyone in this State annoys, molests, or hinders another person, he can quickly be prosecuted. All those who are sufficiently experienced to be members of Parliament know that that is the law of the country. If a person is walking along the footpath and someone annoys, molests, or hinders him, and there is a policeman fairly close at hand, he will see that such person does not continue to conduct himself in that manner for any length of time. I have not seen any of the old and more experienced members rushing into this debate so far; it has

been left to the most junior member, who has had the least experience in elections.

Hon. H. S. W. Parker: Who spoke immediately after me?

Hon. A. F. Griffith: He does not even know.

Hon. E. M. HEENAN: The main supporter of the Bill so far has been the most junior member in this House; he has been here for only five minutes, but he is airing his knowledge and views with such vehemence, such confidence and such extravagance that we are all quickly becoming nauseated. I am sure I am not speaking only for members—

The PRESIDENT: I hope the hon. member will not continue along those lines.

Hon. E. M. HEENAN:—on this side of the House. We all know what happens in practice. Loyal members of the respective parties sit quietly at tables 50 yards away from the polling booths. The 50 yards is carefully measured out, and the canvassers have bundles of "how to vote" cards as well as the rolls, and they take a pride in being of some service to the party they support. Refreshments are provided throughout the long day, and these people are actively interested in the campaign; and in my opinion, they perform a useful service for the public.

Members of the public want all the information and assistance they can get, and many go to the canvassers for it. There is no compulsion about it; they approach them to ascertain whether their names are on the roll. People know whether they want to vote Liberal, Labour or Country Party; but if an old man, or an illiterate person, or someone who can barely read or see approaches a canvasser, he can obtain a "how to vote" card, or he can find out the name of the Labour candidate, the Liberal candidate, or the Country Party candidate. He can also find out whether his name is on the roll. On the Goldfields we have experienced canvassers, and there is a feeling of goodwill between them all, irrespective of the party they support. I know that our people come round and bring us a cool drink, a glass of beer or a cup of tea, and they invariably go to the other tables and vice versa.

Hon. G. Bennetts: And the public gets the information.

Hon. E. M. HEENAN: Yes, information and assistance.

Hon. G. Bennetts: Free of charge.

Hon. E. M. HEENAN: There is another angle to this measure. In these days we are always complaining about the lack of interest in elections. This is becoming a serious state of affairs in democratic countries, and people are not taking sufficient interest in elections or in voting.

What dull, uninteresting affairs elections are now, and how much duller and more uninteresting they would become if we eliminated the activity which we can at present engender by virtue of canvassers operating near the polling booths. I do not think we should do anything that would encourage or abet this grave situation of the public being uninterested in elections. Too many people cannot be bothered with voting, and if we pass this Bill we will be aiding and abetting that apathy.

By all means let us retain all the facilities for propaganda which exist at present and which, I would point out, have existed since 1907. No harm is being done to anyone. No one is being molested or annoyed. Unless a person had a nice approach and a decent attitude towards other people while he was canvassing, he would only be helping the other side and his party would be silly to use him. On the Goldfields we have nice old ladies and nice old men doing this work.

Hon. H. S. W. Parker: Is it fair to ask the old ladies to sit out in the sun all day?

Hon. E. M. HEENAN: It would be unfair to deprive them of a job that they have been pleased to do for years and years. It gives them pleasure, and they take pride in doing it; and when the election is over, they all go up to the Trades Hall and have a nice social.

Hon. H. S. W. Parker: Why not have their social during the day without forcing these old people to stand in the sun?

Hon. E. M. HEENAN: Certainly these methods involve expense, but on the other hand would it also be a good idea to eliminate newspaper propaganda? I believe that the more we do away with these things, the less interest people will take in voting, and the better chance the communists and such people will have of stepping in and taking over the government of democratic countries. They are striving to do that all the time.

Hon. H. S. W. Parker: If you brought in a Bill to cover that aspect I would oppose it.

Hon. E. M. HEENAN: If this Bill is carried, its only effect will be to take away some of the interest that people now have in elections. Our canvassers do a good job by whipping up the people and trying to get them to take an interest in their duties as citizens. If this measure becomes law, elections will become dull, lifeless affairs; and I cannot agree that that would be for the good of the country. Another point is that Mr. Parker's Bill does not aim at wiping out the canvassers altogether, but says that instead of the distance being 50 yards it shall be one mile. It is a simple thing to measure out 50 yards, but it would be absolutely absurd to try to measure out a mile in such cases.

Hon. H. S. W. Parker: I am sorry that you could not understand me. I pointed out distinctly that the Bill was to prevent people standing outside the polling booths—and both you and I know that they do. We both know how far a mile is, approximately, unless the hon. member is like the native who says, "A little bit long way. Perhaps a mile."

Hon. E. M. HEENAN: I do not think this Bill will give an advantage to one party or the other, but I cannot see any merit in it at all. It will make elections more tame than they are at present; and if I am right in that assumption, I do not think it will be for the good of the country. For goodness' sake, let us carry on as we have carried on since 1907; no one has been harmed, and we want to create all the interest we can in these elections. I do not know of any person who has been molested, annoyed, or pestered in the 25 years I have been associated with electioneering; and I do not think there has been any unseemly conduct near the polling booths on the Goldfields. As for these so-called pests who shove cards under someone's nose, as was alleged by Mr. Griffith, if someone shoved a card under my nose—

Hon. N. E. Baxter: There would be a fight.

Hon. A. F. Griffith: Some people do react, but not physically.

Hon. E. M. HEENAN: —I would quickly react physically, or in some way. I do not believe what Mr. Griffith has said in that regard.

On motion by Hon. R. J. Boylen, debate adjourned.

BILL—FIREARMS AND GUNS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.53] in moving the second reading said: It seems appropriate that I should now introduce an amendment to this Act, after the remarks that have just been made. The principal Act was introduced in 1931 as a result of a request from the executive of the Police Association which submitted that legislation of such a nature would have a considerable effect in curtailing a great deal of the crime that was then occurring. Similar opinions were also being voiced by judges, magistrates and coroners. The whole purpose of the Act is to restrict the possibility of the use of firearms by people with criminal or dangerous tendencies. The main intention of the Bill is to increase the penalties for the illegal use of firearms. There are also other amendments designed to correct anomalies in the parent Act.

It is regrettable that the speed of modern transport enables criminals to travel quickly from State to State. Many of

these enemies of society are not reluctant to use firearms; and to discourage such a dangerous practice some of the other States, notably New South Wales and Victoria, have substantially increased the penalties for the illegal use of these weapons. Members will agree that the most stringent measures should be taken to prevent criminals of such a type from operating here. One of such measures should be to provide exemplary penalties for offences under the parent Act.

Section 12 of the Act specifies the present penalties. A glance at these reveals that any person found guilty of being in possession of an unlicensed firearm while he is intoxicated, or using or carrying a firearm between the hours of 7 p.m. and 7 a.m., must be fined and given a term of imprisonment. I wish to emphasise that; it is both a fine and imprisonment. A person excited or intoxicated by liquor and who is in possession of a firearm is liable to a fine or imprisonment. So also is a person using or carrying a firearm between 7 a.m. and 7 p.m. Anyone found in possession of an unlicensed firearm is subject to a fine of from £1 to £50.

The Bill proposes to give courts the discretion to sentence such offenders to imprisonment. If the firearm is a pistol, the proposal is to provide a greater pecuniary penalty, the reason being that this type of weapon is concealable. It is therefore favoured by criminals as it is not easily detectable. I have been told that the exemplary penalties in New South Wales for the use of unlicensed concealable weapons has caused criminals to turn to bulkier weapons, such as shotguns, as their favourite firearms.

Speaking of shotguns, in 1951 a vicious criminal who had been charged with and acquitted of wilful murder in the Eastern States, was charged in the Perth Police Court for having an unlicensed loaded shotgun in his flat at South Perth. Under the parent Act this man could be fined only. Later, he was sentenced to three years' imprisonment for causing bodily harm. That is an indication of the inadequacy of the parent Act to protect the public.

The Bill proposes to allow magistrates the power to fine, or to sentence to six months' imprisonment, any person found in possession of an unlicensed firearm. Should the firearm be a pistol, the fine is increased to not less than £10 and not more than £100, and the magistrate may impose both fine and imprisonment. If the person charged carries or uses the firearm between 7 a.m. and 7 p.m., he may be sentenced to 12 months' imprisonment, as well as being fined from £10 to £50 as now provided in the Act. If a pistol is the weapon, the fine is increased by the Bill to not less than £10 or more than

£100, and the offender can be either sentenced to 12 months' imprisonment or to a fine and imprisonment.

At present, the use or carrying of an unlicensed firearm can bring about a fine from £10 to £100 and imprisonment for 12 months. In such a case, if the firearm is a pistol, the Bill seeks a fine of from £25 to £200, or imprisonment for not more than two years, or both the fine and imprisonment. I trust members will agree to these increased penalties, as those at present permitted by the Act are not a sufficient deterrent to persons of bad repute. It will be noted that magistrates are given discretionary powers in regard to terms of imprisonment; and that, apart from those applying to pistols, which are concealable weapons, the minimum penalties by way of fines are retained in the Act.

Most of the other amendments in the Bill are of a minor nature. The Cartridge and Firearms Association has asked for an amendment allowing persons licensed to manufacture and repair, or to deal in firearms, to carry or use a firearm for the purpose of testing or of demonstration to a customer. At present, approvals for such purposes have been made by the Police Department. It is considered preferable, however, for authority for such approvals to be given by the Act.

Certain persons are exempted under the Act from obtaining licenses. It is felt that such exemption should be extended to the Governor and to diplomatic and consular representatives of other countries. So members will not be caught up with this. This would apply only to diplomats and consuls from overseas, not to permanent residents of this State who represent foreign countries.

The Act permits of the arrest of any person reasonably suspected of an offence against the Act who refuses to give his correct name and address. This is a weakness. It is considered that the police should have power under the Act to make an arrest on reasonable grounds, even though the person concerned has given his name and address, especially as the Act is designed to protect the public against criminals. In the past, police have arrested people for offences under the Act by claiming authority for the arrest under Section 43 of the Police Act, which provides that any person may be arrested who is suspected of having committed or being about to commit any offence.

The Bill seeks to give power to the police to dispose of firearms where the owner cannot be traced or the weapon is unfit for use. The police are holding a considerable number of firearms, due to lack of authority to sell or to destroy them, so this amendment will be very useful. In cases where a firearm is seized from a person not entitled to a license, the police may dispose of the weapon if the owner refuses to do so within six months. At

the owner's request, however, and on payment of an appropriate annual fee the police may keep and care for the weapon until such time as the owner may become eligible for a license, or sell the weapon, or die.

The Act provides penalties for anyone selling, delivering or disposing of a weapon to an ineligible person. It is proposed to extend these penalties to anyone knowingly permitting an ineligible person to take possession of a weapon. This is to cover cases where an offender has given permission to another person to go to wherever his firearm is kept and to take it. In such cases there has not actually been a delivery, but the offender possibly has created a danger that the weapon might be used by an irresponsible or unlicensed person. In one case a juvenile was allowed to take a gun and, as a result, accidentally wounded someone else.

Under the Act, anyone manufacturing firearms without a license is subject to imprisonment for two years; or, on summary conviction, to a maximum fine of £100 and imprisonment not exceeding two months. This sentence of two months is said to be an error. In view of the fine being £100, the term of imprisonment should have been 12 months. The Bill proposes to rectify this error.

A similar provision to that existing in New South Wales is incorporated in the Bill. This makes it an offence for any person to deface or alter any number or identification mark on a firearm, unless he has a lawful excuse, or to be in possession of a firearm so treated.

It is an offence under the Act to refuse to produce a licence when requested to do so by a police officer. The Bill seeks to make it an offence to refuse to produce a licensed weapon when required. Members can visualise occasions when it may be necessary to inspect a licensed firearm without delay. If the owner refuses to produce it, it is then necessary to obtain a warrant, which entails a certain amount of delay.

There is no provision for a penalty in the Act for pointing a firearm at another person, and therefore the Bill proposes one of £25 for such a dangerous action. Another amendment is to ensure that if a firearm is carried in parts by two or more persons, then each person is deemed to be in possession of the firearm. The reason for this is quite obvious. It will prevent criminals from evading the provisions of the Act by carrying weapons in parts. One such trick is for two persons intent on an offence to carry a sub-machine gun in parts and assemble the weapon shortly before committing the offence.

Some little while ago a prosecution in a remote country area was dismissed because time did not permit of a certificate being obtained from the Commissioner of Police that a person was not

the holder of a licence under the Act. To overcome such another occurrence, we propose to provide that proof of a licence, which can easily be supplied by the defendant, may be averred in the complaint. This follows the policy adopted in other Acts.

The Bill proposes to make quite a large number of amendments to the law, and they will need much consideration in order that this legislation might be brought up to date. I am sure that members will give the measure the serious consideration it deserves and that, by the time it is finally passed, we shall have done everything possible, not only to prevent unlicensed people from having firearms in their possession, but also to prevent crime. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Charles Latham, debate adjourned.

House adjourned at 6.10 p.m.

Legislative Assembly

Thursday, 22nd October, 1953.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.