

RESOLUTION—STATE FORESTS.*Council's Message.*

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.*Council's Message.*

Messages from the Council received and read notifying that it insisted on its amendments Nos. 2, 3, 4, 6, 7, 9, 10, 11, and 12, and disagreed with the further amendment made by the Assembly to amendment No. 5.

House adjourned at 11.35 p.m.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 3).

Read a third time and returned to the Assembly with amendments.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 1).*As to Recommittal*

HON. J. NICHOLSON (Metropolitan)

[4.35]: I move—

That the Bill be recommitted for the further consideration of Clause 2.

Point of Order.

Hon. J. Cornell: On a point of order, this is the first occasion on which there has been a motion for the recommitment of a Bill at the third reading stage since the adoption of Standing Order 204a, which reads—

No amendment shall be made in, and no new clauses shall be added to, any Bill recommitted on the third reading, unless notice thereof has been previously given.

I may be wrong, but I submit that the motion for suspension of Standing Orders carried yesterday did not suspend this Standing Order 204a. Members will recollect that that Standing Order was passed for the purpose of ensuring that a Bill should not be recommitted on the third reading unless the member who desired its recommitment had put his proposed amendments on the notice paper.

The President: Does Mr. Miles wish to speak?

Hon. G. W. Miles: I saw Mr. Nicholson rise, and I did not wish the hon. member to close the debate without Mr. Drew and perhaps other senior members having an opportunity to speak. Irrespective of the Standing Order referred to, the House considered the Bill very fully yesterday, and the measure is going to another place, where, if any amendment is needed, it can be made. I think the Bill should now be read a third time.

Hon. J. M. Drew: I agree with Mr. Miles. There will be ample time in another place to deal with the matter and cure any defect in the Bill. I can see no positive defect. Mr. Nicholson yesterday referred to commercial travellers for agricultural machinery calling for orders. If such travellers are debared under the Bill, probably that would be so only if it could be proved that they were

Legislative Council.

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

LEAVE OF ABSENCE.

On motion by Hon. H. Seddon, leave of absence for six consecutive sittings granted to Hon. W. R. Hall (North-East) on the ground of ill-health.

soliciting orders. A commercial traveller could go around giving information to farmers regarding machinery, without soliciting orders.

Hon. J. A. Dimmitt: That is what he is paid for.

Hon. J. M. Drew: Yes. The traveller could easily take out a license.

Hon. J. Cornell: The issue I raised was that Mr. Nicholson's motion is not in order. If you, Mr. President, rule it is in order or not in order, a motion can be moved to disagree with your decision, if deemed necessary.

The President: I understood Mr. Drew wished to deal with the point of order.

Hon. J. M. Drew: Yes. I have had a long experience in this House and the motion according to my judgment is not in order. In the past, when members have failed to place their amendments on the notice paper, and at the third reading have endeavoured to get the Bill recommitted, they have been unsuccessful. In the light of my experience and in view of the Standing Order quoted by Mr. Cornell, I claim that Mr. Nicholson cannot have the Bill recommitted at this stage, seeing that he has not placed his proposed amendment on the notice paper.

Hon. J. Nicholson: May I be permitted to make an explanation?

The President: The hon. member can deal with the point of order before the Chair, but with that only.

Hon. J. Nicholson: Precisely. I remind the House that we adjourned at about 12.15 a.m. to-day. The phase that prompted me to move for the recommitment of the Bill is of a nature that I regard as essential for the House to consider, before the Bill is finally passed. The measure was dealt with somewhat hurriedly yesterday, and has been left in a form that may reflect upon the judgment of this Chamber. That is the last thing Mr. Drew or any other member would desire. To obviate that, I wish to explain certain matters and indicate why the clause should be recommitted. For me to give consideration to the matters I have in mind and furnish the necessary notice as required by the Standing Order was an impossibility, but I attended the House early this afternoon to explain to Mr. Drew certain objections I had to the clause and the necessity for amendment. I claim, therefore, that my motion was not moved without notice.

The President: Certainly in ordinary circumstances Standing Order 204a would prevail. The point raised by Mr. Cornell was whether the motion carried yesterday permits the acceptance of Mr. Nicholson's motion. Yesterday's motion reads—

That during the month of December so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

I rule that the motion agreed to by the House yesterday covers Standing Order 204a and that Mr. Nicholson's motion is therefore in order. However, the matter rests entirely with the House to say whether Mr. Nicholson's request shall be granted.

Hon. J. Cornell: Vote the motion out.

Debate Resumed.

The PRESIDENT: Mr. Nicholson desires that the Bill be recommitted for the purpose of further considering Clause 2, and the House can decide the issue.

Hon. J. M. DREW: I am agreeable to the postponement of the third reading till the next sitting of the House, which will enable Mr. Nicholson to prepare his amendment so that it may be placed on the notice paper. I move—

That the debate be adjourned till Tuesday next.

Motion (adjournment) put and passed.

BILL—MARKETING OF EGGS.

Read a third time and transmitted to the Assembly.

BILL—SUPERANNUATION AND FAMILY BENEFITS.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.46] in moving the second reading said: This is a very important measure embodying a principle that has received the endorsement of members of this Chamber on several occasions. The purpose of the Bill is to establish the necessary machinery to provide a scheme of contributory superannuation for Government employees.

There is no need to elaborate on the merits of the principle of superannuation. Suffice it to say that in recent years an increasing

number of private profit-making concerns have found it convenient, or expedient, to follow the lead of Governments and local governing bodies in all parts of the world, and institute schemes of this nature. Such bodies and institutions are fully alive to the fact that superannuation provides their employees with that added measure of contentment which makes for greater efficiency and better service.

Superannuation becomes especially desirable in government employment, particularly as remuneration and conditions in private employment are frequently more attractive. At present we have a highly efficient service. In recent years, however, we have lost a considerable number of officers, particularly in the professional sections, who have transferred elsewhere. Apparently not only will this drift continue, but fewer men of outstanding ability will be induced to enter Government employment until such time as the State offers something in addition to the ordinary remuneration. That this can best be done through the medium of superannuation has been the experience of Governments in all parts of the world.

The public service of Great Britain has built up an enviable record for efficiency. In that country pensions have been paid to servants of the Crown for many generations. In Australia, schemes of superannuation have been in operation in all the other States of the Commonwealth since 1926 when South Australia came into line with the rest of the States, which had followed the lead set by Queensland in 1910. To-day, despite the good intentions of successive Governments, Western Australia is the only State of any importance in the British Empire that does not provide superannuation for its employees. True there is a section of the service in this State enjoying the benefit of free pensions, but this only serves to emphasise the anomalous position that exists between that section and other public servants. As members are aware, life pensions up to two-thirds of the average annual salary during the three years prior to retirement are paid to all public servants who were employed in an established capacity in the Government service before the 17th April, 1905. Under the Superannuation Act, 1871, no contributions whatsoever are required from these beneficiaries.

On the other hand, officers who joined subsequent to that date and who do exactly

the same class of work for similar remuneration are, under the Public Service Act, thrown entirely on their own resources after retirement. These employees are compelled to insure their lives for an amount equal, approximately, to one year's salary, the cost of premiums being met out of their salaries. That a period should be put to this differentiation is highly desirable. Members might also consider the further differentiation made in the case of wage employees, who, irrespective of their length of service, cannot qualify for pensions under the Superannuation Act of 1871. To remedy these anomalies and place our public servants on the same footing as Crown employees in other parts of the Empire, the Government has brought forward this scheme of contributory superannuation. The principles of the scheme have received full consideration by the various sections of Government employees, who have indicated their willingness to accept the Bill as it now stands.

The essential features of this measure are based on the provisions of the Commonwealth Superannuation Act. The Bill provides for the establishment of a scheme of contributory superannuation, entry into which is entirely optional both for present and future Government employees. In Part I the term "employee" is defined as a person employed under the State in a permanent capacity in any department who is, by the terms of his employment, required to give his whole time to the duties of his employment. The departments mentioned in the definition are "any department under the administration of a Minister, the Agricultural Bank, every State trading concern, the Fremantle Harbour Trust Commissioners, and every harbour board and Crown instrumentality whose employees are remunerated with moneys appropriated by Parliament." These two definitions show clearly to whom the scheme will apply.

The unit of pension is £26, and the number of units to which a contributor may contribute is governed by a scale prescribed in the Bill. In general, the appropriate number of units for which a contributor may subscribe is equivalent to an amount less than half his salary. The maximum pension for which an officer may contribute—provided he has the necessary salary qualification—is £312 per annum. Under the Commonwealth Superannuation Act, the corresponding figure is £416 per annum; in

other words £6 a week under the State scheme and £8 a week under the Commonwealth scheme.

Because some thousands of Government servants will be brought within the scope of the National Insurance Scheme, some provision is necessary to ensure that the officers concerned are not placed in a position of advantage over those who are beyond the range of £365 per annum and who are not covered by the Commonwealth scheme. Members should bear in mind that contributors to the National Insurance Scheme obtain two units of pension, that is, £52 per annum, for a comparatively small contribution, the State Government paying an equal amount—1s. 6d. per week. Since those employees outside the National Insurance Scheme will not have a corresponding privilege, obviously it would be inequitable if the Bill had no regard to these two units. Provision is therefore made under Subclause 2 of Clause 36, that where an employee is a contributor to the Commonwealth National Health and Pensions Insurance Funds, he shall be permitted to contribute for only the number of units of pension which relates to his salary in accordance with the prescribed scale, less the two units of pension provided for under the Commonwealth Act. This is subject to a proviso affecting employees between 60 and 65 years of age. Employees coming under the National Health and Pensions Insurance Act will still be required to continue as voluntary contributors to the Commonwealth scheme, notwithstanding any increase of salary or wages that would entitle them to cease making contributions. Failure to comply with this requirement will mean the loss of the contributor's privileges under the proposed Act.

Provision has also been made to include contributors to the Police Benefit Fund and the Railway Death Benefit and Endowment Fund. Employees of the Police Department who elect to become contributors to this scheme will be required to retire from the Police Benefit Fund; and any share of the moneys in the Police Benefit Fund to which they would be entitled if the fund were dissolved on the date they enter the scheme is to be applied in satisfaction of the contributions payable under the proposed Act. Contributors to the Railway Death Benefit and Endowment Fund may continue to contribute to that fund, notwithstanding that they have exercised the option given in this measure.

Special provision has also been made to include employees who are qualified for superannuation allowances under the Superannuation Act, 1871. Such employees may elect to come under the scheme, either as qualified contributors for widows and children's pensions only or as full contributors. Qualified contributors will not be entitled to any personal benefits, while ordinary contributors will cease to be eligible for benefits under the Act of 1871.

For the purposes of the measure there will be constituted a board of three members comprising the Government Actuary, a representative of the contributors, and a chairman to be appointed by the Governor. The Government Actuary will be an ex-officio member of the board, but the term of office of other members may be for any period not exceeding seven years. The establishment and investment of the Superannuation Fund are dealt with in Part III. of the Bill, which stipulates that, so far as is practicable, the fund shall be invested in trustee securities. An actuarial investigation as to the state and efficiency of the fund must be made every five years.

Part IV. of the Bill deals with contributions by employees, the scale of units, scale of contributions by employees, contributions by the State and general provisions as to contributions.

Hon. G. W. Miles: What is the estimated amount that the State will have to find?

The CHIEF SECRETARY: The four schedules to the Bill set forth the rates of contribution to be paid fortnightly by male and female members for the units of pension based on retiring ages of both 60 and 65 years. The rates increase according to the age of entry. Members will observe that at the more advanced ages the rates of contribution are almost prohibitive. However, some easement for present employees is proposed along the lines followed in the Commonwealth and other State schemes. To this end the Bill provides that present employees over the age of 30 years may contribute for two, two-and-a-half, three or four units at the rates prescribed for the age of 30, less two units in the case of national insurance contributors. Under Division 4 of Part IV., provision is made for the State to bear the cost of this relief. Where contributions

by employees are at rate for age, the State will pay to the fund a sum equal to one-half of the pension payments as they fall due. Its share of such payments will obviously be greater than 50 per cent. in the case of pensioners who were aged over 30 years at the commencement of the fund and who avail themselves of the concession referred to. Eventually, of course, the State contribution in every instance will be no more than 50 per cent. The State will not make its contributions at the same time and in the same manner as the employees; the proportion of each pension will be paid as it falls due.

Part V. of the Bill contains provisions relating to retirement on pension, grant of pensions and benefits, breakdown pensioners, and existing assurance policies. Contributors will retire in the normal course of events at either 65 or 60 years of age. Employees retired on the ground of physical or mental incapacity—described as breakdown contributors—will be entitled to a pension. I do not like the term “breakdown” contributors, but that is the one used in the Bill. If such a pensioner is restored to health, he may, of course, be recalled to the service. In that event his pension will cease. The Bill provides that contributions shall be refunded to contributors who resign, or are discharged or dismissed from the service. On the death of a male contributor or pensioner, his widow will be entitled to half his pension, and an allowance of £13 per annum in respect of each child under the age of 16 years. Under Division 4 of Part V. existing assurance policies are dealt with. These may be continued or discontinued at the option of the contributor, and provision has been made for their transfer to the board on prescribed terms.

To ascertain at this juncture, with any degree of exactitude, the cost of the proposed scheme to the Treasury is impossible, as so many uncertain factors are involved in the calculation. However, a number of considerations renders the present an appropriate time for the introduction of superannuation into the service. As an offset against the cost, there will be a reduction in the pensions payable under the 1871 Superannuation Act. Moreover, if this measure becomes law, payments by way of compassionate allowances will cease. As members are aware, in recent years there has been an

increasing liability for pensions because most of the salaried men who have retired have come under the 1871 Act. This increase is illustrated by the following table, which also includes details of compassionate retiring allowances, etc.:—

Year ended 30th June.	Pensions.	Compassionate Retiring Allowances, etc.		Total.
1925 ..	46,066	11,596		57,662
1930 ..	69,044	17,379		86,423
1936 ..	118,016	15,718		133,734
1937 ..	124,570	16,964		141,534
1938 ..	131,097	13,649		144,746
1939 ..	133,262	16,981		150,243
(Estimated)				

The cost of pensions and compassionate retiring allowances has thus increased in a period of 13 years from £57,662 to £150,243. Those are very large figures for a State like Western Australia.

Hon. W. J. Mann: The amount must continue to increase from year to year.

The CHIEF SECRETARY: No. We have almost reached the stage at which the amount will remain in the vicinity of the present figure and will then begin to decline.

Hon. J. J. Holmes: Are you going to tell us the estimated cost of the scheme?

The CHIEF SECRETARY: I will give the figures to the best of my ability. I have commenced by showing what the present scheme, under the 1871 Act, is costing.

Hon. J. Nicholson: The increase is very marked.

The CHIEF SECRETARY: Yes. The figures I have submitted indicate that the liability of the Government in respect of the Superannuation Act of 1871 has just about reached the limit. Henceforth, payments under this head should begin to fall. The men who are now drawing pensions are getting old.

Hon. J. M. Macfarlane: Fading away.

The CHIEF SECRETARY: Not such a large number of State employees is now entitled to participate in the 1871 pension scheme, so that the outgoings under this heading may be said to have practically reached their peak.

The enactment by the Federal Parliament of the National Health and Insurance Act, 1938, has caused the Government to survey the position of all Government employees regarding superannuation. As a result of the Commonwealth legislation, State Government employees earning under £365 per

annum and all manual workers will be compelled to contribute for a pension of £52 per annum under the National Insurance Fund. Employees will contribute 1s. 6d. per week, and the Government a similar amount. The balance necessary to provide the pension will be met by the Federal Government. We estimate that 13,500 Government employees will be brought under the National Insurance scheme. I think members will admit, therefore, that in common fairness some arrangement should be made to assist these officers who come within the ambit of neither the National Insurance Scheme nor the Superannuation Act, 1871, to provide themselves with superannuation benefits.

Hon. G. W. Miles: Have you the cost to the State of the National Insurance Scheme?

The CHIEF SECRETARY: During the Committee stage I shall be able to give members much information concerning the cost to the Government, but at the moment I am dealing only with the underlying principles of the Bill. In the unlikely contingency of every eligible employee electing to join the proposed scheme, there would be over 15,000 members. We anticipate, however, that not more than about half this number will exercise their option under the Act.

For older employees the rates of contribution are very heavy, except for the limited number of units they may elect to take at the special concession rate prescribed for the age of 30 years. This will have the effect of limiting not only the number of persons joining the fund, but also the number of units of pension for which contributions will be paid by the Treasury. Some time ago, before the national insurance legislation was enacted, an estimate was made of the probable maximum cost of a superannuation scheme. If some 15,000 employees entered the scheme and received on the average £104 per annum pension, with corresponding benefits for widows and orphans, the maximum cost was calculated to be as follows:—

1st year—Nil (26 fortnightly contributions to be paid before the scheme comes into operation.)				
				£
2nd year	..	..	..	15,000
3rd year	..	..	..	45,000
4th year	..	..	..	85,000
5th year	..	..	..	120,000

I cannot say that £120,000 will be the maximum cost, but the estimate is that this amount is unlikely to be exceeded. I do not wish to be misunderstood. The situation will

be affected by two factors, which may cause the figures to be reduced very considerably. I refer to (a) the optional entry into the scheme: and (b) the payment of the first £52 of pension through national insurance. Until the scheme comes into operation we cannot say how many employees will be likely to join.

Hon. G. W. Miles: Are you working on the assumption that 50 per cent. of the employees will join the scheme?

The CHIEF SECRETARY: The figure I have quoted is the estimated cost to the State on the assumption of 15,000 employees contributing to the scheme. Until we have some definite factors to work on, the figures must necessarily be approximate. I am assured by the Government Actuary that the figures he has supplied may be regarded as substantially correct. The scheme, he believes, will be sound irrespective of the number of contributors. The smaller the number the less will be the Government's contribution every year. I have already mentioned that a large number of our employees will be compelled, under the Commonwealth scheme to ensure for themselves a pension of £52 a year, the equivalent of two units under the State scheme. The Commonwealth scheme is limited to employees earning £365 a year or less, but we cannot give the actual cost to the State Government. Neither can we yet ascertain how the option will be exercised, but we can be guided to a certain extent by the fact that in other instances where a similar option has been given, from one-third to one-half of the employees have not entered the schemes.

I have figures showing the cost of superannuation schemes to various Governments. The number of contributors to the Commonwealth scheme is 33,589 and the cost to the Government is £413,945, a far larger sum than that in which we are likely to be involved.

Hon. J. Nicholson: Have you the maximum figures for the Commonwealth scheme?

The CHIEF SECRETARY: No. The South Australian scheme covers 11,947 contributors, which is likely to be comparable with the number under our scheme, and the cost to that Government is £159,341. This does not take into consideration the Commonwealth compulsory scheme to come into operation next year, whereby employees will be compelled to contribute the equivalent of two units to obtain a pension of £52 a year.

The New South Wales scheme has 21,678 contributors, and the cost to the Government is £284,730. When considering these figures we must remember that many free pensions, for which no contributions were made, have been granted by Governments in the Eastern States. It cannot be said, therefore, that the figures I have quoted are exactly comparable with those of our own scheme.

As I have already pointed out, in this State the payments would be substantially less because of the first two units being paid by the National Insurance Commission in respect to a number of employees. Bearing these points in mind, we may reasonably suppose that the actual cost will be reduced to about one-half of the original estimates I have quoted. The scheme is actuarially sound, and from that point of view it hardly matters whether the number of contributors is large or small. The estimates of cost are submitted with some diffidence because so many uncertain factors are involved. I hope members will appreciate that point. Nevertheless, taking as reasonable a view as the circumstances permit, the Treasurer feels that the estimates will not be seriously astray over a period of years.

I have endeavoured to give a fair outline of the principles of the Bill, and I hope members will concede that the scheme will be in the best interests of all concerned. By it the officers of the Public Service will certainly be placed upon a footing somewhat similar to that enjoyed by servants of the Commonwealth and of other State Governments. If we may take notice of expressions of opinion by the various organisations interested, we may conclude that they are well satisfied with the scheme. Such a scheme has been a long while coming, but I hope the time has now arrived when we shall be able to establish it. I believe we shall find that the basis of the scheme is quite satisfactory from the point of view of the service and will put an end to much dissatisfaction that has existed over the years. Dissatisfaction has arisen from the distinctions drawn between officers occupying comparable positions in different departments—some have retired on a pension, while others have not been entitled to receive that benefit—and in recent years has become more marked.

I consider that the Bill lends itself to discussion in Committee rather than at the

second reading stage. Unquestionably it is an important measure. I ask members to give its provisions all possible consideration during the week end in order that we may make progress immediately we meet on Tuesday next. The Government is anxious that the session shall not be extended unnecessarily. I commend the Bill to the House and hope it will be passed with as little delay as possible. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

BILL—MAIN ROADS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. F. BAXTER (East) [5.25]: I moved the adjournment of the debate last night because the Bill appeared to be rather lengthy and I could not follow the details while the Minister was moving the second reading. So far as I can judge the measure is quite in order, and there is no need for me to occupy the time of the House by debating it. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed*.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.29] in moving the second reading said: The amendments proposed in this Bill have been brought forward after several years experience of the operation of the Act. They are not provisions that have been included on the spur of the moment; they are provisions that experience has shown to be necessary to give effect to the law and to realise its original intentions. This applies particularly to the control of certain road transport operators who, by taking advantage of omissions or miscon-

struing the intention, are nullifying the effect of the Act.

I propose now to make a brief explanation of the purpose of each clause and the reasons for its inclusion. I remember that when the parent measure was before this House, considerable discussion took place, and only after many hours of heated debate did we arrive at an agreement that met with general approval. Section 3 of the Act defines the term "owner," and, incidentally, I might mention that a good deal of trouble has arisen over that word. The definition reads—

"Owner" includes every person who is owner or part owner of a vehicle; where a vehicle is let on hire, or is the subject of a hire-purchase agreement, the term means the person who is entitled to the use of the vehicle under the hire-purchase agreement.

Under that provision a person who hires a vehicle, no matter how short the period of hire may be, becomes the owner temporarily and would be capable of using the vehicle unlicensed for the carriage of his own goods in accordance with the exemptions in the first schedule. If the true intention were complied with, there would be no objection to this procedure, but a number of instances have occurred where vehicles have been hired by the true owner for periods covering one day and even one journey only, in order to evade the Act. What is more, the hire is arranged not with any object of assisting the hirer but so that the true owner, who is a common carrier, may operate his vehicle unrestrictedly and mostly parallel with a main railway line. Such a scheme is very adaptable to the organisation of what are generally known as "community truck services," which this Bill seeks to control. By deleting the words "is let on hire, or" as proposed in Clause 2, the dangers I have mentioned will be averted.

Clause 3 prescribes a new section that is very important to the administration of the Act. Where the Transport Board has called tenders and established services, it should have some security that the contractor will fulfil his obligations. Under the existing provisions the only means of control is the attachment of conditions to licenses, but a license may be surrendered at any time, thus rendering the conditions void. Such a surrender would be disastrous in a case such as the arrangement for wheat and fertiliser carting in the Lakes District if the contrac-

tor ceased carting before the completion of the harvest. The new section will authorise the board to attach special conditions requiring the completion of contracts and a bond as security.

Designed to control the operations of community trucks, Clause 4 is, perhaps, the most important provision in the Bill. The proposed new subclause appears to be somewhat involved but, unfortunately, the intention cannot be expressed in more simple terms and at the same time retain the chief objective of restricting community trucks, without also incurring the danger of penalising a primary producer who may desire to join with another in the purchase of a motor truck for legitimate farming purposes. To explain the method of operation of these community trucks, I direct attention to paragraph 3 of the First Schedule of the Act, which provides exemption for any vehicle used—

Solely for the carriage of livestock, poultry, fruit, vegetables, dairy produce or other perishable commodities, or wheat from the place where they are produced to any other place, and for the carriage of on the return journey any farmers' requisites, for domestic use or for use in producing the commodities named herein, and not intended for sale, in a vehicle owned by the producer.

The definition of the term "owner," which I read earlier in my remarks, provides that any person who is a part owner of a vehicle may be classed as the owner. The procedure adopted is that a person owning a motor wagon approaches a number of producers and arranges with each of them to purchase a share in the ownership of the vehicle for a nominal sum only—generally £1. In some instances, I am informed, a dummy receipt only is issued, no actual payment being made. Having thus obtained the right to treat the shareholder as a part-owner, the carrier undertakes the transport of the produce, and of fuel and other requirements of that shareholder.

Hon. C. F. Baxter: How many such trucks are there in use?

The CHIEF SECRETARY: I cannot say offhand. Where a large number of producers claim part-ownership of each vehicle, the matter becomes very serious, and that is what is happening to-day. Road transport operators are plying in direct competition with railway services in much the same way as before the original Act was passed.

These carriers are operating solely for their own purposes. The producer-shareholders have no control over the vehicle such as they would have if their interests were bona fide. The arrangement means no economy to them. In one instance alone 44 of the part-owners still find it necessary to maintain motor wagons of their own, while eight of them have utility trucks. I have no desire to mention the names but I have the 44 here, plus their addresses. We have the numbers of the private wagons and the utility trucks that those people own and all are supposed to be shareholders in the other trucks. The information in my possession is certified by the secretaries of the local road boards. If that kind of thing is permitted in one case, it can happen in many cases.

Hon. J. M. Macfarlane: It can grow.

The CHIEF SECRETARY: It has grown. The Transport Board is in a position to justify every argument that I am using on this matter, and I feel sure members will agree that if in one district 44 owners of private motor vehicles can be shareholders in another motor wagon, the Act can be of no use whatever once the system is extended. Consequently, Parliament is asked to agree to an amendment of the Act.

Apart altogether from the competition with the railways and the unnecessary duplication of services, the business of local country traders is being seriously affected by the diversion of their trade to metropolitan firms. Many complaints to that effect have been received. Further, oil companies have invested large sums in the organisation and distribution of fuel supplies throughout the country. The capital investment in this direction, excluding the cost of installations in the metropolitan area, exceeds a quarter of a million pounds. As fuel is one of the main classes of goods conveyed by community trucks, the oil companies state that, through loss of business, their country organisations are becoming over-capitalised. If community truck services continue, a re-arrangement of distribution may be found necessary with the probability of closing the depots in, and curtailing the facilities at, certain of the country centres thus affected. Not often am I found putting up an argument in support of the large oil companies.

Hon. J. Nicholson: Oh, you are getting better! You are beginning to see things.

The CHIEF SECRETARY: On this occasion, in fairness to those companies, which undoubtedly have gone to much trouble and expense to provide facilities absolutely needed in our country districts, I must do so.

Hon. L. B. Bolton: Those companies are struggling for an existence!

The CHIEF SECRETARY: I believe they are—in the country districts. May I point out to representatives of country areas what the closing down of the depots of oil companies in country areas would really mean. Every resident in those areas would be put to a great deal more expense and inconvenience, and perhaps delay. The new provision designed to restrict community truck operators has been very carefully drafted, and I consider that it should be approved in the interests of the public and the State as a whole.

Before leaving Clause 4, there is another point to which I would like to draw attention—in connection with the word “one” in line 8 on page 3. As paragraph (a) stands, the restriction would apply to any partnership of more than one person, but I do not think the restriction of the clause to that extent is necessary. I have in mind the possibility of two or three producers combining, for the sake of economy, in the purchase of a vehicle for their own use jointly, as distinct from a community service. For that reason, I am of the opinion that the word “one” should be deleted and the word “three” inserted. In Committee I propose to move an amendment to that effect. The restriction would then apply only to a partnership of four persons or more, and would avoid penalising the producer who desired to enter into joint ownership for a bona fide purpose.

By Clause 5 the Bill merely seeks to correct a technical error in the original drafting of the main Act. The present section refers to a “commercial goods vehicle which is required to be licensed pursuant to this part”—that is, Part IV. Part IV. does not provide for the issue of licenses. The obvious intention was that the word “part” should be “Act.” That is only a minor matter.

An amendment of Section 48 is proposed in Clause 6 by deleting the word “public”

in line six. A "public vehicle" is defined as a vehicle which must be licensed under the Act. An inspector is authorised by Section 48 to question the driver of a public vehicle. This means that before he has the right to question the driver, he must be able to show that the vehicle is a "public vehicle." In a great many instances he is unable to satisfy himself whether or not the vehicle is a "public vehicle" until he has questioned the driver, thus, of course, nullifying his authority. The amendment would authorise an inspector to question the driver of any vehicle without first having to show that the vehicle is a "public vehicle."

Clause 7 contains a formal amendment only, consequent upon the new provisions prescribed in Clause 3, which require a contractor to enter into a bond for the fulfilment of his contract. Clause 7 provides for moneys recovered by the enforcement of bonds being paid into the Transport Co-ordination Fund. Clause 8 re-enacts the whole of the First Schedule of the principal Act, setting out the exemptions applicable to *commercial goods vehicles*. Of the new schedule, paragraphs Nos. 1, 2, 4, 6, 7, 8, 9, 10 and 12 are the same as those now in existence, but they are placed in a different order. Paragraph 3 in the Act authorises a producer to convey his livestock, perishable produce and wheat to Perth or elsewhere and to return with requisites for his farm. By this Bill an additional item—oats—has been included.

A further addition consists of the words "not exceeding in gross weight the gross weight of the commodities carried on the outward journey." In order to understand that, one needs to consider the reason for the exemption as originally enacted. The object was not to permit a farmer to run his vehicle to and from Perth regularly in the nature of a transport service. The intention was that on occasions when the farmer had to visit Perth, or any other place, on business or for a holiday or for any other such reason, he should be permitted to convey a certain amount of produce, instead of driving an empty vehicle. Then, when he returned to his farm, he could carry back general farming requisites for his own use. That would cover what a producer required in the ordinary course of his business as a farmer. In a number of instances the main object of producers coming to Perth has been

to carry full loads of petrol, oil and other commodities back to the farm.

Hon. A. Thomson: For their own use.

The CHIEF SECRETARY: Not only for their own use. As the exemption stands, only a small quantity of goods need be carried on the forward journey to secure the right of back-loading large supplies of goods. In one instance, a farmer carried only six chickens to Perth. In another, one bag of wheat was carried. In both instances, a full consignment of fuel was back-loaded.

Hon. A. Thomson: It is a pity the farmers cannot have an opportunity to save a few shillings.

The CHIEF SECRETARY: The hon. member is most persistent with his interjections, and can look after the interests of the agriculturists. He must realise that I am stating the case on behalf of the Transport Board. I have given some instances of what has happened, and have shown that some people are so unscrupulous as to go to the lengths I have indicated. Inspectors have conclusive proof that one farmer has been carrying the same two bags of wheat backwards and forwards for a long time. Perhaps he required ballast! However, in advocating the addition of the words to paragraph 3 of the First Schedule, I have no intention unduly to penalise the producer, but this matter must be viewed from the standpoint of the general body of taxpayers and the State as a whole.

That in a primary producing State such as Western Australia, the railways are an absolute necessity is beyond question. The protection of those railways is the vital concern of every taxpayer and more particularly of the farmer for whose direct benefit special rates—actually below cost—are provided for rail transport. The amendment, while not affecting the rights of the producer acting in accordance with the true intention of the Act, would tend to restrict a great deal of what I might term "illicit traffic," and I strongly urge that the paragraph be agreed to.

Paragraph 5 is similar to the present paragraph 4 with the exception that it has been made clear that the exemption applies to a vehicle used within one mining district only. There has been some doubt in this matter, and road transport operators have been under the impression that they were entitled to convey goods over long distances parallel with railway lines, without obtain-

ing licenses. Let me remind members that the goldfields of this State extend over a considerable area, and if a carrier were permitted to operate over any number of mining districts, he would have the right to convey goods parallel with railway lines over great distances, such as between Southern Cross and Kalgoorlie, Kalgoorlie and Leonora, Meekatharra and Wiluna, which are adequately served by rail. Where there are no transport facilities, the Transport Board has no objection to granting licenses. As a matter of fact, the board has already issued a number of licenses in various mining districts for the carriage of ore and mining requisites, as well as other goods, and this work is carried out efficiently by suitable licensees.

Paragraph 11 has been re-modelled. We intend to exempt from licensing a vehicle operating within a radius of 35 miles from a country railway station for the purpose of feeding that station. In the present exemption there is no definition of the term "feeder" but it has been generally accepted that a vehicle is feeding a station when used to convey goods forwarded to that station by rail. As there is no distance of railage stipulated, certain operators claim exemption because the goods they convey have been transported by rail for distances of one mile or even less. Goods are delivered by boat to a port, conveyed by rail from the ship's side to the railway station at the head of the jetty and then delivered by road for distances up to 35 miles parallel with railway lines. That such a road transport vehicle is feeding a railway station cannot be accepted as compliance with the intention of the exemption. In order more clearly to define what is the obvious intention, paragraph 11, as re-modelled, makes the exemption applicable only to the transport of goods that have been railed, or are to be railed, for a distance of at least 12 miles.

A further effect involved in the re-modelling of the paragraph is that the exemption shall not apply where the Transport Board has invited tenders and has established services, several of which must be subsidised to enable them to continue and charge reasonable rates for transport. When tenders have been called, the board has found it difficult to secure low freight charges in areas where the tenderer knows that he will be in competition with others operating under exemption. If that com-

petition is removed, persons submitting tenders will not be averse to quoting reasonable rates, knowing that the quantities of goods to be conveyed by them will be greater. Paragraph 11 should, therefore, be agreed to in its present form. I have given members a fair outline of the provisions of the Bill. I expect that the measure will be considerably debated.

Hon. G. W. Miles: There is a time limit to speeches now.

Hon. G. Fraser: Yes, five minutes.

The CHIEF SECRETARY: I hope I have not occupied too much time in explaining the Bill, and that members will give the measure serious consideration. Each of the amendments has been found necessary as the result of experience gained since the Act became operative. In view of the many eulogistic remarks about the work of the Transport Board during the past year or two, I trust members will appreciate the board would not have submitted these amendments unless satisfied the time had arrived for a period to be put to the practices I have mentioned. I move—

That the Bill be now read a second time.

On motion by Hon. A. Thomson, debate adjourned.

BILL—MCNESS HOUSING TRUST ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.58] in moving the second reading said: This small Bill proposes to amend Section 5 of the McNess Housing Trust Act, 1930-37, which deals with the functions of the trust, and to change the names and titles of the Housing Trust and the Housing Trust Fund constituted under the principal legislation. Members will recall that last year Parliament enacted a Bill amending the citation of the principal Act to the McNess Housing Trust Act in honour of the donor whose generosity had made possible the creation of the trust.

Hon. A. Thomson: It is a pity there are not more like him.

The HONORARY MINISTER: I cordially agree. That Bill, however, did not alter the name of the trust or of the trust fund, and we now desire to make the necessary changes in order to bring the titles of

the Act, the trust and the fund into conformity with one another. This will prevent any confusion in the future when documents are dealt with at the Titles Office.

The other amendment relates to the investment of surplus moneys lying in the Housing Trust Fund. Under the proposal in Clause 3, the trust will be empowered to invest such moneys in any securities authorised by Section 5 of the Trustees Act, 1905. Members are aware that the trust is to receive a very substantial legacy from the estate of the late Sir Charles McNess. Some time will necessarily elapse before the trust is able fully to utilise the money made available through that legacy. Meanwhile the trust desires that the money should not lie idle, but should be applied to the further building up of the fund. I move—

That the Bill be now read a second time.

HON. H. V. PIESSE (South-East) [6.0]: This State is under a deep debt of gratitude to the late Sir Charles McNess for his munificent gift, which has made this housing scheme possible. I desire to place on record an incident that lately came under my notice. A man who had received assistance from the trust became afterwards financially better off, so much so that he was obliged to leave the house that he had acquired under the scheme or pay up the whole of the purchase money remaining unpaid. It seems a pity that in those circumstances a man is not allowed to arrange for a transfer of the property to the Workers' Homes Board, because such men often cannot raise money to pay off so large a liability. The debt owing on the property in question was either £400 or £500. Fortunately for the purchaser, a private lender in Albany advanced the amount necessary to meet the liability; otherwise the purchaser, who had spent £150 on the house, would have had to leave it.

Member: Why?

HON. H. V. PIESSE: Because he had not the money to pay the balance of his indebtedness to the trust. The funds of the trust are made available only to destitute persons. The whole State should be proud of the fact that the late Sir Charles McNess made this scheme possible, and it is a fitting tribute to his generosity that his name should be associated with this measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and passed.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 1st December.

HON. C. H. WITTENOOM (South-East) [6.5]: This Bill ought really to be considered in conjunction with the measure that succeeds it on the notice paper, as both deal with net fishing. I shall, however, deal with that matter when the next measure is under consideration. I support the second reading of this Bill, which embodies an amendment to Section 204 of the Road Districts Act. The amendment will give local authorities power to make by-laws to implement powers that will be conferred upon them if the succeeding Bill becomes law.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [6.6]: The better procedure to adopt would be to discuss both Bills, as suggested by Mr. Wittenoom.

Hon. J. Cornell: This Bill is a bit fishy.

THE HONORARY MINISTER: I desire to point out the danger attaching to the Bill if it becomes law. I know the district affected well and nothing would please me better than to do some service to the locality by agreeing to the request of the members of the local road board. I believe the Gnowangerup Road Board, in seeking to secure the passage of this legislation, was acting in good faith. I am convinced, however, from my knowledge of the Fisheries Department, that we shall make a great mistake if we pass this Bill. This is an occasion on which I think this Chamber is lucky enough to be of service to the State. Some doubt has been expressed by the Crown Law Department as to whether the vesting of the waters of an estuary in a road board is legally possible. It is sometimes convenient for local governing bodies controlling a reserve also to control adjacent waters, but some doubt exists as to whether the inclusion of waters in a reserve under the Land Act is not, in certain instances, *ultra vires* the Act.

The advice received from the Crown Law Department is as follows:—

Section 16 (3) of the Land Act deals with the vesting of land in the Crown between the boundaries of lands fronting the ocean or any sound, bay or creek and the high water mark, so that of necessity lands to seaward of high water mark are not vested in the Crown by the Land Act, although they might belong to the Crown at common law. However, such lands to seaward are certainly not Crown lands within the meaning of the Land Act and accordingly they could not be vested under that Act by proclamation of the Governor-in-Council.

The only possible way in which seaward lands could be vested in any body or local authority is by special Act of Parliament. That this is a desirable state of affairs must be obvious and it follows the English law which has always reserved, since Magna Carta, at any rate, the right to the public to fish and navigate in all tidal waters subject only to legislation.

That advice throws some doubt on the validity of legislation such as that proposed by this Bill. I do not intend to pursue that point, but would stress the danger that might ensue if such legislation is placed on the statute-book.

Hon. H. Tuckey: The department controls fishing on private property, does it not?

The HONORARY MINISTER: Yes. The Gnowangerup Road Board has a genuine grievance, because the department, owing to lack of finance, has not been able to exercise proper supervision.

Hon. G. B. Wood: You admit that?

The HONORARY MINISTER: Yes.

Hon. H. Tuckey: How do you propose to overcome the difficulty?

The HONORARY MINISTER: People have not sufficiently recognised the great value of this industry.

Member: The farmers have.

The HONORARY MINISTER: Farmers know little about it.

Hon. J. Cornell: They know all about tinned fish.

The HONORARY MINISTER: It is a pity that during all the years Mr. Aldrich was in charge of the department, full advantage was not taken of his capabilities. He was hampered by lack of finance. In the lean years the Fisheries Estimates were cut to the bone.

Hon. A. Thomson: He received no encouragement.

The HONORARY MINISTER: He certainly received encouragement, but his capabilities could have been more fully employed.

Hon. G. W. Miles: The Government was to blame.

Hon. A. Thomson: His department had not sufficient money.

The HONORARY MINISTER: It was a money-making department. That his valuable advice could not be adopted to a greater extent is regrettable, because everyone personally acquainted with him is aware of the depth of his knowledge.

Hon. A. Thomson: He was brought from the Eastern States on account of his knowledge, and was never allowed to use it.

The HONORARY MINISTER: I hope the day will come when the tide will turn and we shall be able to make full use of the outstanding ability of the present Chief Inspector. He also was brought from the Eastern States. He is a very young man with high capabilities and excellent credentials.

I point out the danger of vesting in the Gnowangerup Road Board the control of the waters at Wellstead Estuary and Beaufort Inlet. If that is done, a similar right may be sought by other local authorities. No fewer than 14 local authorities have fishing grounds in their districts and possibly will make similar requests. We might be asked to give these powers to the authorities controlling the city of Perth, Fremantle, Safety Bay and Rockingham. The highly specialised officers of the Fisheries Department would become of no account. All local authorities would be their own bosses and the fishing industry would go to rack and ruin. Whatever the contention of the road board, its members cannot possibly have the specialised knowledge possessed by the officers of the Fisheries Department. The objection of the Gnowangerup Road Board could be met if an honorary inspector were appointed.

Hon. H. V. Piesse: We have tried that.

The HONORARY MINISTER: Mr. Piesse said the intention of the board was to appoint a fully paid officer, but we know the board cannot appoint a man who will devote his whole time to the job. The board would probably engage a man who would do other work as well. The situation could be met just as well by the appointment of an honorary inspector. The man that the road board proposes to appoint could be

made an honorary inspector to work in co-operation with the Fisheries Department.

Hon. H. Tuckey: Cannot the department look after the industry in a proper way?

The HONORARY MINISTER: The intention of the Government is to pay as much attention to the industry as possible.

Hon. H. V. Piesse: Has that been decided since this matter was brought under notice?

The HONORARY MINISTER: I would not say that.

Sitting suspended from 6.15 to 7.30 p.m.

The HONORARY MINISTER: We may assume that other local authorities having fishing waters within their territories will demand such a concession as the Bill proposes to grant to the Gnowangerup Road Board.

Hon. H. V. Piesse: The Minister may refuse to grant it.

The HONORARY MINISTER: If one local authority is given these powers, would it be fair to withhold them from other local governing bodies?

Hon. H. Tuckey: Most local authorities have enough to do without policing fishing waters.

The HONORARY MINISTER: Then why are they worrying about obtaining this concession? There are seven other local authorities having fishing waters within their territories, namely, Manjimup, Denmark, Albany, Murray, Augusta, Sussex, and Bunbury, embracing Nornalup and Walpole Inlets, Wilson's Inlet, Torbay Inlet, Peel's Inlet, Hardy's Inlet, Wonnerup Estuary, and Leschenault Estuary. If the House is prepared to grant this privilege to the Gnowangerup Road Board, it must be prepared to extend the same facilities to other local authorities that are similarly situated. The attitude of this Chamber must determine the action of the Minister. He would be hard pushed to refuse to other districts what it is sought to give to Gnowangerup.

We have just appointed a very able and capable Chief Inspector of Fisheries. He is possessed of high credentials, and has been quick to size up the local position. Are we expected to depart from a policy of many years' standing to oblige one local authority? The same case can be put up for the centralised control of the fishing industry as has been made out for the centralised control of main roads. No local authority can be ex-

pected to be possessed of officers capable of determining whether certain classes of fishing should be engaged in, for they know nothing about the subject.

It is recognised to-day that the only people competent to form an accurate opinion concerning the conservation of fish life are the experts, who have had the requisite training and experience in this particular science. The position is that departmental officers decided, after investigation, that Wellstead Estuary and Benufort Inlet should be closed to net fishermen, because netting was having an injurious effect on the fish life of those waters.

The fact that professional fishermen have been poaching in waters closed to net fishing does not of itself justify the House in granting power to a road board to issue licenses to all and sundry. Should the use of nets prove harmful, both amateur and professional must refrain from using them, otherwise the purpose of the prohibition will be defeated. If the department decides to prevent professionals from net fishing, the embargo must apply also to amateurs.

Hon. H. V. Piesse: All by-laws must be laid on the Table of the House.

The HONORARY MINISTER: Road boards should not be entrusted with this duty because they are unable to carry it out.

Hon. H. V. Piesse: I think they are better able to do so than is the department.

The HONORARY MINISTER: I have explained why the department has been unable efficiently to police all waters. The Chief Inspector's intention is to watch more closely all these waters.

Hon. H. V. Piesse: It has taken six years to arrive at that decision.

The HONORARY MINISTER: In this officer we have a very enthusiastic young man, who will arrange for a much closer watch to be maintained over these waters in future. An endeavour will be made to secure the services of persons suitable to act as honorary inspectors. The Chief Inspector himself will take the first opportunity to make a personal inspection of the waters concerned, with a view to determining whether continuance of the present prohibition against net fishing is necessary. Since his appointment he has visited most parts of the State and has very capably sized up the position. He points out that large quantities of fish have been taken from Well-

stead Estuary and Beaufort Inlet and that this fact might indicate that prohibition is unnecessary.

I should here like to stress the amount of technical knowledge required in the control of the fishing industry. Western Australia is possessed of a rich and varied fish fauna. The species commonly found in our waters are of a fine size and edible quality. Some of the varieties are found in ocean, rocky and reefy bottoms, and are rarely, if ever, seen in the estuaries or rivers. Others, for a part of the year at least, frequent the bays, estuaries and rivers along the coast.

In all the fisheries of the world it has been noticed that with different species there are lean and plentiful periods, that is, the periods of scarcity and periods of plenitude come in cycles. Then again, certain fish are found only in certain parts at certain seasons, and are entirely absent at other times. These phenomena are observed in some species to a greater extent than in others, while in some species they occur with remarkable regularity.

There is a movement of shoal fishes usually at spawning time which is commonly known as migration, when all the members of the one species move in a particular direction in large schools or shoals. There is another type of migration which might be called sporadic, and is usually brought about through lack of food in a certain locality, or by some other accidental cause. With some of the better known fishes, for example, mullet, skipjack, bream and sea-herring, there is a marked seasonal migration, when huge shoals occur along the coast at the entrances of rivers and estuaries. With this large accumulation of shoal fish during the travelling season the capture of the fish in quantity is rendered very much easier.

The general belief now is that most fish spawn at sea, the young fry making their way into the estuaries and rivers for protection during their adolescence. In the case of the waters in the far south, such as Wellstead Estuary and Pallinup Estuary, with which we are now dealing, the accumulation of the comparatively small school fish is greatest in the winter months, although during the past few years, in view of the fact that the bar entrances have been closed to the sea, fish have been more or less plentiful throughout the year.

Fish, it might be pointed out, depend chiefly on what is known as plankton for their food supplies, and it is the study of the plankton to which naturalists all over the world are now bending their energies. Plankton is a term applied to the vast community of animals and plants, most of them microscopic, that floats in the sea at the mercy of the wind and currents. Most of these organisms can swim, but their swimming range is not very great, being confined mostly to vertical movements. They may, however, be carried for hundreds of miles by ocean currents. There is an amazing variety of different organisms in the plankton, for practically every animal group is represented, and even when the parents are permanently fixed on the bottom—corals, barnacles and sponges—the eggs float up to the surface, hatch out into tiny larvae and pass their earliest stages as members of the plankton community. As has been said, fish depend to a very large extent, particularly in their early life, on the constituents of the plankton for their food supply. There is very little doubt that the rivers and estuaries, by the large quantity of plankton to be found in the water, provide an ideal nursery for young fish, although this does not definitely mean that net fishing, by whatever method, or line fishing, should be prohibited merely because small fish are abundant.

The department's aim—incidentally the Chief Inspector has recently set it in train—is to make investigations along these lines to prescribe nets which, while they are efficacious and economical, do not unduly harass adolescent fish. The Chief Inspector has not yet had an opportunity to inspect the waters of Bremer Bay and Pallinup Estuary, and it is quite feasible that when he has completed his investigations there, a decision may be reached that it is entirely unnecessary to close those waters, provided that fishing is restricted to methods that will not militate against the preservation of the stock of fish. The days of "hit or miss" are gone, and only by a proper method of scientific investigation can the best measures of conservation be determined. I consider it would be unwise for the House to decide on what will be an altogether new policy, and to say that the Gnowangerup Road Board can have vested in it the waters that it is seeking to control. If the request of that

body is acceded to, we shall get other requests for similar concessions, and the Government will be hard pressed to refuse them. I ask the House to hesitate before agreeing to pass this Bill and the Fisheries Bill that is to follow.

HON. E. H. ANGELO (North) [7.45]: I cannot understand the opposition to the Bill. The Honorary Minister admits that the fishing industry has not been looked after as it should have been, and he informs us that the Government has not had the funds to spend in policing it. Now he tells us that if the Gnowangerup Road Board is permitted to assist the department to the extent of looking after fishing in the part of the State it controls, there will be 14 other local bodies making a similar application to the Government. Does not that mean that there would be 14 additional inspectors paid by road boards who would be prepared to render the department every assistance? If the Minister considers there should be a central authority, cannot an amendment be made to the Bill? And there could also be a provision that the Chief Inspector should be consulted. After all, are not road boards and municipalities created by the Government to assist in the administration of the State? The local bodies are really part of the government of the State, and all the members of those bodies carry out many duties in an honorary capacity, and therefore should be encouraged.

The Minister states that perhaps some day when the financial tide has turned the Government may be able to do more for the fishing industry. But when is that tide to turn? As the finances of the State stand to-day, a good many tides will ebb and flow before it will be possible to increase the Fisheries Department vote. It is a shame to see the number of abuses that are taking place in connection with the marine wealth of the State, not only in the south but in the north. Consider the poaching that goes on in every part of the State, and the wealth that is allowed to go to waste. Now we have a road board that is prepared to render assistance with its own inspector, and the Government will not grant it that right. Thirty or 40 years ago, when I was in the habit of visiting Rottnest frequently, I was an honorary inspector of fisheries, and I put in many reports to the department when I saw that wrong was being done. Unfortunately, no

notice was ever taken of them. The Fisheries Department at that time seemed to resent honorary inspectors presenting reports.

The Gnowangerup Road Board has something sound behind the proposal, and it is that local authority's desire to send the district ahead as a holiday resort. The board wishes to make it attractive for amateur anglers. I was in New Zealand last year, and was surprised to find the immense interest taken by the local people in their own resorts, and they did not lose an opportunity to boost their attractions. The result was that what they had to offer to tourists was advertised in all parts of the world, and tourists went there from everywhere. In the absence of control in our own State, we find that cases of fish are being brought to Perth by illegal catchers from various parts of the State over which there is no supervision. I have seen cases of fish being conveyed to the city by road. They were sent up by a man who makes a living out of fish.

In this instance I cannot agree with the Government, which I consider should welcome offers of assistance. The Government could ask the road board always to recollect that there is a central authority to be consulted before any drastic action is taken. All that this board seems to ask for is the right to appoint an inspector, at its own cost, to ensure that the waters are protected so that there may always be a large supply of fish. Then amateur fishermen and the local residents would be able to get fish.

HON. V. HAMERSLEY (East) [7.51]: I do not agree with the Honorary Minister. The facts adduced go to show that the complaints made from time to time by anglers are more than justified. The department has failed to control fishing centres, and we must applaud the various road boards that are trying to encourage visitors. Repeatedly friends of mine who have made a practice of going on fishing and camping expeditions have returned saying that the whole of the fishery has been ruined by trucks suddenly coming along and cleaning up with hundreds of yards of nets places where there was previously remarkably good fishing. That is not an isolated practice, but has become a regular system. Net fishermen clean up large quantities of fish; I would be afraid to quote the figures, but 20 ton catches are common. The truck drivers obtain huge tonnages, and

away they go; they are not interested in the district except for the fish they can obtain.

I am glad the road boards show a disposition to take the matter up and stop the abuses. It is not the department's inspector who will always locate the poachers. Local residents have a pretty good idea of what is happening and who is responsible. The departmental inspector is rather like the policeman who is at the other end of the street when a disturbance is taking place. Local authorities and local residents are the right people to have control.

HON. H. TUCKEY (South - West) [7.53]: The introduction of this Bill in another place is the result of the failure by the State Government to do anything worth while to protect and improve the fishing industry. One can well understand certain people wanting to take matters into their own hands. I have briefly referred to this industry on one or two occasions, but at no time has the representative of the Government vouchsafed any reply. Apparently the Government is not interested in the industry.

I have also referred to the position of the pearling industry at Shark Bay, pointing out that after thousands of acres of pearling grounds had been surveyed at considerable expense, the departmental inspector, who was doing really good work, was removed, and that, so far as I know, an inspector has not been stationed at Shark Bay since. I should add that I understand the former inspector was used for other purposes as well, attending to buoys, harbour lights, and so on. For some reason he was removed from Shark Bay, and the pearling industry there has been allowed to drift. Undoubtedly much ground there has been allowed to become congested, and as a result has practically gone to ruin. One of the things requiring to be done is to see that pearling grounds are worked, so that they may not grow congested and the shell become practically valueless. Seemingly pearling is one branch of the fishing industry which the Government does not value at all. If there is a depression or crisis, the State Government should stand by the industry until better times return, because one never knows when a change may occur and the industry again become valuable.

The revenue of the Fisheries Department has not been large, but for a long time

there has been a credit balance of receipts over expenditure. I think that if one went back over the last 20 years, one would find a credit balance each year. For 1937-38 the revenue was £8,546, and the expenditure £4,562, leaving a credit balance of £3,984. I contend that that amount of £3,984, or a good part of it, might have been spent on trying to maintain the industry.

In another place it has been said that some fishing grounds, including Pallinup and Bremer, are too far out to be supervised by the department. That is true. The half-dozen inspectors employed by the department have either to walk or use push bikes; in other words, no attempt has been made to provide them with transport to reach those places.

The Honorary Minister: That is not correct.

Hon. H. TUCKEY: It has been so until just recently, at any rate. Take the Blackwood River—a fine sheet of water and at one time an excellent fishing ground. It is 90 miles from the nearest inspector, who has no means of reaching it. One may explore this river for miles up stream from the sea to Alexander Bridge, and all one can find is indications of extensive netting being carried on. The fish have gone. If only from the aspect of the tourist trade, this means a great loss to the State. One cannot blame the department, because the revenue collected is used for other purposes, and the department certainly has no money. This policy of indifference is not by any means new. For the past 50 years Governments have shown very little interest in the various branches of the fishing industry. If I shall not be digressing too much, I wish to refer to a letter that was written by my father, the late Charles Tuckey. It was dated the 19th January, 1891, and was addressed to the Secretary of the Chamber of Manufactures. One portion read—

We are in receipt of your notice *re* duties on fish and fruit and respectfully state that owing to the duties being so high in the sister colonies, and our duty being only 12½ per cent. ad valorem, we are completely handicapped from competing. We would therefore respectfully ask your committee to consider our interests in the future tariffs.

There was a further letter written in 1893 in which my father complained that although the works had been operating for 13 years, the Government had not rendered assistance

to the industry in any direction. Many requests had been made to the Government for help, but nothing had eventuated. So far as I can ascertain, that policy has continued for the past 58 years.

The Honorary Minister has introduced a lot of technical matters, but I advise members to exercise their common sense in considering this matter. I cannot see any way out of the difficulty other than giving the Gnowangerup Road Board the power it seeks. Members should agree to this, if only because the Government has fallen down on its job. If ever the Government decided to assist the fishing industry, there is ample scope for activity and, in such an event, the Gnowangerup board would be only too glad to hand the business back to the Fisheries Department.

The Commonwealth Government has on one or two occasions endeavoured to assist the industry. Some years ago, although even then far too late to achieve any results, because the fish by that time were not plentiful enough to meet the requirements of a canning factory, the Federal Government granted a bonus of 3d. a lb. on canned fish. The trouble was that 15 tons of fish had to be canned each year before an application could be made for that assistance. However, as I have already indicated, the fish had gone from the neighbourhood, and so the Federal assistance was not of much benefit.

As for any help from the State Government, all I can remember is that a small bonus of 6d. per head was granted to encourage the destruction of shags. I admit that much good resulted and thousands of shags were destroyed. For some reason the bonus was discontinued. Although it has always been recognised that shags destroy large quantities of fish, I notice, from what the Honorary Minister said, that an expert was assigned to duty for 12 months to ascertain whether shags ate fish. Instances are not unknown of shags stripping set nets and taking 100 dozen mullet before sunrise. Although these facts are well known, the expert referred to by the Honorary Minister devoted 12 months to the task of finding out the dietary of the birds! Because of such factors, I suggest we must use common sense in determining what is in the best interests of the fishing industry.

Dealing with the position of the industry nearer home, at one time the fishing

grounds off Fremantle were prolific. Many years ago Safety Bay used to supply practically all the schnapper sold in the metropolitan market. The sea literally teemed with fish. The bay is bounded on the west by Penguin Island, the Three Sisters and various reefs, and fishermen were accustomed to get all their requirements for the market from those waters, sailing off to Fremantle with full loads every time. They experienced no difficulty whatever in securing all the fish they wanted. So plentiful were the fish at Safety Bay that a factory was established for the canning of schnapper cutlets and operations were continued for some years. The difficulty was that no control was exercised over fishing grounds by the Government.

This complaint also applies to the fishing grounds at Rockingham and other places. Foreigners and others have been allowed to haul their nets right to the beach. All sizes of mesh have been used until to-day the sea has been practically depleted of fish life. If nets were used in Safety Bay to-day, difficulty would be experienced in getting any fish worth while. Another factor is that fish do not travel the coast as in years gone by. They have been harassed to such an extent that they keep off-shore.

I have given the House some information about the industry and could say a great deal more. I want members to assist the Gnowangerup board to protect the fish life that is left in the waters of their district. To think that our fishing grounds are being depleted year by year is most distressing, and the State would benefit if action were taken to rectify the position. A friend of mine from overseas visited Western Australia two or three years ago upon what he described as a fishing holiday. He spent four or five months here, but went away a very disappointed man. He told me that the trip had cost him about £400, most of which had been spent in Western Australia. He said, "Unless your Government does something to provide decent angling, you cannot expect people to come here for a holiday. There are people who spend thousands of pounds on going to different places where they know good fishing spots are to be found. I will go where I know there is fishing to be enjoyed. If the Government does something to improve the fishing outlook in this State, I will

think of making another trip here, but not unless."

The Honorary Minister: That is an argument against the Bill.

Hon. H. TUCKEY: If the Bill is not passed and matters are allowed to continue as at present, there will be no fishing at all in our waters. On the other hand, if the fishing grounds are protected and managed properly for a few years, I am sure the position will soon rectify itself. To emphasise how necessary it is for the Government to provide a resting time for fish, I remind members that the Peel Inlet was in a bad way, piscatorially speaking, some-time back. The Fisheries Department decided to reserve a portion of the estuary extending over about three miles and enclosing about 600 acres of water. The whole of the reserved area soon teemed with fish and so plentiful were they that one had only to tie a net to a stick and all the fish required would be quickly obtained, whereas in the open water one would have been lucky to get a dozen.

The Chief Secretary: I think that is a fish yarn!

Hon. H. TUCKEY: Nothing of the sort. In the reserved area no hauling was permitted and two inspectors on the spot ensured that the departmental policy was observed. Outside the closed waters fishermen could haul their nets day and night. Of course the Chief Secretary makes fun of what I say, but that is only because he does not understand the position.

People do not realise that fish have instincts. They imagine that they can haul their nets day and night and that the fish will not get scared and look for quieter waters. That is a great mistake. Many years ago a canning factory was started at Mandurah, and in those days no net with a mesh smaller than 4 inches was used. To-day the mesh is half that size. In fact, various meshes are availed of and even the smallest of fish can be netted. In those days the works did not operate for more than six months. Fish were canned during the summer months, but throughout the winter period the waters were not molested. I can remember the time when only four boats were fishing in those waters; but to-day 50 or 60 licensed boats are fishing there, and they fish seven days a week and 52 weeks a year. There is neither restriction nor management. Undoubtedly, men

engaged in the fishing industry there must be considered; but if those fishing grounds could be closed for two or three years, the Honorary Minister would find that the fish supply would be as great as it was in previous years.

As I have said, if the Gnowangerup Road Board can be convinced that the Government intends to remedy the position, the board will be only too pleased not to take the action for which it is now seeking authority. The people in my province are quite concerned about our fishing grounds. The local road board has enough work to do without having to police those waters, and I feel sure other local governing bodies are in a similar position. Although the Minister laughs at the explanation I have given regarding the advisableness of reserving certain areas in inlet waters, the fact remains that what I said is correct. I hope something will be done to improve the fishing industry. I support the second reading.

HON. H. S. W. PARKER (Metropolitan-Suburban) [8.12]: I am pleased this matter has been brought forward, although I am sorry I cannot vote for the Bill. Poaching is an offence with which it is extremely difficult to cope. To bring an offender to book is almost impossible. My experience of prosecutions for poaching convinces me that inspectors have the greatest difficulty in catching poachers, even when they know where the poachers are. The trouble has arisen owing to the Fisheries Department's lack of finance. A tendency has developed for some Government departments to cut away entirely from the police and appoint their own inspectors. Having done so, they say to the police, "Now, keep away." Unquestionably, thoroughly qualified fisheries inspectors should be appointed, but they should work in conjunction with the police force. Why should not the police do their job and assist the Fisheries Department to prevent poaching?

Member: The poachers are fined small amounts, not large amounts as in the case of hookmakers.

Hon. H. S. W. PARKER: The amount of the fine is immaterial, because the offenders are deprived of their nets. The trouble, however, is to catch the poachers. We have this position: Here is a local governing body, controlling a large area and without

much finance, desiring—very laudably—to control a large portion of our coast.

Hon. E. H. Angelo: No; five miles is all they ask for.

Hon. H. S. W. PARKER: How far away is the five miles from the office of the road board?

Hon. H. V. Piesse: Roughly, 80 or 90 miles.

Hon. H. Tuckey: What about the surrounding territory?

Hon. H. V. Piesse: It is all vested in the board.

Hon. H. S. W. PARKER: Possibly the Gnowangerup Road Board has not had the experience necessary to police fishing waters. Its office is situated 90 miles away from the coast and only one man will be employed to police the waters.

Hon. E. H. Angelo: He will have other duties as well.

Hon. H. S. W. PARKER: I am putting the most favourable aspect of the position forward.

Hon. J. M. Macfarlane: The inspector will have enough to do.

Hon. H. S. W. PARKER: While the inspector is watching one truck, another truck will leave for the coast from some other point. That has been the difficulty in the past. The poacher knows at once when he is being watched. Mr. Tuckey knows the difficulty that was experienced in policing the Murray River between Mandurah and Pinjarra.

Hon. E. H. Angelo: One inspector is better than none.

Hon. H. S. W. PARKER: Of course, but would it not be better to have the police force, plus the local governing body, plus the fisheries inspector? I agree that the police force should be increased, but there is no reason why every now and then a few plainclothes policemen should not be engaged for this duty. The poacher proceeds to the coast in a truck that carries his nets. He has a perfect right to do so; he cannot be prevented. On his return, he has fish, as well as nets, on the truck; but he could not be convicted on that ground alone. Proof must be forthcoming as to where he obtained the fish. If the police kept an eye on him and he was aware of that fact, that would act as a deterrent. He will cave in as soon as he learns that a policeman is watching him. Unfortunately, the police do not take

action against fish poachers. My experience is that the police do not regard such action as part of their duty. The mere fact that a policeman was in the locality would, in my opinion, stop this poaching. The psychological effect of a policeman on a Britisher is most extraordinary. The ordinary Britisher thinks the policeman has the most wonderful powers.

Member: So he has.

Hon. H. S. W. PARKER: I do not desire this Bill to be passed.

Member: Try to do it by another Bill.

Hon. H. S. W. PARKER: No. I would like the road board to endeavour to arrange with the Minister for the Fisheries Department to work in conjunction with the police.

Hon. H. V. Piesse: The road boards have been trying to do that for five years.

Hon. H. S. W. PARKER: I fail to see how the local governing bodies can possibly carry out this work, considering the Fisheries Department has been unable to do it. The Gnowangerup Road Board is to be congratulated on bringing the matter up. I hope the board will not secure the power which this legislation seeks to confer upon it, although I sincerely trust that the result the board desires will be achieved in some other way. If the measure passes, we shall find that one board will be vigilant in policing fishing grounds, while another board will be lax. Suppose an inspector were appointed by the Gnowangerup Road Board and that the chairman of that board—who I have no doubt is an honourable man—was caught net fishing, do members imagine the inspector would take action against him?

Hon. H. V. Piesse: Of course he would.

Hon. H. S. W. PARKER: The job is one for the police and the Fisheries Department.

HON. G. B. WOOD (East) [8.20]: I would not have spoken on this matter but for the fact that I know the district very well, probably better than the Honorary Minister knows it, because I lived there. I have fished in the waters of Pallinup Estuary and Bremer Bay, and I know the quantity of fish is limited. There are not nearly so many as in other estuaries quoted by Mr. Tuckey, and I quite believe that the fish are gradually being eliminated. The department is adopting a dog-in-the-manger attitude. It has fallen down on its job—though I do not blame the Chief Inspector for that—and now that the board wishes to do some-

thing for itself, the department opposes the move.

I am not concerned about tourists. Quite a number of residents like to fish in the waters. I have spent many pleasant days and nights engaged in this pursuit, and I know that the opportunity to do so is a boon to people of the district. Something has been said about the waters being 90 miles away from the Gnowangerup Road Board office. Do members think that road board members hang around the road board office all the time? Some members of the board live in the vicinity of the waters.

Hon. H. V. Piesse: One lives within five miles.

Hon. G. B. WOOD: I remember that Mr. O'Meehan and Mr. Wellstead used to live there. The members residing nearby could help in the policing of the measure. All members of the road board are honorary rabbit inspectors, and they could assist in enforcing the provisions of this Bill. The rabbit inspector, in the course of his duties, could also help.

Member: Are there any rabbits at your place?

Hon. G. B. WOOD: Not since the hon. member left. I was pleased to hear the remarks of Mr. Tuckey, who knows something about this matter, and I hope members will pay some heed to what he said.

HON. G. FRASER (West) [8.22]: At first I was half inclined to support the measure because I realised that the Fisheries Department has not sufficient money properly to police the various waters throughout the State. On reflection, however, and after having studied the Bill more closely, I am not prepared to support it, because of the proposal to vest these particular waters in and give the board power to make by-laws to control fishing. Divided control is at no time in the best interests of the community, and divided control would be established if this authority were given to the Gnowangerup Road Board. The Fisheries Department has its regulations and then the road board would be able to make by-laws. If another road board sought similar powers of control in a different locality and those rights were granted, yet another set of by-laws would be promulgated. The possibility is that we would have half a dozen different sets of by-laws governing the one industry. I see no reason why this or any road board

that desires to improve fishing in its district should not take action in co-operation with the Fisheries Department.

Hon. H. V. Piesse: The Fisheries Department would not assist the board at all.

Hon. G. FRASER: That would be an unreasonable attitude.

Hon. H. V. Piesse interjected.

Hon. G. FRASER: Before one could judge that, one would have to know how the department was approached. For a department, not in a position to employ sufficient inspectors, to refuse offers of assistance would be most unusual. The area controlled by the Gnowangerup Road Board is one in which that body takes some pride and, working in conjunction with the department, the board should be able to achieve what the Bill sets out to do, namely, prevent illegal fishing. I can see no obstacles in the way. No legislation is required to give the board power, because co-operation between the two bodies would achieve the desired result.

Hon. H. V. Piesse: The board cannot make by-laws without authority.

Hon. G. FRASER: I know; and I do not want the board to have that power. If this board is authorised to make by-laws, other boards will seek similar powers, and different by-laws will be made, so that eventually people interested in fishing, and the public generally, will not know where they are. I contend that one set of by-laws governing an industry is quite sufficient.

Hon. H. V. Piesse: The by-laws would have to be laid on the Table of the House, and could be disallowed, if necessary.

Hon. G. FRASER: That may be so, but of what use is that? If the Bill is passed, power will be taken from the Fisheries Department and given to the road board. The road board will introduce by-laws; the by-laws will be tabled, and may be disallowed. Then where would we be? No one would be in control.

Hon. J. J. Holmes: We agreed to have an extra sitting day in order to get some work done!

Hon. G. FRASER: I shall oppose the second reading.

HON. W. J. MANN (South-West) [8.26]: If this debate does nothing more than draw attention to the fact that there is tremendous scope for activity on the part of the Fisheries Department of this State, it will serve a very good purpose. For many years I

have been fairly closely identified with part of our coastline, and I have seen waters, that once carried a fair quantity of fish, quite depleted. I am not going to say that in all instances they were depleted because of pirates, as someone has called them, visiting the district with nets. I know one particular spot to which, for a number of years, was applied an annual proclamation closing against net fishing a stretch of water extending for a mile on either side of the jetty. I do not know whether that proclamation is still made. The idea was that fish would thus be allowed to increase, but I am not aware whether the proclamation made a great deal of difference.

It seems to me that fish do not multiply on this coast as they do in other parts of the Australian coastline. I remember some years ago hearing some very old fishermen discussing the question of the migration of fish. One of their contentions was that the fish at Geographe Bay had left those waters because of the continual blasting that occurred on group settlements in the vicinity. They declared that the reverberations had a very marked effect. Whether that is true or not I do not know.

Hon. H. Tuckey: How far away were the settlements?

Hon. W. J. MANN: Some were within a couple of miles.

Hon. J. Cornell: If that is so, it is a wonder all the fish did not leave the North Sea during the war!

Hon. W. J. MANN: I am doubtful whether fish multiply to the extent that is imagined. Mr. Tuckey says that the fish are not present in the same numbers that they were in the old days. He pointed out that in those days only four boats were engaged in fishing. The consumption of fish in this country is to-day much greater than it was 30 years ago. The fact must be taken into account. No doubt some fishermen are unscrupulous. They will cast their nets and take everything that comes to them; and will also allow small fish to die on the banks instead of putting them back into the water. Ordinarily one would say it was the function of the Fisheries Department to police the waters and prevent these things from happening. Under this measure one road board will have altogether too great a coastline to administer. Although the board would be very glad to police every

mile of it, and particularly that part comprehending the Blackwood River, it is quite unable to carry out the job.

The whole question is well worth ventilating. I am somewhat averse to taking the power out of the hands of the Fisheries Department and transferring it to the Gnowangerup Road Board. I presume that if the board is given power to police its own waters over a given area, the Fisheries Department will leave them well alone. We are all anxious that visitors to the State and people living in the distant country centres shall have the opportunity to enjoy a period of fishing, and we should conserve more areas wherein line fishing may be carried on with reasonable chance of success.

I am inclined to vote for the Bill with the idea of seeing how far road boards will respond and what results will accrue. The Fisheries Department has made a poor attempt at policing these waters. There have been too few inspectors, and the means adopted have been too crude. Offenders could not be detected. I am aware of one place where it was known that men were using nets. As soon as they saw the inspector coming in his heavy dinghy, they hoisted their sails and cleared out. At Mandurah the fishing inspector had a heavy boat he was expected to row about, but a four horse-power engine was required to move it. How can we expect our waters to be policed under such conditions? Some inspectors I know of had only a push-bike on which to travel from Bunbury to Cape Leeuwin. Actually no inspection has been taking place.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.34]: The topic of fishing has lived up to its reputation. Some of the remarks of members have been very interesting when one recalls previous discussions in this Chamber on the same subject. What we have heard to-night indicates the great difficulty that has confronted the Fisheries Department in the endeavour to police the particular part of the State under discussion. That difficulty would not be minimised by the road board taking over the responsibility.

Hon. H. Tuckey: Would that not help?

THE CHIEF SECRETARY: With all due respect to the Gnowangerup Road Board, which can be given credit for taking an active part in this question, I am inclined to

think the position would be rendered still more difficult.

Hon. H. V. Piesse: In what way?

The CHIEF SECRETARY: The Fisheries Department was in my charge for some years. I know a little of what occurs, what underlies some of the agitations that people start, something of the schemes that are put up from time to time to defeat the actions of the department, and generally have a considerable acquaintance with the subject. I am not exaggerating when I say that frequently those who make the most strenuous complaints are the greatest offenders.

Hon. H. V. Piesse: With a 10 yard net?

The CHIEF SECRETARY: This is not a fish story. It applies to the country to which Mr. Piesse is referring, as it does to other parts of the State.

Hon. H. V. Piesse: What about the fishermen in your province?

The CHIEF SECRETARY: Whilst the subject we are discussing is an important one, we should bear in mind the necessity for uniformity of control. I fail to see why the Gnowangerup Road Board should not fall into line with the policy of the department, and render assistance in the way Mr. Piesse suggested the board desires to do for itself. There may be good reason for closing these waters. As the Honorary Minister pointed out, one reason for closing them may be to give the local authority an opportunity to publish the fact and announce the waters as an angler's paradise. It does not follow that they can be converted into such a paradise. I know of waters that contain only a few exhibition fish. One can see them, but cannot catch them.

Hon. J. Cornell: They are very experienced.

The CHIEF SECRETARY: The local consumption of fish has increased tremendously, but complaints are constantly being made about the price. The experience of other countries is that over the years men have to go further afield to maintain the supply of fish on the market. In the Old Country the supply has to be augmented from sources thousands of miles away, whereas 40 or 50 years ago a plentiful supply was forthcoming from the North Sea. The same thing applies to many parts of the Australian coast.

No one can say that netting itself has in many instances caused a shortage of fish. Possibly such a large number of boats have been engaged in the industry in a particular area that in time it has been denuded of fish.

Hon. E. H. Angelo: It is a question of interfering with the breeding grounds.

Hon. W. J. Mann: I know the department has been hampered by lack of funds.

The CHIEF SECRETARY: Many people speak about interfering with the breeding grounds. I usually find that those who talk most learnedly on the subject know least about it. That, at any rate, is so with people one meets in a haphazard manner. We can take it for granted that the ex-Chief Inspector, who throughout Australia is recognised as an authority on the industry, knew what he was talking about.

Hon. C. F. Baxter: There is no doubt about that.

The CHIEF SECRETARY: The same thing applies to the present holder of the office. He has a fine reputation and has shown a willingness to gain an understanding of the local conditions as quickly as possible. Members may rest assured that he will not fall down on his job if he can help it.

The question of finance is a very important matter. Mr. Tuckey spoke about the revenue and expenditure of the department, but he did not tell the House that the department's revenue was made up mainly from sources other than the fisheries portion of it. Members must be aware that the activities of the department are not confined solely to fish and that industry. I should be sorry if a precedent were established by the passing of this Bill. It would lead to other local authorities making a demand for a similar responsibility, and then we should have different sets of regulations controlling fishing and the industry around the coast. That kind of thing would not do our fishermen any good.

Hon. H. Tuckey: You spoke about fish being dear. Recently fish was given away by fishermen because they would not permit it to be sold at the ridiculously low prices.

The CHIEF SECRETARY: The Fisheries Department has done its best in the circumstances, and in view of my experience and knowledge of the subject, I consider that to pass the Bill would be a mis-

take. Therefore I shall vote against the second reading.

HON. L. CRAIG (South-West) [8.42]: The introduction of the Bill has done a lot of good and will bring the subject prominently before the people using the estuaries. A complaint has been made about regulations and the policing of the Act. Even if the Gnowangerup Road Board is given power to make regulations governing Bremer Bay and Pallinup Inlet, the effect will not be different from the position that exists to-day, because all regulations and by-laws are subject to the approval of the Minister.

Hon. W. J. Mann: And the House.

Hon. L. CRAIG: When regulations are framed, the Minister can disallow them if he so desires. I cannot imagine any Minister approving of a regulation made by a local authority, which regulation would conflict with the policy of the Fisheries Department. Thus, in effect, the only regulations that would be approved would be those that received the sanction of the Fisheries Department and they would be the same as the regulations issued by that department to-day. What I suggest is that the control should remain with the Fisheries Department and that road boards, particularly the Gnowangerup Road Board, should be requested to appoint inspectors to carry out the policy of the department. Whatever else is done, the result will be the same. There is a little danger, as was pointed out by the Honorary Minister, of other local authorities desiring control over small inlets.

Hon. H. V. Piesse: The Minister would always have power to refuse a local body that right.

Hon. L. CRAIG: The Minister is advised by his expert officers and in most cases acts on the advice tendered. So, whatever regulations are made, they must conform to the policy of the Fisheries Department, and all a road board can do is to endeavour to assist in the policing of the regulations. I do not think that much can be gained by passing the Bill. If any member can convince me that the Bill will achieve something different from what is being done to-day, I will support the second reading.

HON. J. CORNELL (South) [8.46]: One phase has not yet been exploited and it is a question that far transcends the desire of the Gnowangerup Road Board. The debate has brought forth this: that owing to shortage of funds, the Fisheries Department has not been able adequately to police this particular part of the State, and, also as the result of such shortage of funds, the road board has asked that the Road Districts Act be so amended as to allow the board to become a part of the Fisheries Department. We all know that during the last seven or eight years a demand has been made throughout the goldfields for extra police protection. That has been refused. For what reason? For the same reason as that which has been given here this evening, namely, lack of sufficient money to appoint persons to do the policing. The same argument can apply to the mining industry, which, more or less, is short of mining inspectors. It would be just as logical for you, Sir, and me to argue that because there are not sufficient funds to obtain more policemen or more mining inspectors, the respective road boards on the fields should be asked to act as policemen and inspectors of mines. That actually is the argument. On those grounds alone I consider the departure suggested by the Bill to be dangerous and not such as will bear analysis. I oppose the second reading.

HON. H. V. PIESSE (South-East—in reply) [8.50]: I have listened with great interest to the many references that have been made to this small Bill and the modest requirements that underlie it. First of all, purely owing to want of policing, five miles of the inlet and the seafront have been neglected, and the Gnowangerup Road Board has been negotiating with the Fisheries Department for the past five or six years in an endeavour to protect these waters for the benefit of visitors and local residents. On the second reading I mentioned that the district has many visitors from Wiluna and other goldfields centres. Surely the residents of the district should be permitted to popularise this fishing and camping ground for the benefit of the Western Australian public! If it were a case where the Fisheries Department could police the fishing, seize nets and so forth, if the interest was merely commercial, I would say "All right; go ahead and make it an industry worth

while." But we want the industry policed. We know that foreign fishermen go down to the estuary with their 1,000 and 2,000 yard nets, and join the nets up, and then discard the smaller fish by throwing them away; those fishermen do not care what they do. We want to control the five miles frontage of the inlet.

Hon. J. Nicholson: I do not think you could do so.

Hon. H. V. PIESSE: Can the Fisheries Department control it?

Members: Yes.

Hon. H. V. PIESSE: Then why does not the department do it? Applications have been made to the department; I shall read a departmental letter proving that. It is interesting to hear some members talk about protecting certain fishermen. The Honorary Minister knows just as well as I do that for years foreign fishermen have been going down to those waters and taking tons of fish out of the estuary, and that they have not been controlled in any way whatever. When they were caught and taken to court, they were fined a whole ten-pound note, whereas they had taken out of the estuary hundreds of pounds worth of fish.

Hon. L. Craig: Did they lose their nets?

Hon. H. V. PIESSE: I do not know. The department does not police the estuary, and knows nothing. Formerly we had a local honorary inspector, whom I mentioned in my second reading speech—a most honourable man, and of untiring energy on behalf of the fishing industry. I have known him go right out to Manjinnup to obtain fish for transport to the dams in the Lake Grace district, travelling about 100 miles. I desire to draw attention to a letter written by the Fisheries Department to the Under Secretary for Works. A circular had been forwarded to local authorities, and a copy was also sent to the Fisheries Department. This is the letter written by the Fisheries Department to the Under Secretary for Works, who in turn sent it on to the road board—

If the estuaries form part of reserves which are vested in or placed under the control of the road board, any by-laws which the road board may make under the Road Districts Act, 1919-1933, to regulate the use of such reserves, could only be by-laws such as would be applicable to the whole of the reserve, including the estuary.

A road board's by-laws, however, cannot over-ride the provisions of a particular statute.

Consequently, any by-laws made by the road board to regulate the use of the reserve could not possibly over-ride or interfere with the application of the provisions of the Fisheries Act.

It is pointed out that under the provisions of the Fisheries Act the waters of the inlets referred to in this correspondence are closed to net fishing. Unfortunately, however, periodical visits—during the winter months, principally—are made to the waters by professional fishermen. To this the board members take strong exception, but owing to the distance, and other causes, this department has not been able to maintain constant supervision over the waters.

There is a plain admission by the department that it cannot control those waters.

It is gathered that board members, while strongly objecting to the use of nets by professional fishermen, are not averse to the employment of similar methods of capture by residents of the district or visitors.

From the Fisheries Department's point of view, this is not permissible; when a water is closed to the use of fishing nets, the prohibition extends to all sections of the community.

That is perfectly right. If a man is permitted to use a 1,000-yard net, or to join two 1,000-yard nets and thus use a 2,000-yard net going right across the inlet—

Hon. J. Cornell: Two thousand yards is over a mile.

Hon. H. V. PIESSE: I am accepting the statements of members of the Gnowangerup Road Board, who are honourable men, and whose word I have never yet found occasion to question. If the position as stated in that letter were correct, this Bill would not be before the Chamber to-night. Although the waters are closed against fishing by nets, foreign fishermen are continuously taking advantage of the fishing there. While the Honorary Minister was speaking I noticed a passage in a letter by the road board—

Both the estuaries are land-locked and are open to the sea only after a flood or heavy winter rains . . .

Yet we had the surprise of the Honorary Minister stating that the estuary must be kept well open to enable the breeding of fish. I was pleased to hear Mr. Tuckey and Mr. Wood, who have knowledge of the district, speak on the Bill.

No doubt the Under Secretary, like the Minister in another place, does not wish to see the control of this particular estuary taken from the Fisheries Department and handed over to a small road board. It has been freely admitted, not only by the Hon-

orary Minister but also by the Under Secretary, that the department has not sufficient finance to send an inspector down to the district.

The Honorary Minister: We intend to do so.

Hon. H. V. PIESSE: Perhaps the reason why the Honorary Minister says he intends to do so is that the matter has been brought up in both Houses of Parliament and freely discussed. It seems as if that is why the Honorary Minister now says, "We intend to do this." The department has had six years in which to assist the local people in this matter. During that period I have heard almost continuously of the requests forwarded by the board. I and my colleagues are in close contact with the road boards in our province, and whenever requests are forwarded we are acquainted with the details. I hope that members will give the Gnowangerup board an opportunity to control the area of water covered by the Bill. Again I emphasise the point that if any other board should seek similar rights, the consent of the Minister must be obtained and the by-laws must be tabled in both Houses.

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

Ayes	11
Noes	6

Majority for 5

AYES.

Hon. E. H. Angelo	Hon. H. V. Piesse
Hon. C. F. Baxter	Hon. H. Tuckey
Hon. L. Orale	Hon. C. H. Wittenoom
Hon. J. A. Dimmitt	Hon. G. B. Wood
Hon. J. M. Drew	Hon. W. J. Mann
Hon. V. Hamersley	(Teller.)

NOES.

Hon. J. Cornell	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. J. M. Macfarlane
	(Teller.)

PAIRS.

AYES.	NOES.
Hon. J. T. Franklin	Hon. G. Fraser
Hon. G. W. Miles	Hon. T. Moore
Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. A. Thomson	Hon. E. M. Heenan

Question thus passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and passed.

BILL—FISHERIES ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 1st December.

HON. C. H. WITTENOOM (South-East) [9.7]: I support the second reading. After the long debate this evening, little remains to be said. I take this opportunity to congratulate the Gnowangerup Road Board on its activities, the result of which was the introduction of this legislation. I trust other road boards will follow its example. Much money has been spent upon improvements at various seaside resorts, and the Tourist Department has extended much encouragement to the movement. Almost invariably the first question asked by a visitor is, "Where are the fish?" More often than not he is told that he should have been there 10 or 15 years before, when fish were so plentiful that he could quickly have filled his boat. To-day one often returns tired, without a fish, and determined to go elsewhere.

Hon. J. Nicholson: You require to take a silver hook with you.

Hon. J. Cornell: No: a Scotsman's hook!

Hon. C. H. WITTENOOM: As the Bill to amend the Road Districts Act has been passed, I take it the measure now before members will also receive the sanction of the House.

HON. H. V. PIESSE (South-East—in reply) [9.9]: In reply—

Hon. J. Cornell: There is nothing to reply to.

Hon. H. V. PIESSE: Quite so. The Bill is merely complementary to the one just passed, and that is all I wish to say.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and passed.

BILL—PARKS AND RESERVES ACT AMENDMENT.

Second Reading.

Debate resumed from the 25th October.

HON. J. CORNELL (South—in reply) [9.12]: So long a time has elapsed since this measure was last before the House that I

am afraid it will have escaped the recollection of members. I had prepared an extensive reply, but it is not my intention to launch it to-night. If members will refer to the notice paper, they will find that I have given notice of an amendment, the effect of which is that the Auditor General shall audit the accounts of four boards, namely, the State Gardens Board, the Rottneest Control Board, the King's Park Board, and another. My object is that the Auditor General shall audit the accounts of these boards and that they shall be laid on the Table of each House. I do not desire to cast any reflection whatever upon any of the members of the boards, who are carrying out their duties in an honorary capacity. I hope they will continue to do so.

According to a Press report, a proposal is afoot to build a hotel on Rottneest Island. I hope the board will be successful in obtaining the necessary license and that a modern residential hotel will be erected. It is long overdue and will pay handsomely. This House recently passed a Bill containing a provision that the Auditor General should audit the accounts of the Lotteries Commission, and that those accounts should be laid on the Table of each House.

Hon. G. Fraser: What about the egg Bill?

Hon. J. CORNELL: I think it was a piece of piracy to provide in that Bill that the Auditor General should audit the accounts of the egg board. I desire to make a correction, although it is somewhat belated. I accused the chairman of the State Gardens Board of purloining some of the gear from the grounds of Parliament House. I find I was wrong, and I so informed Mr. Shapecott.

I desire to emphasise the excellent work carried out by the State Gardens Board. All that it has done has not yet been told. I shall give an example of the board's work. As members are aware, the old Soldiers' Institute was built on a Class A reserve from moneys collected by the women of this State.

Hon. J. Nicholson: By the Red Cross Society and another organisation.

Hon. J. CORNELL: The Soldiers' Welcome Committee. The building was occupied for many years by the Returned Soldiers' League, who then found it could no longer remain on a Class A reserve. Accordingly, the league decided to erect its own headquarters. As a result of negotiations with the State Gardens Board, the league accepted £500 from the board for the old

building, on the understanding that the building would be broken up, removed from the reserve and used for other purposes. When that building was erected, an old pine tree was growing on the site and the chairman of the State Gardens Board insisted that it should remain. He said, "We cannot do away with an old warrior like that." The tree was a source of annoyance to the members of the league; it caused endless trouble and necessitated many repairs to the building. The old institute has been vacated, but not pulled down. It is let to the Australian Broadcasting Commission at a rental of £850 a year. The old pine tree, however, has been removed and converted into firewood. This is an instance where the State Gardens Board has not kept the undertaking it gave. We do not know how long the old institute is to remain the source of a large revenue for the State Gardens Board.

When one gets down to facts one has to admit that the State Gardens Board is competing with members of the building fraternity in the city of Perth. The Australian Broadcasting Commission had a block of land, and plans were prepared for the erection of a £20,000 building. When a lease of this place was secured for four or five years, with the right of renewal, the commission scrapped the plans and sold the land. For the State Gardens Board to enter into competition with people who build in the city of Perth is wrong. It should not use as a revenue producer an institute built for soldiers by the women and supporters of the Red Cross. I hope that when the lease expires the institute will be broken up.

Question put and passed.

Bill read a second time.

BILL—NATIVE FLORA PROTECTION ACT AMENDMENT.

Second Reading.

HON. G. B. WOOD (East) [9.22] in moving the second reading said: This is a small Bill seeking to amend the Native Flora Protection Act of 1935. When the original Bill was before the House, members generally approved of the idea of protecting native flora, but some expressed the opinion that the proposed Act would be hard to police. Time has proved the correctness of that prophecy, and the Bill

seeks to overcome the difficulty. The chief aim is to appoint honorary inspectors to assist the police and the forestry officers. Furthermore, a person desiring to take flowers from private land will have to obtain a written permit from the owner to do so. To secure permission by word of mouth will not be sufficient. The point is that if an inspector sees a person five or six miles out of town with a carload of flowers and challenges him, the individual concerned can say that he obtained them from such-and-such a person, whether that be true or not. It would be of considerable benefit if a man so challenged were required to produce a permit.

Members may not realise that people in the hills value their wildflowers much the same as people in the city value cultivated flowers. They are able to sell the wildflowers or perhaps obtain a few shillings by displaying them and charging for admission. The necessity for the Act is evidenced by the dearth of wildflowers along the York-road in the vicinity of National Park. There is a fine display of flowers within the park, where they have been protected, but outside not one flower is to be seen. I hope the Bill will meet with the approval of the House. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; Hon. G. B. Wood in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Amendment of Section 8:

Hon. J. NICHOLSON: This clause seems to provide an extension of power that I think Parliament should not grant, although I am in sympathy with the object of the Bill. When the original measure was being discussed, this point was raised, and after a fairly lengthy debate, the Chamber decided against giving the authority sought. I urge the Committee to vote against the clause, which is an invasion of the rights of owners of private land.

Hon. E. H. Angelo: The clause protects the owner.

Hon. J. NICHOLSON: I agree with the idea of protecting flora on Crown land, but the clause proposes to prevent people from

entering on private land. That is an invasion of private rights.

Hon. E. H. Angelo: The provision will prevent people from picking flowers on private land, not from going on to it.

Hon. J. NICHOLSON: When a man enters a property with a view to building a house upon it, he necessarily first removes from the site of the building all trees, shrubs and flowers. Another individual who goes upon the same property would be deprived of the right to pick the wildflowers. In many instances subdivisions have been made and the pegs destroyed with the result that people are unable to identify a particular area as being either Crown land or private land. I see no harm in persons being allowed to pick flowers on private property.

Hon. H. V. Piesse: But they would be trespassing.

Hon. J. NICHOLSON: If so, the owner can assert his rights.

Hon. G. B. WOOD: Suppose I entered Mr. Nicholson's garden and began picking his flowers.

Hon. J. Nicholson: I would go for you straight away.

Hon. G. B. WOOD: In respect of properties in the hills the owners may be away, and may treasure the flowers growing there. This provision will give the inspectors an opportunity to police the Act and safeguard the properties concerned. If a man thinks he is on Crown land, whereas it turns out he is on private property, the fault lies with him.

Clause put and passed.

Clauses 5 to 8, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed*.

BILL—INTERPRETATION ACT AMENDMENT.

Second Reading.

HON. G. F. BAXTER (East) [9.35] in moving the second reading said: This Bill seeks to amend Section 36 of the parent Act. The section refers to the laying of regulations, rules and by-laws upon the

Table of the House. Paragraph (d) of Section 36 is as follows:—

(any regulation made under or by virtue of such provision) shall be laid before both Houses of Parliament within 14 days after such publication, if Parliament is in session, and if not, then within 14 days after the commencement of the next session of Parliament.

Subsection (2) of the section states—

Notwithstanding any provision in any Act to the contrary, if either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within 14 sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or the omission of anything in the meantime.

The amendment proposed by the Bill is to insert after the word "it" in line 5 of Subsection (2) of Section 36 the words "or if any such regulation is not laid before both Houses of Parliament in accordance with the requirements of subdivision (d) of subsection (1) of this section." This will mean that if regulations are not laid before both Houses of Parliament within the time specified they will cease to have effect. Unquestionably the Act is definite on the point, but in legal circles a doubt has been raised.

Hon. H. S. W. Parker: Some legal circles!

Hon. C. F. BAXTER: For that reason it is necessary to clarify the position. If regulations are not laid upon the Table of the House within the time specified they become invalid.

Regulations are very important. Should they not be disallowed, or should no action be taken for their disallowance within the specified period, they become practically part and parcel of the Act to which they refer, and just as important as any of the sections embodied in the measure which has been passed by Parliament. In effect they have to be viewed from the standpoint of the Act upon which they are framed.

Hon. J. Cornell: They must be laid on the Table before notice can be given for their disallowance.

Hon. C. F. BAXTER: That is so, but we can still clarify the position and satisfy the minds of those who have cast a doubt upon it. I move—

That the Bill be now read a second time.

HON. J. CORNELL, (South) [9.40]: I second the motion. All I wish to say in support of the measure is that I read that Mr. Keenan, K.C., remarked in another place that the Bill was merely painting the lily.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and passed.

House adjourned at 9.43 p.m.

Legislative Council,

Tuesday, 13th December, 1938.

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

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 1).

As to Recommittal.

Debate resumed from the 9th December on the following motion by Hon. J. Nicholson:—

That the Bill be recommitted for the further consideration of Clause 2.

HON. J. M. DREW (Central) [4.35]: To my mind there is no justification whatever for recommitting the Bill. The only effect