

Legislative Council

Thursday, the 8th November, 1962

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

MOTOR VEHICLE THIRD PARTY INSURANCE

Rates to Meet Altered Risks, etc.

The Hon. F. J. S. WISE asked the Minister for Local Government:

As it is not practicable to proceed today with the Motor Vehicle (Third Party Insurance) Act Amendment Bill (No. 2), will he advise—

- (1) Is he in possession of definite information and advice from the Premiums Committee in regard to the likely schedule of rates necessary to be applied to meet the altered risks?

- (2) As the unusual aspects of this legislation, including added protection, extra loadings, and increased liability of the trust, will make extra burdens for the individual and the trust, is he in a position to supply the House with some details from the Premiums Committee before the Bill is proceeded with on Tuesday next?

The Hon. L. A. LOGAN replied:

At the moment I am not in possession of the facts asked for by the Leader of the Opposition, but I do hope that by Tuesday I will have that information.

QUESTIONS ON NOTICE

GRAIN: SHIPMENT FROM ESPERANCE

Effect of Standard Gauge Railway Completion

1. The Hon. J. J. GARRIGAN asked the Minister for Mines:

Further to my question of the 1st November, can the Minister inform the House whether, on the completion of the standard gauge railway from Kalgoorlie to Perth, it is the intention to have all grain such as wheat, barley, and oats grown in the Salmon Gums-Esperance area shipped from the Port of Esperance?

The Hon. A. F. GRIFFITH replied:

Yes. It is intended that grain on this line will be transported to Esperance for shipment.

TRAFFIC FINES AND COSTS

Recovery of Amounts Owning by Interstate Offenders

2. The Hon. R. H. C. STUBBS asked the Minister for Mines:

- (1) What is the amount of accumulated unpaid fines and costs owing by interstate people and firms to—
(a) Police Traffic Branch, including heavy haulage; and
(b) the Transport Advisory Board?
- (2) Is any action to be taken to recover same?

The Hon. A. F. GRIFFITH replied:

- (1) It is impossible to supply this information as process in respect of unpaid fines is issued from various courts throughout the State, and there is no central record of outstanding amounts. All unexecuted warrants are filed and information circulated in police gazettes throughout the State. If the offenders return to this State the warrant is executed. This applies to both (a) and (b).

- (2) Yes, by issue of court process; but action is not enforceable in other States, other than by extradition of the offender, which would be too costly. The question of reciprocal enforcement of warrants in such cases as these throughout Australia has been discussed at the Australasian Police Commissioners' Conference recently. This conference decided to refer the question to the Standing Committee of the Commonwealth and State Attorneys-General. After two meetings of the Standing Committee during 1961, it was finally agreed that the Commonwealth Attorney-General would draft an appropriate amendment to the Commonwealth Service and Execution of Process Act. The draft was discussed at a meeting of Attorneys-General in Hobart on the 24th and 25th January, 1962, and I am informed that as a result the Commonwealth Attorney-General intends to arrange for a Bill to be presented shortly. It is expected that the Bill will cover all State requirements and will not require separate State legislation.

There is just one point; I would like to check on the date of the Hobart conference. If necessary I will correct it later.

ESPERANCE SUPERPHOSPHATE WORKS

Commencement of Erection, and Water Required

3. The Hon. R. H. C. STUBBS asked the Minister for Mines:

- (1) Has any firm date been set for the commencement of the building of the superphosphate works at Esperance?
- (2) When the superphosphate works are functioning, what quantities of—
 - (a) fresh water; and
 - (b) salt water, if any, for cooling purposes will be needed at the works?

The Hon. A. F. GRIFFITH replied:

- (1) No firm date has been set for the commencement of the building of the superphosphate works at Esperance.
- (2) (a) Eleven million gallons of fresh water a year will be required by the superphosphate works to meet the reasonable requirements of the company in the operation of the works.
- (b) Depending on growth and production the supply of fresh water will be supplemented with sea water for cooling purposes.

Quantities of sea water, however, cannot be determined at this stage.

BUSH FIRES ACT

Disallowance of Regulation No. 39AA: Motion

THE HON. F. D. WILLMOTT (South-West) [2.38 p.m.]: I move—

That regulation No. 39AA made under the Bush Fires Act, 1954-1958, published in the *Government Gazette* on the 26th October, 1962, and laid on the Table of the House on the 30th October, 1962, be and is hereby disallowed.

So that members will understand more easily what I am talking about, I propose to read regulation No. 39AA, which is as follows:—

A person shall not, during restricted burning times or prohibited burning times, operate any motor truck for the purpose of carting material to and from farm lands unless the truck carries a knapsack spray pump that is in serviceable order, and has a tank of three gallons minimum capacity kept at least three-quarters filled with clean water.

I am quite sure that the regulation as it is worded does not do what is required. I say that because I feel sure that what is really required is what applies to tractors. The regulations provide that no-one shall operate a tractor without this equipment. The wording of the regulation before us is, to my mind, completely absurd, because it says that one shall not operate a truck for the purpose of carting materials to and from farm lands. In other words I cannot, without carrying this equipment, operate a truck carting materials from Perth to Manjimup if I am going to a farm; but when I get to the farm I can drive all over the property without the equipment. That is what the regulation provides, but I am quite sure that is not what is intended. I would say that in the main it is intended that any truck operated on a farm should carry this equipment. That is commonsense.

The Hon. H. K. Watson: On the farm?

The Hon. F. D. WILLMOTT: Yes. Whether the regulation needs to apply to trucks on the road I do not know. That may be desirable, but I think it is more desirable for trucks to carry this equipment when they are actually operating on the farms.

The Hon. G. C. MacKinnon: It would be needed on narrow tracks adjacent to farms.

The Hon. F. D. WILLMOTT: Yes; I will come to that, perhaps. Something else that I do not altogether agree with here is that the regulation applies only to a

truck that is used for the purpose of carting material to and from farm lands. That means if I operate an empty truck I need not carry any equipment. Again I am sure that is not what is required.

Dealing with the question of carrying the equipment on the road, I have grave doubts whether there is much danger from a truck operating on the road—that is a 2 to 4 ton petrol operated truck such as is usually used by farmers. But we do know that the heavy diesel trucks can, and in fact do, start fires when they are operating on roads.

If it is going to be a requirement that trucks operating on roads shall carry this equipment, I would like to know why the regulation should be limited to trucks operating to and from farm lands; because by far the greatest amount of damage would be done by heavy diesel trucks which are log-hauling or carting timber; but they are exempt under this regulation.

I feel that if it is necessary for trucks to carry this equipment when operating on roads, then the heavy diesel trucks should be brought under the regulation—and they should be brought under it before the lighter, petrol-driven trucks are dealt with.

The Hon. H. K. Watson: And the to and from expression—

The Hon. F. D. WILLMOTT: Yes; I thank the honourable member for the interjection. Why should the regulation apply only when a truck is operating to and from farm lands—to me it does not make sense—for the purpose of carting material? Those limitations are imposed. The wording should be “to or from” farm lands. Again, I am not quite clear what is meant by material. I do not know whether it would cover livestock, etc. That is a debatable point.

The matter of enforcing a regulation so that all motor trucks shall carry this equipment wherever they are operating, to and from, or to or from, farm lands could do with a great deal of thought, because it is fairly sweeping. It means that every carrier, or every truck operator, such as those carting fruit from a packing shed to the wharf at Fremantle, is obliged to carry this equipment all the time that he is operating on bitumen roads. Whether it is necessary that truck operators should carry the equipment is somewhat doubtful; because even if a fire is started by a truck when travelling along a road I do not think the equipment would be of much value, as the driver of the truck would know nothing about the fire; he would be gone.

The really important thing in such a regulation as this is to cover a truck when it is actually operating on a farm—operating over dry stubble or pasture or other such inflammable material. When a truck is so operating it should be compulsory for this equipment to be carried; and it

does not matter whether the truck is carting material or anything else; even if it is empty it is necessary for the equipment to be carried.

I discussed this question with the Minister for Lands, because I thought it might be advisable to amend the regulation rather than move for its disallowance. But on mature thought it was realised that at this stage of our parliamentary sittings—we have only three or four sitting days left—if the regulation is amended here we will have to send it to the Legislative Assembly to be dealt with there. If however, this House disallows the regulation, that is the end of the matter.

That, however, would not put the Bush Fires Board in the position of not being able to make a new regulation operative immediately; because if the regulation is disallowed, the Bush Fires Board can straight away promulgate a fresh regulation to do what is really required, and it can put that regulation into operation immediately. Even if the House is not sitting the regulation will operate until such time as the House does sit. So it was considered preferable that I should take this action rather than attempt to amend the regulation.

Debate adjourned, on motion by The Hon. L. A. Logan (Minister for Local Government).

LICENSING ACT AMENDMENT BILL (No. 3)

Further Report

Further report of Committee adopted.

Third Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [2.50 p.m.]: I move—

That the Bill be now read a third time.

In moving the third reading of the Bill I would like to say that when it was in Committee I was asked by Dr. Hislop to indicate to the House, before the Bill passed the third reading, the reasons why the alcoholic content of spirits in Western Australia could not or should not be reduced. I have now been provided with this information and I would like to make it available to the House. It is as follows:—

The alcoholic content of spirits is set under the Health Act regulations. Food and Drug Regulation No. Q.95.005 refers.

Proposals for the reduction of the alcoholic content of spirits in Western Australia have been discussed by Cabinet on numerous occasions, the latest of which led to the Cabinet decision on the 10th July last that existing percentages should be maintained.

No doubt every Government has given a great deal of consideration to this over the past 50 years. One of the important aspects which would point to the present standards being maintained is that all premium brands sold in the Eastern States are bottled at the same percentage as the standard Western Australian percentage of 25 per cent. under proof.

In Western Australia the standard is 25 per cent. under proof for whisky, brandy and rum, and 35 per cent. under proof for gin. In New South Wales, South Australia, Victoria and Tasmania, all spirits—including gin—may not be more than a minimum of 35 per cent. under proof. Queensland has, for many years, provided for brandy at 25 per cent. under proof, whisky 32 per cent., rum and gin 35 per cent., though it is quite likely that Queensland has come into line with the other Eastern States during the past 18 months.

In Western Australia the percentage is favourable in several respects. One of these is in the matter of transport and distribution. Most of the spirits consumed in this State are brought here in bulk—that saves expenditure of freight on bottles and water content. That is important.

All spirits coming from the still are over proof and have to be broken down to meet each State's requirements. The breaking down poses no problem and, as previously indicated, would be done irrespective of the percentage content acceptable in any particular State because there is no point in paying freight on water.

In so far as liquor spot inspections are concerned, the higher spirit content in Western Australia facilitates better checking. This is because 90 per cent. of spirits spot checked are under refrigeration. The colder the temperature at which the spirit is held, the less volatile it is, and when the spirit is weak, it is more difficult to take a spot check satisfactorily. It is not practicable, of course, to have samples continually being taken to the laboratories for checking.

As to the application of price and potency on the consumer, it is a fact that the Western Australian nip is 13/16ths ounce, compared with the Sydney one fluid ounce nip. Now, the alcoholic content of both nips is very much the same, because the one ounce Sydney nip contains more water than the 13/16ths ounce nip in Western Australia. It follows that bottles of the lower potency Sydney whisky are slightly cheaper than bottles of the purer Western Australian bottled whisky.

It may be of interest to some members that the English standard lies at a point between the Western Australian and Eastern States' standards. Most of the popular imported Scotch whiskies are now brought to this State in bulk and bottled here.

Finally, at a recent conference of the Commonwealth Government organisation known as the National Health and Medical Research Council—which organisation is recognised as the highest authority in the land on matters within its jurisdiction—the representations of the Federated Wholesale Spirit Industry of Australia for uniformity throughout Australia were turned down. In support of its case, the Federated Wholesale Spirit Industry representatives claimed higher production costs based on the necessity to break up spirits to meet the needs of particular States. Against this, Western Australia argued that no extra costs were involved, because all bulk liquor was now being broken up in this State. This avoided paying freight on water or bottles, and the Western Australian case is further bolstered by the fact, as mentioned previously, that all premium spirit bottled for use throughout Australia is at the same grade, and that grade is set at the Western Australian percentage figure.

That is the information I submit to the House in reply to the question raised by Dr. Hislop.

Another minor point which has been drawn to my attention is that concerning the amendment relating to clubs. Frankly, I did not notice this myself, but I have been informed that the Press, I am sure inadvertently, reported the distance prescribed as being five miles instead of four miles. In the amendment dealt with yesterday the distance was four miles.

Question put and passed.

Bill read a third time, and transmitted to the Assembly.

ROYAL VISIT HOLIDAY BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [2.58 p.m.]: I move—

That the Bill be now read a second time.

I am sure the people of the State are delighted with the prospect of Her Majesty the Queen and His Royal Highness the Duke of Edinburgh visiting Perth in 1963, and the likely dates are the 25th and 26th March.

The purpose of the Bill is to enable a special holiday to be proclaimed by His Excellency the Governor in order that the

people of the State may be given an opportunity of properly honouring the visit of Her Majesty and the Duke. The Bill does not specify any particular date for the holiday, and the date is to be proclaimed for the reason that it may be necessary to meet Her Majesty's convenience.

There is a further provision to enable different days to be proclaimed in different parts of the State, with a view to the people in the country being able to observe the date of the Royal Visit; and until that has been definitely determined we will not know what the exact programme will be, because each Western Australian award and industrial agreement will be deemed to have been amended on the passing of this legislation which provides that the special holiday shall be treated as a public, bank, or public service holiday without deduction of pay.

There is a further necessary provision for the payment of compensation for work having to be done by certain employees on a proclaimed special holiday under the Act, whether by way of double pay or as an addition to annual leave.

The Hon. F. J. S. Wise: What is the annual leave position?

The Hon. A. F. GRIFFITH: I notice a question was asked about this point in another place. I have not yet been able to clarify it, but I intended to do so this morning. However, other matters occupied my attention, but I shall find out about the position before the Bill is passed.

THE HON. R. THOMPSON (West) [3.1 p.m.]: I cannot see anything wrong with this measure, and I feel sure all members will support it. In relation to the point raised by Mr. Wise when he interjected, a question was asked in another place about the position of employees who will be on long-service leave or annual leave during the time the vacation is granted. Are they to be given an extra day to compensate them for the loss of the public holiday? As the Act stands such employees will be precluded from having an extra day in lieu.

In introducing the Bill in another place the Minister said this point would be dealt with when the Bill was before this House. I do not want to delay the passage of the Bill, but I would like an assurance from the Minister that the employees I referred to will not lose the public holiday. It would be grossly unfair for employees to be deprived of this public holiday, which is to be granted to all workers in Western Australia, while they are on long-service or annual leave.

The Hon. H. K. Watson: I cannot see the point of the argument.

The Hon. R. THOMPSON: The honourable member can criticise my argument when he speaks. My argument is that when Christmas Day, New Year's Day or

a public holiday falls within the period of the long-service leave or annual leave of an employee, such public holiday is added to that leave. I would like an assurance from the Minister to clarify the situation, otherwise I intend to move an amendment.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.4 p.m.]: I have already undertaken to find out about the position before the Bill is passed in this House. I suggest that members permit the Bill to pass through the second reading, and I intend to delay the third reading until I have ascertained the position. I shall convey the information to the House at a later stage.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, and reported without amendment.

INSPECTION OF SCAFFOLDING ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.6 p.m.]: I move—

That the Bill be now read a second time.

The trends in modern building techniques call for even greater security measures for the safety of both the builders themselves and the passing public. Perhaps the most important legislation which is directed towards the safety of the public in that regard is the Inspection of Scaffolding Act.

One of the important administrative steps taken by a former Minister for Labour, the late Hon. C. C. Perkins, M.L.A., was the formation of the Building Industry Safety Committee. Following upon the good work already done towards assuring safety in industry, the committee—which is representative of management, labour, and Government—considers amendments to the Act are necessary in order to bring it further into line with legislation existing in other States.

The administration of the Inspection of Scaffolding Act was transferred to the Department of Labour in 1959, with some consequent assistance to the building industry through co-operation of all concerned. It is understood that building contractors these days look to the scaffolding section for guidance and assistance in their problems.

There is an important section in this Bill which has been inserted to bind the Crown, so enabling the Crown to better set an example rather than to remain exempt from the provisions of the Act. The Crown is cited in most Australian Acts of a similar nature.

The Bill proposes the deletion of provisions affecting different scaffolding height limits, as between the metropolitan area and those parts outside it. The removal of this differentiation of height again emphasises modern building trends common to both city and rural areas.

It is not intended to provide in regulations for fees or notification in respect of country single-storied domestic buildings, or single-storied buildings on farm properties. Nevertheless, in the interests of all associated with building undertakings and those who come in contact with them, it is intended that though no payment of fees or notification be insisted on, the safety provisions relating to scaffolding and gear will be subject to observation.

Some explanation in connection with the interpretation of the word "gear", and its inclusion now in the title of the Act is considered desirable. The Inspection of Machinery Act covers power-operated jibs and hammerhead cranes, but the rest of the definition covers all gear which is generally used by builders. The licensed rigger is a person whose duties have advanced in importance upon the erection of multi-storied buildings.

It will be noticed that the interpretation of "scaffolding" is being amended by the deletion of the minimum height of eight feet. It is explained, in this connection, that some contractors have deliberately been keeping their scaffolding just one inch below the statutory height in order to avoid payment of fees. The amendment will circumvent this practice, and will be a further safeguard against the erection of dangerous and defective scaffolding.

It is intended that amended regulations will be drawn up to provide that all building activity should bear equally the cost of scaffolding inspection. Exceptions will be country single-storied buildings and farm buildings. Furthermore, no fees will be required for any scaffolding under the height of six feet. The effect of this will be towards levelling of the fees generally.

It is proposed to alter the definition of "serious bodily injury", by reducing in the notification the period of incapacity from seven days to three days. This will then conform more closely with the standard code for industrial safety throughout the Commonwealth. The Act at present covers only licensed scaffolders and provides that licensed men are required for the erection of buildings and their demolition, but not for additions.

This Bill provides for the requirements and the certification to be set out clearly as regards licensed scaffolders and also licensed riggers. The reduction of the height of 27 feet to 20 feet for scaffold-

ing, when licensed men are required, is reasonable, because scaffolding tubes come in 20 ft. sections.

The department has authorised training in order that men may become certificated and safety conscious for the job. This is being done to meet the demand for trained and licensed riggers and scaffolders in the industry. Employees have been spurred to attend departmental training because the new Building Trades Award provides for a monetary incentive to certificated riggers and scaffolders. The amendment sought in the Bill simply has the effect of giving authority to what has been the general practice of issuing certificates.

There is a section in the Act which provides that an inspector may give directions as to scaffolding. This is being strengthened through the provision that the owner shall make safe, dismantle, render unusable, or remove such scaffolding and/or gear from the site. It is expected that this amendment will overcome a weakness in the Act which enabled the removal from the site to other jobs in other districts of scaffolding which had been condemned, and will prevent it being used again to the danger of the workmen or the public. Consequently, there is a further amendment clarifying the position as to whom the inspector may give directions in respect of such scaffolding and gear.

There is provision that notification of the inspector, in the event of an accident happening to scaffolding and gear, be made as soon as practicable. This is desirable so that investigations may be made for the purpose of preventing a recurrence of such an accident.

The Bill makes provision for the making of regulations for the licensing of workmen when they are operating particular gear in the building trade. There are several minor amendments required to tidy up the Act. The Building Industry Safety Committee submitted the proposals contained in the Bill as a unanimous recommendation. The amendments are considered necessary to assist both management and labour in the conduct of the building industry.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

STAMP ACT AMENDMENT BILL (No. 3)

Second Reading

Order of the Day read for the resumption of the debate, from the 7th November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

STATE FORESTS

Revocation of Dedication: Motion

Debate resumed, from the 7th November, on the motion by The Hon. L. A. Logan (Minister for Local Government) to concur in the Assembly's resolution—

That the proposal for the partial revocation of State Forests Nos. 4, 15, 22, 24, 25, 36, 37, 42, 64 and 65 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 6th November, 1962, be carried out.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [3.16 p.m.]: I support the motion. I had an opportunity of looking at the maps associated with the motion for the partial revocation of the State forests numbered in the text, and almost all of them are of minor acreage. All of them are excisions to meet public requirements and circumstances, or are excisions because of the lessening of their value as forest areas. I can see nothing whatever in the proposals against which to raise objection, and I support the motion.

Question put and passed, and a message accordingly returned to the Assembly.

FISHERIES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 7th November, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. N. E. BAXTER (Central) [3.17 p.m.]: I am in full accord with this amendment to the Fisheries Act, because of the provisions which have been inserted. We will remember that in 1960 we increased penalties under the Act from £2 to £10 in one instance in respect of undersized crayfish. Under this Bill the penalty has now been increased to a maximum of £100. I believe that when a penalty rises to this degree it will have more effect upon the industry than the lesser penalties have had in the past. I think it is a good thing.

Also, the provision to limit the number of crayfishing boats which are to be registered is a good one. The number of boats which have been registered over the past year has increased terrifically, the result being that the fishing grounds are becoming rather overcrowded and the catch has not been as great as it was in the past.

If this state of affairs continues and more boats are registered for crayfishing purposes, it is possible that those people engaged in the industry will not be getting as great a catch as they did before, and they may not get a reasonable return.

That situation could end in only one way—that is, the taking of undersized crayfish. This is a very dangerous practice so far as the future of our crayfishing grounds is concerned.

I consider that by limiting the number of crayfishing boats to be registered we will be taking a great step forward. Actually, of course, there is power under the Act to issue licenses or to register boats, but I believe the department will be very careful to ensure that no more than a few extra boats will be registered.

The other provision in the Bill is in regard to cooking pots which are found along the coast and in other places, and which are used for cooking undersized crayfish. I think the provision is a good one; because it is commonly known that this is being done along the coast and that mobile cooking pots are being used. It is very hard to detect those people who are beaching their boats along the coast and dealing in undersized crayfish. It is not possible for the inspectors to police the whole of our coastline where the industry is taking place and catch up with those fishermen who have been making quite a good thing out of selling undersized crayfish.

I believe that the confiscation of their pots will ultimately break down the incidence of dealing in undersized crayfish. Although it will not stop it altogether, at least it will have a deterrent effect on this side—a very undesirable side—of the industry.

It is a pity we could not go further in some way, but it is a most difficult job to police a coastline like ours where there are so many landing places. It would be an almost impossible task, because we would need an army of inspectors on the job trying to check every track and road to and from our beaches where this dealing in undersized crayfish has been going on. I support the Bill because I think it is a step in the right direction.

THE HON. R. C. MATTISKE (Metropolitan) [3.21 p.m.]: I would like to compliment the Minister for Fisheries on the practical approach he has made to this very important crayfishing industry during recent years. There is no denying that it is of great importance to the State as a dollar-earner, and it will become of even more importance in the future.

In the past there has been a lot of feeling between the crayfish operators and the inspectors of the Fisheries Department, but I am confident that in the last couple of years that feeling has disappeared and there is now one of great co-operation between the two sides. Therefore, the proposal in the Bill to increase the penalty from £50 to £100 will be welcomed by the legitimate operators. I am firmly convinced that it is necessary to have a stiff penalty such as is provided.

At present many operators are building high-powered boats which are capable of very fast speeds, and they are looking towards crayfishing grounds up to 30 or 40 miles from the coast. Some unscrupulous operators are catching undersized crayfish in those areas, and in others, and are even using two-way radio with shore contacts to establish whether or not there may be an inspector on the beach-head. If operators are going to indulge in those practices I believe the penalty should be stiffened, and should be applied.

We have a very important asset in the crayfishing industry, and if unscrupulous people are not to be checked, and severely checked, then the industry must surely suffer.

There is one matter to which I would direct the attention of the Minister, and that concerns the taking of crayfish from some of the more distant grounds; and by that I mean those which are situated some 20, 30, or even 40 miles from the coast. I understand that good catches of crayfish have been made during the last season or two by boats that have been operating experimentally at those distances in very great depths of water. Previously it was felt that fishermen could not operate successfully at such depths, but now it has been proved that they can. Strangely enough, by conducting these experiments they have been finding out more about the white crayfish, because in a number of instances the fishermen have found that they can get white crayfish from those depths.

My particular point is that if a crayfish is brought from the bottom to the surface in a very short space of time there must surely be some effect on the crayfish itself, because it is coming from a depth of 120 feet to 130 feet to the surface of the water very quickly.

The Hon. F. J. S. Wise: They do not get back to the bottom very easily.

The Hon. R. C. MATTISKE: That is the point. We all know the effect on human beings when they are brought from a great depth up to the surface too quickly; and I am wondering whether the same effect is evidenced on the crayfish. If that be the case the undersized crayfish that are rejected, even though they may be rejected immediately the pot is emptied, will probably not survive long enough to get back to their natural habitat at the bottom of the ocean. Will they be so affected physically that on the way down other fish will devour them?

I know that persons conducting research for the department are investigating all avenues of preserving the industry, but I think this is one aspect which could warrant particular attention. If it is felt that these crayfish would not survive the return journey to their reefs, then further action must be taken in order either to limit the periods during which

crayfish may be taken in those grounds, or to protect the crayfish population by some other means.

As I said before, I think the department is adopting a most sensible approach to this industry, and I hope that with co-operation between the legitimate operators and the departmental inspectors the industry will not only continue to flourish but will improve.

I should also like to take this opportunity of stressing the need for further money to be spent on research into this industry; because it is one of which very little is known at present. It is only through the department spending money on research that we can develop this very important asset to the State. I support the second reading.

THE HON. R. THOMPSON (West) [3.28 p.m.]: Like previous members I support the measure. However, as I have said previously, year after year we seem to be getting away from one important aspect, and that is: What does the legitimate fisherman want? During the spawning season, which I think is in early January, the legitimate fishermen want the season closed for six weeks so that many thousands of young crayfish will mature rather than be dragged to the surface, as Mr. Mattiske illustrated, to die.

When a crayfish is dragged to the surface at a fast rate, and it is in spawn, and is then thrown overboard, the weight of the spawn attached to the belly, and the weight of the water adhering to it, makes it so heavy that as soon as it hits the water it spins around on the top and ultimately dies. The mortality rate of crayfish is very low, and I think the Fisheries Department should give serious consideration to prohibiting fishing during the spawning season.

During the past year I had the experience of one unscrupulous fisherman in Fremantle coming to me with a reputable businessman from Fremantle—or at least at the time I thought he was reputable—pointing out that £9,000 worth of crayfish had been seized by the Fisheries Department. I think the department was quite right in seizing those crayfish.

This man, who was operating from Bunbury, found large crayfish—crayfish which ran about 16 to 18 to the crate; they were enormous—and he came to me with a lot of lies, and said he had not scrubbed a single crayfish. That is a term used for stripping the spawn. On the other hand Dr. Sherd from the C.S.I.R.O. inspected these crayfish, and found they had been scrubbed.

I canvassed a number of legitimate operators in Fremantle and asked their opinion. They said the season should be closed when the crayfish are in spawn. If the Fisheries Department does not take that action it means the effort put in will not be worth while, and the money we are

spending will be wasted; because these operators—particularly the clever operators who do not damage crayfish by scrubbing or stripping the spawn—know that there is a loophole and the department cannot proceed against them. I understand that some time ago in connection with this matter there was some litigation which has been adjourned *sine die*. I believe, however, that there is provision in the Commonwealth Constitution—it is in the Customs Act—under which these people can be proceeded against when exporting crayfish.

We get to the point, however, where millions of pounds worth of crayfish are being killed annually by both legitimate and illegitimate operators; because when crayfish are thrown back into the water their chances of survival is nil. These crayfish in spawn are drawn to the surface and thrown over the side; they hit the water with considerable force and the spawn is killed.

I know that the Bill says fishing can be prohibited at certain times. I hope and trust that means what I think it does; and that it meets the position that I am trying to explain to the House. I trust that my suggestions can be put into effect by the provisions in this measure. I agree with the penalties entirely, and I hope we will see considerably fewer prosecutions for the catching of undersized crayfish.

The provisions that have been placed in the Act over the last few years have not proved much of a deterrent to those who are operating illegally. I have seen many people with undersized crayfish, and I have even been offered some of these crayfish which, of course, I have always refused to accept. This industry is one of our natural assets, and we must preserve and protect it; and we must ensure that we are able to control it effectively. There are too many people in the industry today who are in it for the purpose of making what they can out of it; they are prostituting the industry, and are only concerned with getting rich quick. They certainly have no consideration for the good of the industry, and those in it.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.35 p.m.]: I thank members for their support of this measure. First I would like to deal with the query raised by Mr. Mattiske. I will ask the Minister for Fisheries to get in touch with the research officer with a view to getting him to have a look at the problem; because the more we can extend our fishing grounds the better it will be for the industry, and for the people engaged in it; and that is important. I believe there is some merit in the suggestion that there could be great mortality among crayfish because of their sudden rising from the seabed to the surface.

In referring to the matter raised by Mr. Ron Thompson concerning crayfish in spawn, I would point out that there is a penalty provision in the Act at the moment. Section 24 provides that any person who has in his possession or control, on his premises or in his boat, vehicle, or aircraft; or if he sells or causes to be sold—

The Hon. R. Thompson: But they do not take any notice of that provision.

The Hon. L. A. LOGAN: There is a penalty of £25 to £100. I understand the difficulty which the department faces is not being able to have sufficient men operating as inspectors. Members of this House do not like that sort of thing, but these men are essential if illegal crayfish operators are to be caught and prosecuted.

I was rather sorry that the fishermen did not take advantage of the offer made by the Minister to the industry itself, in which he suggested that they place a charge upon themselves to enable more inspectors to be appointed in the industry. This would have been to their benefit. It was turned down, however, by the fishermen, their argument being that the Government should take such action.

I think members will agree that in some of these industries the industry concerned is entitled to look after itself. After all is said and done, the amount of money that would have been required from each individual would not be very great, but the appointment of more inspectors would be of great assistance to the industry.

Members know that under the Vermin Act the farmers and pastoralists pay into a fund for the extermination of vermin. They also pay into a fund for the eradication of noxious weeds and so on. This is all done for the benefit of the industry concerned; and I see no reason why the fishermen could not have taken advantage of the same principle in order that more inspectors could be appointed to protect their industry, and prevent what is taking place at the moment.

If there were sufficient inspectors they would be able to watch every boat that came in, and could patrol our coastline with a view to preventing, if possible, the taking of undersized crayfish. When one goes into a hotel and orders a seafood cocktail one is unable to tell whether it is an undersized fish, an oversized fish, or anything else.

The Hon. E. M. Davies: Have they arrived at any method of measuring crayfish?

The Hon. L. A. LOGAN: Some sort of system has been arrived at which seems to have overcome the problem; but we have yet to overcome the difficulty of trying to bring to book the unscrupulous people who, for any reason at all, try to break the law; particularly if it proves beneficial to themselves.

The measure contains a genuine attempt to stiffen the penalties, and if anybody is caught the extra penalty may prove a deterrent to others who may wish to break the law.

The Hon. J. G. Hislop: Is there not a closed season operating?

The Hon. L. A. LOGAN: There is a closed season operating in the Fremantle zone and the Geraldton zone, but apparently that does not always cover the spawning period. It has previously been suggested that we have further closed seasons; but as soon as we do this, we interfere with the livelihood of those engaged in the industry, and they are not very happy about it.

The Hon. J. G. Hislop: They would object if they ruined the industry.

The Hon. L. A. LOGAN: Yes, but they do not worry about that now, because they are getting a decent living out of it. It is remarkable to know some of the people who are engaged in this industry and where they have come from. I know people who had very good farms and who, for some reason or other, are now engaged in this industry. They started off visiting their shacks at beach resorts on the weekends, and eventually gave up farming to go crayfishing.

I am sure we all appreciate how important this industry is to Western Australia. It means a lot to me because I represent the Midland Province which includes the Abrolhos area from which such a large number of crayfish come. This has a terrific impact on the economy of Geraldton; and if the industry flopped it would have a serious impact upon that town. I am sure we are all keen to ensure that this industry is kept at its peak.

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.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

Sitting suspended from 3.45 to 4.22 p.m.

LICENSING (ROTTNEST ISLAND) BILL

Second Reading

Debate resumed, from the 6th November, on the following motion by The Hon. F. D. Willmott:—

That the Bill be now read a second time.

THE HON. R. THOMPSON (West) [4.22 p.m.]: The Bill is in line with one which we have recently passed to extend

the right to certain hotels to trade on Sundays. That measure has gone to another place for consideration. I expect that the Legislative Council will pass the Bill before us. It is strange, when we realise the Bills that have been passed by this Chamber, but have been rejected by another place, to know that just because of the tourist potential of Rottnest Island, and the glamour associated with it over the past few years, members in another place have agreed to extend the trading hours there.

I take the view that there should be some consistency; and if a person can go by plane, or by boat, to Rottnest for a day and have his share of liquor there, then so should everyone else enjoy a drink who comes within the bounds and limits of the Act. I know this House has agreed to that principle, and I hope there will be some consistency in respect of this measure and the previous Bill that we passed.

I have mixed feelings about Rottnest; and many people have expressed the same view. People who visited the island before the hotel was established used to enjoy Rottnest for its natural beauty; and there was more of a community spirit and more goodwill on the island. Since the hotel has been there it has taken over the social life of the entire island, and now one is out of things if one does not drink at the hotel.

Under-age drinking has been blamed for quite a lot that has happened at Rottnest. I do not say that the publican has readily supplied liquor to under-age drinkers, but someone accompanying them gets the liquor and passes it on. Prior to the hotel being established at Rottnest people still had their drinks and had their good fun, but the serious things, such as fires and so on, that have occurred in the last few years through under-age drinking did not take place.

Another point at issue is that where the mainland hotels can be policed, the Rottnest hotel cannot; because I believe there is no policeman stationed on the island. Personally I think it would be a good thing for the hotel at Rottnest to be granted the extra hours, if for no other reason than this: since the hotel has been established there while one publican was in occupation and held a license the hotel was open from 9 o'clock on Sunday morning until the time I used to leave the island, about 7 or 8 o'clock at night. It was open house. Evidently that publican had a license to break the law. Yet we find the present licensee has been prosecuted and has since ceased to trade on Sundays.

It is rather strange that although this hotel is debarred from selling liquor on Sunday, the authorities closed their eyes to the Sunday trading there for many years, but about eight or 12 months ago the present licensee was prosecuted.

I intend to give qualified support to the Bill. I hope and trust that some control will be exercised and that a police officer will be stationed on the island not just during the rush periods, but every Sunday while the hotel is open so that it can be properly policed.

Debate adjourned, on motion by The Hon. J. D. Teahan.

ROYAL VISIT HOLIDAY BILL

Report

Report of Committee adopted.

Third Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.32 p.m.]: I move—

That the Bill be now read a third time.

In moving the third reading of the Bill I do not want to give members any idea that I purposely moved the Bill to a point of no return, because that was not my idea at all. I feel that Mr. Ron Thompson will accept the explanation which I am now about to give and of which I have acquainted him privately. The request he advanced is not possible of being granted for the very reason that it is at variance with the long-service leave conditions that are operating whether by Act, award, or regulation. The appropriate Act in Western Australia, No. 44 of 1958, contains the following provision:—

An employee who is taking long service leave

- (a) is not entitled to any extension of that leave because a public holiday allowable under the employee's conditions of employment occurs during the period of the leave; and
- (b) is not entitled to leave in lieu of that day.

The general long service leave award issued by the Arbitration Court, No. 55 of 1958 reads—

Any leave shall be inclusive of any public holidays specified in this award or agreement occurring during the period when leave is taken but shall not be inclusive of any annual leave.

The Government workers' long-service leave conditions and public service long-service leave conditions are in accord with the Act and award dealing with long-service leave. Such a provision would immediately create a precedent.

Surely, the main, fundamental reason for this holiday is to allow workers to see the Royal visitors. It is true that some workers in the outback areas will not be able to do this, but it would be impossible to draw the line as to where a holiday is to be observed and where there should be no holiday. Hence the State-wide

coverage. The worker who remains in Western Australia on his long-service leave will be able to make his arrangements to view the Royal procession without any loss of pay; and, after all is said and done, that is the object of the Bill now before the House.

The position becomes somewhat farcical when workers on long-service leave are out of the State or, perhaps, even out of the Commonwealth. The day, to those people, would have no real significance. So whilst I feel sure the purpose of the honourable member was well intended, I am certain now that he will accept the explanation I have given.

THE HON. R. THOMPSON (West) [4.36 p.m.]: It will be realised that on considering this Bill I did not have time to compare it with the Long Service Leave Act. Since then I have received the Minister's explanation which I accept, and I now support the Bill.

Question put and passed.

Bill read a third time and passed.

STAMP ACT AMENDMENT BILL

(No. 3)

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 75B added—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 2, line 7—Delete the word "Commissioner" and substitute the word "Treasurer."

In explanation of this amendment, I would point out that the Companies Act has the word "Treasurer" contained in it, and in the drafting of this Bill the word "Commissioner" was inadvertently used, and it is desired by the Government that the exemption of stamp duty shall remain in the hands of the Treasurer and not the Commissioner.

Amendment put and passed.

The Hon. H. K. WATSON: I move an amendment—

Page 2—Insert after subsection (1) in lines 3 to 11 the following new subsection to stand as subsection (2):—

- (2) The Treasurer may, in his discretion, exempt from *ad valorem* duty, wholly or partially, any instrument whereby a wholly owned subsidiary of a holding company transfers assets to that holding company or to another wholly owned subsidiary of that holding company.

The principle underlying the proposed new section, and indeed the whole Bill, is that stamp duty shall not be levied on a transaction where, in effect, there is no change in beneficial ownership of the asset. If it were levied it would be completely unfair. As subsection (1) of proposed new section 75B is drafted it goes part of the way, but does not give full effect to the principle which it seeks to support. As drafted, it will deal only with the case of a company that is put into liquidation and is reconstructed by sale to a new company.

The modern practice in the industrial and commercial world is for an interchange between a holding company and its wholly-owned subsidiary. It will be recalled that in the Companies Act we now have provisions which declare that the subsidiaries of a company shall be treated as part and parcel of the holding company. I ask the Committee to accept the amendment in order to give full effect to the principle which the Bill purports to support.

The Hon. A. F. GRIFFITH: I cannot support this amendment. I gave the honourable member an undertaking because, due to an omission, the request he made last year was not fulfilled before the introduction of the Bill. I took steps to request the Treasurer to introduce a Bill to include the provisions that were contained in section 433 of the old Companies Act. The Bill before us seeks to do that very thing in accordance with the undertaking I gave.

I have consulted the Treasurer on the suggestion put forward by Mr. Watson, but he has not had an opportunity to consider the extent, or the effect, of the amendment. He wants a proper opportunity to determine where this amendment will lead the Treasury; and that is not an unreasonable request.

If the honourable member is prepared to put a case before the Treasurer, the matter will receive consideration; if the consideration should be favourable a Bill will be introduced in Parliament next year to give effect to what he is seeking. For that reason I suggest the amendment be not agreed to; because the Bill is giving effect to the undertaking which has been given, and it was not anticipated at the time of the undertaking that any further provision would be included in this short Bill.

The Hon. H. K. WATSON: The amendment concerns the exemption from stamp duty of the movement of assets from one part of a company to another. The ownership is not changed and no stamp duty should be payable. Furthermore, my amendment is not a mandatory provision, because it states that the Treasurer may, in his discretion, exempt either wholly or partially an instrument of transfer. I submit that the time when a case can be

stated is when such transfer is made, just as a case for exemption has to be stated in respect of each transaction when it arises.

It is not as though by the passing of the amendment the Treasury will lose control of the transactions I mentioned. The case submitted to the Treasurer is not a general one; it is one to justify a particular document. So far as stating a case is concerned, on a general basis I cannot do any more than I have done on this occasion. I want to remind members that thousands of pounds are spent in attracting, or endeavouring to attract, industry to Western Australia from overseas and the Eastern States; and the Government has been very liberal in its concessions to those industries. I see no reason why the same concessions should not be given to the development of industry within the State when a company reorganises itself. The least that can be done is to agree to the amendment in order to assist companies to reorganise or reconstruct themselves, either by selling out to another company or by reforming within their own groups.

The Hon. A. F. GRIFFITH: The Bill before us gives effect to the undertaking I gave. All the Treasurer desires is to be given the opportunity to examine further the proposition put forward by Mr. Watson; and the Treasurer is not prepared to come to any hasty decision. What the State does by way of incentive to attract industry has nothing to do with this Bill.

The Hon. F. J. S. WISE: Will this amendment deprive the Crown of much revenue?

The Hon. A. F. GRIFFITH: I do not know. The Treasurer has made a reasonable request that he be given ample opportunity to consider the effect of the amendment.

The Hon. R. C. MATTISKE: I agree with the views put forward by Mr. Watson, because this type of transaction occurs very frequently in the commercial world. In modern times, with changes in commerce, such transactions occur with greater frequency as time passes. Where the ownership of a company does not pass to some other company, the request for exemption from stamp duty should be granted.

I appreciate what the Minister has said, that the Treasurer has not had sufficient time to consider the matter fully. As it is of importance, and in order to avoid the introduction of another Bill, I would ask the Minister to report progress so that the Treasurer can examine the position before the House meets on Tuesday next.

The Hon. A. F. GRIFFITH: I am not prepared to accede to that request. I have introduced the Bill in response to the undertaking I gave, and I am not prepared to go further.

The Hon. H. K. WATSON: The Minister implied that this Committee should not have an amendment imposed upon it. I am entirely in the hands of the Committee, and I do not want to enforce any amendment on members. I submit this is a proposition with which members may agree.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.

House adjourned at 4.56 p.m.

Legislative Assembly

Thursday, the 8th November, 1962

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The SPEAKER (Mr. Hearman) took the Chair at 11 a.m., and read prayers.

QUESTIONS ON NOTICE

1. *This question was postponed.*

TOBACCO FARMS AT MANJIMUP

Production of Other Crops

- 2A. Mr. ROWBERRY asked the Minister for Agriculture:

Has the Department of Agriculture given any consideration to the production of the following on tobacco farms in the Manjimup area:—culinary herbs, tobacco plant, nicotine sulphate, hops?

Mr. NALDER replied:

The crops detailed are being investigated but at present there does not appear to be any great scope for their production at Manjimup as alternatives to tobacco.