Mr. HUGHES: I am not in a position to make them.

The DEPUTY SPEAKER: The hon. member will not be allowed to make them on this Bill either.

The Minister for Lands interjected.

The DEPUTY SPEAKER: Order! The Minister for Lands must keep order.

Mr. HUGHES: I might say that on this question of writing down I do not agree with the arbitrary method the Bill proposes. I do not think it is a practical business to say that we are going to value a farm with wheat at 3s. and wool at 6d., because wool might be 3s. 6d. and wheat 6s. 6d. I do not agree with that particular aspect of the Bill. With regard to Section 51, which all the controversy is about, it seems to me that its retention is unnecessarily harassing the farmers. If one goes to the Agricultural Bank officers they will say, "We never use Section 51 and we would not use Section 51." If they never used it and would not use it, why do they want to retain this legislation on the statute-book so that everybody must ask the farmer whether there is anything owing to the Agricultural Bank before the produce can be dealt with.

The Minister for Lands: Why the Criminal Code?

Mr. HUGHES: I do not know why I should be called upon to explain the Criminal Code. I believe it contains 750 sections, and the hour is too late to start on it. Section 51 of the Agricultural Bank Act goes far beyond what is necessary and is unduly irksome and harassing to the farmers. It not only takes security over the chattels but it reaches out and brings within the charge chattels that are not bona fide within the terms of the original security. This section has turned back the clock of legislation to 1623 or thereabouts, when, if there was a debt, it was a charge on all the assets of the debtor. The law had to be amended, because it made the exchange of goods so difficult and irksome that no man could sell his land for fear of being faced with some undisclosed charge. The law had to be amended to insist that unless the charge was disclosed, the goods could be dealt with. Now, everyone who deals with a farmer is placed in the position of having to put him through a harassing and humiliating inquisition and get into touch with the Bank. If the farmer's interest is not paid at the end of the year, the Bank has its remedy. Admittedly, if a farmer is in a position to pay and does not meet his commitment at the end of the year, the Bank, as first mortgagee, is entitled to call up the mortgage. I do not think that any member, whether representing a country or a city constituency, would object to that procedure. Such a man would receive little sympathy if his mortgage were called up. But why, with that isolated case, should we impose these irritating tactics on all farmers who will legitimately pay their interest at the end of the year? Why bring out a wagon to crush a beetle? There is quite a lot I should like to say on this Bill.

The Premier: Then you had better make a start.

Mr. HUGHES: I am in the unfortunate position of feeling that I have been speaking for 45 minutes, whereas I have been speaking for only about 12½ minutes. I propose to support the second reading of the Bill, reserving the right to vote for amendments or against certain clauses in Committee.

On motion by Mr. McDonald, debate adjourned.

House adjourned at 11.5 p.m.

Legislative Council.

Thursday, 28th October, 1937.

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

BILLS (2)—THIRD READING.

1. Fremantle Municipal Tramways and Electric Lighting Act Amendment.

Returned to the Assembly with an amendment.

2. Supply (No. 2), £1,400,000.

Passed.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Report of Committee adopted.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Report of Committee adopted.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.36] in moving the second reading said: This is a Bill to continue the operations of the Lotteries (Control) Act which expires on the 31st December. On this occasion, however, two amendments to the existing Act are proposed, involving a deviation from the principle which has been followed in each of the continuation measures enacted since the inception of this legislation. It is sought to obviate by the Bill the necessity for bringing forward an annual continuation measure by repealing Section 21 of the Act, the desire being to make the Act permanent. The second amendment relates to the provisions governing the constitution of the Lotteries Commission under which members hold office for twelve months only, and are then eligible for re-appointment. It is now proposed to extend this term to three years. Five years have elapsed since a Commission was constituted, with power to conduct lotteries. During that period, the consultations promoted by the Commissioners have been uniformly successful. Liberal distributions have been made from the profits derived, to various charitable organisations and deserving objects, and there can be no doubt that not a tithe of those benefits would have accrued from other sources had there not been Charities consultations. Then, again, the operation of the Act has resulted in the retention within the State of a large amount of money that was formerly sent away to purchase tickets in sweeps conducted in the Eastern States, and elsewhere. This has been a factor of considerable importance at a time when it has been essential to keep all the money possible in circulation within the State. I think it can be claimed that as a result of the activities of the Commission, there are very few people who would be willing to forgo the regulation and control over lotteries established by the Act, in favour of the state of affairs that existed prior to its inception. Our legislation has now passed the experimental stage, and the public generally are not only satisfied with the work of the Commission, but are prepared to accept their activities as a permanent feature of everyday life. The total amount subscribed this year to the nine consultations finalised up to the end of Consultation No. 57, was £160,692 15s. Prize money was allocated amounting to £80,314 17s. 6d. (49.98 per cent.), and expenses totalled £24,006 11s. 4d. or 14.93 per cent. of the subscriptions. The Act, of course, provides that the Commission shall not be entitled to devote more than 25 per cent. of the subscriptions to this purpose. Having regard to the 10 per cent. commission which is paid as a standard rate to agents——

Hon. G. W. Miles: It is too high.

The CHIEF SECRETARY: Hon. members will see that the actual expenses incurred by the Commission have been something less than 5 per cent. The amount realised for distribution was £56,371 6s. 2d. (35.08 per cent.). This, together with a balance of £78,113 16s. 11d. carried forward from last year, and bank interest at the 30th June last amounting to £1,485 13s. 5d., brought the total available for distribution to £135,970 16s. 6d. Of this sum, an amount of £60,676 4s. 3d. was paid out in donations this year, while commitments amounted to £57,026 9s. 7d. The balance left for further distribution thus amounts to £18,268 2s. 8d., to which has to be added £1,840 6s. 6d. representing unclaimed prize moneys and tickets. During the year hospitals in this State have been assisted financially to the extent of £28,590 5s. 0d. The principal beneficiaries were:—

	£	s.	d.
Children's Hospital	5,025	0	0
Fremantle Hospital	6,632	8	0
Hospital Social Service ..	1,725	9	0
Perth Public Hospital ..	1,500	0	0
Pingelly Hospital	1,441	10	0
Port Hedland Hospital ..	1,000	0	0
Southern Cross Hospital ..	1,095	5	0
Travelling Dental Clinic ..	1,000	0	0

The balance was distributed in grants of varying amounts to other hospitals throughout the State. Blankets and sheets to the value of £1,684 19s. 7d. have been given for distribution to the indigent and needy through the medium of the different relief

committees, and besides this, the sum of £2,435 has been spent for the relief of distress through the same agencies. The Commission also made allocations totalling £8,538 18s. 6d. to the following orphanages:—

	£	s.	d.
Anglican	867	15	0
Castle Junior	431	1	6
Clontarf	3,538	17	0
Parkerville Home	1,800	18	0
St. Joseph's	494	0	0
St. Vincent's Foundling Home	457	12	0
Tardun Boys' Farm School ..	850	0	0
Children's Cottage Home, Queen's Park	98	15	0
Total ..	£8,538	18	6

Other institutions and organisations have received £20,479 6s. 1d. this year as a result of the Commission's activities. Among them were:—

	£	s.	d.
Aborigines Department ..	1,105	0	0
Australian Board of Missions	500	0	0
Braille Society	550	0	0
Child Welfare Department ..	400	0	0
Housing Trust	1,200	0	0
Infant Health Centres ..	1,700	10	0
Lady Lawley Cottage	729	0	0
Metropolitan Council of Unemployment Relief Committee	1,000	0	0
School for the Blind	5,750	0	0
Silver Chain Nursing Association	966	10	10
South-West Relief Committee	1,000	0	0
St. John Ambulance Centres ..	2,677	12	0
W.A. School for Deaf and Dumb	539	0	0

Members will agree that that is a varied and extensive list of substantial amounts provided through the activities of the Commission, and I hope that the distribution will meet with approval. It is generally agreed that the Commissioners are giving satisfaction in the handling of the lotteries. Nevertheless, it has been urged that if the best results are to be achieved for the conduct of the lotteries, the Commissioners should be enabled to pursue a continuous policy. That condition cannot be achieved so long as the Act has to be renewed from year to year, and the personnel of the Commission itself is subject to annual change. For that reason, we submit that the Act should be made permanent, and that the Commissioners' period of office should be extended to three years. I move—

That the Bill be now read a second time.

On motion by Hon. J. Cornell, debate adjourned.

BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.50] in moving the second reading said:—This Bill embodies certain proposals similar to those contained in a measure brought down last session. The Bill provides that no person with dependants shall have either his wages or its income equivalent reduced below the basic wage level by reason of the payment of the financial emergency tax. Amendments to the principal Act in 1933, and in each of the subsequent years, have fixed the exemption under the financial emergency tax for persons with dependants at a figure slightly above the basic wage for the metropolitan area. Last year's amending Act fixed the figure at £3 15s. per week in respect of salary and wages, and £195 per annum in respect of incomes. The Government take the view that as the method employed to determine the basic wage makes no allowance for the payment of this tax, the people concerned would be deprived of money intended for the necessaries of life if they were compelled to make their contribution. Thus, from time to time, as the basic wage has progressively advanced, a policy has been adopted of meeting the increase by raising the exemption figure. We now propose to obviate the necessity for altering the exemption figure each year consequential upon adjustments to the basic wage, while still giving effect to the principle followed in recent years. The Bill therefore provides that, instead of the exemption being fixed at an arbitrary figure, it shall be determined in accordance with the basic wage declaration issued by the Court of Arbitration. Under this measure, the basic wage earner with dependants will be exempt in all parts of the State. It is also provided that the tax payable shall not reduce the wages of a person with dependants below the basic wage. This proposal will prevent the anomaly of a man with a small margin receiving a lower net remuneration than that of the basic wage earner. There are similar provisions in respect of income earners, and the Bill accordingly defines the term "basic income," which is the weekly basic wage multiplied by 52. Insofar as the wage earner is concerned, the term "basic wage" simply means the male basic wage from time to time in force in the district where he works. With regard to other income earners, however, it

is necessary to take the "basic wage" ruling on a certain date in order to arrive at the "basic income." In determining the "basic income" of an income earner domiciled in Western Australia, the wage taken for the purpose of multiplication by 52 will be the male basic wage in force on the last day of the income year in the district where the person concerned has his permanent home, or, in the case of an income earner living outside Western Australia, the basic wage at Perth. As regards wage earners, the provisions governing exemptions and rebates will operate as from the 1st January, 1938. As to last year's income, that is, income earned during the year ended the 30th June, 1937, there will be a rebate provision in the taxing Bill which will have the effect of ensuring that no income earned subsequent to the 1st January last will be reduced below the basic level on account of the payment of the tax. This Bill contains the necessary machinery provision to implement that proposal. Income earners and wage earners have, therefore, been brought into line so far as possible. We also propose to amend Section 9 of the Act by making employers or other persons paying wages or salary personally liable to pay the tax if they fail to make the necessary deduction. This provision is deemed necessary, in that the Commissioner of Taxation has had no remedy against an employer who has failed to carry out his statutory duty except to prosecute him. However, this is not always effective as the State may still fail to recover the tax. The only way to ensure the collection of the money in cases where wage earners cannot be traced is to make the employer personally liable. Another proposal seeks to extend the period of limitation for a prosecution for an offence against the Act to three years. The present limitation of six months prescribed under the Justices Act has been found too restricted, since in certain cases breaches of the Act may remain undetected until a considerable time after they have been committed. It is not possible with the present staff to keep numerous inspectors travelling around the country policing the Act, and for that reason we think it reasonable that the Commissioner should be allowed the same period in which to recover moneys lawfully due to the State as is prescribed under the Land and Income Tax Assessment Act. I move—

That the Bill be now read a second time.

On motion by Hon. H. Seddon, debate adjourned.

BILL—MINING ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. J. NICHOLSON (Metropolitan) [4.58]: The presentation of this Bill was unfortunately accompanied by certain criticism that members who have spoken have regretted, and I regret with them that it should have been thought necessary on the part of the mover to direct adverse criticism against the Minister for Mines and the former Under Secretary for Mines. Both the Minister and the Under Secretary for Mines are charged with serious responsibilities, and their offices entail heavy duties. If a Minister or officer should depart from the paths of rectitude, a remedy is provided. Whenever anybody holding a high office such as that of Minister for Mines does some act, the reasons that actuated him are frequently misunderstood. Those who have had responsibilities to discharge at various times, have recognised that they must take into consideration many matters that may have actuated them in coming to a decision one way or another in connection with matters that may not be fully understood by those not concerned in the same way as it may appear to the Minister. But it is most essential, before actually seeking to attribute a wrong to a responsible Minister in doing a certain thing, to have before us the full details of the matter in question. Unfortunately it is impossible for Parliament itself, or for individual members of the House, to deal with these matters in the same way as the Minister charged with the duty of his office can do. I myself would hesitate before laying any charges in a matter such as this, or even attributing anything other than the best of motives. If what has been done may be deemed to be something requiring an investigation, then there is always the method open of making an inquiry through the channels provided for that purpose. That course has been adopted in previous cases. It would be much better to have an investigation into any complaint that a member may desire to raise, rather than simply make a charge. When these matters are ventilated in Parliament, they are probably misunderstood by the general public, with the result that a man holding such a position as that of Minister for Mines is blamed for

doing something that he has not done at all. It may be found that what he has done is in the best interests of the State. On the other hand, an investigation or inquiry might disclose something else. However, the public would then have the advantage of knowing the true facts and could weigh the matter in a different way from that which is possible when merely charges are made. Probably it is highly advantageous that the Bill has come before the House, because it has served to bring under the notice of hon. members the provisions of a section which I believe in years gone by have provided some means of controversy as to its exact meaning. Through Mr. Williams and those associated with him in introducing the measure, the provisions of Section 297, dealing with reservations, have been brought to light more prominently than perhaps most hon. members may have realised in the past. The more one looks at the section, the more difficult it becomes to construe its full effect. Indeed, I think that instead of having made the provisions in the manner which has been adopted, and including those particular reservations in the definition of reserves, the better and wiser course might have been adopted of giving them some more distinctive title severing them entirely from any association with what is generally regarded as a reserve. Ordinarily a reserve is looked upon as some particular Crown land reserved for some particular purpose. We have that in connection with parks and reserves, of which there are many examples throughout the State. We have also reserves of various other classes. A reservation from occupancy of mining land is something entirely different from our general conception of the word "reserve." If any amendment of the Mining Act is to be considered, it might be worth while for the Government to examine into the desirability of naming those particular reservations by some other title, so as to distinguish them more fully from our general understanding of the word "reserve." By Section 297 of the Mining Act it is provided that the Minister, and pending a recommendation to the Minister a warden, may temporarily reserve any Crown land from occupation, and that the Minister may at any time cancel any such reservation, provided that if such reservation is not confirmed by the Governor within 12 months, the land shall cease to be a reserve. Under the same section the Minister may, with the approval of the Governor, authorise any person to occupy temporarily any such reserve on such terms as the Minister may think fit. As I understand the matter, what has been done in the past has been to grant those reservations, under a power apparently believed to exist, to various people with the object of enabling them to prospect the areas and with the ultimate view of finding indications of mineral wealth which would enable them to take up leases and thereafter work and develop those leases in the manner intended by the Mining Act. It has also been alleged that there have been abuses practised in connection with those reservations, and that some of the parties who have had these reservations granted to them have not used the land in the way contemplated, and that consequently the ordinary prospector has been prevented from prosecuting his work over the areas included within those reservations. I think we should look at the matter in this light: is it a good power, or is it a bad power, to have in the Act? Personally I think there must be some authority of this nature in the interests of the State, because if some authority and power be not granted in this way, we shall hinder the development of, if not the most important, certainly one of the most important of the industries of Western Australia—an industry which has served to bring back prosperity to this State on more than one occasion. If we look at the matter in a fair light, we must recognise that the development of the mining industry is not going to be carried out by the mere sinking of a few shafts, the opening up of a few costeans, and the tracing of a line of lode or anything of that sort. Development can take place in only one way, by the introduction of capital. Without capital, the ore bodies of Western Australia will, I am afraid, remain where they are. That being the case, it is apparent that in the interests of mining in this State some power of the kind should be given. I am convinced of that. I feel also that such a power need not hinder the work of the genuine prospector, so long as some power can be given to him to enter on property as is provided in the case of open reservations granted, and on which according to what has been said prospectors refused to work. But we cannot give the same rights over the same areas to

two people, and the provision that exists at present seems equitable. That provision in the case of an open reservation, requires a prospector who discovers something on the area, must offer it in the first place to the holder of the reservation. That I do not consider unfair. I regard it as quite just. Probably Mr. Williams, when replying, will have something else to say on that aspect. Something was said by Mr. Moore to the effect that mining companies holding reservations had not done any prospecting.

Hon. T. Moore: I said they had never sent out prospectors. I did not say they had not done any prospecting.

Hon. J. NICHOLSON: I am sorry I misunderstood the hon. member.

Hon. T. Moore: They did deep boring.

Hon. J. NICHOLSON: I took the opportunity to make some inquiries. For example, the Sons of Gwalia Mine——

Hon. C. B. Williams: A very good company and it has done a lot of good work.

Hon. J. NICHOLSON: The Sons of Gwalia mine has done a great deal to help bring in capital and has provided employment, and assisted the industry very materially. At Tampa, which is about half way between Kalgoorlie and Menzies on the Kalgoorlie-Leonora-road, the Sons of Gwalia Company held a reservation of 2,000 acres. That was taken up because a very strong shear zone existed in that area. There were no old workings within the boundaries of the reservation, and no prospecting was going on anywhere in the vicinity. The company equipped two prospectors and started them to systematically loam the area, and practically the whole of the 2,000 acres was tested by this means. When it was found that the ground was valueless, the reservation was immediately surrendered to the Mines Department. That is a practical instance of what the holder of one reservation has done.

Hon. T. Moore: One swallow does not make a summer.

Hon. J. NICHOLSON: But we must look at the matter from the standpoint that we have immense areas of auriferous country, and unless we can get capital here to develop those areas, the industry must suffer. The means must be provided and given to some responsible authority to deal with these matters in such a way as will make it possible to achieve the success desired for the benefit not only of the State but for the public generally, and also for those who desire employment. These points must be kept in view and the Bill before us would have the effect of destroying entirely the power which is given, or supposed to be given, by Section 297 of the Act. I think it was Mr. Baxter who drew attention to the fact that a provision in the Bill before us, in effect, repeals that section. What should have been done was to repeal the section proposed and suggest something as an amendment. Instead of that, there is a proviso added which has the effect of a repeal. According to the statement presented to me, the same company held two reservations immediately to the south of the Lancefield mine. Those reservations included some old workings, and excised from the area was a 12-acre lease held and worked by a prospector. The object of the company holding the reservation was to ascertain whether the Lancefield lode existed southward beyond the cross-course, and it was necessary to do some diamond drilling. The programme of the company was to put down bores between the Lancefield boundary and the ground held by the prospector, and if the work disclosed values, then to drill in the south portion of the reserve. Two bore holes were put down in some old workings, no values were found, and the area was immediately forfeited. There we have another instance of prospecting on a reservation. The cost of the work at Tampa was £500 and the period over which the work was carried out was nine months. In the Lancefield case the cost was £1500 and the period also nine months. The Sons of Gwalia Company obtained a reservation half a mile north and south of the company's leases. This area was first surveyed by geophysical methods and the results indicated that several favourable shears existed in the area. To test the ground, diamond drilling had to be done, but before that work was commenced 18 leases were pegged and the remainder of the reservation was abandoned. The geophysical survey in that case cost £1,300, and, because of unavoidable delays, it was 12 months after taking up the reserve before this portion of the programme was completed. Diamond drilling occupied a further 18 months and the leases have now been abandoned. The cost of the drilling was approximately £5,000. Had it not been possible to obtain the reservations, none of

the above work would have been undertaken. The ground tested had been vacant for many years and is still unoccupied. That is a very important fact to bear in mind, and what applies to this particular instance no doubt applies to many other reservations which, before the reservations were taken up, were merely unoccupied land. The company in question feels it is essential to point out that nowadays it is the motor car prospector against whom the mining companies have to protect themselves; otherwise, immediately outside work is undertaken by important mining interests, extensive pegging results and that is rarely done by genuine prospectors. That is the point it is necessary to emphasise, and it shows how essential it is that there should be reservations granted. It has been suggested in the course of the debate that one could take up leases in the same way.

Hon. C. B. Williams: As they have always had to do in this country.

Hon. J. NICHOLSON: In the earlier years we did not have the motor car prospector and there were not the present-day quick methods of transport. When a man or a company made a discovery, it was possible then to examine the ground very thoroughly, but to-day that is not possible because the moment a find is made, within a comparatively few hours the country is pegged for miles. That operates against the best interests of getting capital into the country, and it is detrimental to what is essential for the development of mining in this State. There must be some definite assurance given to those who are about to embark in mining that there are prospects ahead, and the processes that it is now possible to use to locate finds were not in vogue in the earlier years. There is greater assurance given to investors to-day probably than was the case in former years. To-day investors have a chance of recovering their capital and a fair return on their investment as well.

Hon. C. B. Williams: They want reservations the size of a sheep station.

Hon. J. NICHOLSON: Whether the reservation that is granted is the size of a sheep station or not, it can only be granted for a certain term. One does not want to give an area in the form of a reservation for an unlimited period, or for a period usually associated with areas taken up for pastoral purposes. The term, however, should be sufficiently long to permit of the area being prospected, and when that term is at an end, then the holder's right to the property should cease. The companies think that the right to grant reservations should be retained in the Mining Act, but that precautions should be taken against speculative interests holding ground for extensive periods without testing it. I again emphasise the fact that it will be of the greatest possible advantage to the mining industry and the welfare of the State generally that the right to grant reservations should be preserved. Some comment was made in the course of the debate that no gold has been won from reservations that have been granted. We know why. It is because when a reservation is held it is held not for the purpose of mining as one would mine on a lease, but for the purpose of prospecting the area with a view to securing a lease and then working and developing it. The holder of a mining reservation has no power, as far as I am aware, to mine as has the holder of a lease. He can go on the reservation and prospect and bore and take samples up to a certain quantity. One wants to see the industry preserved and provision retained in the Act to encourage the introduction of capital, and not discourage people from investing their money on our goldfields. The Minister and also Mr. Seddon quoted instances of persons or companies having expended large sums of money, larger than those I quoted, on their reservations without having had one penny in return. One knows the difficulty—it has been emphasised throughout the discussion—the difficulty of finding gold in payable quantities and assuring to those who have put in their capital that they are going to get a fair chance of a return. I hope, therefore, that members when considering the Bill will realise the importance of this matter from the standpoint of the mining industry and the welfare of the State. I must say that I cannot see my way to supporting the Bill in its present form.

On motion by Hon. C. B. Williams, debate adjourned.

BILL—JUDGES' RETIREMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.32] in moving the second reading said: The purpose of the Bill is to make provision for the automatic retirement, at the age of 70 years, of any judges of the Supreme Court of Western Australia who may be appointed subsequent to the enactment of this measure. The Stipendiary Magistrates Act, 1930, already provides for the retirement of stipendiary magistrates at the age which this Bill proposes shall apply in respect of judges. The same provision is also made in the Industrial Arbitration Act, 1912-25, for the retirement of the President of the Arbitration Court. We also have the legislation of three other States to guide us. In 1935, a deputation from the Council of the Law Institute of Victoria waited on the Attorney General of that State with a request that the Government fix a retiring age of 70 years for judges in all jurisdictions. The Attorney General then intimated that he strongly favoured the proposed reform. Since then, a Bill has been passed in Victoria providing for the retirement of judges of the Supreme Court in that State at the age of 72. In the same State, other legislation has been recently enacted dealing with the retiring age of persons holding judicial office. Thus, the Victorian Act No. 4355 fixes the retiring age for county court judges at 72 years, while Act No. 4356 precludes any justice of the peace and any coroner from acting after they reach the same age in Victoria. In Queensland, a measure was enacted in 1921 which provided that all judges then in office, or appointed subsequent to the passing of the Act, should retire at the age of 70 years. For the purposes of that Act, the term "Judge" includes the judges of the Supreme Court of Queensland, the President and Judges of the Court of Industrial Arbitration, and District Court Judges. The latter are similar in status to our stipendiary magistrates. The State of New South Wales has had similar legislation since 1918. This Bill, then, seeks merely to apply to judges of our own Supreme Court a provision which already applies to judges in three of the other States, and to stipendiary magistrates and the President of the Arbitration Court in Western Australia. It will be noted, however, that the retirement provisions in the measure now before the House are not applicable to judges holding office at the commencement of the proposed Act. I think members will agree that it would be neither reasonable nor fair to interfere with the tenure of the present judges, who accepted office in the belief that its conditions of tenure would remain unaltered from those provided by the law at the time of their appointment.

Hon. G. W. Miles: You have changed your opinion since first putting up the Bill.

The HONORARY MINISTER: I have never before put up this Bill.

Hon. G. W. Miles: But your Party has.

The HONORARY MINISTER: There is also a qualifying provision to the proposal that all judges shall retire at the age of 70. It is possible that a judge may attain that age when conducting a trial of an action in Court. In that event, it is provided that he shall be entitled to hold office pending the completion of the hearing. Then again, the Bill provides that the retirement provision of this measure shall not apply to any puisne judge holding office at the commencement of the proposed Act, and who may subsequently be appointed Chief Justice. With regard to pensions, it is at present provided, under Section 14 of the Supreme Court Act, 1935, that a judge may become entitled to a pension either on attaining the age of 60 years, after having served 15 years on the Bench, or on proving to the satisfaction of the Governor in Council that, through infirmity of body or mind, he can no longer perform his duties. In this connection, it would almost appear that the framers of Section 14 considered that a judge might well contemplate retirement at the age of 60. The provision embodied in Clause 4, however, will safeguard the pension rights of any judge who is automatically retired on account of the age limit, but who served less than 15 years on the Bench. It is possible that at some future date the Government might decide that it is necessary to appoint a judge who, because of his age, could not possibly serve 15 years before being statutorily retired. I do not think that there can be any serious objection to this measure. Its principle is only in accordance with a very definite trend throughout the Empire towards the policy of appointing younger men, of proved ability, to judicial office. Here I would mention the names of Mr. Justice Evatt, of the High Court of Australia, who was appointed to that position at the age of about 38: Mr. Justice McTiernan, appointed at

about 45, and the Chief Justice Sir John Latham, appointed at 57 years of age. This policy has received the support not only of various Governments, but of members of the legal profession as well, and has been implemented in the enactments of several of the States of the Commonwealth. Even in Western Australia, we have passed legislation fixing a retiring age for stipendiary magistrates and the President of the Arbitration Court. I commend the measure to the favourable consideration of members. I move—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

BILL—WHALING.

Second Reading.

Debate resumed from the previous day.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [5.40]: Judging from the debate on this Bill I feel I am right in assuming that the House is prepared to accept it. One or two members have raised rather interesting questions and I propose to supply them with information which probably will be of interest to all members. The first point I would deal with is that of territorial waters. More than one member has asked what is really meant by the term. From the information that has been supplied to me, it can be taken for granted that the three mile boundary from low water level is the only limit that has ever obtained universal recognition. Anything beyond that is subject to speculation.

Hon. J. J. Holmes: Do you think we can have a definite limit of three miles even on a coast where there is a tidal rise and fall of 30 feet?

The CHIEF SECRETARY: The difficulty I see in regard to the question of territorial waters is the fact that different countries claim different distances, and that has led to some awkward situations. The British Empire recognises the three-mile limit but America, I am told, during the prohibition period, adopted a 12-mile limit: and I am advised that there were occasions when vessels were seized outside the three-mile limit but within the 12-mile limit, and that on one occasion proceedings were taken on behalf of the owner of one of those vessels, but without success. I understand the 12-mile limit is claimed by Russia and that that has led to trouble between Russia and Japan when certain Japanese vessels have been seized outside the three-mile limit but within the 12-mile limit. Present-day Spain is claiming territorial waters within six miles of the coast, and Norway claims a ten-mile limit. That, I believe, was brought in at the time when prohibition was the accepted policy of that country. Other countries have varying distances. So I think it will be seen that this is one of those subjects upon which we cannot be precisely definite.

Hon. V. Hamersley: How would it apply to an island a few miles off the coast?

The CHIEF SECRETARY: So long as the island belongs to the appropriate country, I understand that the three-mile limit is taken outside the island and that all the intervening water is within the jurisdiction of the appropriate country. It may interest members to learn that the three mile limit of which we speak was originally known as one marine league, and that one marine league constituted three geographical miles, or 3.456 statute miles. The marine league was arrived at originally because it was the maximum range of the cannon of that period, which goes back many years. In the definition of territorial waters which is embodied in the Territorial Waters Jurisdiction Act, 1878, that principle of one marine league is followed. The distance of three miles was first recognised in the 17th century. There have been many developments since then. In view of the fact that different countries are claiming different distances one can understand the difficulties which might arise in different parts of the world.

Hon. J. Nicholson: Particularly if you took the range of the present-day gun.

The CHIEF SECRETARY: We have passed the stage when the distance is calculated on the range of cannon. To-day it is determined by the countries concerned by other circumstances which affect those particular countries. Mr. Baxter wanted to know the meaning of the term "Right whale." There appear to be several species. In the North Atlantic there are two, the Greenland Whale, and the Biscayan whale or Nordkaper. Whaling captains

sometimes restrict the name "Right Whale" to the Nordkaper. The Southern Right whale or black whale of Australian seas is probably identical with the North Atlantic Right whale, also called the Biscayan whale. The Greenland whale is a true polar whale, and is never found far from the edge of the ice. In the 17th century it was the object of an immense fishery, and is unfortunately now rare. At that time the whaling industry was almost exclusively carried on in those seas. As a result of the exploitation of the industry in those seas that particular whale has become very rare. I am told that right whales are the true whalebone whales, their whalebone being much longer than that of species such as the humpback. A right whale 50 feet in length would produce whalebone from 11 to 12 feet in length. It is a valuable whale and it has been exploited to the extent I have indicated. Mr. Miles asked about the total world catch of whales in recent years. When moving the second reading I gave figures up to ten years ago to give reasons for the convention which was held about that time. The figures I quoted showed that in 1926-27 the increase in the world catch of whales had been very great when compared with the world catch during the years before. I have here the figures for 1931 to 1936, and will quote them, leaving out the details as they refer to the Arctic, Africa, North Pacific, Japan, Kamchatka, and other parts of the world—

Years.	All areas.	Antarctic.
1931-32 ..	12,797 ..	9,572
1932-33 ..	28,668 ..	24,327
1933-34 ..	32,167 ..	26,087
1934-35 ..	39,254 ..	31,808
1935-36 ..	44,782 ..	30,991

Hon. J. Nicholson: That represents an annual increase of from 5,000 to 7,000?

The CHIEF SECRETARY: Yes. These figures are justification for the passing of the Bill, and for the very great interest which has been taken in the endeavour to regulate the industry by practically every country that has been and still is engaged in it. Mr. Angelo raised the question of an agreement which was arrived at at a meeting held in London in June of this year. He correctly described it as an international meeting. That agreement provided for the prohibition of whaling in certain waters at certain times of the year. It also provided for the prohibition of whaling in some waters in various parts of the world. The agreement however, has not been ratified. Negotiations are at present taking place between the Commonwealth Government and the Government of this State. The agreement does not affect this Bill before us. Even if whaling be totally prohibited in certain waters this Bill will not be affected. The Bill deals with the conditions under which whaling will be allowed in our territorial waters. In view of the fact that the Commonwealth Government has passed legislation it is necessary that we should pass similar legislation in order that Australia may ratify the original agreement.

Hon. G. W. Miles: If the June agreement is ratified, will that not prevent us from allowing whaling on our coast?

The CHIEF SECRETARY: It would prohibit whaling north of the 40th degree of south latitude. The information I have is that it is not yet ratified.

Hon. G. W. Miles: If it is ratified Japan, which is not in the agreement, will be able to come in here.

The CHIEF SECRETARY: That would be the position with Japan and other countries too. Norway was a party to the agreement, but the Norwegian fleets have been operating this year. The proposed agreement was for one year only, terminating in June of next year. The whaling season is finished for this year. I understand there is an application from Norwegian interests for a continuation of their license for next year. It does not look as if Norway will ratify the agreement. Up to date there has been no indication that the Commonwealth Government propose to do so either.

Hon. G. W. Miles: If the Commonwealth Government ratifies it we shall be bound to do so, also.

The CHIEF SECRETARY: That would not affect this Bill.

Hon. G. W. Miles: If the Commonwealth Government ratifies the agreement of last June we shall be bound by it.

The CHIEF SECRETARY: The Commonwealth Government has asked us to ratify the existing agreement, and I take it will have to ask us to ratify any following agreement, if it is ratified by the Commonwealth.

Hon. G. W. Miles: This State is practically the only one affected.

The CHIEF SECRETARY: That is probably correct, although whaling has been carried on in other waters around the Australian coast. There is nothing final with regard to the agreement mentioned by Mr. Angelo. Even if that were so it would not affect this Bill, which provides only for conditions which shall operate in respect to the industry that is conducted in the territorial waters of Western Australia. I agree with Mr. Angelo when he said it was our duty to see that we got as much as we could from this valuable asset. It is regretted that up to date there has been no Australian venture into this industry in recent years. The Point Cloates land station, which operated for some years, found employment for a large number of men. I am of opinion that the modern method of whaling by means of a factory ship is really the only economic method of carrying on the industry. It must be the most economic method of carrying on operations along our coast. If we take into consideration the very large catches of whales which various fleets have secured in the Antarctic in recent years, and the value of the product thus gained, we can see that it is a most valuable industry. As a State we should be very definitely interested in it, and take whatever steps we can to regulate it so that it may not be exploited to the extent it has been exploited in the past. That is the real object of the Bill, which I hope will be passed.

Question put and passed.

Bill read a second time.

House adjourned at 6 p.m.

Legislative Assembly.

Thursday, 28th October, 1937.

The SPEAKER took the Chair at 4 30 p.m. and read prayers.

QUESTION—HARBOUR DREDGING COSTS.

Mr. HILL asked the Minister for Works: 1, What was the expenditure on dredging at the ports of Geraldton, Fremantle, Bunbury, Albany and Esperance since 30th June, 1937? 2, The depth at each (a) at 30/6/1937; (b) at present? 3, The amounts contributed by each port out of revenue for interest payments for the year ended 30/6/1937?

The MINISTER FOR WORKS replied: 1, Expenditure on dredging from 1st July, 1937 to 27th October, 1937:—Fremantle harbour, £1,251; Bunbury harbour (including overhaul of dredge "Governor"), £1,865; Geraldton harbour, nil; Albany harbour, nil; Esperance harbour, nil. 2, (a) Fremantle, 36 feet; Bunbury, 27 feet; Albany, 34 feet; Esperance, 25/36 feet at 550 feet berth; Geraldton, 30 feet. (b) Approximately as in (a). 3, The ports of Geraldton Albany, and Esperance are worked by the Railway Department, but the cost of working is not separately recorded in the accounts. It is therefore not possible to say how much of the revenue earned is available for payment of interest after providing for working costs.

QUESTION—GRASSHOPPER PEST.

Bait on Railway Reserves.

Mr. FERGUSON asked the Minister for Railways: 1, Has bait for grasshoppers been laid along railway reserves throughout the