

Legislative Council

Thursday, the 21st November, 1963

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

VISIT BY SIR HENRY BAKER

THE PRESIDENT (The Hon. L. C. Diver) [2.33 p.m.] : We have a distinguished visitor in the person of Sir Henry Baker, the President of the Tasmanian Legislative Council. He will be seated on my right.

QUESTIONS ON NOTICE

ESPERANCE RAILWAY LINE EXTENSION

Route to Land-backed Harbour

1. The Hon. G. BENNETTS asked the Minister for Mines:

Regarding the extension of the railway line from Esperance town to the new land-backed harbour,

- (a) has the railway route been decided upon;
- (b) if so, which of the two routes under consideration has been decided upon;

Resumptions

- (c) when will notices regarding land resumptions along the railway route be issued; and

Construction

- (d) when will the railway construction commence?

The Hon. A. F. GRIFFITH replied:

- (a) and (b) The route of the proposed railway to the land-backed wharf has now been decided in principle in so far as the Railways Department is concerned, but the requirements of other departments such as the Main Roads Department and Town Planning, and the Esperance Shire Council are still under consideration. A meeting of these interests will be convened by the Under-Secretary for Lands.
- (c) It is hoped this can be done before June, 1964.
- (d) After June, 1964, if reasonably early agreement can be reached.

THIRD PARTY INSURANCE**Classification of Expenditure from Trust**

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

What is the separate expenditure of the Motor Vehicle Third Party Insurance Trust that can be attributed to traffic accidents due to—

- (a) (i) drunken;
(ii) dangerous;
(iii) reckless; or
(iv) negligent driving;
(b) failing to give way to the vehicle on the right; and
(c) speeding?

The Hon. A. F. GRIFFITH replied:

The records of the trust do not provide the information sought in the question and it would be impracticable to endeavour to obtain it.

TRANSPORT OF GOODS BY FARMERS**Perth-Trayning: Classifications Permitted**

3. The Hon. R. THOMPSON asked the Minister for Mines:

What category of goods, merchandise, etc., can be transported by farmers for their own use, and in their own vehicles from—

- (a) Perth to Trayning; and
(b) Trayning to Perth
without infringing the provisions of the State Transport Co-ordination Act?

The Hon. A. F. GRIFFITH replied:

- (a) Requisites for domestic use or for use in production;
(b) livestock, poultry, fruit, vegetables, dairy produce and other perishable commodities and grain and seed.

TRAFFIC PROSECUTIONS**Number and Classification in Metropolitan Area**

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

- (1) How many prosecutions have there been in the metropolitan area in the years 1960-61, 1961-62, and 1962-63 for—
(a) (i) drunken;
(ii) dangerous;
(iii) reckless; or
(iv) negligent driving;
(b) failing to give way to the vehicle on the right; and
(c) speeding?
(2) How many vehicles, during the above periods, have been—
(a) ordered off the road as unfit through defects; and
(b) stolen?
(3) How many prosecutions have there been for—
(a) overwidth;
(b) overheight;
(c) overweight; and
(d) overlength loads?

The Hon. A. F. GRIFFITH replied:

	1960-61	1961-62	1962-63
1. (a) (i) Drunken driving ...	250	234	275
(ii) Dangerous driving ...	* 617	659	652
(iii) Reckless, or			
(iv) Negligent driving ...			
	* Not segregated.		
(b) Failing to give way to a vehicle on the right	595	706	871
(c) Speeding ...	5,436	4,944	4,938
2. (a) Vehicles ordered off the road ...	701	654	1,222
(b) Vehicles stolen ...	651	745	1,092
3. (a) Overwidth ...	*
(b) Overheight ...			
(c) Overlength ...			
(d) Overweight ...			
	586	790	602
* Not segregated, included in general heading "all other charges."			

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)**Receipt and First Reading**

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [2.42 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this measure is to accelerate and facilitate the settlement of industrial disputes and the determination of industrial matters, and to ensure, as far as is humanly possible, that justice is done in all industrial causes.

Although the Bill contains 156 clauses, most of these are of a consequential nature, resulting principally from a change in the name of the industrial tribunals. The main provisions of the Bill and the principles which it contains are of a relatively straightforward nature. The industrial arbitration jurisdiction comprises functions and powers which are either of an arbitral nature—such as the determination of wages and working conditions of employees—or of a judicial nature—such as the determination of questions of law and the enforcement of the law. At the moment both arbitral and judicial functions are performed by the Arbitration Court and the Conciliation Commissioner.

A similar situation obtained in the Commonwealth industrial jurisdiction until 1956 when, as a matter of constitutional necessity, the arbitral functions and powers were separated from the judicial ones, and reposed respectively in a newly-established Conciliation and Arbitration Commission and a Commonwealth Industrial Court. This precedent was followed by Queensland in 1961 when it, too, established a Conciliation and Arbitration Commission and an Industrial Court to exercise, respectively, the arbitral and the judicial functions.

A similar division of functions is proposed in this Bill, the arbitral functions being given to an industrial commission and the judicial powers residing in an industrial appeal court. The industrial commission will consist of four commissioners, one of whom will be the chief industrial commissioner. Each commissioner will sit alone, as the Conciliation Commissioner does now.

There will be an appeal from the decisions or awards of any one commissioner to the other three commissioners, who, when sitting together, will constitute the commission in court session. This appeal system should assist considerably in maintaining reasonable consistency between the decisions of the individual commissioners, thereby ensuring the establishment of principles which both sides can apply with a substantial degree of certainty. In this matter, this legislation is superior to that of Queensland—in that State there is no appeal from a decision of a single commissioner on arbitral decisions.

The principal functions of the industrial commission will be—

The making, amendment, and interpretation of awards.

The settlement of industrial disputes by conciliation and arbitration.

The registration of unions.

The fixation and adjustment of the basic wage.

The making of orders directed to the prevention of contraventions of the Act and of awards.

The industrial appeal court will consist of three judges of the Supreme Court nominated by the Chief Justice of Western Australia. One of those judges will be nominated by the Chief Justice to be the president of the industrial appeal court. The industrial appeal court will—

Hear appeals from the commission on questions of law and jurisdiction.

Hear appeals from the certifying solicitor on questions of law arising out of union rules.

Hear appeals from industrial magistrates relating to contraventions of the Act and of awards.

Hear appeals from the Industrial Registrar relating to the exemption of "conscientious objectors" from union membership.

Deal with all offences under the Act for which a maximum penalty in excess of £100 is provided.

Deal with applications for the disallowance of unlawful or oppressive union rules.

Applications for the disallowance of union rules, appeals from the certifying solicitor and appeals from the Industrial Registrar may be dealt with by a single member of the industrial appeal court at the direction of the president of that court.

Substantial delays which have been occurring in the hearing of matters by the court, other manifestations of industrial dissatisfaction, and the economic and industrial expansion of the State have all pointed for some time to the need for change. Amongst other things, this required an increase in the number of industrial tribunals. This is achieved by the proposed amendment, which will provide five tribunals—four commissioners sitting singly, plus the industrial appeal court.

The Bill provides for the appointment of a certifying solicitor to examine the rules of a society which is applying for registration as a union or any rules which a registered union seeks to have amended. If he is satisfied that the rules and purposes of the society are lawful he issues a certificate. If not, he advises the society what amendments will be necessary. The unions will have to pay a small fee for this, but it will provide a cheap legal service to the unions. Perhaps I should say that the fee paid to the certifying solicitor will not be an additional charge upon the union, but will be met by the Crown.

Application by societies for registration as unions will be dealt with by the commission in court session, which is the

administrative, rather than the legal, tribunal. Industrial magistrates will continue to function as they do under the present Act and will deal with all applications for enforcement of awards, and with offences for which a maximum penalty not exceeding £100 is provided. There is an appeal from any decision of an industrial magistrate to the industrial appeal court.

The Bill makes provision for the Industrial Registrar to grant a certificate of exemption to workers who object to union membership on the grounds of conscientious belief. Under the present conscientious objection provision in the Arbitration Court's standard clause the registrar may grant exemption on any ground which he deems sufficient. It is considered that this should be restricted to grounds which are rooted in conscience, and in this regard the provision is closely patterned on the 1959 legislation of the New South Wales Parliament.

The power to call compulsory conferences in relation to actual or probable lockouts and strikes, which at present resides with the president, and the Conciliation Commissioner by delegation, will now be vested in the members of the commission. A commissioner will be required to exercise this power upon request by a union, an employer, or the Minister. As a single commissioner will have no power to make an order relating to a lockout or strike, the compulsory conference will be a true part of the conciliation process.

A commissioner holding a conference will have a discretionary power to refer the subject matter of any dispute to the commission in court session, but this discretion is subject to certain limitations. These limitations have been imposed to eliminate the undesirable practice which some unions have adopted of engaging in strikes for the purpose of having claims dealt with ahead of law-abiding unions who have been prepared to wait their turn—in many cases, very patiently—on the court list. With the improved facilities which the Bill offers there should be no need and no justification for these tactics, and the limitations proposed are therefore considered reasonable.

These provisions for a commissioner to refer to the commission in court session the subject matter of a dispute will enable a legitimate grievance of an urgent nature to be dealt with promptly. Parties cannot expect, however, to have these facilities made available to them and continue to break the law, and the Bill accordingly provides that a reference made to the commission in court session will lapse if a lockout or strike continues or commences after the holding of a compulsory conference.

The commission in court session is given power under the Bill to make orders enjoining any person from committing or continuing breaches of awards, or agreements, or offences under the Act. A per-

son who disobeys such an order is guilty of an offence punishable before the industrial appeal court.

The Bill abolishes conciliation committees, special commissioners and industrial boards. Very little use has been made of these agencies and they will, in any event, be unnecessary on the establishment of the proposed new tribunals. The industrial commission and the industrial appeal court will take over the functions previously performed by the Court of Arbitration and the Conciliation Commissioner. The employer and employee representatives on the Arbitration Court bench will be retired with full payment of salary for the unexpired portion of their term of office. The President of the Arbitration Court is, of course, a judge of the Supreme Court and will continue to hold that office. He will be eligible for appointment to the new industrial appeal court. The Government has already announced its intention to recommend the appointment of the present Conciliation Commissioner to the new position of chief industrial commissioner.

No fundamental changes affecting the rights of workers or employers are proposed in the Bill. Workers will, however, be advantaged by the new provisions which will enable awards to be amended at any time when a change of circumstances arises, instead of being subject to a 12-month waiting period as at present. They will also be advantaged by a provision which will enable industrial agreements to be varied by the commission in similar circumstances. The commission will have no power to impose fines or imprisonment, thus making for an improved atmosphere in the area in which wages and working conditions are to be determined.

The practical effect of the amendments will be to give the unions a much wider opportunity of appeal to three judges on questions of law, jurisdiction, and enforcement of awards. On the other hand, the Bill will enable an employer to seek disallowance of a rule of a union, if that rule interferes with his award rights, and if he can prove that he has sufficient interest. He will also be able to oppose the registration of a union if he considers, for example, that his supervisory personnel should not belong to the same union as the workers they supervise. I understand this is not a new concept.

A clause in the Bill will prevent the commission from prohibiting work on weekends, but I wish to emphasise that this will not prevent the commission from prescribing a 40-hour, 5-day week. Nor will it prevent the commission from prescribing a Monday to Friday week. It will however, prevent the commission from prohibiting an employer from working on his own premises at the weekend.

The commission will have power to prohibit shift work if it is unsafe or unhealthy. The freedom of workers to select their own employer, and the freedom of employers to select their own workers is protected by the Bill. However, if employment has been terminated unlawfully, or for unlawful purposes, the commission has power to act and may order the reinstatement of a worker who has been dismissed because of his union affiliations, or because he insists on his rights under an award.

The provisions relating to the fixation and quarterly adjustments of the basic wage remain unchanged, except for the substitution of the commission in court session for the Court of Arbitration as the tribunal to exercise this power.

The power of the commission to grant preference to unionists will be the same as that which the Court of Arbitration now has. Applications for awards, and interpretations of awards, and most other applications will be made in the same way as at present. The Chamber will realise, after studying the measure, that it is not designed to favour one side or the other, but to effect a significant improvement in the arbitration machinery of this State in the interests of both sides and of the community as a whole.

I only have one final comment to make which, I think, could perhaps be interpreted as a personal comment. This Chamber has earned a reputation for the dignity and care which it takes in dealing with matters which come before it, whether those matters affect a section of the community, or whether those matters affect the community as a whole. I would hope that in dealing with this Bill the reputation that we have will be maintained.

Debate adjourned until Wednesday, the 27th November, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

IRON ORE (MOUNT GOLDSWORTHY) AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 20th November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [3.58 p.m.]: The introduction of this small Bill is, I think, not a very surprising action; it was not altogether unexpected. This is a Bill to amend the parent Act of 1962, the Iron Ore (Mount Goldsworthy) Agreement Act, in a very simple form, but it is very far-reaching in its implication.

Indeed, I think the draftsman has most astutely overcome what could be a very serious difficulty in preparing for an alteration to an agreement already approved by Parliament as something unalterable at the time of its introduction and approval. An examination of the parent Act will clearly show that within the agreement itself, clauses 5, 6, and 7 are very broad in principle, and very broad in their expression of responsibility of the Government, on the one part, and, in particular, of the three entities with which the agreement was made.

If members will look at the agreement—the schedule of the 1962 Bill—they will find very many things which are the responsibility of the companies concerned—involving as they do the spending of many millions of pounds—and perhaps, without any violation of the agreement when this Bill is passed, the companies may avoid many things which are now implicit in the agreement.

Clause 2 of the Bill deals particularly with section 2 of the Act which, when amended, will read—

“the agreement” means the agreement a copy of which is set out in the Schedule to this Act, and, if that agreement is altered in accordance with its provisions, or the provisions of this Act, includes the agreement as so altered from time to time and expressions used in this Act have the same respective meanings as are given therein, and for the purposes of, the agreement.

So that we are, by the passing of this Bill, giving authority for the Government on the one part and the three separate bodies—the Joint Venturers—on the other part to have the right to vary this agreement in very many particulars, and in connection with which Parliament need not be advised.

The Hon. H. K. Watson: That is, without reference back.

The Hon. F. J. S. WISE: Without reference back to Parliament. That is something to which I particularly wish to draw the attention of the Minister.

The Hon. A. F. Griffith: I am aware of it.

The Hon. F. J. S. WISE: It is a very important matter. This Bill is very simple in its form; very simple to read; easy to understand; easy to appreciate the reason for; and it gives the right to the Government to vary an agreement in many ways—not in limitless ways, because the agreement specifies some unalterable aspects. I contend that within this Bill there should be, on the volition of the Government itself—and not necessarily from me—an amendment added as a separate clause to the effect that any alterations to the agreement made under the authority of this Act shall be presented to Parliament in any session.

In section 4 of the parent Act we find the arrangement that the agreement is not subject to the provisions of section 36 of the Interpretation Act of 1918. Section 4 deals with by-laws and regulations in association with the agreement. Section 36 of the Interpretation Act is the section which relates to regulations; not only the drawing up of regulations, or the restrictive character of regulations, but the necessity to table regulations in Parliament.

If members care to look up Standing Orders they will find, on page 215, what I am referring to. The Iron Ore (Mount Goldsworthy) Agreement Act of 1962, in section 4, contracts out of all the provisions of section 36 of the Interpretation Act; which means that no rule or by-law affecting this agreement need be tabled in Parliament provided it affects clause 5 of the agreement.

This amendment which we are considering may affect clauses 8 and 9 of the agreement, which will be the operative clauses in regard to the establishment of towns, railways, ports, and approaches to ports towns at the site of mining interests—in short, all of the developmental aspects of the project.

It is understandable that in between parliamentary sessions the Government may, of necessity, require authority to complete a variation of this agreement with the subject company. That is understandable. But I think Parliament is entitled to know what transpires in the interim.

We agreed to the principle that so far as clause 5 of the agreement is concerned, there is no need—except for publication in the *Government Gazette*; and no other action is officially required—for it to be tabled. But this could be a violation of some of the specified arrangements in the agreement; and we, as a Parliament—and the people of the State, as the people—are entitled to know about it. I think the Minister would agree with that contention. I think it would be a question of engendering confidence in this matter if the Minister would arrange, either in this House or in another place, to have an amendment framed and inserted that any variation of this agreement—without being worried at all about rules or by-laws associated with it—which affects sections 2 and 3 of the parent Act should be tabled in Parliament. I support the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.8 p.m.]: I very much appreciate the views expressed by Mr. Wise. When this ratifying Bill was presented to Parliament we thought we had a state of affairs where a port was likely to be established in one set place and where accompanying townsites were, accordingly, likely to be established; also the route of the railway line, with a wide variation established by a separate Bill.

We have now reached the stage of investigation into the mineral deposits and the economics of the whole project where the company may wish to make a change. I quite agree that the authority Parliament will give to the Government and to the contracting party, in the event of the Bill being passed in this form, is fairly wide to say the least; but it is wide of necessity. I would remind members that when we ratified an agreement that the Government made with Hamersley Iron Pty. Ltd., the variations that were possible under that agreement were much wider in concept than, or as wide in concept as, the variations which may be made as a result of this amending Bill.

In the case of Hamersley Iron Ltd., we did not know then, and we do not know now, in which direction towards the coast the company may point itself in the provision of a port. But in the agreement, if members will recall, provisions were made for a close liaison between the company and the Government. As a matter of fact, if the Government was able to demonstrate to the company that the route the company sought for the railway line, or the place where it intended to establish its port, was not in fact as good as some place the Government could mention, the company was obliged to turn its attention in the direction of the Government's suggestion.

That was done for obvious reasons; it was done so that the Government would have an opportunity, in conjunction with other agreements that were made, of bringing the situation to a point where, perhaps, there could be the development of one port to serve more than one deposit, rather than have the port serving only one deposit.

I thank Mr. Wise for his support of the Bill. I would like to leave the matter on the basis that I am given a little more opportunity to investigate the suggestions that he has put forward about an additional clause being put into the Bill specifying that any arrangement made outside the original one would in fact be subject to the ratification of Parliament.

The Hon. F. J. S. Wise: I think it may not be necessary for Parliament to ratify it, but I think Parliament should be advised.

The Hon. A. F. GRIFFITH: If that is all, then I am quite sure Parliament would be advised; and there are a number of ways in which Parliament could be advised.

The Hon. F. J. S. Wise: The agreement provides that no covenants can be altered. It is only in certain particulars that the agreement can be altered.

The Hon. A. F. GRIFFITH: Yes. The whole purpose of the Bill is to allow the Government, if the occasion arises between

the completion of the present session of Parliament and the next session of Parliament, to make some change to the original agreement.

Things move fast sometimes in respect of the development of a mineral deposit, the securing of a contract, and the decisions to do certain things, and a company of this nature must be in a position to act accordingly if decisions have to be made quickly. That is the principal reason why I have introduced the Bill during this session of Parliament—so that in the event of the company being able to secure a sales contract for the commodity it will mine, action can be taken quickly to assist it to secure that contract.

Between now and the third reading of the Bill I will investigate the basis upon which I can perhaps give an assurance that Parliament will be advised of the changes; although, frankly, I do not think it is necessary to write it into the Bill because, no doubt, Parliament will be advised of those changes. One simple method would be for somebody to ask the Minister in charge to lay a copy of the renegotiated agreement on the Table of the House. That would very quickly apprise Parliament of what had been done.

I do not think I would wait for that. I think I would be anxious to let Parliament know what had taken place. In the event of the site of the port changing from where it was thought it would be situated, in the original agreement, to another particular place on the north-west coast that I can think of, I do not think one would need to give much publicity to the change. Everybody would probably be pleased to know it.

As I said when I introduced the Bill, it is not the desire of the Government to leave the people in the north, or at Port Hedland, any opportunity to hope at this stage of the proceedings that a deep-sea port is in fact going to be established at Port Hedland; and neither is it the desire of the company to join in any misleading statements. If the House is prepared to pass the second reading I will, before the third reading is passed, make the necessary inquiries and let the House know at that stage.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 5 added—

The Hon. J. G. HISLOP: I am not going to contribute anything to the debate but simply ask for some information; because

I think it would be of very great interest for many of us to know how many areas, where possible townsites, harbours, and jetties could be built have been surveyed between, say, Port Hedland and Roebourne.

We know that these surveys are proceeding, but those of us who know the coast very well would be interested to obtain information as to what actual sites had been surveyed and what possibilities there were. We know the names of some areas, but there must be a number of areas that have been surveyed.

The Hon. A. F. GRIFFITH: I am reluctant to give information of this nature for fear that I may be misinterpreted, and I do not want to be misunderstood. All that is necessary is for a company to send its geologists, or its engineers, into some particular place on the north-west coast, and if those gentlemen go to some place where refreshment is served—

The Hon. H. C. Strickland: The town hall.

The Hon. A. F. GRIFFITH: Yes—in no time there is a tendency for some people to establish not only where the port will be built, but have it built in the process. I am sure this is not intended sometimes to be anything but well meant, and wishful thinking, but a number of these companies have spent a great deal of money up to date in surveying and examining what north-west members—Mr. Wise, Mr. Strickland, and Mr. Willesee—know to be possible projects. I think it would be much safer to wait for the companies to make a determination and then a proper announcement can be made.

The Hon. F. J. S. Wise: Would there be any harm in letting the House know where naval survey ships have been operating, say from the Dampier Archipelago north?

The Hon. A. F. GRIFFITH: I do not think there would be any harm—

The Hon. F. J. S. Wise: It has been mentioned in the Press.

The Hon. A. F. GRIFFITH: —in repeating what has been in the Press on a number of occasions, but I would rather be silent, for the time being, on the matter of naming specific companies, their operations, their intentions, and the points to which they are directing their operations.

The Hon. H. C. STRICKLAND: The Minister should have no fears about misleading the people in the north. They are not unintelligent; and they have an intimate knowledge of the survey and the work taking place, because they are extremely interested in one town as against another. I can understand the Minister not being anxious to set up competition between towns in the north. But everybody who travels in ships through the

north discusses the question of Point Samson and the survey being made. It is well known that Rio Tinto had a survey ship operating from Point Samson. That company made no secret about telling anybody who cared to ask what it was doing. It would point out that it had prospects of establishing a harbour within a few miles of Point Samson, which would be some 60 miles on the Roebourne side of Depuch Island. Its problem was to find deep water to get its ships in.

The coast there is very rugged and the Dampier Archipelago is spread out in a huge outcrop of rocky islands running right out beyond the Montebello Islands, some 40 miles eastward of the coast. These matters are discussed in the *Northern Times*, and the local correspondents miss no opportunity to report them. It is also well known that, further south, Broken Hill Pty. Ltd. has had surveys under way for several months. It is looking for deep water, the nearest of which is at Maud Island some 100 miles on the Carnarvon side of North West Cape. This is about 200 miles from Onslow by sea. As a matter of fact, Maud Island was mentioned in one of the Bills we passed. I am afraid the Minister will not excite anybody up there, though he might down here.

The Hon. L. A. Logan: What do you mean?

The Hon. H. C. STRICKLAND: Two years ago we were told we were going to have two towns; one at Depuch and one at Goldsworthy. Everybody got excited about this except the people in the north-west. The people at Port Hedland felt they should have a railway bringing ore through their port, and they made representations to have the entrance to Port Hedland dredged and a survey made. They were told it was not acceptable to the companies, and it was thought that Depuch would be more suitable.

Up till 1922 Depuch was the anchorage for the export of copper from the Whim Creek copper mines—it was known as Balla Balla anchorage. This will be found on the charts of the ports of call. The ore was railed down on a narrow gauge track about five or six miles from Whim Creek. It is purely and simply a mangrove creek in mud flats. From this point it was loaded on lighters, one of which—the *Collier*—is still operating.

When the ships called and anchored in Balla Balla anchorage, which was alongside Depuch Island, it resulted in a graveyard of wrecks being left, and the opinion was it would never be a safe anchorage because of the cyclones. I must admit that the wrecks were sailing ships and not power vessels.

We are all hoping—at least those of us in the north are—that a suitable deep-water port will be found somewhere be-

tween Broome and Onslow, because there are three companies operating in that area. Perhaps they might consider amalgamating their expenditure and using the one port of shipment for all their activities. This is a very important project for the north-west, particularly the central north-west.

The people in the area have not much behind them. The sheep numbers are down, and there is little prospect of their increasing. It is a low-carrying country, which, for the most part, is spinifex. It is hoped that the iron ore project will be successful, and that it will help boost this central section which has no other real prospect, except from mineral wealth. I am of the opinion that a suitable site can be found. I do not think there is any doubt about that.

Some of the independent marine surveyors hold the view that the shipping companies operating ore carriers should build a type of carrier used in the Great Lakes of North America. These are shallow-draft vessels with flat bottoms and wide beams. They do not draw a great depth of water. They would not be suitable during the cyclone season, which lasts for about three or four months, but they could be used during the good months of the year when there is no risk of cyclones. Their use might ultimately be the answer; but that of course is up to the companies to decide.

The Hon. H. K. WATSON: I support the suggestion of Mr. Wise that clause 3 could well contain a provision that any variations to the agreement should be laid on the Table of the House. When we remember that the original agreement provided that it should be void and have no effect unless it was ratified by Parliament, it seems it would be leaving a loose end if Parliament were not advised of any variations made in the agreement.

I suggest, without asking for parliamentary approval of any variations which may be made, that they should at least be laid before Parliament without any action being taken by any individual member.

The Hon. W. F. WILLESEE: I would like to support the conservative approach of the Minister in regard to making a statement as to what might happen in the north-west at this stage. Even a rumour can electrify a small community at the present time. Each town within the vicinity of what might happen hangs on to every statement in the Press, every rumour that is circulated, and anything said by any person associated with any company. It can be easily imagined that if the Minister for Mines, who is in charge of this Bill, made a statement, it would be accepted as gospel and could have serious consequences in a particular town.

We know that in the ultimate there will be some outlet facilities for this area. We are in the hands of experts with regard to that position; and I, as a representative of the area, have been particularly conservative in my remarks and attitudes. The fact that an organisation as big as this one has changed its mind to such an extent that it means agreement with the Government is, in itself, a serious issue. Decisions made today can be changed to-morrow in the light of further knowledge, so it behoves us in this Parliament to be particularly careful and to err on the side of reticence rather than be voluble.

The Hon. A. F. GRIFFITH: I wish to make it perfectly clear I was not intending in any shape or form to offer an insult to the intelligence of the people in the north. If I did that by treating the matter jocularly, it was not intended. I would not do that, Mr. Strickland, for anything. I am grateful for the remarks made by Mr. Willesee and the fact that he appreciates how I feel. The genuineness of this company is, I think, beyond doubt. It is only two or three years since this major development in iron ore sort of revealed itself; and these particular companies—the Mt. Goldsworthy associates—have spent nearly £1,000,000, and to date have shown no return. I admire the venture—some enthusiasm of these companies that naturally go out after big prizes, and are prepared to spend large sums of money in attempting to win the prizes.

The Hon. F. J. S. Wise: Who are the Consolidated Gold Fields?

The Hon. A. F. GRIFFITH: I understand it is a British founded company. I feel quite sure the remarks made by Mr. Strickland in respect of the difficulties of the approaches to these harbours are correct. I am told that Depuch Island has sufficient water at high tide to float a ship of the size that would be required, but whether such a ship laden with a cargo of iron-ore would have sufficient water under its bottom to find its way out to sea, some seven or eight miles away, without suffering real damage is problematical. So, in addition to the right sort of anchorage, one of the real problems is the approach from deep water to the coast.

The Hon. W. F. Willesee: A freak cyclone, and you could blow it over!

The Hon. A. F. GRIFFITH: Cyclonic conditions have to be considered wherever a port is established in the north.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

TRAFFIC ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed, from the 19th November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [3.39 p.m.]: This Bill is before Parliament in an honest endeavour to do something to prevent the present accident rate in this State from increasing. It is not pleasant to realise that in the past year 6,000-odd traffic accidents occurred and 4,900 people were injured. In addition, 168 people have lost their lives in such accidents to this point of time.

Grave concern is felt over the position by the administrators of the State and, more particularly, those in charge of the Traffic Act. They feel an endeavour must be made to reduce the death rate, the injury rate, and, in the first instance, the accident rate.

One of the provisions in the Bill, which has the support of the National Safety Council, is a system whereby probationary licenses will be granted to new drivers. That would appear to be reasonable when we consider that in this State at present there are in the vicinity of 20,000 new licenses issued every year, and that the majority of those involved in accidents have held licenses for less than four years. These facts make it obvious that some alternative system to the one prevailing at present must be established.

The Minister outlined eight main provisions contained in the Bill. The first of them is that persons who have previously held a driver's license in this State, or for three years in another State or country, will be entitled to an ordinary license when applying for one. This does not disturb the *status quo* so far as I know.

The second provision is that every person obtaining a driver's license for the first time, or who has not held a license elsewhere for three years, will obtain it on probation, and any license issued during the three years will be issued on probation only.

The third provision is that licenses issued on probation will automatically be cancelled for certain offences, and the holders will be debarred from obtaining a license for three months, or for any period during which they are disqualified by the court, whichever is the longer period.

Yet another provision stipulates that the cancellation of a license will mean that the person affected is not any longer the holder of a license, and the period during which he is not the holder of a license does not count in computing the three years of probation.

The fifth provision lays down that where the license is cancelled, the person affected must apply *de novo*—this means retesting and the payment again of the fees.

So the Minister continued and listed the eight particular objectives and principles incorporated in this Bill. I think the idea behind the measure is a good one because it aims at improving the control of traffic in this State. However, I do find myself in disagreement with certain provisions, and I feel that the Bill is one which should really be considered in Committee rather than during the second reading debate. There is more opportunity for discussion during Committee, and this is most desirable. I do not think there would be any point in my now going over the issues which I intend to raise in Committee.

I would point out that although the idea behind the Bill is a good one, the provisions in it were not wholeheartedly received by everyone. For instance, the Chairman of the Royal Automobile Club objects to the proposed restrictions on elderly drivers, and the following is a newspaper report which appeared in the *Daily News* on the 8th November this year:—

The Traffic Act Amendment Bill (No. 3), at present under consideration, requires that:

- Drivers reaching 70 would be required every three years to provide a medical certificate and satisfy the police that he was able to drive.

- Drivers of more than 80 would have to fulfil this requirement every year.

Said R.A.C. president L. J. Kiernan today: "Without comprehensive data on the incidence of road accidents attributed to physical disabilities, the club considers that there are insufficient grounds for this provision.

"Research by a competent authority should be undertaken to provide this data covering definite age groups and incorporating as a group drivers aged 70 years and over."

Kiernan said it was too much like guesswork to stipulate licence requirements to drivers over 70 and 80, without such data.

The club had also carefully considered the section of the Bill relating to special classes of licence for drivers of vehicles with special characteristics, such as automatic gears.

Said Kiernan: "If it is the intention to require a licence holder to obtain an endorsement or an additional licence to drive a car equipped with automatic transmission, the club would oppose it."

The two points raised in that article, I propose to deal with in Committee. The Bill, in the main, is laudable, and the principle is good; but I hope that in Committee we can improve it to some extent. I support the measure.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.48 p.m.]: I do not think Mr. Willesee would expect me at this point to do more than thank him for his remarks, because he obviously supports the principle of the Bill. He has foreshadowed some amendments, and I think it appropriate that we deal with them in Committee, and consequently there would be no purpose in my saying anything further now. I do not intend to proceed into Committee on this Bill now, but will set it down for the next day of sitting.

Question put and passed.

Bill read a second time.

Sitting suspended from 3.50 to 4.17 p.m.

FISHING INDUSTRY

Inquiry by Select Committee: Motion

Debate resumed, from the 16th October, on the following motion by The Hon. R. Thompson:—

That a Select Committee be appointed to inquire into and report upon the Fisheries Act, 1905-1962, in its application to the crayfishing industry in particular, and make such recommendations as are considered necessary to safeguard the future of the fishing grounds and the industry generally.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.17 p.m.]: In considering this motion moved by Mr. Ron Thompson which seeks to appoint a Select Committee to inquire into and report upon the Fisheries Act as it applies to the crayfishing industry in particular, I wonder what a Select Committee would disclose which is not already known.

The Hon. R. Thompson: And, in that case, what the Minister for Fisheries has not already acted on.

The Hon. L. A. LOGAN: In replying to that interjection, I would say that the present Minister for Fisheries has taken more action in regard to the crayfishing industry than any other Minister who has held this portfolio in this State.

I know, and I think we all know, that there are always a few individuals in any industry who are dissatisfied with the conditions, no matter what they are. Over the past three seasons the Fisheries Act has been amended—in 1960 and 1961—and these amendments increased the penalties that are imposed for any breach of the Act in an endeavour to deter fishermen from catching undersized crayfish indiscriminately. It would appear that as a result of

these measures, and because some of these men are on the run, they are dissatisfied because they can see that their practice of catching crayfish by a free and easy method is being brought to an end. In fact, I think quite a few of them are probably waging a vendetta against the Minister himself.

Mr. Ron Thompson spent a good deal of time dealing with the charges laid against those fishermen who have caught undersized crayfish, and the court proceedings relating to a person at Wedge Island for carting crayfish which were not labelled. I do not think we need appoint a Select Committee to deal with that aspect. If there is anyone who is more perturbed than I am about the future of the crayfishing industry at the moment, I would like him to be named.

I represent Geraldton, which is one of the largest towns in the State outside the metropolitan area, and which, in the next three weeks, will be relying on the crayfishing industry for its bread and butter. I say that advisedly because, unfortunately, the production of grain in the Geraldton district is down by over half this season which, in effect, means that £250,000 paid to farmers as a first advance on their wheat production will not be forthcoming. So one can imagine what the business people in Geraldton will be faced with if such a loss is not offset by the crayfishing industry having a good run between now and the next few days. That is the only source of income the tradespeople of Geraldton will be depending on for an influx of business before Christmas. Therefore, if any one is deeply concerned about the crayfishing industry, I am.

The Minister for Fisheries has already appointed five more inspectors as another move to overcome this problem. One of these men will be stationed at Lancelin, one at Jurien Bay, where quarters are already being built, and another at Dongara, where new quarters are also being built. Two inspectors will form a mobile squad for the purpose of catching up with any offenders. I think all members will appreciate that, because of our extensive coastline, these inspectors have great difficulty in policing the Act and apprehending individuals who commit breaches. In my opinion, if the fishermen themselves exercised a little more control over those engaged in the industry they would be successful in forcing these undesirable individuals out of it.

The Hon. R. Thompson: That is what they want to do. That is why they requested the appointment of a Select Committee.

The Hon. L. A. LOGAN: Every year the Minister has set up a statutory fishermen's advisory committee, and this committee moves from point to point whilst carrying out its investigations; and only recently it took evidence from any person willing

to appear before it. On that committee is the President of the Geraldton Fishermen's Association. Therefore, these men, in themselves, act as a Select Committee to a certain extent, because they take evidence from various individuals and pass their recommendations on to the Minister for him to take the necessary action if he so desires. It is as a result of the evidence taken by this committee that many prosecutions have been made.

The Hon. R. Thompson: Did that committee tell you if it took any evidence from the processor at Ledge Point, or did it tell you anything about the processor there?

The Hon. L. A. LOGAN: I can only state that the advisory committee is willing to take evidence from anybody who is prepared to appear before it. If people do not come forward at the time when provision is made for them to do so, I do not know what more we can do.

We know that one of the problems is the freezer boats operating from Fremantle. I can remember, as far back as 1948, fighting against the introduction of freezer boats to the Abrolhos area because if they had been allowed to operate there it would have killed the main bases at Geraldton. This would have meant that the industry's headquarters would have been shifted to Fremantle, and Geraldton, and the area around it, would have suffered as a result. Therefore, I hope the day will never come when freezer boats are allowed into that area.

These boats constitute a problem because, with 40 freezer boats operating, it is impossible to put an inspector on each boat. Working conditions would not allow it, and the cost would be prohibitive. However, I appreciate that there are not many undersized crayfish being brought in by freezer boats today. What happens is that the men operating those boats catch undersized crayfish, remove the tails and when they find the crayfish do not measure up to the required size they toss them overboard, which means that the crayfish are lost. That is one of the problems associated with the freezer boat. I also know that the brushing of the tail for fur takes place; nevertheless, if we were able to appoint 100 inspectors I do not think we would be able to overcome this problem.

The Hon. R. Thompson: What about the furries they take?

The Hon. L. A. LOGAN: Are they the ones that are undersized?

The Hon. R. Thompson: They are not undersized, but they are not the correct weight.

The Hon. L. A. LOGAN: These measures are checked before they start, and if they are found to be faulty in any way they are replaced with new ones. If there is any

fur on the crayfish and a measure is put on them, the fur will move with them and therefore they are declared undersized crayfish.

The Hon. R. Thompson: You are missing my point. Although the carapace is undersize, when the crayfish are processed the tails are greater in weight.

The Hon. L. A. LOGAN: I do not think I have anything on that point in my notes. I have some information relating to crayfish that are thrown overboard, and I will deal with that aspect in a moment. I may be able to find the answer to the honourable member's question later. A great deal is written about furry crayfish in these notes, but no mention is made of furry crayfish which, although under the required size, comply with the prescribed weight. However, I do not know whether that would have much bearing on the overall position when we realise what has been done for the crayfishermen. I repeat that the standard size gauge has been introduced after much representation.

Two first-class harbours have been built for the benefit of fishermen; one at Geraldton and one at Fremantle, both of which were built at considerable cost.

The Hon. F. R. H. Lavery: Then half of the one at Fremantle was taken away for the purpose of putting a railway through it.

The Hon. L. A. LOGAN: It is still a fine fishing harbour for all that. As I have already said, the Act was amended in 1960 and 1961 for the purpose of increasing penalties. A courageous step was taken to limit, after the 1st March, 1963, the number of boats operating. That was not an easy step to take, but it was taken in the interests of those engaged in the industry. In fact, it was the only thing to do. No new licenses will be issued for the time being. Further, the number of craypots on each boat is limited, this being another courageous attempt to prevent infringements of the Act.

Further, a license fee of 2s. on each pot has been prescribed; and, as I stated earlier, additional inspectors have been appointed. All these moves have been made in an effort to deal with the material side of the problem. On the question of research, I think the limit has been reached, because if one looks at the *Fisheries Newsletter* of November, 1963—this journal is published by the Commonwealth Director of Fisheries, Department of Primary Industry, Canberra—one will find a full page article dealing with fisheries research in this State. The article reads as follows:—

The Western Research Project

In 1961 the Minister for Fisheries in Western Australia (Mr. Ross Hutchinson) set up a committee "to be

known as the Western Fisheries Research Committee" and invited the following organisations to accept membership of it together with officers of his own Department: Western Australian Museum, Zoology Department of the University of Western Australia, Fisheries and Game Department of South Australia, Fisheries Division of the Commonwealth Department of Primary Industry, and CSIRO Division of Fisheries and Oceanography. The functions of the Committee were to co-ordinate research work on fisheries in Western Australia and to advise the Minister on conservation matters.

Further on the article states—

After deliberations on the research needs and the available research manpower, the Committee allocated immediate priority to investigations on the western crayfish, whales, Australian salmon, and prawns.

Again, this is stated—

Another line of research being carried out by Mr. Bowen is a detailed study of the relations of the crayfish with their environment in two contrasting areas, the Pelsart and Easter groups of the Abrolhos Islands. He has also carried out some experimental work on escape-gap pots.

A further line of crayfish work consists of experiments, under Mr. Bowen's direction, in the catching of painted crayfish in the Point Samson-Onslow area.

With that research project under way I do not think any further action could be taken on the research side which would give us any greater benefit for the industry; and there would be no further benefit as a result of the findings of the proposed Select Committee. The Government has taken all necessary steps to maintain the industry in a flourishing state.

The best way to get over the difficulty which faces us is to solve one definite problem. The price of crayfish on the American market or overseas market being what it is, the local market cannot compete and pay the price being paid overseas. To get the crayfish which the people require, the local operators are prepared to offer undersized crayfish. They know there is a ready market for this type of crayfish, and some fishermen are only too ready to capitalise on the shortage. That is the basic problem—the high price being offered overseas for our crayfish. Some of these crayfish are sold locally, but the people are not prepared to pay the high price if they can avoid doing so. If the price of crayfish was half what it is the local market would be able to absorb a lot more, and there would not be a market for the undersized crayfish.

This industry is such a good dollar earner that we should not take steps to reduce the price in order to save the industry from the depredations of some selfish fishermen who deal in undersized crayfish. Mr. Ron Thompson referred to female crayfish being thrown back into the water, and I have obtained some information on that aspect. He wanted to know what happened to the female crayfish and their eggs when they were returned to the water.

The Hon. R. Thompson: I did not say that at all. I said the fishermen wanted the season to be closed during the spawning season for a period of three weeks, because they knew what would happen to female crayfish in berry when they were returned to the water.

The Hon. L. A. LOGAN: The information is to this effect: Underwater observations by departmental officers using Scuba equipment, show that crays thrown over the side sink slowly to the bottom, following an initial period of activity when first entering the water. They remain relatively inactive for a few minutes after reaching the bottom and then seek cover. While sinking to the seabed, and before they find shelter, the crays are very vulnerable to predators, such as jewfish and groper. Departmental officers cannot agree that the crays are stunned on contact with the water.

Looking at the overall situation, the department has taken steps to solve this problem. In regard to the Ledge Point area, patrols were carried out by inspectors in 1963, working in pairs. In January they carried out eight patrols, 11 in February, eight in March, nine in April, six in May, two in June, and five in July. During the year ended the 30th June last there were 152 successful prosecutions in respect of breaches of the crayfish conservation regulations and the Fisheries Act.

I do not know what we can learn from a Select Committee composed of members of this House, over and above what we already know about this vexed problem. I want to see this industry safeguarded, because many people rely on it for a living. If there were a prospect of gaining anything more by the appointment of a Select Committee I would not hesitate to support the move. I have already enumerated the steps which have been taken: the inspectors operating at three spots on the coast, and extra fines, the licensing of pots, the restriction of pots, and the restriction of boats; and I believe they will have an effect. All these things must, in my opinion, have some bearing on the control of this industry. For those reasons I oppose the motion.

THE HON. F. R. H. LAVERY (West)
[4.37 p.m.]: I support this motion for the appointment of a Select Committee. I

cannot permit Mr. Ron Thompson to take this fight on his own—not that he is incapable of so doing. Over a period of 12 months he has given much time to research into this industry, and into the situation in which the fishing fleet operating at Fremantle, and both north and south of Fremantle, is placed.

Just prior to the change of Government in this State, the State executive of the political party to which I belong was so perturbed at what was happening to the crayfishing industry that it appointed a committee of inquiry, to ascertain the position of the industry. Mr. Jeffery and I were members of that committee, and information was placed before the committee by people from Fremantle, Geraldton, and Bunbury. It cannot be said by any stretch of the imagination that a concerted effort had been made by a group of people to place evidence before us. The evidence given was diversified and affected the problems in the respective areas. However, there was a change of Government and we were not able to continue the inquiry.

I give full credit to the Fisheries Department and to those responsible for its administration for what happened in the last few years in respect of the crayfishing industry. We all know that the industry is well administered and organised by those at the top, and the report referred to by the Minister just now was quite correct. The Fisheries Department has done almost everything possible to stabilise the crayfishing industry in this State.

I would like to place before members certain figures relating to the capital and expenditure involved in the industry. On the facts given in evidence in 1958, in Fremantle fishing harbour there was £1,500,000 in value in boats operating from this area. From the Geraldton area—the Minister knows, because he is a member for that district and is as interested in this industry as we are—boats and equipment to the value of £500,000 operate. South of Fremantle, we find a similar set of circumstances in Bunbury and Mandurah.

In the Fremantle fishing harbour alone the annual expenditure on repair work has now reached over £500,000. I am referring to the replacement of equipment, such as ropes, nets, pots, etc. It must be realised from the figures I have given that this is a big industry.

Recently I took a deputation to the Minister for Health on a different matter altogether. We were considering the acquisition of property for, and on behalf of, the centre for the aged. A representative of the Fremantle City Council pointed out that the fisherman in Fremantle were using their homes as factories for the building of pots and equipment. The Minister gave a very good answer by saying it had to be remembered that that industry

in Fremantle was the second or the third largest; and therefore those people should, when the Fremantle City Council was considering the introduction of regulations to prohibit them from continuing those operations, be shown tolerance.

The fishing industry is of tremendous financial benefit to this State, and, in fact, to the Commonwealth, through its earning of dollars.

The Hon. L. A. Logan: The Fremantle City Council has zoned those premises as backyard factories.

The Hon. F. R. H. LAVERY: I was not referring to backyard factories. When the fishermen brought their boats in to lay off, a great deal of their work was done in their homes.

The Minister put his finger on the pulse of the problem when he referred to the price that was being paid for crayfish. It is not more than three years since there was a move in Fremantle to make more fish available to the public. The public finally came into the matter; because there is no use for fishermen if the public do not buy their fish. The move was to make people more fish-minded, and to reduce the price of snapper, and similar types of fish. There was an attitude on the part of a group of fishermen that the move would ruin the industry. But what was the result? A large number of people from the metropolitan area are now waiting for the fishing boats to come in. They buy fish direct from the boats; and the public obtains the fish more cheaply.

Reverting to crayfish, I was asked by a group of people in Applecross a few weeks ago if I would bring them a parcel of small crays for a function which was being held in a private home. I bought four small crays, and they cost me 32s. 10d. Is it any wonder that people are not very keen on buying crayfish!

We are not denying that what has been done by the department has been of great importance. But there is a lack of co-operation between fishermen in the northern, central, and southern zones; and the department, through the Government, should do something about it.

I feel keenly about the matter because the population of Fremantle—particularly in the southern portion of the city—is becoming predominantly Italian. The number of Italian persons involved in the fishing industry is between 5,000 and 7,000. This, of course, includes all the mothers, fathers, and children who have to be fed.

The fishing industry is a big one, and many of the problems involved apply also to Bunbury and Geraldton. An inquiry, if it did nothing else, would help to bring the various groups of people together and encourage them to co-operate with each other, instead of trying to beat the department which exists largely to protect them. Some groups of fishermen are ganging-up on the department.

Perhaps a Select Committee could meet and report before the close of this session. This matter has been on the notice paper—

The Hon. L. A. Logan: A fair while.

The Hon. F. R. H. LAVERY:—since the 16th October. It is listed in *Hansard* No. 11. From the 16th October till the 21st November is a long time for an item such as this to be on the notice paper and not dealt with. There could be the old story that there are only a few weeks till Parliament rises; and I know that Standing Orders provide that certain items shall take precedence. There has not been a complete answer to the problems associated with the fishing industry, and I am in favour of a Select Committee being held. No-one is complaining about what the department is doing, but there is room for improvement. We have built a fishing harbour at Fremantle, and the Town Planning and Railways Departments have taken over 17 acres. The harbour cost a great deal of money to build, and the Government cannot afford to spend money on an industry, and not protect that industry.

Another matter with which I am concerned is the importation of fish from foreign countries. We can enter any leading food establishment today and find many brands of frozen fish on sale. These are handy for men such as myself who cook their own tea; but where are we going to stop? One operator in Fremantle found himself in the position this year where he had to apply for social service assistance to provide housekeeping money for his wife and children after a season at sea. I have his permission to give his name, but I will not do so. That man is one of the founders of the co-operative fishermen's set-up in Fremantle. In my opinion we have to look after this industry.

Fremantle is becoming an area in which foreign companies are moving very fast. At the moment there is a rumour that a foreign company has bought out a wool firm by the name of Prevost & Co. I think the foreign company concerned is a Japanese company.

There is another matter to which I wish to refer. When I returned from Singapore in March, 1961, I sailed on the *Gorgon*, and we spent five days in a cyclone. I was amazed to find how far up the coast the crayfishing pots had been placed. I was told that we were then 250 miles north of Geraldton; and a number of these pots could be seen. I understand there is an unwritten law in the shipping industry that whenever these pots are seen, the bigger ships have to reduce their speed or by-pass them.

If fishermen have to go that far up the coast to catch fish, then I believe they are doing something for the State as well as themselves. There are a number of men in the industry who feel that the time will shortly come when they will have to leave and the money which they have put into

the industry will be lost. I hope the House will agree to the appointment of a Select Committee.

THE HON. R. C. MATTISKE (Metropolitan) [4.54 p.m.]: Since 1960, when I spoke at length on the crayfishing industry during the Address-in-Reply debate, I have maintained very close contact with the industry. From my observations, and from discussions with quite a number of operators, both small and large, I am unable to share the opinion of Mr. Thompson that the majority of these people want a Select Committee to inquire into the industry.

Early in the history of the industry in this State there was quite a lot of dispute, if we can call it that, between certain sections of the community who were engaged in crayfishing. There were many instances of pots being robbed, of pots being deliberately destroyed, and of other things happening which, to say the least, was aggravating to the genuine operators. Since that time however, partly due to the entry of a number of other operators into the area, partly due to the inspections which are now taking place, and for other reasons, many of those malpractices have, to a large extent, been curbed.

I think one might say in general terms that the industry is a reasonably happy one. Those people who are operating genuinely realise they are dealing with an industry which has had terrific growth in recent years and one which is a great dollar earner for this State and for themselves as individuals. They realise, too, that unless certain steps are taken to preserve the crayfish population, their investment of large sums of money in boats and other costly gear would, to a large extent, be wasted.

I feel that the Fisheries Department, about which we have heard much criticism from time to time, has done a very good job indeed in trying to police the crayfishing industry. Its job has not been an easy one. In recent years there has been close co-operation between the department and the operators, and that can only be to the good of the industry. Unfortunately we do hear criticism from time to time of certain alleged malpractices, but when inspectors have approached those who made the initial complaints they have been unable to get the persons concerned to come forward and give them full details in order that the wrongdoers might be apprehended.

Mr. Thompson referred to certain crayfish processors. Last year I was approached by a fisherman who complained that a large processor had agreed to take the whole of his catch, including the undersized crayfish, at a certain price. The fisherman was not interested in selling undersized crayfish or in dealing in them

at all; and he was then told by the processor that he could not see his way clear to do business with him. I reported the details to the Minister for Fisheries, who endeavoured to obtain sufficient evidence to prosecute the wrongdoer, if he was dealing in undersized crayfish from other fishermen.

The task of obtaining sufficient evidence was extremely difficult, and nothing eventuated. I mention the incident to show that there are persons who are unscrupulous and who are prepared, regardless of the future of any industry, to do something which would give them an immediate financial return.

The point raised by Mr. Thompson regarding crayfish which comply with the proper measurements, so far as carapaces are concerned, but which have undersized tails; or, in reverse, those with oversized tails but undersized carapaces, or in other words, what one might call marginal crayfish, has caused a good deal of trouble. But, all in all, the number involved is comparatively small. It is quite possible, as Mr. Thompson said, to have a crayfish which has an undersized carapace, but which has a tail within the allowable limits. Conversely it is possible to have a crayfish with a large carapace but with a comparatively small tail. However, these are minor matters compared with the problems of the industry as a whole.

I believe that at the present time the Government is tackling the industry's problems in a very objective way. It is conducting whatever research it can into finding out what happens in the growth of the crayfish from the time the egg is hatched, or even well before that time; because there again there can be problems, as has been stated by certain experienced crayfishermen who are of the opinion that the catching of large crayfish in southern waters can be detrimental to the population in the northern waters where crayfish go to lay their eggs and breed.

There are many aspects about crayfish which are unknown, and they can only become known through extensive research. I think we are fortunate in having Dr. George, who is a very competent person and who is keenly interested in conducting research into the crayfishing industry. We are fortunate also in that he is respected by both crayfishermen and the department. If we can do anything at all to encourage the department and the inspectors, and to assist them in their work, and further the co-operation between the department, the crayfishermen, and the processors, we should most certainly do it.

However, I believe that if we were to have a Select Committee it would only make certain inquiries of a nature which would tend to create friction between the operators and the department, and that would not be a good thing. I have given this matter a good deal of thought and I

cannot see how a Select Committee can achieve anything of consequence at this juncture. I hope the department will continue to spend on research whatever money can be made available; that it will engage additional inspectors, as the Minister for Local Government said this afternoon it would do; and that it will do many other things which I understand it has in mind in order to preserve the industry. For those reasons I trust the House will not agree to the motion.

Debate adjourned, on motion by The Hon. F. D. Willmott.

ELECTORAL DISTRICTS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [5.5 p.m.]: I move—

That the Bill be now read a second time.

The Government has given consideration to the motion moved by The Hon. J. G. Hislop, and passed in this Chamber on the 26th September, 1963. This motion reads as follows:—

That this House expresses the opinion that there should be a redistribution of the provinces of the Legislative Council of Western Australia, which would involve amendment to the Electoral Districts Act of 1947 which should be introduced into the Parliament of Western Australia, such amendment or amendments to provide that the Electoral Commissioners appointed under the Act shall redistribute the fifty Legislative Assembly districts into Electoral provinces, containing complete and contiguous Legislative Assembly districts so as to provide a more equitable distribution of Legislative Council provinces than obtains at the present time; and that contingent upon a redistribution of the provinces of the Legislative Council of Western Australia as aforesaid and not otherwise, this House expresses the opinion that future elections for the Legislative Council should be conducted upon the basis of adult franchise with compulsory enrolment and compulsory voting; and to that end, this House requests the Government to forthwith introduce legislation to give effect to the provisions and amendments contained within this motion.

It has been decided to introduce legislation to give effect to the terms of this motion, and the Bill now introduced is the first move necessary to put the terms of the motion into effect.

Upon examining the matter, it became obvious that if a redistribution of Legislative Council provinces is made, and under the present position of the State being divided into ten provinces, with biennial elections to elect the members to the Legislative Council, and that if future elections were to be held on an adult franchise, compulsory enrolment and voting for the Council, there would almost invariably be an election for one House of Parliament or the other in this State each year. This would place us in the position of unnecessarily duplicating a similar type of election almost every year, and it is considered that no Government would desire such a situation to come about.

Attention was, therefore, turned to ascertain whether any other basis more satisfactory could be arrived at, and the Bill I am now introducing, if passed by Parliament, will give effect to redividing the State into 15 electoral provinces; and the 30 members of the Legislative Council will be elected on a triennial basis for six years, which follows that half the House will come out every three years, rather than one-third of the House every two years, as at present pertains.

Before describing the contents of this Bill, it is necessary that I give to the House an indication as to how this will be brought about from a legislation point of view. It will be necessary to amend three Acts—

- (1) The Electoral Districts Act, which this Bill deals with;
- (2) The Constitution Act Amendment Act; and
- (3) The Electoral Act.

The provision for the redistribution of the State into 15 provinces is contained in the Bill I am now introducing. The machinery to give effect to this will be contained in a Bill to be presented to amend the Constitution Act Amendment Act, and the amendments to the Electoral Act will be consequential to both.

To give effect to the proposal, a starting point must be obtained and, to say the least, this is not an easy matter. However, I think it can be effectively done. What we have to bear in mind is the obvious practicability of having the two elections, for the Legislative Assembly and the Legislative Council, because they will be on the same franchise, in the same year, and, presumably, upon the same day.

It will, therefore, be seen that with the next State election being scheduled to occur in 1965, the obvious course to follow is to have the first triennial election for the Legislative Council also at that time. This can be done by amending the Constitution Act Amendment Act to provide that there shall not be an election for the Legislative Council in 1964, but that it shall take place in 1965.

To do this, we must have half the House or 15 members of the Council to retire at that time, 1965, and this will be achieved

by bringing the 10 members due for election in 1964 forward to 1965, bringing five of the members normally due to retire in 1966 back to 1965, to make up the 15, and the other five members of the ten due to retire in 1966 will be taken forward to 1968, that being the year upon which the next general election would normally occur.

Of course, the question that will immediately arise in the minds of members is which five of the ten members due to retire in 1966 will come back to 1965, and which five will go on to 1968. The Bill to follow this one, if this is passed, will deal with this situation, and the five members who will go back to 1965 will be those five who gained the smallest percentage of winning margin to total votes cast in the last election contested by those members, which was 1960.

There is, I might say, a basis for doing this in the Constitution Act Amendment Act when it was first enacted.

The Hon. F. R. H. Lavery: What about unopposed people?

The Hon. A. F. GRIFFITH: Unopposed people, naturally, will be deemed to have secured a greater percentage margin of votes than other members.

The Hon. F. R. H. Lavery: Thank you.

The Hon. A. F. GRIFFITH: I do not think we could have any view other than that. Perhaps I could briefly enlarge upon this point. I have used the phrase that the five will be those who gained the smallest percentage of winning margin to the total votes cast. It would not be feasible to say the smallest number of votes cast, because a person representing an electorate of 2,000 voters, or Legislative Council voters at the time, may win by 200; and on the other hand a member representing an electorate of, say, 40,000, may also win by 200. The percentage margin obviously is much less in the case of a person in that instance with 40,000 on the roll than it is in the case of the member with 2,000 on the roll. The other five members will have to be put forward to 1968.

The first phase of electing the 15 members in 1965 will be a relatively easy one, because there will be 15 vacancies and the 15 members due to retire at that time will seek re-election at the 1965 election. Perhaps I should add presuming, always, that they desire to do so. If some member does not, then some other candidate will seek election in the place of that member.

It will then be necessary to provide that the other 15 members, made up of the five originally elected to hold office until 1966, and who will have been brought forward to 1968, and the 10 normally due for re-election in 1968, will not only have the right to vote as members of the Legislative Council, unless otherwise disqualified, but ma-

chinery will have to be provided to re-allocate provinces to accommodate those 15 members into the 15 provinces that will have been created by the electoral commissioners appointed under the Act. Perhaps I might elaborate on the words "unless otherwise disqualified". That means unless otherwise disqualified by existing legislative machinery contained in various Acts of Parliament which can apply in certain cases. This procedure is, to say the least, difficult to determine, but I feel that if the Bill I am now introducing is acceptable, the co-operation of all concerned could enable a satisfactory solution to be obtained.

These remarks foreshadow the proposed amendments to the Constitution Act Amendment Act, but, of course, there will be additional machinery amendments, though I do not think I need elaborate on them at this point of time.

I will now go on to explain that it will not be necessary in this present session of Parliament to bring down a Bill to amend the Electoral Act. Apart from making provision for adult franchise, other amendments to the Electoral Act will also be required, and the Government would like an opportunity to closely examine the Electoral Act to give effect to all these necessary amendments—I am referring here principally to the administrative provisions of the Electoral Act. There will be such problems as the designation of staff duties, as contained in the Electoral Act at present concerned with registrars, district registrars, and so on. A closer study of the Act would, however, be desirable.

However, it should be sufficient for the time being, if the Government gives an assurance that the passing of the Bill that I am now introducing, and the one that I have foreshadowed to amend the Constitution Act Amendment Act, will be followed in the next session of Parliament by a Bill suitable and necessary to amend the Electoral Act. As there will be no election in 1964, other than perhaps a by-election—and I trust that this will not be so—the effect of these amendments will not take place until 1965. In the event of there being a by-election for the Legislative Council, the present provinces and conditions will prevail.

Now to explain the Bill itself. There are in the first place one or two drafting amendments, first of all giving the Chief Justice his correct designation. A further amendment makes a change in one of the commissioners from the Under-Secretary for Lands to the Surveyor-General. This is considered desirable for two reasons; one being that the present under-secretary retires in January next year, and the other being that the present Surveyor-General has, because of circumstances existing at the time, been appointed a commissioner

under this Act; and he is also a commissioner appointed under the Commonwealth Electoral Act. The present Surveyor-General, if my memory serves me right, has participated in at least one redistribution of seats; and I think it could be rightly said that he is a man of experience in matters of this nature.

The State will be redivided into 15 provinces of two members each. There will be three areas. The metropolitan area shall consist of five electoral provinces, each of which shall consist of at least four and not more than five complete and contiguous electoral districts. There shall be the agricultural, mining, and pastoral areas, which shall consist of eight electoral provinces, each one of which shall consist of any three complete and contiguous electoral districts; and the north-west area, which will include the electorate of Murchison, shall consist of two electoral provinces, each of which shall contain two complete and contiguous electoral districts. This will be for the purposes of the Legislative Council only.

In the preparation of these notes, and upon the receipt of the Bill, I have realised there is one other matter I should explain. Clause 6 provides for a state of affairs envisaging a further redistribution of all the provinces after the one that takes place under this legislation. In such case clause 6 sets out what shall be done in the event of the balance which will be created under this measure falling out of balance. The metropolitan area would remain the same; but under the quota system of the Legislative Assembly it would appear that the metropolitan area would gain another seat. That being the case, eight provinces of the mining, pastoral, and agricultural areas would not be equally divisible into 24. So the clause provides that if this takes place the commissioners shall divide the electoral provinces as far as possible to contain an equal number of complete and contiguous electoral districts. I thought I should explain that, because it will not be found in the copy of the notes I have made available.

This Bill provides also that the electoral commissioners shall name and determine boundaries of each province. It is also provided for the usual submission of a report by the commission and the publication in the *Government Gazette* of the report. The report is made to the Governor.

A person who is a member of the Legislative Council on the appointed day will be entitled to sit as a member of the Legislative Council, as I have already said, as though the Electoral Districts Act, 1963, had not come into operation, and such entitlement is not affected by reason only of the fact that the State is divided into

15 provinces unless, of course, he shall disqualify himself from some other cause already contained in existing legislation.

It is envisaged that the Act, which is to come into operation on a date to be proclaimed, will be so proclaimed that it will take effect for the 1965 election. The Government considers that the proposals that I have outlined provide a fair and equitable solution to the situation.

A final point: Mr. Wise, when speaking to the motion, stated that he thought it may be that some members would be affected to the extent of losing their seats in the event of a change being made. This, of course, is not known at present but, from the point of view of the five 1966 members who will be brought back by the legislation to the earlier 1965 election, and those members having already been elected to 1966, the Government considers it a fair proposition that any of these five members defeated in the 1965 election should have paid to him, from the date of that election until the date that he would normally have been due to retire in 1966, his salary in respect of that period. No legislation to cover this aspect will be introduced, but an undertaking by the Government is hereby given that arrangements will be made accordingly.

A further matter upon which these members may find themselves affected would be their entitlement under the Parliamentary Superannuation Fund legislation and, in this regard, in the next session of Parliament, the Government will introduce an amendment to that Act making it possible for any member defeated in 1965, who was normally due to continue in his seat until 1966, to retain his membership to the fund as if he were a contributing member up to the date of his normal retirement in 1966. I think I should add here that apart from this provision, the process of planning for elections and seeking re-election to the Houses of Parliament is an occupational hazard which we are all obliged to accept reluctantly or otherwise. It is considered equitable to give some undertaking in respect of those members who must be affected if this plan is put into operation.

I stated in the remarks that I made on the motion moved by Dr. Hislop, that I thought it would be necessary for the Government to lay down the terms upon which a redistribution of Council boundaries should be made, and this Bill does that.

If this Bill, the second reading of which I now move, is acceptable to members of the Opposition, as well as to members supporting the Government, and the Government has a clear indication to that effect, then the other legislation already foreshadowed, will be introduced. I submit the Bill to the House for consideration.

Point of Order

The Hon. F. J. S. WISE: Before moving the adjournment of the debate, I would like some information from the Minister. Would he object, since members have listened intently to his speech, and would have no chance of reading it till this day next week at the earliest, to having copies of his speech roneoed and issued to members between now and Monday? It would assist them in their consideration of the Bill.

My next question to the Minister is: Would he mind the debate being adjourned until Wednesday? I would then know how to move.

The Hon. A. F. GRIFFITH: In answering Mr. Wise's first question, I would point out that the Clerk has advised me that additional pulls of my speech could be made available to members by Monday. In regard to his second question, I would express the personal opinion, and I would ask members to reflect upon it, that it might be more desirable if the debate on the Bill could be continued on Tuesday. I would hope that that will be possible.

I do not want to unduly rush the situation, nor do I want to make any profound statement in this regard, but, on reflection, if members could see their way clear to continuing the debate on Tuesday, it might be an advantage.

Debate (on motion) adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

ELECTORAL DISTRICTS ACT AMENDMENT BILL

Correction of Error

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [5.26 p.m.]: Mr. Deputy President I wish to make a personal explanation. It has been pointed out to me that this Bill contains two clauses numbered 6, which is obviously a printer's error. If members will alter the second clause 6 to read clause 7, then their Bill will be correct.

House adjourned at 5.27 p.m.

Legislative Assembly

Thursday, the 21st November, 1963

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