

the Commonwealth and the States, which works towards the benefit of the people of this State and Australia.

Even at this point of time, I think it is not inappropriate to compliment the Commonwealth Government on the conception of this comprehensive plan to eradicate from Australia, as far as possible, this disease of tuberculosis. One does not have to look very far back in the history of our people to know what inroads the disease of tuberculosis made into the health of the people of the country. The Commonwealth Government, in inaugurating this plan and submitting to the States the idea of a uniform type of legislation to give effect to the plan—the Commonwealth's very generous financial assistance—has had a marked effect upon reducing the incidence of the disease, particularly in Western Australia.

I think it is not inappropriate also, at this time, to compliment the Western Australian Government of the day for immediately adopting the legislation proposed by the Commonwealth Government and implementing, almost immediately thereafter, the mass X-ray compulsory scheme. Although some fears were expressed by members of this Chamber, the scheme was accepted very well indeed; and the Opposition was generous in its approach to the original measure.

From that time in 1949, the mass X-ray scheme has gone forward, as I have said, with great benefit to the people of this State. Western Australia has undoubtedly led the rest of the Commonwealth in the treatment of the disease of tuberculosis. This is recognised very widely all over Australia; and when a tuberculosis department was set up in the Northern Territory, this was done by men from Western Australia who had had experience in the tuberculosis section here. Western Australia was invited by the Commonwealth to send its experienced officers to the Northern Territory to see the department got off to a start with its campaign in a way similar to that in which Western Australia first inaugurated its campaign against this dread disease.

As the member for Gascoyne pointed out, and as I pointed out in my introductory speech, the benefit is evident in the decline of the disease in this State. However, we must not become complacent with these results because it is an infectious disease and can break out again if the greatest care is not taken and surveys conducted from time to time.

The idea propounded by the member for Gascoyne to Dr. Edwards, head of the tuberculosis section in the Public Health Department, was a good one and it is interesting to note that it has been taken up by Dr. Edwards as being worthy of implementation.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 5.40 p.m.

Legislative Council

Tuesday, the 21st September, 1965

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (10): ON NOTICE**EYE INJURY ACCIDENTS***Claims in Three-year Period*

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

During each of the previous three years, how many accident claims emanating from eye injuries have been made to—

- (a) the State Government Insurance Office; and
- (b) other insurers; for
 - (i) Workers' compensation?
 - (ii) School children insurance?

The Hon. A. F. GRIFFITH replied:

It is not possible to supply the number of claims emanating from eye injuries made to either (a) State Government Insurance Office or (b) other insurers, as this information is not collated. The total numbers of such claims made to all insurers and self insurers under the Workers' Compensation Act, as published by the Government Statistician in his Bulletin of Industrial Accidents SB 11/65, dated the 8th February, 1965, are:—

1961/62—2,413.

1962/63—3,009.

These figures are for claims involving time lost from work of one day or more. Claims involving loss of time less than one day are not included.

INDUSTRIAL DEVELOPMENT IN COUNTRY AREAS*Local Authorities' Power to Assist*

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

- (1) Do local authorities have power under the Local Government Act to purchase industrial land and buildings, and to make advances to owners and lessees of land for the erection of industrial buildings, thereby aiding and assisting decentralisation in country areas?

- (2) If the answer to (1) is "No," will the Government consider amending the Local Government Act to allow this assistance to be possible to shires and town councils in their efforts to attract industry to their areas?

The Hon. L. A. LOGAN replied:

- (1) No.
- (2) No, but consideration will be given to this aspect under the Town Planning and Development Act.

WORKERS' COMPENSATION*Rebates by Insurers to Mining Companies*

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

For each of the previous five years, what was the amount rebated under the Workers' Compensation Act to the mining companies at Kalgoorlie-Boulder, Norseman, and Mt. Magnet, for—

- (a) accident prevention or accident reduction; and
- (b) any other cause; by
 - (i) the State Government Insurance Office;
 - (ii) other insurers?

The Hon. A. F. GRIFFITH replied:

As the S.G.I.O. is the only insurer authorised under the Workers' Compensation Act to insure mining operations, no other insurers would be involved. The State Government Insurance Office does not have separate figures for Kalgoorlie-Boulder, Norseman, and Mt. Magnet, but its figures for the whole State are:—

1960/61	£2,659
1961/62	£4,699
1962/63	£13,061
1963/64	£27,842
1964/65	£20,158

These are incentive rebates paid to individual mining companies to encourage accident prevention, and are based on each company's ratio of claims paid to premiums received. Due to the nature of the risk, no rebate is allowed on the pneumoconiosis portion of the premium.

DECIMAL CURRENCY*Statutes: Amendments to Conform*

4. The Hon. N. E. BAXTER asked the Minister for Mines:

In view of the change to decimal currency during 1966, does the Government intend to amend Statutes this session which relate to levies, taxes, stamp duties, or charges, where such amounts do

not have any exact equivalent in cents, or are fractions of one penny?

The Hon. A. F. GRIFFITH replied:
Yes; the matter is in process.

SERVICE STATIONS

Number, Ownership, and Throughput

5. The Hon. H. R. ROBINSON asked the Minister for Town Planning:

- (1) How many service stations have been built in the metropolitan area in the last five years, excluding industrial pumps?
- (2) How many are—
(a) company owned;
(b) privately owned?
- (3) How many lessees have been changed in the past five years?
- (4) What is considered an economic gallonage throughput per month?
- (5) What is the average gallonage throughput of the existing service stations?

The Hon. L. A. LOGAN replied:

- (1) 151.
- (2) (a) 359.
(b) 161.

	One Change	Two Changes	Three or more
(3) 1960	46	2	1
1961	60	5	
1962	57	3	
1963	72	9	
1964	89	8	3
1965	55	3	

(4) 9,000-10,000.

(5) Approximately 6,000.

GOLD

Price in Hong Kong

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

What has been the average price of gold per fine troy ounce, in Australian equivalent currency, on the Hong Kong Chinese Gold and Silver Exchange in the year 1964-65?

The Hon. A. F. GRIFFITH replied:

I do not know, but inquiries are being made and I will advise the honourable member further when in a position to do so.

RAILWAY LINE: BURAKIN-BONNIE ROCK

Sleeper Trains: Use for Transport of Other Goods

7. The Hon. N. E. BAXTER asked the Minister for Mines:

- (1) Will the Railways Department be transporting sleepers on special trains on the Burakin-Bonnie Rock line from now until the new wheat haulage season commences?

- (2) If so, could these special trains transport machinery, bulk fuel, wool, stock, and other heavy goods, during this period?

Koorda: Backlog of Goods

- (3) Is there an accumulation of goods at Koorda awaiting delivery by the Railway Road Transport Service to centres along the Burakin-Bonnie Rock line?

The Hon. A. F. GRIFFITH replied:

- (1) No.
- (2) Answered by (1).
- (3) No.

STANDARD GAUGE RAILWAY: PERTH-KALGOORLIE

Passenger Service: Type

8. The Hon. G. E. D. BRAND asked the Minister for Mines:

When the standard gauge railway has been completed and is in use, what mode of transport will be provided to convey passengers from Perth to Kalgoorlie?

The Hon. A. F. GRIFFITH replied:

Present planning is towards diesel electric railcars, although firm decision has not yet been reached.

DESALINATION OF WATER

Plant at Muresk: Details

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

With reference to the desalination plant installed at Muresk Agricultural College by the Commonwealth Council for Scientific and Industrial Research Organisation—

- (a) What type is being used?
- (b) How long has it been in operation?
- (c) What is the average daily production of fresh water?
- (d) Have any operating problems of a serious nature been encountered?
- (e) Is there a large variation in output due to weather conditions?

The Hon. A. F. GRIFFITH replied:

- (a) It is a solar still.
- (b) Since December, 1963.
- (c) On an average summer day 300-350 gallons of fresh water are produced.
- (d) There has been some trouble with development of algae, but this does not appear to reduce the output.
- (e) Yes. Production ranges from 100 to 400 gallons per day.

TRANSPORT: HEAVY OIL AND FURNACE FUEL*Freight Rates: Reduction*

10. The Hon. G. E. D. BRAND asked the Minister for Mines:

As the freight on motor spirit, including aviation fuel, power and lighting kerosene, distillate, diesel fuel, and heavy fuel or furnace oil, comes within the highest rate, and as heavy fuel or furnace oil is not dangerously inflammable, is there any reason why it should not be placed in a lower freight category?

The Hon. A. F. GRIFFITH replied:

The present uniform freight rate, at the lowest classification, was applied for the petroleum products mentioned, in order to provide the greatest possible assistance to the community as a whole.

Were a lower freight rate granted for heavy fuel or furnace oil it would be necessary to apply a correspondingly higher rate for higher grade oils, which represent approximately 80 per cent. of the total tonnage transported.

QUESTIONS (2): WITHOUT NOTICE**LEGAL PRACTITIONERS ACT**

Sections 77, 80, and 81: Application to Limited Companies

1. The Hon. H. K. WATSON asked the Minister for Justice:

In the administration of the Legal Practitioners Act, does the Barristers Board or the Crown Law Department, as the case may be, interpret and apply sections 77, 80, and 81 of the Act as extending, by virtue of the Interpretation Act, to a limited company no less than to a natural person?

The Hon. A. F. GRIFFITH replied:

The honourable member was good enough to advise me that he would ask this question and I desire to give him the following answer:—

I have not consulted the board on the point, but it is thought—

- (a) That references in sections 77 and 80 of the Act to "practitioner" are to admitted practitioners—as defined in section 3—and no limited company has been so admitted; and

- (b) that the word "person" in sections 77, 80, and 81, relating to offences against the Act, could include a corporation.

MENTAL HEALTH SERVICES

Expenditure in 1964-65, and Estimate for Current Year

2. The Hon. R. F. HUTCHISON asked the Minister for Health:

- (1) Will the Minister tell the House the amount estimated and voted for mental health for the year 1964-65?
- (2) Is it anticipated that the estimate will be more or less for 1965-66?

The Hon. G. C. MacKINNON replied:

- (1) and (2) The amount spent last financial year on maintenance of mental health services was £1,575,761. It is expected that this financial year £1,818,000 will be spent. With regard to loan funds for capital work, last year £452,678 was expended. This financial year the relevant figure is expected to be £534,400.

STREET PHOTOGRAPHERS ACT AMENDMENT BILL

Introduction and First Reading

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

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.48 p.m.]: I move—

That the Bill be now read a third time.

THE HON. R. THOMPSON (South Metropolitan) [4.49 p.m.]: When I was speaking to the second reading I raised certain matters which were the result of the boat safety Royal Commission report. The Minister replied to that debate, but I do not think enough has been said at Government level as to what parts of the Royal Commissioner's report are to be adopted.

The Minister, in his opening remarks, pointed out that the Bill was the result of the Royal Commission, and that the amendments contained in the Bill were to be put into the Act. He introduced a very small Bill containing three amendments. The Royal Commission which recommended these amendments to the Government was in fact set up by the Government at considerable expense.

The Hon. A. F. Griffith: Did you say I said that?

The Hon. R. THOMPSON: No. I said that.

The Hon. A. F. Griffith: Then I beg your pardon.

The Hon. R. THOMPSON: I will repeat it: it was set up by the Government at considerable expense; and I do not think the fishing boatowners, pleasure craft owners, and the general public who use the various ferries which ply between Fremantle and Rottnest have been given the complete answer as to why the recommendations made have not been implemented. I think it is incumbent upon the Government to make a statement forthwith, and introduce composite regulations, instead of introducing them in piecemeal fashion as at present. I think two, and possibly three, sets of regulations, plus a bit of kiteflying, have come out of the Royal Commissioner's report.

Particularly as regards the rescue operational facilities we should know something more about what the Government intends to do. Since I spoke to the second reading we have seen the spectacle of the *Tanais* hitting a reef near the Moore River, and the inadequacy of our rescue facilities. I am not detracting from the courage of the fishermen, but I do say that the rescue facilities along our coastline are completely inadequate. If it were not for the courage of the fishermen many more lives would have been lost; and I think this is one issue on which the department, or the Minister in charge of it, should issue a statement about what the Government intends to do to improve the efficiency of our rescue organisation.

We have heard little or nothing about the department being understaffed, or about the surveying of boats at various anchorages. The same applies to many other aspects that were mentioned in the Royal Commissioner's report. What is to be the position of lead lights, buoys, and safe anchorages? We have heard nothing from the Government in this regard; it has simply picked a few items out of the Royal Commissioner's report and has implemented them—items that will cost the Government almost nothing to put into effect.

The implementation of the three amendments contained in this Bill will cost the Government virtually nothing; and I do not think it is fair that the people who contribute to our economy, as do the fishermen, should be placed in the position where, after volunteering evidence on what should be done, they find that nothing is to be done which will assist them in their hazardous occupation.

I still support the measure, but I am disappointed that we have not had a public statement from the Minister on

the matters I have mentioned, or on the question of regulations being issued in a composite form so that we will know where we are going in regard to boat safety.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.54 p.m.] : The Bill which is now before us at the third reading stage contains only four clauses, as I said when I spoke in reply to the second reading speeches made by members. I also said then, and I repeat it, with respect, Sir, that I think you allowed a number of us considerable liberty, perhaps because of the title of the Bill, in addressing ourselves on matters which in fact were not specifically covered by the Bill. I am sure those who wanted to talk about matters connected with boat safety were grateful to you, Sir, for that, because it gave them an opportunity to go through the Royal Commissioner's report. Nevertheless, I do not think it is quite in accordance with fact to say that the Minister has not made any public statements concerning this matter.

The Hon. R. Thompson: I said he has made two.

The Hon. A. F. GRIFFITH: I do not think it is correct to say, either, that a substantial number of the recommendations contained in the report are not being put into effect; because a considerable number of them are being adopted either by way of legislation, or they will be put into effect by way of regulation. The other afternoon Mr. Ron Thompson was helpful to me when he interjected. I commented that some of the regulations would be coming forward later and the honourable member said, "They are on the table".

The Hon. R. Thompson: No; I said, "There are some in tonight's paper."

The Hon. A. F. GRIFFITH: That is so; that was the helpful interjection made by the honourable member. Therefore I do not think it is reasonable to say that no action has been taken on this matter. There has been considerable action in regard to it, and I would point out once more that to a considerable extent the Royal Commissioner's recommendations can be put into operation by way of regulation; and, in fact, a number of those regulations have already been brought into effect by way of administrative action.

The Hon. R. Thompson: I said we have had two issues of regulations.

The Hon. A. F. GRIFFITH: Then what is the honourable member talking about?

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. R. Thompson: I ask the Government what it is going to do in regard to safe anchorages, lead lights, and rescue facilities.

The Hon. A. F. GRIFFITH: I repeat that, strictly speaking, it is not a subject we can discuss under this Bill. However,

if, at some subsequent date, I can obtain further information for the honourable member regarding the questions he has raised, I will be only too happy to do so; and I shall refer his entire speech to the Minister for Works so that he can have a look at the suggestions that have been made.

I undertook to get some further information for Mr. Strickland before the Bill passed the third reading stage—it was in reference to the application of clause 2 of the Bill. I think what exercised Mr. Strickland's mind more than anything else was that part of the clause which says, "With the assistance of such persons as he may require." Mr. Strickland said he thought this may bring about a degree of compulsion and that an authorised person may be able to compel somebody to do something which in fact he may not want to do.

I have had an opportunity to inquire into this aspect, and the wording in the Bill is not meant to have that effect and is not really indicative of it. The wording "with the assistance of such persons as he may require" means that if an authorised person requires the services of an engineer, for instance, he may obtain those services, but it does not in any way give him the power to compel anybody to assist him. For instance, he cannot say to anybody, "You shall come along and help me." That is not the point at all.

I think if I remember rightly I also made the point in Committee that the wording of this clause made reference to any vessel being navigated, and I suggested that a vessel would have to be in the position where it was being navigated and was not in fact tied up. If I also remember correctly Mr. Watson helped with this and said that that was the intention of the Bill. I have had this point clarified, too, and it is intended that the vessel will have to be in the course of navigation and it will not cover one which is tied up.

However, I repeat: The point about obtaining assistance from some other person does not mean that an authorised person can say, "You come along and help." It is meant to cover the position where an authorised person may require assistance, and the clause in the Bill will give him authority to obtain that assistance in respect of the inspection of a vessel. I hope that clears the point raised by the honourable member. I think those are all the matters on which I was asked to obtain information.

I would like to say, finally, to Mr. Strickland that I am informed every effort will be made to see that the right type of person is selected for this work. I think the honourable member referred to the possibility of some pompous person being engaged or authorised to do the work in question. Since these people will be members of the Police Force or from the Harbour and Light Department, they

will be subject to the control of those departments, and there will be an attempt to make sure that the selection of the people concerned will be done in a proper way in order that the honourable member's fears will not be justified. I commend the Bill to the House.

Question put and passed.

Bill read a third time and passed.

BREAD ACT AMENDMENT BILL

Report

Report of Committee adopted.

BUILDERS' REGISTRATION ACT AMENDMENT BILL

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.

TUBERCULOSIS (COMMONWEALTH AND STATE ARRANGEMENT) BILL

Returned

Bill returned from the Assembly without amendment.

MENTAL HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th September, on the following motion by The Hon. G. C. MacKinnon (Minister for Health):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North-East Metropolitan) [5.4 p.m.]: This piece of legislation seeks to improve what is already on the Statute book in connection with the treatment and cure of people who are mentally handicapped. The trend today is a continuation of a major breakthrough some years ago by the late Emil Nulsen, who was so successful in obtaining the money from the Government for this field of endeavour with a view to bringing to the public a closer affinity and understanding of the people referred to in the Bill. He was so successful that successively since then there has been more and more money channelled into this field, together with improved methods of treatment for the people who need it.

The present Bill, in the main, seeks to give a greater opportunity to differentiate between, and to extend, specialised fields of treatment by way of a breakdown of this particular illness into its various forms. There is to be better provision of training centres and reception homes; better education of the public in regard to the treatment of those who are unwell; a complete breakaway from the old understanding of placing these people into one conglomerate body under the heading

"insane"—a word, that is now fast disappearing; indeed, it is almost non-existent.

Because of the seriousness of this matter, and because of the great research that must go into this type of work, it is necessarily a very slow process. The main amendment in the Bill seeks to amend section 19 of the Act, and it provides what is contemplated by way of an extended approach to mental illnesses and to the mentally incapacitated.

We find that the Governor may, out of moneys appropriated by Parliament, establish and maintain reception homes, training centres, hospitals for the treatment of mental illness, inpatient units for children, geriatric centres for patients and for persons discharged from an approved hospital or other institution established under this section. There we have a specific instance of treatment for a particular set of people. The Governor may also establish and maintain hostels and sheltered workshop units. I understand the workshop units are wonderfully successful. The definition of hostel was dealt with by the Minister in his introductory speech.

The Governor may also establish centres to provide for the institutional care and treatment of inebriates and drug addicts. This is very different from what was done for the inebriate and drug addict in the past. Nothing was done for the drug addict until he was completely addicted, and then very little was done. He was condemned in the eyes of the public. Provision is also made for the establishment of day hospitals and day centres for the welfare, rehabilitation, and occupation of persons who are, or have been, receiving treatment under the Act; also for the establishment of outpatient and child guidance clinics, and any other service that may be necessary or expedient.

One can only wish those responsible for the administration of this Act success in their endeavours. We hope it is of great benefit to the particular section of the community to which it refers. It is interesting to note the money that is to be set aside for this purpose, and it is to be hoped that this will be increased, not merely because of the numbers of people that it will be necessary to treat, but in order to continue with this breakthrough and to prevent many of these illnesses developing. We will be treating people in the very early stages of what could be merely a problem, and thus by specialised treatment arrest what otherwise could develop into a very serious mental illness.

The Bill itself is a small one. It does not appear to do anything more than it sets out to do. There has obviously been much work done by the department concerned with reference to the treatment and methods of treatment, and the work that goes into such treatment. Buildings have to be erected, and consideration must

be given to those who are to man them. It will be appreciated that with people going to hostels and children entering homes, some form of supervision is needed, though the supervision would not be as marked as would be the case in the type of institutions dealing with the earlier cases.

I support the Bill and wish it all success. I hope it will do all it sets out to do, and that the particular section of the community which suffers from these mental disabilities will receive better treatment, and that the Government and the department concerned will obtain just rewards for their endeavours.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [5.12 p.m.]: As anyone who was here last session will know, I am particularly interested in legislation of this nature. I asked questions today about the matter of finance, because I had a report that this was being reduced. I was very happy to hear the Minister say that the finance provided will be at least as great as it was in the previous year.

I feel a new look ought to be given to the question of mental health, because this is one field of endeavour in which the Government will be paid back for anything it puts in. That was the approach of the Labor Ministers—the late Mr. Nulsen, and the late Mr. Fraser. It stands to reason that the Government will be rewarded for any effort it makes in this direction, because any money that is expended on mental health, as is the case with the other arms of the social services, will be repaid, because many who are ill will return to the community cured, thus making unnecessary any further financial help in this direction.

The 1962 legislation introduced an amendment whereby it was necessary for a doctor to have a diploma of psychological medicine before practising in this field of mental health. Members will recall that a pretty wordy debate ensued. I for one am very happy to know that we have as director a doctor with a D.P.M. appointed to this work, and it is to commend him for what he is doing that I rise to support the Bill. This is legislation which any Government or party should support. The more support we give to this problem, and the more work we do in this field, the more we will help to provide happy homes and ensure happy people. It is far preferable to have happy homes and people who are well through the care given them by the finance provided for this work, than to spend millions of pounds on other fields of endeavour which are not so rewarding from the point of view of humanity.

This Bill seeks to do exactly what the 1962 legislation sought to do: to divide into special categories those who are mentally defective and those who are

mentally ill. Very few people among the public at large know the difference between those who are mentally ill and those who are mentally defective.

It used to make me very sad indeed, and very hostile in fact, when I saw these people bundled together with no attempt made to give them the proper treatment. If this Bill does nothing more than deal with this situation, we will have progressed a very big step in mental health, because there is so much misery experienced as a result of patients being mixed together. Members would only have to see the effect on relatives and friends of the patients to know that this is true.

I was in the Eastern States when Dr. Cunningham Dax's plan had been active for about a year, and I think this is the first thing he did. I do not know why we have lagged so far behind in following in his footsteps. However, I am sure we will see the benefits which will accrue under the provisions of this Bill; and I am very happy to see it come before this House.

Mr. Nulsen, the late Labor Minister, was a very ardent exponent of mental health, and he saw the need then. I was surprised that mental health was such a poor relation in this House, and that no-one said anything about it in Parliament. For that reason I was not surprised that conditions had not progressed. As a matter of fact, there was only one State worse, and that was South Australia, where the conditions were particularly sordid. However, that State also is now following the pattern from which some benefit is likely to accrue to these people.

We know so much more now about mental health since it has come to the fore; but the amount being spent on it is still too meagre. Governments should wake up to that fact, especially now when money seems to be easy to get, judging by the amounts spent on other things. More money should be put into this service.

I visited the Claremont Mental Hospital yesterday, and was very pleased to see the building which is in progress. I understand the intention is to transfer the patients to the new portion from what used to be dreadful old blocks. These have been considerably improved, and I understand the intention ultimately is to break them up. That also will be a very good move.

The Hon. G. C. MacKinnon: By "break them up" you mean subdivide them, don't you?

The Hon. R. F. HUTCHISON: Yes. I hope they do; and I hope they take off that old verandah that looks like a gaol entrance. I met Dr. Ellis in Victoria at Mont Park Hospital, and his hospital's approach to mental health there attracted me more than the approach of any of the other hospitals I saw—and I went right

through them all. It was wonderful to see the little boys dressed in clothes of different colours, with little jumpers. There was nothing monotonous as is generally the case. This similarity has a depressing effect when one enters a mental home. I will never forget the rumpus room which they had for those with a weakness in their legs. Tricycles were provided, and the boys helped to cure themselves by riding and playing on the bikes.

We have, in Dr. Ellis, a very worthy man as has been evidenced by the steps he has taken following on our previous doctor (Dr. Moynagh). I am very happy to be able to say that I am pleased with the effort being made. The progress in Western Australia is rather wonderful.

I asked a question today on this subject because I was told that the estimates would be much less this year. I have one answer here that the estimates are not reduced, and I hope it is right. I suppose it would not have been given to me if it was not.

The Hon. G. C. MacKinnon: Thank you. You can be assured it is the right answer.

The Hon. R. F. HUTCHISON: I did not get the answer to the second part.

The Hon. G. C. MacKinnon: I sent the answers around to you. They are on your desk.

The Hon. R. F. HUTCHISON: I did not get them. They were not there when I came in here. I thank the Minister, anyway.

I do not want to labour this subject. I simply rose to support the Bill in order that I might indicate how pleased I am that we should now be putting into effect something about which we had such a bitter argument before. After having travelled and inquired, as I have done, into this subject, I know that we need a doctor of psychological medicine to do exactly what Dr. Ellis is doing now. I wish the Government success; and it makes me feel pretty good to be able to do that on a subject about which I am so deeply and earnestly concerned. I support the Bill.

THE HON. J. G. HISLOP (Metropolitan) [5.22 p.m.]: I would like to join with the others and say that this Bill is a very good one and shows the progress that is being made in this State in the treatment of mental health. Under our recent superintendents and directors of mental health we have made a lot of progress; and all of us can foresee that there will be much greater progress in the years that lie ahead.

We may say that the study and the treatment of mental health has emerged from the darkness and has now in its own right become a discipline of medicine.

The Hon. R. F. Hutchison: You believe in the D.P.M. now? Remember the arguments we had over it?

The Hon. J. G. HISLOP: I do not think there was a time I did not believe in it. D.P.M., incidentally, is a Diploma of Psychological Medicine. I would like to point out the extent of expansion, as noted in clause 4, that has taken place within this State. This is a more or less general trend in all fields of medicine.

Particularly would I emphasise the rehabilitation of the sick person; and the work which is being done by the social services and the mental institutions today is proving very worth while and very productive. I think the whole question of rehabilitation of the individual from any sickness or injury the individual may have suffered is proving of tremendous value in this field of medicine.

I often wonder how much is being spent by the public on drugs of a tranquillising nature. It would seem that there is a state of apprehension in quite a large number of individuals. I am quite certain that when I started medicine some 40-odd years ago, we did not see anything like the number of persons suffering from depression, agitation, apprehension, and doubts that we do today. It is noticeable that the Federal Government has not included in the National Health Service any of these tranquillisers unless the individual is being treated in a hospital for some particular purpose; and even after leaving hospital he can be treated. However, people suffering minor conditions of nervous disorders are not catered for in this field. I can quite understand the attitude of the Federal Government in this matter, because I consider it would run into a very considerable sum of money.

The time must come eventually when a great step will be taken in an endeavour to lessen the amount of tranquillisers used by the public.

I have very little more to say in commendation of this Bill. I know the work that is being done amongst these people because I am partially mixed up with them from time to time. I admit, though, that I have not visited the asylum for some time; but I do see Heathcote on occasions. I know from my association with the hospitals the intensity with which the treatment of the mentally sick is being pursued, and I feel that here we have got to offer thanks to those who are spending their lives amongst people in such conditions.

I hope that within a few years we will be able to organise a research laboratory within the Mental Health Services, because I believe we have a sufficient number of patients to warrant the institution of a research organisation. It is one that will be costly to a degree, but if by such research we could lessen even by one or two per cent. the number who spend long periods in the mental health institutions, the money would be well spent indeed, and the result would be of very great use to the general community.

I hope also that the knowledge which is obvious within this organisation is extended to the general practitioner who first sees these people in their own homes, because I feel quite keenly that in the near future, unless this stage of apprehension, fear, and doubt dissolves itself, the need for knowledge of nervous disorders by the general practitioner will be very urgent.

I wish those well who are working in such conditions and making the progress that is so obvious, and I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.29 p.m.]: I would like to thank those members who have spoken, for their attitude towards this Bill. There were no matters of conflict raised by members, but there are a few questions on which I would like to make some passing comment.

I was pleased to hear Mr. Willesee make some remarks about the workshops and the wonderful success that is being experienced there. This has a bearing on the remarks made by Dr. Hislop apropos rehabilitation.

In this connection I would strongly recommend members—who are in touch with the community more than are most people—to take the opportunity on the next open day to visit the Claremont Mental Hospital, or even to arrange to go there on some other occasion, to have a look at the industrial training centre, where they will be able to see the difference this training makes to the patients.

At one end they are just starting and are in a very depressed state, and at the other end, after they have been working at some quite intricate jobs—glass blowing, and the making of puppets and small specimen tubes, and so on—they are able to intermingle with other people, and sit at tables and drink tea; and, indeed, they serve their relatives on visiting days.

This transition, which takes place from complete incompetence at one end to almost complete integration at the other, points out, as Mr. Willesee said, the wonderful success of this treatment; and it is there before our eyes to see, and it is worth the time and trouble to look at it. This industrial training centre is, indeed, meeting with success in its application to inebriates, drug addicts, and the whole range of mental illnesses.

Several members commented on the need for additional money. I point out that it is not always easy to spend money wisely. One can always spend another few thousand pounds, but there may be some doubt as to the wisdom of such expenditure. It avails us little if we erect the most modern hospitals but are not able to get adequate trained staff to man them.

The Hon. R. F. Hutchison: There is not enough staff.

The Hon. G. C. MacKINNON: As the honourable member says, there is not enough staff. As she obviously knows this, I was a little surprised that she was insistent to the degree she was that more money should be provided; because at this stage we are a little pushed for staff. It is difficult to get trained people of all categories, even nurses. Indeed, this matter even affects the planning of the various hospitals. One has to ensure that new hospitals are of the highest standard so that they will attract staff, even nurses.

As I said a moment ago, it is not easy to spend money wisely in order to ensure that maximum benefit is gained from the expenditure; and any Government that does not ensure wise spending lays itself open to criticism. That is why we must make haste slowly in these matters.

I was delighted that Mrs. Hutchison made reference to Dr. Ellis. He has, in the short time I have known him, impressed me as being a particularly capable officer and one in whom I am sure everyone who meets him has a great deal of confidence.

The Hon. F. R. H. Lavery: Western Australia is most fortunate.

The Hon. R. F. Hutchison: I forgot about the industrial part of it. I went through that, too.

The Hon. G. C. MacKINNON: Dr. Hislop referred to tranquilisers. One little sidelight is the bearing rehabilitation has on the use of tranquilisers. It has been found that with the sort of work that is being done by the patients at Claremont, the need to use quantities of sleeping draughts, and suchlike, has almost disappeared. When these patients were left to their own devices to a greater extent than they are now, drugs such as those referred to by Dr. Hislop were used in large quantities. Now, with the sort of rehabilitation programme provided by the workshops and the jobs that are carried out there—and they are quite fantastic to see—the use of these drugs has fallen away, literally, to nothing.

The Hon. R. F. Hutchison: There is a different approach to the people by the doctors.

The Hon. J. G. Hislop: More are used out.

The Hon. G. C. MacKINNON: As Dr. Hislop says, more are used out; and as he has so rightly said, this is a problem. The honourable member also referred to the need for general practitioners to co-operate in the early stages in regard to this field; and this also is a matter which is receiving quite a degree of attention, because, as has been indicated by the reception of this small Bill, the attitude towards the mentally afflicted has changed radically from the days when these people were regarded as being possessed of the devil and were burnt, or thrown into a

pond, right through the various stages until insane asylums were used; and they completely prostituted the use of the word "asylum," because it really meant "dungeon" rather than what it is supposed to mean.

The work has not finished even yet; but members can realise by the speeches that have been made today what the present attitude towards mental illness is in the community. Of course, the ultimate that we look for in this regard is that all branches of the medical profession, from the general practitioner onward, become aware of these changes and of the need for the understanding which so often can avert a serious problem. I again thank members for their reception of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

FISHERIES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 15th September, on the following motion by The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (South Metropolitan) [5.40 p.m.]: The Minister is particularly fortunate inasmuch as he does not have to justify the introduction of this Bill. Events over the past two years—particularly over the last year and 11 months—have proved that something drastic ought to be done to curb the rackets that were so rife—and still are rife—in the crayfishing industry, and that some measures of conservation should be put into effect.

However, I recall that on the 16th October, 1963, I pointed out to the House what was going on. At that time I estimated that approximately 180 bags of undersize crayfish were being processed daily. I consider, however, I was well wide of the mark, because I think the number, even this season, has far exceeded the figure I forecasted two years ago.

I wish now to deal with the Minister's speech when he introduced the measure. He said—

It is suggested that better provisions can be made for controlling and policing illegal fishing for crayfish in closed waters.

I have had a thorough look at the Bill, and, other than the provisions for increased penalties, I can see nothing of

a major nature whereby the controlling and policing of the processing of illegal crayfish is included in the measure. Perhaps the Minister should give further consideration to some of the points I will raise later.

It is unfortunate that this session we are to have two Bills to amend the Fisheries Act, because anything that I say could be taken to be a reference to what will appear in the second Bill. But quite possibly what I refer to might not be included in the next measure. I would rather have seen one Bill brought down so that we would know what amendments are to be made not only to police the industry but to conserve it completely.

The Hon. G. C. MacKinnon: I think you should take it that this Bill deals with the proposals with respect to policing and penalties, and treat it on that basis.

The Hon. R. THOMPSON: It deals with penalties, but not with policing.

The Hon. G. C. MacKinnon: Yes it does.

The Hon. R. THOMPSON: It does not tell us that any major changes are going to take place so far as the policing of the industry is concerned. It does, however, say the illegal practices previously carried out by the fisheries inspectors in regard to float-cutting, will now be made legal.

The Hon. G. C. MacKinnon: An illegal practice that was done once.

The Hon. R. THOMPSON: It was done more than once.

The Hon. G. C. MacKinnon: Proved once; put it that way.

The Hon. R. THOMPSON: It was admitted to us by fisheries inspectors that they had done it more than once. I am going to agree to the measure, but I think I am entitled to be critical where criticism is justified.

The Hon. G. C. MacKinnon: Fair enough! I would welcome it.

The Hon. R. THOMPSON: Much has been said by professional fishermen for and against escape gaps in craypots. The Minister told us quite sincerely that Mr. Bowen had carried out extensive surveys on the manner by which crayfish enter and leave craypots, and he considers that this is a worth-while move. Possibly it is something that could be proved, but it would have to be proved by professional, commercial fisherman.

It is quite common, at the end of each season, to see craypots which have been continually pulled out of the water daily by a winch having gaps up to four inches or more in them, but, despite this, undersize crayfish are still found in them when they are pulled up. Not only have I seen it myself, but I know of many amateur fishermen who have set craypots and, irrespective of the size of the gaps in them or the crudeness of their construction, they have still found undersize

crayfish remaining in such pots. Apparently they had entered the pots for a meal and then remained there.

For the present, a trial period may prove to be satisfactory; but if the fishermen prove that this provision for a different size escape gap is of no benefit to them, I think it should be repealed by an amendment to the legislation next session. During his speech the Minister told us that he thought it would be better to have a 12-inch by two-inch escape gap instead of a 12-inch by 2½-inch escape gap because, in his opinion, the extra width of a quarter of an inch in the gap would assist in allowing undersize crayfish to get out of the pot. That may be true, but the escape gap of 12 inches by two inches, to my way of thinking, is quite unsatisfactory in view of the racket in undersize crayfish that exists. Extra width in the escape gap will achieve nothing, because the existing gap will hold a crayfish that measures 2 15/16ths inches across the carapace but which still has a five-ounce tail.

Therefore, all we will achieve with the extra width in the escape gap will be to force a fisherman to fit something to his pot which will cost at least 10s., and which will mean extra labour on his part. We will be making him put something into a pot, but this will achieve nothing in attempting to allow a slightly undersize crayfish to escape from the craypot. I suggest there are several ways by which this could be done. If the suggestion in our report were followed, it would clear up two lines of demarcation which exist at present. That is, if the carapace measurement were reduced to 2 15/16 inches, and the provision for the five-ounce tail were retained, crayfish of this measurement could still be held in a craypot fitted with the proposed escape gap.

Some freezer boat operators—I will not say all of them—come in close to the reefs in six or seven fathoms of water and catch crayfish on a face, and it is this practice which has caused the discrepancy in measurement and the argument between the fishermen operating catcher boats and those operating freezer boats. We cannot have it both ways. It is not much use fitting a useless escape gap into a craypot which will still retain the undersize crayfish or "furry" which still will be processed by some unscrupulous fisherman who has no regard for the future of the industry. Also, undersize crayfish will still be accepted by unscrupulous processors—and there are many—who will accept such crayfish irrespective of the fine prescribed by the legislation.

I will agree with this provision whilst it is put on trial, but a more serious study will have to be made of the position. If the Minister is to continue to allow crayfishing to be carried out inside reefs and in

shallow waters he should take another close look at the legislation with a view to reducing the size of the carapace by one-sixteenth of an inch.

The Hon. G. C. MacKinnon: I would rather increase the tail weight.

The Hon. R. THOMPSON: If the Minister increases the tail weight, well and good. That would be one solution to the problem. It would hit the fishermen for one season, however.

The Hon. G. C. MacKinnon: It is a far better method of restriction.

The Hon. R. THOMPSON: If the Minister intends to increase the tail weight, he should increase the size of the escape gap, now to 12 by 2½ inches, because I do not think anybody cares to have regulations amended year after year. It may prove necessary to make the size of the escape gap 12 by 2½ inches, but this will put the fishermen to great expense. Despite popular belief, not all fishermen are millionaires. Many of them are carrying large overdrafts, and they still suffer from bad seasons. I would point out to the Minister that many of them, immediately their craypots leave the water, are looking for other employment by which they can maintain their families.

The Hon. G. C. MacKinnon: You know, of course, that I am aware of that.

The Hon. R. THOMPSON: The Minister should be. The proposed general increase in penalties is in line with the recommendations made by the Royal Commission, so I am in entire agreement with it. However, while the Bill is a deterrent to the fisherman from catching undersize crayfish and taking them ashore, it is not a solution to the problems with which we are faced. No fisherman would catch undersize crayfish and take them ashore if he were unable to find a processor to accept them. Yet the Minister told us that no good purpose would be served—or in words to that effect—by delicensing processors, even if he increased the fine in this legislation to £1,000 or £2,000. He said that processors were not licensed, and no good purpose would be served by putting in a provision to delicense them.

The Hon. G. C. MacKinnon: I said it would be pointless inserting in the legislation a provision to take away a license from a processor, because processors are not licensed.

The Hon. R. THOMPSON: That is where the Bill falls down, in my estimation. Even a leading article in *The West Australian* contained these words—

It is an anomaly that fishermen's licenses can be cancelled, but not those of processors. Licensing of processors would widen Government supervision of the industry.

During our investigations, every fisherman to whom we spoke agreed that the solution to the problem of undersize crayfish was to license the processors. Why should they be immune from being licensed, when they are the people who are creating the market, and when a fisherman, under this Bill, will have his boat delicensed after his second offence?

The Hon. G. C. MacKinnon: I could not agree with you more.

The Hon. R. THOMPSON: It would be a simple matter to provide for the licensing of processors, but I am at a loss in this regard because I cannot foresee what the next Fisheries Act Amendment Bill will contain. I sincerely hope that with that Bill some uniformity in licensing will be sought.

The Hon. G. C. MacKinnon: You know that if it were that simple, I would have done it.

The Hon. R. THOMPSON: The argument that the Commonwealth and State authorities have separate interests could be advanced to prove that the solution is not simple. It is a fact that the processors are governed by the Commonwealth laws and the crayfishermen are governed by State laws. In many spheres of primary production there is reciprocity between the State and the Commonwealth on the administration of legislation, so why cannot we have reciprocity in the crayfishing industry? At the moment the position is that some State fisheries inspectors are also Commonwealth inspectors.

The Hon. G. C. MacKinnon: All of them are.

The Hon. R. THOMPSON: I said some. However, none of the Commonwealth inspectors are also State inspectors.

The Hon. G. C. MacKinnon: That is right.

The Hon. R. THOMPSON: If it is good enough for a State inspector to carry the authority of a Commonwealth inspector, it is good enough for a Commonwealth inspector to have the same rights as a State inspector. Commonwealth inspectors have frequently told me that they have seen numerous cases of undersize crayfish being unloaded from freezer boats, but they were powerless to act because they had no right or authority to take action under our State legislation. The processors are definitely the root of the undersize crayfish evil now that the selling of crayfish outside of hotels, from vans, and in various shops, is on the decline.

I think that if processors were licensed, and firm action were taken to delicense them if they committed an offence, it would assist further in stamping out the practice of catching and processing undersize crayfish. One of our recommendations was that crayfishing should be prohibited within reef limits. The time will eventually come, after we have gained a

great deal more experience, when the Minister will find that he will have to put this recommendation into effect. Even in the excellent publication prepared by the Fisheries Department on the conservation of crayfish—I give the department full credit for it—it is pointed out that crayfish are born and travel to deep water and return to the shallow water in their adulthood to dwell in and around the reefs. Therefore, we are only toying with the idea of conservation if we continue to allow the one-mile limit to remain.

I go so far as to say that there would not be one per cent. of the fishermen who could accurately determine that they were one mile from the shore. Unless one was a professional man or a ship's officer and had available the required instruments, one would not be able to determine whether one was one mile, or seven furlongs, from the shore. Even the officers of the Fisheries Department agree with the fathom-depth method.

The Hon. G. C. MacKinnon: In theory.

The Hon. R. THOMPSON: It is not in theory. This is a foolproof method, in that every cray pot must be set at a particular depth, and if the vessel concerned is a catcher boat we suggest that the depth be 16 fathoms. All that is required to determine whether or not the pot is in the required depth of water is a lead-line. In the case of freezer boats we suggest 20 fathoms. If this proposal is adopted, then the escape gaps in the pots would be absolutely unnecessary, because the amount of undersize crayfish taken in those depths would be negligible. In some parts of the year the boats might catch one or two undersize crayfish a week, and at other times they might catch a few more.

This is the proper way to conserve the crayfishing industry. It would render the escape gap unnecessary, and it would eliminate the unscrupulous dealer and the unscrupulous fisherman. It is a well-known fact that at the present time the illegal operators are becoming cunning. At the time when there was a great deal of publicity about the illegal crayfish racket, some fishermen devised other methods to get rid of their undersize catch. They exchanged with the freezer boats two bags of undersize crayfish for one bag of legal size ones.

One part-owner of a crayfish boat—and this might have some bearing on the article which appeared in the Press relating to 17,000 lb. of undersize crayfish having been landed along our coast—has since sold his interest. His only interest in crayfishing was that he was financially involved in the ownership of a boat. He sold his interest, because the crew members and the skipper of the boat sold 1,300 cases of undersize crayfish last season. He said he would not become tangled up with any illegal traffic, and he therefore sold his interest.

The illegal operators are pretty cagey. If the fathom-depth method were imposed they would be observed more easily within the reef area. If the present method of prohibiting fishing within one mile of the shore is to continue, there is only one solution; that is, to compel freezer boats to go into anchorages specified by the department to process their crayfish. To my way of thinking this would be a rather unfair provision, because some of the most honest operators in the crayfishing industry own freezer boats. To compel all freezer boats—including the unscrupulous ones—to process on a similar basis to the shore factories would not be fair, because the honest operators would have to comply with these conditions.

If we are to conserve the crayfishing industry, the welfare of the fishermen, and the millions of pounds which have been invested, then the Minister has to appear to be ruthless in his methods, but he should not act ruthlessly. Unless a firm hand is taken—regardless of the proposals in the Bill—the industry will decline. Possibly within a foreseeable number of years there will be no crayfishing industry left in Western Australia if the existing conditions are allowed to persist.

Another provision in the Bill seeks to alter the designation of "Chief Inspector" to "Director." This has been introduced to increase the status symbol of the position, rather than to effect any significant improvement in the department. I suppose that for the sake of brevity. One word is better than two.

The next task which the Minister should undertake is to reorganise the Fisheries Department in respect of policing the industry. When I began to speak I pointed out that I could not see anything in the Bill which would enable effective methods of policing the industry to be implemented. I do not want to criticise the department unduly, but something will have to be done to police the industry effectively along our vast coastline. If I had my way, the officer to be placed in charge of inspections in the stretch of coastline from Perth to Geraldton would be Inspector Munro. I think he has the capacity for organising and for taking effective police measures, to the betterment of the fishermen and the State.

I might sound more critical than I really feel, because I congratulate the Minister sincerely on the attempt he has made to effect improvements since he assumed this portfolio.

The Hon. G. C. MacKinnon: This comes as a bit of a surprise.

The Hon. R. THOMPSON: I am offering constructive criticism, and not destructive criticism.

The Hon. G. C. MacKinnon: I realise that.

The Hon. R. THOMPSON: I could do nothing else but congratulate the Minister, in view of the manner in which the previous Minister for Fisheries scoffed at the report of the Royal Commission, and at the recommendations it made. Now we find that many of the Royal Commission's recommendations are included in the Bill before us.

The Hon. G. C. MacKinnon: There was only one aspect on which he took some umbrage. He laid the foundations of practically everything I am doing.

The Hon. R. THOMPSON: The Minister might be a little generous in saying that. The two committees proposed to be set up are partly in line with the recommendations of the Royal Commission.

Sitting suspended from 6.10 to 7.30 p.m.

The Hon. R. THOMPSON: Before the suspension I was speaking about the setting up of the two committees that would take the place of the Fishermen's Advisory Committee that has been in existence for some years. This is a step in the right direction, inasmuch as we will now have practical men on the committees who will be actively engaged in the industry and who, within the provisions of the Bill, will make recommendations and reports to the Minister and the director. However, this should not become a secret society such as the Fishermen's Advisory Committee, which does not make its findings public, has been. Our perusal of the records of this committee showed they left much to be desired. We found that recommendations had been made and the records were not in an advanced stage where any good could come of them.

The two new committees could form a useful purpose both in regard to the industry and the department; and they should be allowed to make their recommendations to the Minister and the director through their various fishing organisations, whether it be the Rock Lobster Association, the Professional Fishermen's Association, or the Confederation of Licensed Fishermen. There should be no secrecy, and their findings and recommendations should be forwarded to all of those organisations for perusal.

Probably one of the most important things to exercise the minds of the fishermen and inspectors during the last two seasons has been the licensing of crayfish pots and the scant regard paid by some fishermen to pot quotas. We found that most of the fishermen used pots in excess of the number they were legally entitled to use. One of the recommendations we made in our report was that a brand should be burned on, or affixed to, each crayfish pot. Unless the Minister can tell me how he is going to police this provision, little will be achieved by the pot quota.

Some people boasted they were using double and treble the number of pots they were legally entitled to use. After they found one fisherman getting away with it, when their pot per day catch fell, they did likewise and put more pots into the water. I pass this on as a thought: a serial number should be issued to each fisherman. If he were entitled to 40 pots, continuing numbers should be issued to him. If his number started at 801, it should continue until it reached 840. These numbers should be burned or branded into each pot.

If a pot became broken, a fisherman would have to return it to the department before another pot was issued or permission was given to use another brand. If a pot were lost or stolen, then he would have to sign a statutory declaration to this effect. As I said before, I pass this suggestion on as it may serve some useful purpose in the future if there is to be any control over the number of pots a fisherman will use.

The Minister in his speech pointed out that the less responsible fishermen made the present law virtually useless. How are we going to overcome that? There is nothing in this Bill that can overcome it. It is one of those moral issues that has to be overcome.

The Hon. G. C. MacKinnon: There is something in the parent Act that might.

The Hon. R. THOMPSON: I have studied the parent Act and these amendments pretty closely; and the only way we can stop them is to catch them. How do we catch them? It is not possible to catch them when we find ourselves in the position as reported in the Press where an inspector at Lancelin had an eight-foot dinghy with which to go out and police the Lancelin area. A person cannot be expected to police an area with an eight-foot dinghy. There should be sufficient boats made available to assist. The inspectors have a hard and arduous job to police this industry because they are not dealing with one boat but many boats; and some people are more cunning than others.

In the main, the penalties are a sufficient deterrent providing inspectors can be given enough scope, the necessary articles, and the vehicles they need to police the Act. The freezer boat anomaly about which I spoke is, perhaps, one the Minister could answer. This is about the only point on which I have not been able to obtain clarity with respect to the amendments of the parent Act. If a freezer boat operator is caught in the same incident as a shore-based freezer, is the skipper of that boat going to be subject to the £1,000 fine and also the £2,000? Or is he going to be dealt with as an ordinary catcher boat?

The Hon. G. C. MacKinnon: Both.

The Hon. R. THOMPSON: We cannot have that sort of answer. He cannot be charged with two things for the one crime. I would not think that is justice. One cannot throw the book completely at a person.

The Hon. G. C. MacKinnon: When you were speaking a minute ago I did not think you expected justice to be given to freezer boats. I thought you wanted them literally stopped.

The Hon. R. THOMPSON: I did not suggest at any time that freezer boats should be stopped. I said that some freezer boats are legitimate and others are not, and it would be unfair to make the legitimate operators come into a shore-based zone for processing. I did not say they had to be stopped.

The Hon. G. C. MacKinnon: I will answer that when I reply.

The Hon. R. THOMPSON: The point I want the Minister to answer is this: Under what section of the Act will a freezer boat operator be charged if he is caught with undersize crayfish or underweight crayfish tails? One of the things that has concerned me most is that some of the processors and buyers of crayfish are keeping two sets of books. What is the department going to do about this? Half a dozen times in this House I have told of the manner in which one processor on this coast operates. He has for many years now bought crayfish tails that were illegally processed on catcher boats, and he has brought the tails ashore in all sorts of containers.

Are records from that man sent to the department? Does he keep two sets of books? Do other processors keep two sets of books? It should be mandatory that any processor of crayfish should issue a docket or receipt to every fisherman; and the fisherman's signature should also appear on the docket or receipt, just as it would if one were receiving furniture or goods from a firm around town. That is something that should be provided for by regulation, or in the next Bill that comes before the House. Unless we can make that person or those persons prove they bought crayfish from a particular person, we are not going to get anywhere, and it makes the inspection doubly hard.

On behalf of the fishermen, we were, by force, successful in getting the previous Minister for Fisheries to provide a regulation making it an offence to buy crayfish tails. Although this had been going on for years, nobody had had the courage to advise the Minister that it was an illegal process. It was condoned for many years. It was not until last season, when screwing knives were put on to the boats, that the Minister was forced to bring down regulations in respect of that.

Some of those processors have built up very good businesses with large incomes and larger percentages of profit out of undersize craytail dealing. This is an offence which must be remedied. Nowhere in the Bill do I see where the department is going to co-opt police, transport inspectors, harbour and light inspectors—of whom I think there will be a few more in the future—and factories and shops inspectors to assist in quelling this racket.

Since this Bill was introduced, suggestions have been made to me by a large number of fishermen that in the interests of conservation the season should be shortened to the end of May. That would mean that the season would open on the 15th November, and close on the last day of May.

Another point which was made by three or four different people who rang me was with regard to obstruction and they said that the penalty in this Bill is not severe enough to stop any person from dealing in craytails. If a person has seven or eight bags of undersize crayfish in his utility and he is intercepted by an inspector, it would be far cheaper for him to hit the inspector over the head, knock him out, and escape. Under the Police Act that man would be more leniently dealt with than if his crayfish were confiscated. If he has £200 or £300 worth of crayfish on his utility it would be better for him to be fined £25 or £30 under the Police Act.

The Hon. G. C. MacKinnon: If he was to hit a man over the head wouldn't that be assault? Would you expect him to be fined only £25?

The Hon. R. THOMPSON: Some have not been fined that much for exactly this type of offence.

There is another loose arrangement within the department which I think should also be tidied. From time to time we are told—and it is a fact—that the undersize crayfish which are seized are given to public institutions. I do not know how true it is, but we hear reports on occasions of people being able to get crayfish which were supposed to go to public institutions.

The Hon. G. C. MacKinnon: They are disposed of by tender.

The Hon. R. THOMPSON: That must be a new arrangement. How long has that been going on?

The Hon. G. C. MacKinnon: I can only speak for the period since I have had control.

The Hon. R. THOMPSON: That is very good. I will not pursue that point. In conclusion, there are several points on which I will touch very briefly. I refer to parts of the report to which I think the Minister should give consideration. Most fishermen agree that there should be a ban on

the taking of red female crayfish until March of each year. They are emphatic that this is the only way to conserve the industry. Another point is insurance coverage of all crew members and boat-owners. I have mentioned this matter to the Minister privately and I feel sure he will have a look at the problem.

Apart from those points, I think the Bill is a good one. The Minister might have thought that I was giving him a backhand pat on the back, but I do think the Bill is a good one. I agree with the main principles and I will have a few words to say when we reach the Committee stage. I support the measure.

THE HON. N. McNEILL (Lower West) [7.52 p.m.]: I do not wish to delay the House very long and I am not going to canvass the general topic of crayfishing which, of course, is the more important part of this Bill. I am concerned simply and solely in this instance with that portion of the Bill which deals with the trout acclimatisation societies. I do so because those societies are represented in my province and some representations have been made to me on this score.

The Bill proposes that all the sections of the Act relating to the trout acclimatisation societies shall be repealed. A number of sections are concerned; and on perusal it is not surprising, in my view at least, that they should be repealed, because the provisions of this Act are quite wide and sweeping and there are all manner of opportunities granted to societies, upon registration under this Act, to perform a number of functions.

I will go so far as to say that if these societies were aware of the powers that they possess under this Act, they would be more than a little surprised. I think that possibly the general expectations of the Act were not fully realised when the section was introduced, and perhaps the trout acclimatisation societies did not eventuate into becoming the centres of great activity that might have been expected.

Nevertheless, the societies are still functioning and I am aware, as the Minister said, that the four societies remaining have not been particularly active. This is true; but, by the same token, we should not be misled, because I am sure that at least one society is as active as it ever was, and it is because of the lack of publicity given to its activities that it is not well known. It might be of interest, and I would hate to spoil its pitch, but that club does record its catches, and at least one member has bagged no fewer than 150 fish this season. Some of those fish run as high as 5½ lb., and that should be enough to stir anyone's enthusiasm.

The Hon. A. F. Griffith: Where is that spot?

The Hon. N. McNEILL: I must express the view that I would be unwilling to break that confidence, even to the Minister for Mines. However, I think I would support the repealing of this wide protection at this stage.

There are certain features which do concern me, and I would like the Minister to indicate what steps might be taken in lieu of the assistance which has been given to the societies in the past. The repealing of the section relating to the registration of trout acclimatisation societies means that in the future those people who had joined together and formed those societies will no longer be recognised by the Government as official bodies. The people who formed those societies paid a small license fee—generally 10s. per person—and they assumed the activities of wardens to protect the fish in the streams in their areas. The Minister has indicated that thought will be given to the matter. It would be appreciated if sympathetic treatment was extended to the angling clubs—trout clubs—by including their members as wardens if the need arose in the districts concerned.

I think the societies share the fear, or doubt, that if their registration is abolished it will mean that in future any person may fish for trout in the streams in the areas previously under their control. If this is to be the case, what attempt will be made to police those fishing activities?

The Minister has also indicated that consideration might be given to the establishment of a State-wide system of licensing. If this is to be the case, one may ask if a fee is to be paid for the permit or license. If so, to whom will it be paid. In the past the fee of 10s. was paid to the local society, and this revenue was devoted to the buying of fingerlings, or fry, for the restocking of streams. In recent years the funds have been applied for the purpose of awarding trophies and the like. A society might have in the vicinity of 30 members, and the fees collected would only amount to £15. If this fee is to be paid in the future, to whom will it be paid and to what use will it be put?

Another point which is worrying members of these societies is that in the past the board of management operating in the Pemberton area supplied annually fish to the value of £75 to each society. Will the abolition of this particular section of the Act mean that this supply of fish will also cease?

If that is to be the case, can one assume that the Government considers that trout fishing as such is of insufficient importance to justify the supplying of this £75 worth of fish? Or does the Government consider that the trout have now become acclimatised and sufficiently self-producing

to maintain stock in the particular streams? As I see it, this is a doubt which is held by a number of societies, and perhaps the Minister might be able to provide some information.

The Hon. G. C. MacKinnon: I think I will be able to reassure you on a lot of those points.

The Hon. N. McNEILL: Thank you, Mr. Minister. A further point which is of concern—and possibly this is the most important question of all—is in regard to the policing of the activities of those who fish in inland waters. In the past, these societies, being recognised as official bodies, were virtually responsible for the appointment of honorary wardens. In fact I was one myself for a number of years; and apart from the appointment of honorary wardens the members of the societies themselves exercised a good deal of control over the activities of others, and, in addition to that, the societies exercised discipline over their own members. Records were kept of all catches and observations were made of the feeding and growth habits of trout, and possibly these things were important. We presume that in the future no honorary wardens will be permitted to be appointed by these local societies.

It is a fact that representations have been made to me in recent times regarding a good many practices which are going on in these inland waters in the poaching of fish out of season, the catching of undersize fish, and in particular—and this is most important because of the quantities of fish involved—the netting of trout in the small inland streams. The societies, and one society in particular, have been most concerned about this and recently they have made some representations in regard to it in the hope that the honorary warden system can be enlarged—in other words, the number of wardens can be increased and greater powers given to them in order that these malpractices will be controlled and eventually eliminated.

I realise that under that portion of the Act which is to be repealed these societies had power to make by-laws, on agreement by the Minister, under which they could provide for penalties for such practices. However, that part of the Act is to be repealed and therefore the powers will no longer apply. In raising this point I do so in the hope that perhaps the Minister may be inclined to make some statement in elaboration, or in answer to the points that have been raised, which will be satisfactory to the members of these societies. I believe that some steps should be taken to protect this particular fishing activity.

May be it is a little frivolous; nevertheless, it is an activity with which I have been associated for some years and I was responsible, with a number of others, for

the initial establishment of fry and fingerlings, some 20 years ago, in some of our south-west streams. I am not a fisherman in this field but I do take some interest in it, and certainly there are a great number of enthusiasts who take a keen interest. Therefore I would like the Minister to allay their fears on this Bill; but, other than that, I support the measure.

THE HON. J. HEITMAN (Upper West) [8.4 p.m.]: I would like to speak to this Bill for a short time and at the outset I wish to compliment the Minister for bringing the measure forward. It has often been said there are many in the fishing game who are rather ruthless; but I believe there are many in it who are very honest men and they will be pleased to see this measure introduced in an effort to safeguard their industry.

Under the Bill the Minister has wide powers, and I think they are necessary to try to control the illicit trafficking that goes on from time to time in this industry. I think the committees proposed by the Bill are a good idea; and having committee members who represent the fishing industry will ensure its proper control. Those committees will be able to assist the inspectors and the director of the department in putting the industry on the right lines, and they will be a wonderful help in this regard. The fact that the appointment of the members of these committees is for five years will also be of great assistance because it takes some time for anyone to learn a new job, and it is difficult for him to find his feet immediately. It is only by actually carrying out the work and learning the wiles of some of those who are engaged in this industry, and who are not too honest, that these people will be able to do their job properly and achieve some worth-while results.

As regards fitting pots with escape gaps, Mr. Ron Thompson said this evening that many crayfish will not escape. That is true, but many others will escape and it will mean that many crayfish will not be brought to the surface, removed from the pots, measured, and then thrown back, perhaps with resultant injury. I am sure that many crayfish which are taken out of pots, measured, and thrown back, suffer injury; and the fitting of escape gaps will obviate that to a large extent. It will mean that many crayfish will be able to grow to full size before they are brought to the surface.

I agree that the fines are severe and I am wondering whether those who have been fined previously will have those convictions taken into account; or will the next time they are caught, be considered a first offence? In other words, will those people start afresh once the penalties provided under this legislation come into operation.

The Hon. G. C. MacKinnon: That is a question I hoped you would not ask.

The Hon. J. HEITMAN: There are many crayfishermen who have had previous convictions, and probably a large number of them are of little help to the industry. As far as I am concerned I could not care less whether their first conviction under these new penalties is considered to be a first or second conviction.

Last year the catch in the crayfishing industry was well down on the previous years, but the price has been good. A number of the better type fishermen have caught £3,000 or £4,000 worth of crayfish this year. The price of tails is about 7s. a pound which means that by the time the fish are shelled and the tails are frozen the price to the consumer is in the vicinity of £1 a pound. It is not a poor-man's food, by any means, at that price, but evidently they are sought after; and, as they are sent overseas, they are a great dollar earner for this State. I am sure by the introduction of this measure the Minister is taking into consideration the fact that the industry is a great dollar earner and he is trying to safeguard it for the benefit of Western Australia.

With the appointment of more inspectors to travel along our coastline there will be better control of the whole industry. However, I believe that the roads along our coast should be upgraded to enable the fishermen and inspectors to travel to and from centres along the coast from Cervantes to Dongara and further north. The roads in these areas are pretty rugged and anything we can do along these lines to assist the fishermen should be done as soon as possible.

The Hon. R. Thompson: They are not even roads, are they?

The Hon. J. HEITMAN: No, they are not. It is beyond the capabilities of the local shires to keep the roads in order. In most cases there is no road-building material in the vicinity and in my view it is a job for the Main Roads Department, which should provide financial aid for this work, not only to assist the fishermen but also the new settlers who are going out to these areas.

I feel certain the Bill will ensure the continuation of the industry and will be of considerable assistance to those who have been in it for many years and who have made it their life's work. They will be able to continue, and the proposals in this measure will ensure that the industry is kept clean.

Once again I would like to congratulate the Minister for introducing the Bill. I am sure the meeting the Minister had with the fishermen in Geraldton, when he told them what he was going to do, was of great assistance; and those to whom the Minister spoke on that occasion were pleased that he confided in them. I feel sure he will get a lot of co-operation from the good types in the industry, and this measure, although harsh, will do a lot of good.

THE HON. N. E. BAXTER (Central) [8.11 p.m.]: I, too, would like to congratulate the Minister not only for introducing the Bill but also for his logical approach to the matter generally and for his co-operation over past months—since he has taken over this portfolio—with members of last year's Honorary Royal Commission—namely, Mr. Syd Thompson, Mr. Ron Thompson, and myself. The Minister has been extremely good in discussing various matters with us during this period, and particularly those connected with this legislation. We, who were members of the Honorary Royal Commission last year, have appreciated this, particularly in view of the work we did on that commission.

After perusing the files of the department, as we did while we were members of the commission, it is refreshing to know that we now have a Minister who is taking a keen interest in this important industry. There is no doubt it is an important industry not only to Western Australia but also to Australia as a whole, and it is one that should have had more attention paid to it some years ago. Had more attention been paid to it I do not think the industry would be in the risky situation that it is today, or as it was when the Honorary Royal Commission inquired into it.

Dealing with the Bill, it is proposed to set up two committees, one a crayfish advisory committee and the other one to deal with fishing generally. The constitution of both of these committees is very much in line with the recommendations the Honorary Royal Commission made last year in regard to personnel being drawn from various sections of the industry. However, there is one question I would like to pose to the Minister in this regard. In the first instance, with the crayfish advisory committee it is proposed that there shall be six or seven members, and it struck me that the seventh member was likely to be another departmental officer; because, as I read the Bill, although it is provided that a consumer member can be appointed he could be a departmental officer.

The Hon. G. C. MacKinnon: From memory it says something about someone not interested in crayfishing.

The Hon. N. E. BAXTER: Someone not interested in the crayfishing industry or the commercial crayfishing industry. However I do not think that definition would rule out the appointment of a departmental officer, as the Minister will see if he reads the Bill.

The Hon. R. Thompson: No, he is covered under that.

The Hon. N. E. BAXTER: It seems possible for two departmental officers to be appointed to the committee, and I would advise against that because I think this is an industry which should be advised

by people other than departmental officers. I would like the Minister to have a look at this aspect in regard to both committees, and the appointment of an additional member.

As regards the penalties under the Act, they are severe, but they need to be severe; and the recommendations of the Honorary Royal Commission last year were that they be more severe than is proposed under this Bill, except where the Bill proposes that the penalty in connection with crayfish be from £1 to £5.

I was looking at the penalties recommended by the Royal Commission and comparing them with those in the Bill. I find that the maximum fine for the first offence is £50 whereas the Royal Commission recommended £100. In the second instance the minimum fine is £150 less than that recommended by the Royal Commission. The minimum fine is £100 and the maximum fine £200, whereas the commission recommended a minimum fine of £250, and £500 for a subsequent offence. The penalties recommended by the Royal Commission are somewhat more severe than those proposed in the Bill.

The Hon. G. C. MacKinnon: I am a little more kind hearted.

The Hon. N. E. BAXTER: The Minister is a little less severe in his penalties than are the recommendations made by the Royal Commission. The penalties are designed to protect the future of the cray-fishing industry. It is quite apparent that the previous penalties in the Act were treated as a huge joke by the fishermen, because, try as the department might, it could not stop the taking of undersize crayfish. Perhaps it might be said that the penalties in the Bill will lead to offers of graft, but I do not think that will be the case. There is very little reason to think there will be any graft, because not only has an offer to be made but there must be someone to accept that offer. I am sure the penalties will go a long way towards stopping the racket with regard to the taking of crayfish.

The other penalty to which I would like to refer is the suspension of licenses. I notice that clause 27 of the Bill on page 19 in the last subparagraph provides that for a second offence, where a court decides on a suspension of a license, the suspension shall not take place between the fifteenth day of August and the fifteenth day of November in any year.

As we all know those dates are the dates when the taking of crayfish is entirely prohibited and the penalty, of course, would mean nothing. The Minister should also consider the fact that a lot of the fishermen in the industry get a big percentage of their catch up to about April or May, and quite a number of them do not worry to do a great deal of fishing after that. So it will be seen that

the suspension of a license for a period of three months from the 15th June to the 15th September will not be a very great penalty, because that period of the year is quite a light one, and the effect of the suspension would not be as great as if it were imposed during the white season, or during the earlier part of the year when the crayfishermen take their greatest catches.

Provision should be made to make the suspension as severe as possible. It should not be a light penalty, as it could be during the months of June to September. Another aspect with which the Bill does not deal, but which concerns fisheries in general and also the public, is that of fish marketing. When the selling of undersize crayfish was rife throughout the State people did not worry much about not obtaining crayfish, because they could purchase undersize crayfish at any time. Once these penalties are introduced and the position is clamped down on, it will be very difficult for the people of Western Australia to purchase crayfish at all. After all it is a product of Western Australia and I see no reason why the people of the State should be denied the right to purchase crayfish at a reasonable price through lack of proper marketing; and that is what it would amount to.

The whole effect will be that 99.99 per cent. of the crayfish will be marketed overseas where higher prices are available. There will be none available in Western Australia. This is an aspect that should be looked at, particularly as it concerns fish marketing in this State. I would not like to suggest how this should be done at the moment, but it is an aspect that should be considered.

Let us take the situation of fish marketing, generally, of what is normally called wet fish. Having had a look at the situation both here and in Sydney I feel it is one that requires a lot of consideration. I do not think our fish markets are good markets. There is no refrigeration provided, and for that reason the fish is brought in and sold immediately, any surplus being sold cheaply, because it cannot be stored till the next day or the day after. The result is that the fishermen do not get the best return, and very often the public does not get the best supplies.

I also hope the Minister will see what can be done about increasing the quantity of snap-frozen fish that can be processed in this State. As members know we import a lot of snap-frozen fish which is not of good quality. I know that we could produce good quality snap-frozen fish in Western Australia, and I hope the Minister will give this matter some consideration.

I do not want to delay the passage of the Bill. I think it will go a long way towards helping the fishing industry. The

Minister has advised us that he intends to introduce another Bill at a later stage, and I hope its amendments will be as good as those contained in the measure before us. I support the Bill.

THE HON. C. R. ABBEY (West) [8.24 p.m.]: I rise to support the Bill. I feel that congratulations conveyed to the Minister for Fisheries and Fauna should be supported by me. The trout fishing angle in this Bill has not received much attention. It has been overshadowed by the discussion on crayfish and this, of course, is in its correct perspective.

I think it would be unwise if we let the Bill pass through without some comment on the effect of the acclimatisation of trout in Western Australia. Some few years ago—I think it was about eight or nine years ago—I had occasion to take an interest in the Serpentine-Jarrahdale Acclimatisation Society. At that time a group of people adjacent to the Dale River felt that the river was suitable for planting trout. We formed a branch of the Serpentine-Jarrahdale society which, for a few years, was quite successful. Unfortunately with the completion of the Serpentine Dam it became impossible for the Serpentine-Jarrahdale society to prosper, because the engineers in control of the project forbade them to fish in the dam. This led to the Serpentine-Jarrahdale club being very poorly supported, because the waters in which they were able to fish were practically non-existent.

This was a great pity because the club, being adjacent to the metropolitan area, had quite good support. It used to expend a great deal of money from its finances for the placing of trout in suitable streams. The club also supported the Beverley branch quite extensively. For a few years the planting of trout in the Dale River in the Beverley district appeared to be successful. I ask the Minister whether he would consider getting his department to make some research into the effectiveness of that form of planting. I think the experts in this field could establish whether trout plantings in the Dale River were successful. The outcome was rather a pity because this river is within a reasonable distance of the metropolitan area and it could have taken the place of the Serpentine River, as it then was. It is a great pity that the Water Supply Department felt it necessary to ban fishing in those waters.

If it could be proved that the limited plantings that took place in the Dale River were effective, the department might consider more extensive plantings and encouragement which would lead to further interest in what is a pretty good sport. Some attempt was also made to establish marron in some of the pools in the Dale River. This also could be brought under the attention of the department and some further research could be made as to the

desirability, or otherwise, of continuing the investigation and the planting of marron in the Dale.

I mention these things because I feel that although the river does not flow all the year, it does form a series of pools, and some of these pools along the river would surely be suitable for some type of fishing. I make this suggestion, and I hope the Minister will be able to have some research carried out into that aspect.

THE HON. S. T. J. THOMPSON (Lower Central) [8.29]: I rise to support this measure, and also to congratulate the Minister on his approach to this very important industry. The other two members of the Royal Commission that inquired into this industry have covered the subject fairly well. I do, however, wish to make the point that the crayfishing industry is a very important primary industry. In common with other primary industries one cannot keep taking everything out of the industry without putting something back. This is what the Bill is trying to do; it is trying to induce the fishermen to put something back into the industry.

Despite the efforts of the Fisheries Department and the penalties in the Bill, I feel that until the fishermen and the processing side of the industry realise that the fate of the industry is in their hands there will not be much hope for this industry. Up to the present they have been very fortunate because they have had large fields in which they could expand. As they fished one area out they could move to another. Unfortunately that era has finished and they are now faced with the necessity of going further out to sea into deeper water. They are not now getting the return they received in years gone by.

I do hope the Minister continues in the manner in which he has commenced as Minister for Fisheries and Fauna. He is certainly taking a very realistic step in the introduction of this measure and I am confident that as far as his department is concerned, if he has the co-operation of the fishermen on the other side of the industry all could still be well with the industry. I support the Bill.

THE HON. G. C. MACKINNON (Lower South-West—Minister for Fisheries and Fauna) [8.31 p.m.]: I am, of course, very grateful for the reception this Bill has been accorded by members. Three of those who spoke tonight were on the Royal Commission last year and informed themselves very thoroughly on the situation in this industry. At the outset I would like to say I have found reason to be grateful for their work, which gave me a starting point, shall I say, and it had the effect of focusing a considerable amount of public attention upon the industry itself and on some of the more reprehensible actions which had been going on.

Another thing I would like to say at the outset is that whilst I am very pleased with the congratulations which have been offered me tonight, I think it only fair to state that it is quite absurd to imagine that with my lack of knowledge of this industry I could have walked in and accomplished all these things which have been credited to me had it not been for the work which had already been accomplished by my predecessor, Mr. Ross Hutchinson, and had it not been for the help I received from the department and, indeed, from many of those within the industry.

I am quite sure that had I in my first few weeks of office recommended the cancellation of licences, which I did, it would not have been received anything like as well had it not been for the fact that Mr. Ross Hutchinson had exhausted every other method prior to my taking office.

It is a terrible thing to have to remove, just by a stroke of the pen, a man's livelihood. I think members here know me well enough now to know that I do not like doing that, but it was obvious that this was a step which had to be taken, and I felt that with the work that had been done the time had arrived when this was an appropriate step. However, had it not been for that work this would have been quite an impossible move to make.

There are a number of matters dealt with tonight which I would like to answer—to some extent perhaps by way of reassurance. May I commence by giving some information with regard to the trout acclimatisation situation. As I said in my introductory speech, these societies have not been very active. It always is a great pity, I think, that it very often requires a move like this for even those who have been working quietly to suddenly find that they have not been forwarding the necessary returns, perhaps, or not making quite as much of a song and dance as they should have been.

Nevertheless I do not think there is any real need to fear. I think it is fair enough that we should give consideration to proclaiming closed seasons under the Fisheries Act, as we do for marron, in order to protect these fish. I think we should possibly proclaim a method of capture in order to ensure people do not just trap them. It is reasonable enough, if some of these people are sufficiently interested, to issue some sort of trout fishing license.

These things are not, I think, difficult of accomplishment; and it is a pity if it has got to the stage as Mr. McNeill, my colleague in the Lower West, has advised, that these people are having a lot of pleasure and are fairly successful. It is fair enough that these things should be

done even to prescribing the bait and gear and all that sort of thing. I do not think this is difficult.

With regard to lengths of the fish, trout are included in the schedule to section 29 of the Act and no person shall at any time sell or cause to be sold, or expose for sale or have in his possession or control for the purpose of sale, trout. That protection is already in the Act.

I think it was in 1962 that I stated that the grant of £75 was cut out, but since then fish have been given to these people as and when they require them for the stocking of a stream. This is no problem. They can get trout to stock the streams from the Pemberton Hatchery Board. I will state again the facts, in order to refresh the memories of members and to reassure them.

In August, 1962, each trout acclimatisation society was advised that the Minister had approved the setting up of a board to manage acclimatisation of freshwater fish in Western Australia, and from the 1st July, 1962, separate grants of £75 to each society were discontinued and the total grant for fish acclimatisation was paid to the hatchery board of management, each society receiving from the board a free annual supply of fish equivalent to the value of the grant.

This change in policy was discussed and agreed to by the societies at a meeting held in October, 1962. Honorary wardens and honorary inspectors appointed under the Fauna Protection and Fisheries Acts retained their authority to police trout and marron fishing.

I might also point out that a member of a club may report breaches of the Act. If he is prepared to give evidence in court as to the breaches, legal action will be taken by the department against the offenders. There is obviously a little difficulty at times in getting the co-operation of the people. However, those who are keen will often do this. So again I see no problems with regard to this, and the whole section of the Act would appear to me to be somewhat redundant.

It is interesting to hear members speak of the various things which go on. I find that if one makes oneself reasonably available, one can learn a considerable amount about the various shrewd and cunning moves which some of the fishermen have got up to in the past. Indeed, as late as this morning, I was advised in somewhat secretive terms about a new process which had been worked out, with an added hint as to what it resulted in. I was able to write and tell the chap that I rather suspected he was referring to a procedure whereby a pair of smooth pliers is closed on the rear end of the carapace of a furry, thus slightly elongating the carapace so that it measures the required three inches.

In short, there are very few of the nefarious goings-on of which one does not hear. It is indeed unfortunate that one invariably hears of them just too late to take action. Most of the matters which have been mentioned tonight have been reported to me by one person or another—very often by fishermen—and to all those people I am very grateful for the forced education which I have had into the various ramifications of the crayfishing industry.

The Hon. R. Thompson: You are learning fast.

The Hon. G. C. MacKINNON: It has been extremely interesting. I make no pretence of the fact—neither does the department—that this Bill is not the complete answer. This Parliament is not the complete answer to good government in Western Australia, either. However we will be back next year and the year after and the year after; and whether I am the Minister here or not, someone will be administering this department. All I hope to do is to set it on the right road or follow the path set for me by my predecessor, which path must ultimately lead to the stabilisation of the crayfishing industry in this State.

It is extremely heartening, not only to me but to the department and to all the officers, however humble they may be—from the cadet inspectors to the director—to know that they have the support of the highest committee in the land.

These various disabilities are evident in the many sections of this Act, and the escape gap mentioned by Mr. Ron Thompson is one of them. At the beginning there was no pretence. We said at best that it would release about 55 per cent. of the undersize crayfish; and surely a 55 per cent. release is a worth-while amount! It was considered preferable that we should set an escape gap at a size which would perhaps be used and would release, may be, only 55 per cent. as against one which would release 100 per cent. Actually none would release 100 per cent., but perhaps one would release about 80 per cent. However this would excite the fishermen to block it for themselves. That was the choice.

The Hon. R. Thompson: Some will do that in any case.

The Hon. G. C. MacKINNON: Quite right; but surely these are the sorts of decisions we make—as to whether we should give Tommy a shilling for lollies or sixpence for an icecream or make him chop the wood for it. These decisions we must make. In this case the decision was made after very careful consideration—very careful indeed. I remember arguing this with research officers for about an hour; and originally I must admit I was right on the side of Mr. Ron Thompson. I said, "Let's make it big—the full size once and for all". However, mainly for the social

and economic reasons I gave when presenting this Bill we set a two-inch gap. No escape gap would release all the undersize crays. If we put down a tray consisting of just the bottom of the pot with ropes to it and put a decent size bait in the middle of it with no pot around the outside, and we pulled it up, we would get some crays on it, because they are hungry enough to hang on to that bait. So no slot will mean the release of them all. What we have settled on is one which, after careful analysis and consideration, we believe to be the most reasonable; and this idea has the additional advantage that escape gaps are not new; they are used overseas and we have the overseas experience to go on.

The Hon. R. Thompson: You would be guided by your advisory committee.

The Hon. G. C. MacKINNON: That is right. As a matter of fact the honourable member mentioned this matter, and I will refer to it now. I set—and I hope not unwisely—great store by the two advisory committees. Mr. Baxter raised the question of the marketing of wet fish. At a meeting at Mandurah last Friday I implied that this could be a question that the general committee might look into at an early stage. I think there are a number of matters which the crayfish committee will be able to examine more closely, and, perhaps, more enthusiastically, as the members of the committee concentrate on that particular industry and its problems.

I must join issue a little with one or two speakers in regard to their references to the previous committee. I think that within its limitations it did far more good than it has been given credit for tonight. It must at all times be borne in mind that we are in the very early stages of our fishing history. Our industry has developed from a very small one, mainly in estuarine waters, and has passed rapidly into being the largest export fishing industry in Australia. We have proceeded, on the basis of the crayfishing industry, into prawns, and are now doing a lot of development work; and this has all happened in the very short space of about a decade.

The growth of the industry has been extremely rapid, and over these years the advisory committee has been added to a little, and extra work has been loaded on to it. Some very good men have been appointed to this committee, and they have done good work and given good advice to past Ministers and to the department. However, I repeat: I think this will be a more satisfactory method for the men working on the committees, as they will be on specific committees; and I tend to set a fair amount of store by this arrangement.

A few moments ago I said I did not, for a variety of reasons, believe this Bill was the sole answer to our problems. We will block off one spot and another will become apparent. But surely that is the

history of most matters of this nature that we tackle. We have fresh in our memories the history of starting price betting; and I would go so far as to say that few of us believed 15 years ago that the back lane S.P. betting would ever be as regularised as it is today. This has been done little by little with, depending on one's point of view, an odd mistake here and there. But starting price betting has at least been rationalised; and I have hopes for this industry.

There are difficulties with regard to processing plants. I know the problem in respect of screwing tails; and I think everybody knows that there is the legal size cray, and there is the furry which is about one-sixteenth of an inch under a legal size cray, and there is the cackler, which is a little smaller—perhaps with a carapace of $2\frac{1}{2}$ ins. or $2\frac{3}{4}$ ins.—and then you get the gilgies and cockroaches. These are slang terms in the industry. Other countries that catch crays have different terms. On the Canadian coast the small crayfish are referred to as shorts. Here they are cackers and furies.

It is the practice of some fishermen to take these sorts of crays and screw the tails, and they get a very good recovery, up to 41 per cent. That is a first-rate recovery. A bad recovery can be as low as 34 per cent. Over the years it has gradually increased.

The department found 10 bags of furies in a somewhat rotten condition, and it processed them for experimental purposes. All but 23 tails were over 5 oz.; and a 5 oz. tail is a legal weight tail. Out of about 985 bodies the department extracted 962 legal tails; and these were starting to decompose. The measured carapace length was illegal, but the tail weight was legal.

The fishermen get these cackers and furies and screw them with a knife which is a little like a shoehorn, inasmuch as it is slightly curved. The knife is slid under the carapace and twisted around, thus extracting the maximum amount of flesh. The fishermen then weigh the tails and put the 5 oz. tails on one side. Those tails can be cleaned and wrapped. The others go over the side—sometimes. On other occasions the fishermen will slice a little off a jumbo cray—a big one—and, when the tube has been extracted from the small cray tail, they will stuff that tail with a section of cray meat taken from the larger tail. This makes the weight of the small tail up to 5 oz., thereby creating a legal size tail. We know all these things.

The Hon. F. R. H. Lavery: So do we.

The Hon. R. Thompson: You are putting up a pretty good argument as to why the freezer boats should not put the furies back in the water.

The Hon. G. C. MacKINNON: It is one thing to know what is going on and another to catch the offenders; and I think it was Mr. Ron Thompson who said that penalties alone would not do this. The industry is in the hands of the industry; and I have told fishermen when they have sat in front of me at my desk and have been almost crying over losing their licenses, that if they co-operated, these practices would stop in a year.

The Hon. R. Thompson: Of course they would. They would stop in a week.

The Hon. G. C. MacKINNON: They know where they are. There is hardly a fisherman on this coast who could not walk into my office and write down the names of men who are overfishing, or who are catching cackers, or who are carrying on in any other similar way that members might like to mention.

Without having sufficient proof to warrant the removal of the licenses of some fishermen, I could name certain people. Unfortunately, I have to live with myself, and I must have some degree of proof before I take their licenses from them. But this must remain the final thing: that when we have sufficient proof to convince ourselves, and proof that will stand up in court, we must be able to take away a license; and this will have to be done. I want to avoid this, hence the Bill; because I already have these powers.

It is obvious from the comments of members that a considerable amount of study has been made of the measure. There are difficulties associated with the application of depth limitation as against distance. There are difficulties in extending the distance. I do not want it to be three miles, because I would have no control; it would become a Federal matter. There are difficulties with the three-mile limit as it exists now. I would like it to be on statutory based lines. Indeed, I am working to that end. Rest assured that those things it was possible to include with relative ease and in the time available have been included.

Members have asked why this was not done or that was not done, and mostly those things were not done because they were not possible of accomplishment for one reason or another; and those matters are well and truly apparent in my mind. Nowhere in the world, for instance, has it been possible to devise a method of policing the catching of female crays. Therefore it is not worth while putting in a provision in that regard.

There are socio-economic difficulties of breaking the season from, say, the end of December to the middle of February. A classic example of this is that a fisherman is entitled to three pots per linear foot of boat. So a 20-foot boat is entitled to 60 pots. There are many excellent

fishermen on this coast who are under-fishing; they have fewer pots than their quota entitles them to.

Despite this, and despite the obvious economic absurdities of overfishing—because a pot and its rope costs about £10, and there is the bait to be provided every second day—we have fellows fishing with double their quota of pots. This means double capital expenditure and double bait, and half the efficiency in respect of handling the pots to which they are entitled.

It is my contention that if we could cut out the overpotting it would be preferable to cutting out the handling of the under-size crayfish. I am sure the really serious problem is overpotting. There are enough crayfish in our waters for every man in this industry to make a satisfactory living—not if he loafs; but if he works intelligently, he will make a good living.

I am sure Mr. Ron Thompson, Mr. Lavery, Mr. Dolan, and Mr. Heitman, who comes from Geraldton, as well as Mr. Logan, could all rattle off names of fellows in their districts, who have made a very good living out of fishing, and who have, to the best of their knowledge, never infringed the law and probably never fished their total number of pots.

I think it is obvious that what we are trying to do is to make it too darned expensive to do anything but obey the law. I am sure that members are aware of what a heartwarming feeling it is for me to know that they support me; because this, in some respects, is a vicious measure. It has some penalties in it which I did not particularly like writing in; and the Act, indeed, has powers in it which I do not exercise with relish.

It is obvious to me, after what I have heard tonight, that at least this section of the Parliament of Western Australia is as determined as I have expressed myself to be in regard to this matter, so that if it is within our power and our capacity to do so, we will ensure that the catch in the crayfishing industry is maintained, and will be maintained in perpetuity. To that end I have introduced the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 5D repealed and section substituted—

The Hon. R. THOMPSON: Could the Minister give us any idea of how many meetings the committee will be allowed

to hold? Most Bills contain a provision that meetings will be held at least once a month, or twice a year, or some other stipulation. We gave a great deal of thought to this proposal, and as crayfishermen will be represented on the committee it was considered that at least 12 meetings a year should be held.

The Hon. G. C. MacKINNON: A set number of meetings every year was discussed, but was decided against. There is a certain degree of control if too many meetings are held. Fees will be paid to the members of this committee, of course, for each meeting they attend. There is provision for the committee to meet at least four times a year once it becomes operative.

The Hon. R. Thompson: There will be no obligation upon the committee to meet, say, three times in three weeks?

The Hon. G. C. MacKINNON: No. A degree of flexibility has been introduced so that the committee can meet as and when the occasion arises. In the fishing industry emergencies often arise, so it was felt that a degree of flexibility as to the number of meetings to be held should be permitted. I trust that is the information sought by the honourable member.

Clause put and passed.

Clauses 9 to 13 put and passed.

Clause 14: Section 9 repealed and re-enacted—

The Hon. R. THOMPSON: This clause is designed to deal with fishing waters in the vicinity of a place that is well in the news at present; namely, the Gnowangerup Shire. This clause seeks to control estuary fishing in and around—

The Hon. G. C. MacKinnon: River Bay and Johnny's Cove.

The Hon. R. THOMPSON: Yes. In some years it has been found that thousands of tons of snapper and other fish become landlocked in these parts and professional fishermen in Gnowangerup are restricted to something like 100 yards of net. With such a restriction they would not be able to fish economically when we take into consideration the distance they have to transport their fish to market. Therefore this amendment is an excellent one, because it will provide that the Governor shall have power to declare these estuaries open to professional fishermen to net fish. Photographs were produced to us in Albany showing countless thousands of decaying fish—some up to 14 lb. in weight—and it would indeed be a tragedy if this were to continue.

The Hon. E. C. House: It only happened once.

The Hon. R. THOMPSON: I am merely saying that photographs were shown to us as evidence of these decaying fish.

Anyway, once is enough, and this will be an excellent provision which will prevent a recurrence of such a happening.

The Hon. G. C. MacKINNON: Members will recall that during my second reading speech I explained that I have provided for this power to be taken so that we can speed up the opening and closing of these estuaries. The amendment will allow a degree of flexibility in such matters.

Clause put and passed.

Clauses 15 to 26 put and passed.

Clause 27: Section 24 amended—

The Hon. N. E. BAXTER: Could the Minister give me an explanation of paragraph (g) of this clause which appears on page 20 of the Bill, and which proposes to add subsection (3c) to section 24? Does this provision mean that when a person is charged there will be some recommendation made as to the date from when the suspension shall commence, or will it be left to the magistrate to decide when the suspension shall commence? The recommendation of the Honorary Royal Commission on penalties is as follows:—

With regard to cancellation of licenses, it is apparent that many are imposed to take effect in the months of February to November which are off-season months and do not constitute any real hardship. We therefore recommend that all cancellations apply between 15th November and 30th March in the following year.

That recommendation, of course, could certainly be applied to suspension.

The Hon. G. C. MacKINNON: Here again the amendment has not gone as far as the Honorary Royal Commission recommended. The recommendation was that cancellations should apply between the 15th November and the 30th March in the following year.

The Hon. R. Thompson: Between November and March.

The Hon. G. C. MacKINNON: Yes. We have extended this so that it shall apply between August and November. Naturally I am aware that during the last couple of months many fishermen have ceased operations, as they do every year.

The Hon. R. Thompson: Many knock off for both April and May.

The Hon. G. C. MacKINNON: I think a fair amount of publicity has been given to this matter. Magistrates are aware of the problem. Some members may have noticed the harsh penalties that have been inflicted towards the end of last season as compared with the previous season. It has been considered that when the suspension is obligatory—which it is in this case—some degree of flexibility should be allowed. It must be borne in mind that the suspension is automatic. Therefore, a magistrate

has power to say, "This case is not as bad as another case which previously came before the court and so the penalty shall not be so severe."

Clause put and passed.

Clauses 28 and 29 put and passed.

Clause 30: Section 24C added—

The Hon. R. THOMPSON: Perhaps the Minister can now answer a question I proposed to ask him earlier. Under which of these provisions are freezer boats to be charged?

The Hon. G. C. MacKINNON: We will, of course, have to select one section or another for the purpose of making these prosecutions. I rather think it would depend on circumstances. If we so desired, we could treat an offender as a processor and fine him as such—which would be £1,000 minimum—or treat him as a catcher of crayfish. A great deal would depend on the seriousness of the offence, and it could vary from situation to situation. If a man had committed a number of offences it would seem obvious to me that he should be charged as a processor, and it would also seem obvious that he should be put out of the industry. The section under which he was charged would depend to a great extent on the circumstances.

The Hon. R. THOMPSON: If a freezer boat contravenes the Act, the section under which the charge is laid must be specified. It can be charged under section 24C or section 24D, but these are totally different provisions. Nothing should be left to chance to enable discrimination to be shown against one freezer boat but not against another. If a person is caught with some live undersize crayfish on a freezer boat, the charge should be laid under the category of catcher boat, but if he is in possession of a large store of undersize tails, then the charge should be laid under the category of freezer boat. I do not object to the penalties, but only to the manner in which the charges will be laid.

The Hon. G. C. MacKINNON: If a person catches undersize crayfish and holds them on deck, I would expect him to be charged with catching undersize crayfish; but if he processes the tails and stores them in the freezer chamber on the boat, then I would expect him to be charged as a processor. It is not uncommon for charges to be altered. The penalties are provided to enable offenders to be dealt with in different ways. If we were to be too specific we would create difficulties. We are all aware of what one particular, shrewd processor does, but no-one can pin anything on him. Whilst a boat is engaged on catching crayfish it is a catcher boat, and it has to bring its catch to be processed in shore factories, but if it is apprehended while processing is going on it will be charged under the category of a processing plant.

The Hon. R. Thompson: When prosecutions are launched, will an officer be available to define the section under which they are made, or will this be done by the Crown Law Department?

The Hon. A. F. Griffith: The Crown Law Department will take instructions from the Fisheries Department, if it is the desire that the former should conduct a prosecution.

The Hon. R. THOMPSON: I accept the explanation of the Minister. If undersize tails are found on board a boat it is regarded as a catcher boat, but the moment they become frozen it is regarded as a freezer boat.

The Hon. G. C. MacKINNON: In the administration of this Act many instructions will have to be given to the inspectors, and a great degree of discretion will have to be exercised.

Clause put and passed.

Clause 31: Section 24D added—

The Hon. R. THOMPSON: This is the section which prescribes the penalties in respect of processing plants. For a first offence a fine of not less than £1,000 nor more than £2,000 is provided; and for a subsequent offence a fine of not less than £2,000 nor more than £5,000 is provided. In an article which appeared in the Press on the 4th September it was stated that all fish processors in Western Australia, including those in freezer boats, will pay special fees under legislation to be introduced by the Minister for Fisheries, and then further on it was stated that a levy of one per cent. was to be imposed. I would ask the Minister to make representations to the Commonwealth authorities to bring about the situation where these processing works are required to be licensed. It is possible for that to be done, because in the primary industries interlocking arrangements between the various States have been effected.

The Hon. G. C. MacKINNON: When the article appeared in the Press the Bill before us was well under way.

The Hon. R. Thompson: The article referred to a levy, but this matter is not contained in the Bill before us.

The Hon. G. C. MacKINNON: It was in relation to that matter that Mr. Heitman mentioned a meeting which was held in Geraldton. The proposal referred to in the article has been received very well, and the people concerned seem to be agreeable to pay the levy.

However, if processing works are to be licensed, and if the licenses are to be cancelled when convictions are made, then the fines set out in this section should be reduced. A fisherman can only be fined up to £500, and have his license suspended or revoked.

The Hon. R. Thompson: And by so doing deprive him of his livelihood.

The Hon. G. C. MacKINNON: In those circumstances the penalties of £1,000 to £5,000 should be reduced accordingly. If the Commonwealth authorities are prepared to participate and bring about the licensing of processing plants, it is only fair to reduce the fines and bring them into line with those applicable to fishermen. We could experience further problems. Take the Geraldton Fishermen's Co-operative. If by chance it breaches the Act and the license is cancelled, that will have an effect on all the members.

The Hon. R. Thompson: What if it is a freezer boat?

The Hon. G. C. MacKINNON: That is a different matter altogether.

The Hon. R. Thompson: Its license can also be suspended.

The Hon. G. C. MacKINNON: Not necessarily. If it is charged under section 24D a fine of £1,000 to £5,000 may be imposed, but there is no provision for the cancellation or suspension of the license. If the charge is laid as a catcher boat the license can be cancelled or suspended, but the fine is considerably lower in that case.

The Hon. R. THOMPSON: These fines are very heavy. Let us compare a freezer boat with a processing plant. A freezer boat could be intercepted with a large number of undersize crayfish on board. The skipper could be fined up to £500, and could lose his license for life. This man is at sea under conditions which are sometimes extremely difficult, but he would have to suffer the same penalty as a freezer plant accepting undersize crayfish and processing them. I have been in many crayfishing plants and have asked—Mr. Baxter and Mr. Syd Thompson were with me—for a gauge and only one plant has been able to produce one. They do not worry about gauging crayfish. The crayfish go into the processing plant, down the chute, and are processed as quickly as possible. But a fisherman on the sea—which is turbulent at times—could be unlucky enough to be intercepted.

The Hon. G. C. MacKINNON: I am glad you said that, because there is a lot of sea out there.

The Hon. R. THOMPSON: He would have to be unlucky, but someone has to be unlucky at some time. A man could lose his license if caught processing crayfish. If the crayfish were on the deck as whole crayfish, he would be charged under a different section. If he were processing, he would be charged under these provisions and be up for £5,000. If it is good enough for him to lose his license for a minor offence for being in possession, it is good enough for the processor to lose his license too.

The Hon. G. C. MacKINNON: I agree, but I cannot take the license from a processor as he does not have one.

The Hon. R. Thompson: Give him one.

The Hon. G. C. MacKINNON: It was on the 9th September when I presented the case to the processors, who accepted a license fee. I think I mentioned in my opening address that by the very nature of this particular Bill there must be aspects which are not in accord with our ideas of justice. The honourable member will remember my saying that we are not out to make criminals; we are out to protect crayfish.

The Hon. R. Thompson: We agree on that.

The Hon. G. C. MacKINNON: Let us look at how a freezer boat gets undersize crayfish. If a freezer boat remains in water in which freezer boats traditionally operate, does that boat get any undersize crayfish?

The Hon. R. Thompson: Very few.

The Hon. G. C. MacKINNON: That is right. The skipper usually vacuum cleans the close-in waters. Usually they paid hard cash for undersize crayfish but gave that away and went over to giving one bag of size for two bags of undersize. If he has a number of undersize crays, does he deserve this sympathy?

The Hon. R. Thompson: I am not giving him any sympathy; but if it is good enough for one to be licensed it is good enough for the other.

The Hon. G. C. MacKINNON: At the present moment this is the best I can do, because I have to get agreement with the Federal authorities and examine it carefully—

The Hon. R. Thompson: That is all I want you to say.

The Hon. G. C. MacKINNON: —to see if it is completely desirable. Do not forget there are certain processors that could be closed down, but who would suffer? The fishermen, the Fremantle Co-operative, the Geraldton Co-operative, and Golden Gleam.

The Hon. R. Thompson: Did you say Roy Green?

The Hon. L. A. Logan: You know he didn't say that.

The Hon. G. C. MacKINNON: We will have a careful look at this, but, at the present stage this is the best we can do.

The Hon. R. Thompson: You are going to examine it Federally?

The Hon. G. C. MacKINNON: Very closely.

Clause put and passed.

Clauses 32 to 35 put and passed.

Clause 36: Section 44 amended—

The Hon. R. THOMPSON: I move an amendment—

Page 24, line 14—Delete the word "fifty" and substitute the words "one hundred".

I think it is right that some of the types of obstruction we heard about should warrant a penalty greater than a £50 fine. One chap had a utility laden with undersize crayfish and he did everything possible to the fisheries inspector. He escaped and was fined £20. That is not reasonable. If a person had £300 or £400 worth of undersize crayfish it is possible he might do bodily harm to an inspector, whom we must protect by making the penalty stiff enough so inspectors will not be obstructed from carrying out their duties.

The Hon. G. C. MacKINNON: The penalty can be as high as £200. There can be a group of lads and one will say, "Hit him." If an inspector charges them, the fine could be over the minimum of £100. I think we could leave this as it is to give a degree of flexibility. To me, £50 seems pretty solid. We are dealing with human beings; and an inspector could be a little cross after a row with his wife. I think this is a high enough starting point, and I would be loth to see it increased. I ask Mr. Thompson not to proceed with his amendment.

The Hon. R. THOMPSON: Before I start crying over the lads that said, "Hit him," let us cast our minds back. I am sure the Minister will have heard of the case where a fisheries inspector and a policeman entered a property with a view to having a look for some cooking pots. While they were still over a mile away, a person was firing at them with a .303 rifle.

The Hon. L. A. Logan: The penalty can go up to £200.

The Hon. R. THOMPSON: But the minimum is £50.

The Hon. G. C. MacKINNON: In a case like that I think he would get the maximum.

The Hon. R. THOMPSON: If the position is not satisfactory, I will deal with the matter next year. We want good inspectors.

The Hon. G. C. MacKINNON: We have some good ones.

The Hon. R. THOMPSON: Unless they are given protection, we will not get good ones.

The Hon. F. R. H. LAVERY: I heard the Minister say that an inspector might create a little trouble because he could go to work cross after a domestic row and take it out on a person. I hope the Minister did not mean that, because if that type of inspector is employed by the department, he should be immediately dismissed.

The Hon. G. C. MacKINNON: I was trying to demonstrate the fact that we all tend to get short tempered at times, perhaps when we are upset—

The Hon. F. R. H. Lavery: Fair enough.

The Hon. G. C. MacKINNON—for some reason, and we might take offence a little more quickly than we would otherwise.

The Hon. R. THOMPSON: I think all members of Parliament should thank the Press—the *Daily News* and *The West Australian*—for its sincere and truthful reporting during the last two years when something has been done to curb the rackets in the crayfishing industry. Not at any stage have I noted any misreport in the Press by any of the reporters it has been my pleasure to mingle with. From the department's angle, I feel sure the Press has represented its viewpoint admirably. I think it is only fair. I have been away on excursions with reporters and I have been impressed by the manner in which they have carried out their duties.

The Hon. G. C. MacKINNON: I will join with Mr. Thompson in risking the sort of comment one is likely to get when making such compliments.

The Hon. R. Thompson: I don't care what happens about those comments.

The Hon. G. C. MacKINNON: I support the comments. Another matter on which I thought some comment would have been made was the pamphlet which was sent out. I thought it was a very good piece of writing.

The Hon. R. Thompson: I compliment you on that pamphlet.

The Hon. G. C. MacKINNON: Not me: the department. As I said, I would like to join with Mr. Thompson in his comments. It is rarely enough that people get their degree of commendation. I think it was Mr. Edwards who handled the presentation of the pamphlet in the *Daily News* and I phoned him to tell him what a good job he had done. In my opinion the Press has been extremely helpful in the factual presentation of much of the material which has come their way. They have been responsible, in no small measure, for the publicity this matter has received.

Amendment put and negatived.

Clause put and passed.

Clauses 37 to 43 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

JETTIES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th September, on the following motion by The Hon. G. C. MacKinnon (Minister for Health):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [9.49 p.m.]: This is a Bill which I think one would instinctively resist. Firstly, on account of some of the verbiage it contains; and, secondly, because of the scarcity of information given when it was introduced.

I think we have a very valid complaint in the inability to find reasons in the speech delivered by the Minister when introducing this Bill. It appears to be a very simple Bill and is to amend section 4 and section 7 of the principal Act. In regard to section 4, the amendments are to paragraph (13), which is sufficiently explicit, I think, to not require an amendment of the type suggested in the Bill. Paragraph (13) reads as follows:—

Prescribing the conditions to be inserted in any lease or license granted under this Act and the fees to be payable for any such license.

The amendment is to delete paragraph (13) and substitute the following:—

Prescribing the conditions to be inserted in any lease granted under this Act . . .

Those are precisely the words in the first part of the existing paragraph (13). It is also proposed to add a new paragraph (13) (a) which reads—

Prescribing the fees to be payable for any license granted under this Act.

Those words are identical with the words in the latter part of the existing paragraph (13).

In no place did the Minister give a reason for the division of the meaning and the purpose of the existing paragraph (13). The words are identical but the proposal is to divide the paragraph into two parts.

The amendment to section 7, which is the section which deals with the granting of licenses, is very explicit. It reads—

The Minister may grant a license to any person for the erection or construction of a jetty or for the maintenance and use of any jetty.

That means, of course, in conformity with the existing regulations under the Act. It is now proposed to add the following words:—

on such terms and conditions as he thinks fit.

Sections 4 and 5 of the Act state clearly the conditions for the making of regulations, and there are very many of them. They provide for the provision of berthing fees, wharfage dues, storage charges and charges of all kinds, the authority extended to officers, the requirements for the construction of jetties and the authority which may be exerted by regulation under this Act, the cancellation of licenses, and the imposition of penalties; and all these things are very clear.

However, this Bill proposes, without any justification in the explanation given by the Minister, that the licenses shall, in the future, be granted on such terms and conditions as the Minister, or the Governor, thinks fit. The Governor in that context,

of course, means the Governor in Executive Council on the advice of the Minister—in short, the Government.

Let us see what was said at the introduction of this Bill. The Minister said that the licenses are to be given in accordance with the conditions in the Jetties Act and in compliance with regulations under that Act. That is a straight statement that the conditions under which the licenses may be granted to people to build a jetty are as stated in the Act. The Minister went on to say that because of extraordinary development and the need for outport development these amendments are necessary. But can the Minister tell us where they are necessary? Where are these jetties that are under construction or likely to be constructed which are to come within the ambit of the Jetties Act?

The Hon. G. C. MacKinnon: I gave you two examples.

The Hon. A. F. Griffith: A number could be in relation to iron ore agreements.

The Hon. F. J. S. WISE: An iron ore jetty. The only one constructed at the moment would be at King Bay. It is a private jetty constructed to enable loading and unloading of material necessary for the railway construction and for the laying of the lines to Mount Tom Price.

The Hon. A. F. Griffith: There will be others.

The Hon. F. J. S. WISE: Yes, but what is intended in that connection? Is it that something may be done at the moment which will be *ultra vires* the requirements of this Act? What is the reason for giving to the Minister such authority and power that all the requirements of the Jetties Act, as it now stands, are to be waived? They may be entirely waived. No regulation at present in existence and no structure or requirement of the Act, if this Bill passes as it is, need to be considered in the future. All the present requirements will be waived if the Minister thinks fit. What an enormous authority. We certainly have not had any explanation of the necessity.

I will acknowledge that very many Acts of Parliament confer very wide powers on public servants. Some are designed to vest authority in boards and entities, but there is still a right of appeal. I draw the attention of this House to the fact that if this Bill is passed with this wording there will be no right of appeal to or from anybody. The decisions will be as the Minister thinks fit, acting upon a whim or a caprice at the time to approve any license under any condition so that safety provisions and all sorts of things will be direct action, go by the board and be entirely overlooked. There can be no appeal if this Bill is passed in its present form; and the very fundamentals of the Act itself are being brushed aside.

It will be acknowledged that during the next 12 months or so several jetties will be required. Is it the desire to waive all the requirements of the existing Jetties Act? The wonderful jetties that have been built in the last few years at Wyndham and Derby, and partly constructed at Broome, and the renovations and extension to the Port Hedland jetty, have been built to the requirements of the Jetties Act; and the only one under construction at the moment would be the one at King Bay, a service jetty.

We have not been told why it is necessary to accept the amendments, except that the Minister said regulations take a long time to draft. There may be a situation wherein the issuance of a license is required rapidly. The Act does not prevent that. I am wondering if the necessity for this Bill came from the Harbour and Light Department. That department is meticulous in its attention to the requirements of people and Governments in their responsibility in regard to the building of jetties, the speed of their construction, and the safety and suitability of the appliances used.

I do not like this Bill; and in the explanatory notes, and the words of introduction, we have not been given a reason for it. May I say that in giving this unlimited power—power to control all jetty construction, as the Minister thinks fit—it will negate entirely certain important sections in the Jetties Act.

I would refer members to the seriousness and importance of having all of these thoughtful requirements, which are now quite old, in the Jetties Act continued because they are up to date in their application. If they are to be brushed aside, and everything that is to be done is to be done as the Minister thinks fit, we will be running up against two or three important decisions, the judgments of which I hold in my hand. I have decisions of cases which have been tried, even before the Privy Council, as to the unchallengeability of such a scope because it gives no limit to the ability of a Minister to decide that an Act itself does not apply.

The important point is that if the Bill were amended by deleting, after the word "as" in the third line of clause 3, the words "he thinks fit," and inserting in lieu the words "are reasonable," there could be nothing to cavil about regarding the authority covered by the Bill; but there would be a degree of protection in law and in the operation of the Act instead of all the ingredients of the Act being rendered null and void, as they will be if this Bill is agreed to.

The Hon. A. F. Griffith: Then you would be getting back to the old problem of what is "reasonable."

The Hon. F. J. S. WISE: No; because through the years the courts have been able to decide whether a decision was reasonable or not.

The Hon. A. F. Griffith: I think the Interpretation Act deals with it, too.

The Hon. F. J. S. WISE: It does. It comes down, very simply, to the fact that the interpretation of the word "reasonable" is that it means "reasonable."

The Hon. A. F. Griffith: That's reasonable.

The Hon. F. J. S. WISE: And it is very unreasonable to suggest that it does not! The courts have decided this question; and how much greater would be the safeguard if the amendment I have suggested were agreed to.

The Hon. A. F. Griffith: I am sure there is nothing sinister about it, but Mr. MacKinnon will get some more information for you before he replies.

The Hon. F. J. S. WISE: I would be pleased to have that, but I can assure the Minister that these cases have been taken from Halsbury's *The Laws of England*.

The Hon. G. C. MacKinnon: I appreciate that.

The Hon. F. J. S. WISE: They were taken to test that issue. If we are going to tear up, as it were, the entire Act and all the provisions relating to the issuance of licenses, which I think this Bill will do if passed in its present form, we will not be doing a good thing. Therefore, at this stage, and without any more words on the subject, I would oppose the Bill.

Debate adjourned, on motion by The Hon. G. C. MacKinnon (Minister for Health).

AUDIT ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th September, 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) [10.5 p.m.]: This is a Bill of 24 clauses, a much longer measure than the one we have just been discussing, but the general intention of it is contained in five or six clauses, and the important principles are in those clauses. I have no objection whatever to the desire to bring the Act up to date in regard to such things as defining the Colonial Treasurer, and in suggesting that the Auditor-General should be the permanent head of a department. I think that is important, and it is a good principle to introduce.

However, I got stuck on the words which are used, and which the Minister, a few moments ago, advised me he intends to amend if the Committee agrees. I direct members to the point I was going to raise, and debate if necessary, in clause 4 where the words, "the Governor may direct the Auditor-General" to do certain things, are used. I do not think the word "direct" is very appropriate in those circumstances. It appears in two or three places, and I think the word "authorise", or something like that would be more appropriate instead of saying that the Governor may direct the Auditor-General to continue in office. I think it should be made so that the Governor suggests or authorises him to do certain things.

The Hon. H. K. Watson: It grates a bit, doesn't it?

The Hon. F. J. S. WISE: It does. It is not a nice word.

The Hon. A. F. Griffith: The Premier has asked me to bring this point, and a number of other small amendments, forward when we are in Committee, and to ask members to agree to them.

The Hon. F. J. S. WISE: I am sure the Committee will readily agree, without due notice having been given, or their having appeared on the notice paper.

The Hon. A. F. Griffith: They are not on the notice paper but I have handed them in. If you want me to move them in Committee this evening, I will do so, but if you are not ready to go ahead it will not matter.

The Hon. F. J. S. WISE: I would like the Minister to amend his own Bill in that regard. However, there is one other matter to which I would draw attention and that is the provision to use the unexpended balances on any vote and to transfer them to another account. This is something that is provided for in more than one State, and in the Commonwealth—I know that, because of handling Commonwealth votes in the Northern Territory. They are used as re-votes for the same purpose if unexpended in one financial year. That is the way the Commonwealth gets over it.

Frequently they have unexpended amounts, in which case the Commonwealth makes them re-votes and an additional sum is added to that for the next year's expenditure. I can see no difficulty at all with this provision. I think it is a good idea because estimates, after all, are only estimates, and some of them are more likely to be "guestimates" in some unpredictable avenues of expenditure.

I think it is a good idea, and no Treasurer would do anything that was wrong or improper; he would not misapply a vote which had been passed by Parliament for a specific purpose, but this provision will authorise the transfer if there is any unexpended balance.

I interjected, when the Minister was speaking, in regard to the entities or instrumentalities, persons, or companies, for which audits were performed privately. I know they are done for local governing bodies, but I want to know how wide the practice has been extended. No-one can cavil at the authority which this Bill gives to make a charge where other than Crown work is done by the department's auditors. I think it is quite proper, and I think it should be done. However, I would like the Minister to advise us just how widely the practice has been extended.

The other provisions in the Bill are quite clear and they are of such a nature that no one could disapprove of them. I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.11 p.m.]: Regarding the amendments I intend to move in Committee, and which I have actually given to the Clerk, when I was discussing the matter with Mr. Wise we thought perhaps we could ask the Committee to deal with them tonight because they are not difficult. However, I think it may be better, as they are not back at this point of time, if they are placed on the notice paper, and that will also give me an opportunity to clarify the last point made by the honourable member. He raised the matter by way of interjection last week, but I regret to say that I have not the answer at the moment. When the Bill is in the Committee stage, this matter can be dealt with on the appropriate clause, and I can provide the answer. We will take the Committee stage tomorrow, if the House agrees, and I thank Mr. Wise for his support of the Bill.

Question put and passed.

Bill read a second time.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second Reading

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

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [10.13 p.m.]: This Bill is, in the main, the result of representations made by the association of local governing bodies of the State. Almost every provision in the Bill—I think with two exceptions—is the result of representations that have been made to the Minister and his department to rectify small anomalies which have occurred since the passing of the Local Government Act in 1960.

I know that ordinarily members would not expect, after the months of work that were put into the Local Government Act, to see amendments required so quickly, and in such number. However, on the

other hand, I think it is a great tribute to the years—not months—of work that were put into the Local Government Act before its presentation, and during its presentation to, and consideration by, Parliament. It is rather remarkable that during the time an Act of nearly 700 sections has been in force we have had amendments dealing only with machinery matters—elections, and the conditions of elections. However, I do draw attention to two clauses in particular. The amendment to section 400 of the Act, which is contained in clause 12 of the Bill, is most unusual in its wording, because it refers to something for which no provision is made in the definitions.

The Hon. H. K. Watson: Not rights-of-way.

The Hon. F. J. S. WISE: Strangely enough it is very close to rights-of-way. Clause 12 refers to the covering of or the building over, a pedestrian way, and it will enable, with the passing of this Bill, structures to be built over a pedestrian way. There is no definition of a pedestrian way, but there is a definition of a way, which includes an alley and a court which the public are allowed to use. It could be London Court. There is also contained in the interpretation section of this Act the meaning of the words, "allowed to use," strange though that may seem. It is as follows:—

"allowed to use" where used in relation to

public place;
street; or
way;

means a public place, a street, or a way respectively,

(a) which having been dedicated to use as such by the public under an Act or at common law, the public has a right to use as such;

Let us extend that a bit further. What is meant by a pedestrian way? I can only imagine what it means. If it is a footpath it will need to cover an area as wide as Hay Street, if Hay Street becomes a mall, and then there will be provision in the law to build structures over Hay Street. These are the kinds of things that will be affected if the Bill is passed in its present form.

The Hon. L. A. Logan: That may not be a bad idea—to elevate the people above the traffic.

The Hon. F. J. S. WISE: That may be so, but I do not think it is intended. I think it is necessary to identify "pedestrian way", or to delete the words for something more convenient. I have an idea that the provision in the Bill is to meet a circumstance in Fremantle; something that has been recently constructed there. But its application will not be confined to Fremantle. So any way, right-of-way, or court that the public are allowed to use must come within the ambit of this legislation once this provision is incorporated.

If we proceed to read on in the Act itself we will find there is a conflict with this Bill. It is stated that provided there exists no by-law of the council prohibiting the use of a post a certain thing may proceed. If the Minister will look at clause 12, paragraph (b), he will find a conflict there with section 400 of the Act as it now stands. Let us see what the Bill seeks to amend. Subsection (2) of section 400 of the Act states—

Notwithstanding the provisions of subsection (1) of this section, a person with the permission of the council and in accordance with plans and specifications settled and approved by the council may—

- (a) place in front of his building, an awning or verandah, at least nine feet above the footpath in a street, way, or other public place, in its district, and if posts are used for the support of the awning or verandah, so that the posts are placed in such positions close to the outer edge of the footpath as the council directs;

The Bill proposes to insert in paragraph (a) the words, "unless the use of posts is prohibited by by-laws of the council." After these words are inserted the words immediately following in the Act will be, "if posts are used for the support of the awning or verandah."

Instead of the words that the Bill proposes to insert I suggest we should have a proviso which states: Provided that no by-law of the council prohibits the use of posts in such circumstances. That would meet the situation, and avoid a conflict and abuse of the verbiage.

The Hon. L. A. Logan: Will you repeat that?

The Hon. F. J. S. WISE: I suggest there should be a proviso at the end of the clause saying that provided no by-law of the council prohibits the use of posts in such circumstances. It will then be clear. If the Minister will read paragraph (a), of subsection (2) of section 400 of the Act, which the Bill seeks to amend, he will find there is conflict.

The Hon. L. A. Logan: You know what it is intended to do.

The Hon. F. J. S. WISE: Yes; but if the Minister reads it he will find that it confuses the issue. I do not wish to delay the House. As usual I have had a good look at the Bill, and I can see nothing wrong with it except that the words "pedestrian way" are likely to give us a lot of trouble when they are capable of being extended to other than recent structures at Fremantle.

Debate adjourned, on motion by The Hon. N. E. Baxter.

MARKETING OF ONIONS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West
—Minister for Local Government) [10.23
p.m.]: I move—

That the Bill be now read second time.

The main purpose of this Bill is to remedy several deficiencies in the parent Act which are preventing the Onion Marketing Board from controlling effectively the sale of onions. Certain sections are to be clarified to enable operative regulations to be formulated. This amending legislation also is directed towards bringing the Onion Marketing Board more into line with other Marketing Boards in Western Australia.

The Marketing of Onions Act Amendment Act of 1953, not yet proclaimed, is to be repealed. This legislation is considered by the board to contain provisions, the effect of which would be to disrupt the board's control over sales to merchants. There is this further point that, until the 1953 Act has been repealed, the board is unable to proceed with the consolidation of the regulations as there is no intention by the board to recommend its proclamation.

The interpretation of the word "grower" is to be amended, as its meaning as defined at present is ambiguous. Another amendment deals with the qualification to vote. It is not possible for a returning officer to carry out with any degree of satisfaction a check on the harvesting of a quarter of an acre of onions during the last preceding growing season, which is the present basis of qualification. It would be preferable for this to be based on the tonnage of onions sold through the board. The two-year period has been inserted in the Bill as a protection to an elector against a bad season. The three-ton requirement is based on an average harvest of 12 tons per acre, so that the existing electors will not be affected by the change.

The first amendment in clause 5 retains the exemption of onions produced for interstate trade from a Governor's proclamation vesting onions in the board. But, as a protection to the board, growers will in future be required to give notice and make a declaration in respect of onion growing intended for trade between the States.

The necessity for something of this nature has arisen in recent years through growers taking advantage of the existing subsection to evade selling their onions through the board. This is done by simply avoiding the control of the board over their crops, under the claim that they are intended for interstate trade whether or not they are finally sold interstate.

The repeal of subsection (4) of section 4 of the Act affects onions harvested between the 31st July and the 1st November, now excluded from the board's control. This provision was introduced in 1956 in the interests of Carnarvon growers. Those members who were here when the late Mr. Barker was speaking on this subject will recall what he had to say in regard to the growing of onions in Carnarvon at that time. It is as a result of his efforts that this provision is included. The Minister for Agriculture at the time nevertheless doubted whether, in the long run, the provision would achieve the desired effect.

It was claimed in support of the amendment that it would provide an incentive to Carnarvon production of out-of-season onions for the south. This objective has not been achieved for, in fact, the production of onions in the North-West Division and at Kalgoorlie and York is less now than in 1956.

Adverting again to interstate trade, the new subsection (5) has been added to ensure that a grower shall keep to his undertaking with respect to interstate sale of his crop, otherwise it will be vested in the board and subject to the Act.

It may be helpful if I go into a little more detail in respect of the provisions in clause 6. This clause deals with the provisions relating to the acquisition of onions by the board.

Bailment is at present terminated upon the giving of notice to deliver the crop. So there is a period between that time and the actual delivery of the onions during which no legal responsibility appears to be imposed on either party.

This Bill ensures the bailment of onions on delivery to the board continues until delivery actually takes place. Consequently, although onions by proclamation become the property of the board, they remain with the grower as bailee in possession, who is responsible to the board for his onions until delivery is made.

With a view to deterring illicit sales, it is proposed to increase the penalty of £50 to £100 should a grower, while a bailee in possession of onions, sell or deliver onions to any person other than the board and without its authority. The purchaser also is liable similarly.

Often the financial return from illicit sales far exceeds the penalty which can be awarded, so there is little deterrent in the existing penalty. There is a small amendment to section 11 to clarify a reference to small growers, obviously intended to refer to small crops.

Some explanation in respect of the amendment affecting subparagraph (iii) of paragraph (g) would seem to be necessary for a proper understanding of the intention of the amendment. The word "underestimated" has been added. The

purpose of this is to cover the situation, which is a prevailing one, of growers deliberately underestimating their crop. This paragraph was designed to give the board advance figures upon which to operate; and, in its introduction into the section, overestimating only was contemplated. However, the general practice is to underestimate, and the grower may, as a result, be left in possession of onions in which he may deal illegally.

The last amendment calling for explanation is the addition of a subsection authorising a court, convicting a person of buying or receiving onions from a grower without authority, to order the offender to pay to the board an amount equal to the retail value of the onions at the date of conviction. This may be recovered in the same way as a penalty.

In conclusion, it is desired to mention that the parent Act of 1938 has been falling short in the limited power provided—perhaps adequate enough almost 30 years ago when there was no clear conception of the problems associated with a greatly expanded industry, both in numbers of growers and weight of production.

Last year's crop was an all time record, which necessitated the export of at least two-thirds to the Eastern States, South-East Asian markets, and Mauritius. The large increase in local production presents a substantial export marketing potential. Without orderly marketing, sales could become chaotic and prices unstable. This would, of course, eventually lead to a drop back in production and, quite likely, the permanent loss of the valuable export market.

It is submitted to members for consideration that there are a number of important provisions contained in this Bill which will remedy deficiencies limiting the powers of the Onion Marketing Board which, in the long run, is responsible for the marketing of the crop to the best advantage of all concerned.

Debate adjourned until Thursday, the 23rd September, on motion by The Hon. R. Thompson.

House adjourned at 10.31 p.m.