WHALING BILL 1937

**Legislative Assembly, 2 November 1937, page 1367**

Second reading

**The Hon. S. W. JEFFRIES (North Adelaide —Attorney-General**)—This Bill is introduced for the purpose of giving effect to an International Convention for the Regulation of Whaling which was signed at Geneva in 1931. Of late years there has been a widespread and, as it would seem, not unjustifiable apprehension that the continued unrestricted killing of whales, particularly in Antarctic waters, may so reduce the stock as to bring the whaling industry in danger of destroying itself. This Convention is, therefore, an attempt to conserve the industry by international co-operation. The Convention provides that each nation acceding to the Convention will require all whalers flying its flag to be licensed, that the taking of immature and certain other whales is to be prohibited, that statistics as to catches are to be kept by whalers, and for other matters. The Commonwealth was a party to, but has not yet ratified the Convention, which applies to all the waters of the world, including both the high seas and territorial and national waters. So far as the regulation of whaling on the high seas by Australian ships is concerned the Commonwealth has ample powers to pass the necessary legislation to give effect to the Convention, but in regard to territorial waters this jurisdiction is vested in the States. Consequently, effect cannot be given to the Convention so far as Australia is concerned until there is legislation regulating whaling by Australian ships, both on the high seas and within territorial waters, and to achieve this latter purpose it is necessary that the States should pass legislation.

The question whether the Commonwealth should ratify the Convention was considered by the Conference of Commonwealth and State Ministers held in Adelaide during August, 1936, when the Conference approved of a report that the States be invited to agree to the ratification of the Convention by the Commonwealth in respect of areas both outside and within the territorial limits of the Commonwealth and for the latter purpose it was recommended that each State should pass legislation regulating whaling, whaling ships, and factories within the State. The Commonwealth in 1935 passed a Whaling Act, which deals adequately with the question of whaling on the high seas, but, so far, similar legislation has only been passed by Queensland. In South Australia there is no whaling industry, so that the Bill under present conditions will have no practical effect upon the economic life of the State, but, as before mentioned, it is necessary that South Australia, in common with the other States, should pass legislation in order to enable the Commonwealth to ratify the Convention. The Bill is substantially similar to the Commonwealth and Queensland Acts. It is obvious that the various Australian Acts should be uniform, so far as possible, and in its communications to the States on the matter the Commonwealth has stressed the necessity for uniform legislation.

The principal provisions of the Bill are as follows:—Clause 5 prohibits the taking of right whales and immature whales. Clause 6 makes it unlawful for a ship to be used for taking whales or a ship or factory to be usedfor treating whales unless the ship or factory is properly licensed. Clause 7 may have practical application in South Australia and provides that a ship designed and equipped for taking whales is not be brought into any port in South Australia unless it is licensed under the Bill or is licensed by the Government of the country whose flag the ship flies. This is an important provision, as it will mean that, with the enactment of legislation of this nature throughout the world, an unlicensed whaler will not be able to enter any port of any of the nations which are parties to the Convention.

Clause 9 sets out the terms upon which licenses will be issued by the Minister in respect of ships and factories, while clause 10 provides that, where a license is given, the licensee is to make the fullest use of the whales taken and keep various statistics. Under clause 11 the Minister is empowered to grant permits to persons to take whales for scientific or other exceptional purposes. Other provisions of the Bill deal with matters such as the powers of officers to board and inspect ships, the forfeiture to His Majesty of whales unlawfully taken, and other administrative matters. This Bill will, of course, only apply within South Australian waters and as whaling is not carried on in this area it will not, under existing conditions, have any practical application except possibly as regards the provision imposing penalties on unlicensed whalers entering South Australian ports. I move the second reading.

Mr. LACEY (Port Pirie—Leader of the Opposition)—I do not desire to hold up the passage of the Bill as it is obvious that it hasbeen introduced to give effect to an International Convention. I support the second reading.

Bill read a second time and taken through its remaining stages.