has been doing, but the whole question of the reforestation of sandalwood is in the experimental stage. We do not know what results we may expect.

Hon. G. Taylor: It has never been tried anywhere else.

The PREMIER: No. It is a tree of extremely slow growth under certain conditions, and it is liable to be eaten off by rabbits. It certainly would be eaten by stock, and we have to fence the areas in order to protect the trees. Generally speaking, we are experimenting. In the past not attempt has been made to reforest sandalwood and we have no experience to guide us. Consequently the whole of the money available has not been expended because it would have been unwise to do so. As the fund has accumulated to £7,000, there is no need to devote any more to the purpose for this one year. There is more than is required and the position can be reviewed again next year. I move—

That the Bill be now read a second time.

On motion by Hon. G. Taylor, debate adjourned.

House adjourned at 10.17 p.m.

Legislative Council,

Wednesday, 12th September, 1928.

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

MOTION—FOOD AND DRUGS.

To Disallow Regulation.

HON. J. NICHOLSON (Metropolitan) [4.37]: I move—

That Regulation No. 72 of the Food and Drug Regulations, 1929, made on the advice of the Food Standards Advisory Committee, published in the "Government Gazette" of the 17th August, 1928, and laid on the Table of this House on the 4th instant, is hereby disallowed.

The regulations as published in the Government Gazette are rather lengthy. In order that members may understand the full purport of them it will be necessary for me to read several of the paragraphs contained in them. In the first place, these regulations provide under the heading of "Declaration of certain drugs," as follows:—

There shall be written in bold-faced sans-serif capital letters of not less than six points face measurement in the label attached to every package containing medicines or medicinal preparations for internal or external use by man in which are present any of the substances named in this regulation or preparations alkaloids, glucosides, or poisonous chemical derivatives thereof, a statement of the name of the substance or substances or of the preparation, alkaloid, glucoside, or poisonous chemical derivative contained in it and the quality of proportion present in the following form:—This mixture includes (or alternatively) the contents of this package include or each of these tablets contains—

Then follows a list of drugs or medicines, 64 in number. Some of the names are almost unpronounceable, and it would be hard for members to understand them, unless Dr. Saw gave their meanings. For example, there are—

Acetanilide, alphacaine, aminophenols, amylnitrite, anilides, barbitone, benzamine, cannabis indica, cantharides, chlorbutol.

Hon. A. J. H. Saw: We had better have a spelling bee.

Hon. J. NICHOLSON: It would probably be a good test under one of the Federal Acts to administer to some of those migrants who arrive here occasionally, to show their knowledge of the language. One drug gave me the idea that a mistake had crept in when I read "Quinolines."

Hon. H. A. Stephenson: Is castor-oil included?

Hon. J. NICHOLSON: I thought we were going to renew one of the old fashions, known as crinolines, but that is not so. The regulations proceed—

and any other natural or synthetic, hypnotic, or analgesic or antipyretic substances, or any reputed emmenagogue or reputed abortifacient substance, and any other drugs being or containing any poisonous chemical derivative, alkaloid, glucoside or similar potent principle, or any derivative thereof, and any preparations of thyroid gland, pituitary gland, or any animal product being or containing a potent principle.

Similar regulations were Tabled in 1913, and again in 1924. The regulations submitted in 1914 differed somewhat from those which are set out here. The following new paragraph has been inserted—

For the purposes of this regulation a preparation is a mixture of substances in any form, or a solution of any substance or substances, prepared for internal or external use by man, which contains as one of its constituents any substance or compound thereof mentioned in the list given above as requiring declaration.

This next clause appeared in the 1924 regulations, which were disallowed by this House—

Any substance included in this regulation, but not specifically named in the list, shall be described by the name most commonly applied to the substance in the English language in the Pharmacopœias of Great Britain and of the United States of America, or in the British Pharmaceutical Codex.

This clause was also in the 1924 regulations—

This regulation shall not apply to a drug dispensed and supplied on prescription or order signed by a legally qualified medical practitioner, nor to a mixture supplied by a registered pharmacist extemporaneously prepared for a specific and individual case.

I call the attention of members to that particular paragraph. It expressly exempts from the requirements laid down in regard to proprietary medicines, that any private prescription may still be supplied and given in the ordinary form in which it is usually put forward, with the Latin terms. If it is essential to have disclosures made of these particular drugs as they affect proprietary medicines, surely it is only fair to the patients concerned in getting private prescriptions, that they should know what is in them, instead of being given something which may be written in a language that is not understood. Here this is expressly excluded. The next paragraph has been slightly altered, although the effect remains. Paragraph 4 says—

There shall be written in the label attached to every package containing any patent or proprietary medicine a statement (in English) of the principal ingredients therein for which therapeutic properties are claimed, and in the case of medicines intended for internal use, the measure, number, quality, volume or weight of such ingredients contained in the dose recommended for an adult.

Paragraph 5 says—

For the purposes of these regulations "patent medicine" or "proprietary medicine" means and includes any medicine or medicinal preparation for internal or external use which the maker or vendor has an exclusive right to make under the authority of letters patent, or which is prepared from a special formula and issued under the name of the maker, vendor or owner, or which is recommended by advertisement, price list, handbill, poster, placard, pamphlet, letter or label, for the prevention or relief of any malady or disorder incident to or otherwise affecting the human body.

This paragraph 5 appears to be an exact copy of one of the sections in the Health Act. Why it should be incorporated here seems rather extraordinary, for it is an actual statutory provision. Clause 6 reads—

The label or advertisement relating to any drug or medicine for sale shall not contain any statement or claim which directly or by implication indicates or suggests that it will remedy or cure asthma, Bright's disease, cancer, consumption, cerebro-spinal meningitis, diabetes, dropsy, drunkenness, epilepsy, fits, gout, infantile paralysis, plague, influenza, locomotor ataxia, lupus, paralysis, rupture, scrofula, venereal disease, or that the drug or medicine is a universal panacea, infallible, a kidney cure, liver cure, blood purifier, headache cure or remedy, cure for baldness, cure for drunkenness, or the liquor habit, a skin food, hair food, nerve food; will develop the bust, raise the height, eradicate wrinkles, or that recommends or suggests its use for any disease arising from sexual intercourse, sexual weakness or impotence.

These are the main paragraphs of the regulations with which I intend to deal. Paragraphs 7 and 8 have regard to labels which do not enter much into the discussion. This matter is not novel by any means. In 1913 and again in 1924, regulations of a somewhat similar description were before the House. On each occasion motions were moved to disallow those regulations, and in fact, they were disallowed. Changes have occurred in the personnel of the House, and it may be necessary for me, for the benefit of those new members, to outline some of the important facts adduced during the previous discussions. I do not wish to weary the House unnecessarily, but it will be essential for me—and I ask the indulgence of members generally—to explain certain matters rather more fully than would otherwise be requisite. I have explained that the regulations framed in 1913, and again in 1924, were similar. In the 1913 regulations it was provided that there should be

either a disclosure of the formulae, or a deposit of them with the Health Department. The 1924 regulations merely required the disclosure. The regulations that are now before us are slightly wider. I have already pointed out the position regarding the first regulation concerning the preparation and mixture of substances, etc.; Regulation 4 has been altered; Regulations 5 and 6 are entirely new. These latest regulations are no more justified than the previous ones that were disallowed by this House. The regulations under discussion are the result of recommendations made by what is described as the "Fourth conference on Uniform Standards for Foods and Drugs." At that conference, which was held in May, 1927, there were representatives from the Commonwealth and from each of the States. The representatives from Western Australia comprised Dr Dale, Mr. Stacy, the Assistant Government Analyst, and Mr. J. M. Macfarlane. Somewhat similar delegations seem to have been appointed on behalf of each of the other States. I wish to draw attention to the use of the word "uniform" in connection with the standards. The very fact of that word being used indicates that it was the concern of those at the conference to achieve something that I venture to say is impossible of achievement—uniformity as between the States. I claim it is impossible to arrive at uniformity so long as the several States continue to control their own legislation or to frame their own regulations dealing with this particular subject. When this matter was under consideration in 1924, and when I moved the disallowance of the regulations, I directed my remarks to the question of uniformity and the need that existed for one authority—that is to say, if we are to get a uniform regulation in regard to such matters as those under discussion. By way of emphasising that point, I intend to urge once again that uniformity is impossible so long as all the States seek to frame regulations absolutely on their own behalf. The reason I suggest uniformity is impossible is that in Queensland and New South Wales, Acts are in force that prohibit the disclosure of formulae. In the New South Wales Pure Foods Act, 1908, Section 5, after setting out various requirements regarding drugs, contains the following proviso—

> Provided further that nothing in this Act shall be construed as requiring proprietors or manufacturers of proprietary foods or drugs which contain no unwholesome added ingredient to disclose their trade formulae, except in so far as the provisions of this Act may require to secure freedom from adulteration or false description.

A similar provision is contained in the Queensland Act. The position that I have drawn attention to is confirmed by a telegram that appeared in the "West Australian" of the 30th August last, reading as follows:—

> In June last the Queensland Government re-drafted the food and drug regulations on lines recommended by the Australian Health Conference but was unable to include a provision relating to the disclosure of formulae, owing to the existence in the Queensland Health Acts of certain sections which specifically exempted owners or proprietors of such articles from disclosure or publication. When any of the restricted drugs are used in any medicine, internal or external, it must bear a label stating the presence of the drug and the proportion in which it is present. The presence of alcohol over 17½ per cent. has also to be declared, and the use of methylated spirit is entirely prohibited in medicine for internal use.

The strange thing is that following upon the third conference on uniform food and drug standards, the authorities in Queensland immediately introduced regulations in conformity with the recommendations, but they discovered that the regulations could not be published or enforced because of the provisions contained in their own legislation. Similarly, in Victoria, following upon that conference in 1924, the authorities published regulations in accordance with the recommendations of conference, but there was such a protest raised against the publication of those regulations that the Government found it impossible to enforce them. Notwithstanding that the regulations were actually published in that State, they have remained a dead letter until the present time. According to a report in the "West Australian" from which I have already quoted, I understand that regulations dealing with the disclosure of the formulae of proprietary medicines are to be submitted for approval. Thus the matter will again be brought forward for discussion in that State. Reverting to New South Wales, the position there is similar to that which exists in Queensland. The New South Wales Act contains a proviso that made it impossible to pass regulations such as the Government in this State desire. They found it impossible in New South Wales because the regulations amounted to what was a disclosure

of formulae, and their Act contained an absolute prohibition of such disclosure. In South Australia, regulations were passed which were not in accordance with the recommendations. I have a copy of those regulations, but they are not in accordance with the recommendations even of the 1922 conference, because they omit particularly Regulation 4 that is now before us. They omit entirely the regulation requiring the disclosure of formulae, and there are no regulations similar to Regulations 5 and 6. I am informed that in Tasmania the position is much the same as in South Australia. The result is that the regulations there do not contain what are embodied in the regulations before us in this State. I urge this fact that when the interstate representatives met in conference, those who came from Queensland and New South Wales undoubtedly knew that they were prevented by statute from adopting recommendations as wide as those made by conference. The regulations are the result of the recommendations of that conference, and therefore they knew they could not put them in force. Although the representatives from those two States at any rate knew that it was impossible to carry out the recommendations of conference, we hear this talk about uniform regulations! When I read the report issued by the conference, I wondered whether the delegates had seriously weighed in their minds what the economic result of such regulations would be.

Hon. A. J. H. Saw: The economic result would be that money would be saved in the pockets of many people.

Hon. J. NICHOLSON: On the contrary, I say that the economic result will be exactly opposite to that suggested by Dr. Saw. Let us suppose that the owners or manufacturers of proprietary foods and medicines were compelled by law in Western Australia to publish or disclose their formulae. What would be the result? The owners or manufacturers of the proprietary food or drugs would decline to sell their goods here. The upshot would be that if any hon. member desired to procure a bottle of Eno's fruit salts, or Beecham's pills, or some other similar medicine, he would simply send to South Australia, where their regulations are not so stringent, and could procure from a store or a chemist what he required. All it would mean would be that residents of this State would have to pay the extra cost of importing the goods required from one or other of the States where similar regulations were not in force.

Hon. A. J. H. Saw: There is another alternative.

Hon. J. NICHOLSON: We would send that money out of the State to the detriment of our people and to the disadvantage of our merchants and traders here.

Hon. W. T. Glasheen: Is every proprietary medicine patented?

Hon. J. NICHOLSON: No, proprietary medicines are not patented. They are sometimes called patent medicines. You can patent a machine or anything of that sort——

Hon. W. T. Glasheen: But what constitutes a proprietary medicine?

Hon. J. NICHOLSON: The secrecy, but I will come to that later. Anyone is free to examine proprietary medicines at any time. There is power under our Health Act to make an analysis of any proprietary medicine, but I understand it is difficult to discover certain vegetable compounds in those medicines. That, no doubt, is the reason why the disclosure is being asked for. Coming back to Dr. Saw's interjection, I am going to show that if the proprietary medicine is put out of the market here, the poor patient will suffer the increased cost.

Hon. A. J. H. Saw: He can go without.

Hon. J. NICHOLSON: In the meantime if a man happened to be ailing and wanted some remedy and could not get it handily in this State, he would send for it to one of those States where such regulations as those it is proposed to introduce here did not exist. Otherwise he would have to enlist the services of a chemist. If he were in the country, he could not approach the storekeeper, because a storekeeper does not dispense medicines. A chemist is necessary for making up mixtures and the result would be that the patient in the country would be placed at a mighty disadvantage. In such a case he would have to communicate with a chemist somewhere else, describe the symptoms and ask him to prepare a mixture that might afford him some relief. The chemist would then make up the mixture and despatch it. On the other hand, if the sufferer did not like to trust to the skill of the chemist he would be compelled to travel probably many miles to the nearest doctor and get a prescription. That would cost him probably half a guinea or more, and in ad-

dition there would be the cost of the medicine, another 4s. or 5s. and the expense of travelling. In the end he would find himself very much the poorer by about 20s. or more, whereas if he tried one or other of the patent remedies he could avail himself of the opportunity to experiment with them and he would soon know whether they were doing him any good or not. Many of the advertised remedies have stood the test for many years and have proved efficacious on numerous occasions. I do not say that I indulge in them, but at various times, in the case of a cold, I have used one or other of these remedies, and I have no doubt other members have done likewise. I will give an instance of my own experience. I went to a chemist and asked for a bottle of Eno's fruit salts. He happened to be out of it, but said, "We have the formula for that and can easily make it up for you." I agreed to the suggestion and received the bottle and took it away. I had been in the habit of taking Eno's, and I can assure the House that what the chemist gave me was nothing like the genuine article. I was very much surprised at the chemist having given me something that he considered was equivalent to Eno's. I have no doubt he thought he was doing me a service, instead of which it was something very much the opposite.

Hon. A. J. H. Saw: How did he know the formula?

Hon. J. NICHOLSON: He got it probably from the book called "Secret Remedies." Dr. Saw can have the opportunity to say what he likes about "Secret Remedies," but I can tell him that so far as the formulae given in that book and the other called "More Secret Remedies" are concerned, they are absolutely useless, and if the chemist that I consulted was unfortunate enough to be guided, as no doubt he was, by the formula given in those books, then I say that what he made up was nothing like the real article. I have shown that it will be a costly matter to deprive individuals of the opportunity to purchase patent medicine, and I was about to ask, when interrupted by the interjection, whether those engaged on health conferences had given consideration to the economic effect of introducing regulations such as these. To my mind the effect would be detrimental to the community at large. It would involve great inconvenience to the people and increase the cost of similar commodities. Further, I believe it would affect the employment of many men who are engaged through the business that is done in connection with proprietary medicines. We certainly should not minimise that matter nor overlook it. The position in respect of unemployment is serious enough at the present time.

The Honorary Minister: Are there many men in employment as the result of the sale of these medicines?

Hon. J. NICHOLSON: Many men are engaged in the work of packing and delivering, and there is also a good deal of printing done here, whilst in other ways also, men are given employment.

Hon. W. T. Glasheen: Where do they make Epsom salts?

Hon. A. J. H. Saw: Then we are to swallow Eno's fruit salts in order to keep a number of men in employment?

Hon. J. NICHOLSON: If we pass these regulations the effect will be to increase employment in the other States. So long as each State is master of its own legislation, which is the case at the present time, it will be absolutely impossible for uniformity ever to be brought about. I have pointed out the differences between the regulations in force in each of the other States, and although in certain States the regulations have been actually passed, means have not been found to enforce them. It is realised that the enforcement of such regulations would be detrimental because all that it would be necessary to do would be to send to another State where such regulations were not in force and obtain from that State the article it was desired to purchase. We, in this State, could not compel New South Wales, Queensland, or Victoria to continue the regulations once they have been passed there, because being the creatures of their regulations, those States would have the power to suspend or revoke them at any moment, and if any one of those States found that it was disadvantageous to the trade of the community or inconvenient to their own people to have such regulations in force, they would immediately suspend those regulations and leave us with our regulations in full force, and so cause our people hardship and unnecessary trouble. Thus we can claim that the passing of these regulations will be calculated to do a grievous injury to our State. It is, however, only fair to say that

in opposing the regulations I am in no way hostile to our Health Department. I realise, as everyone does, that we are indebted to that department for the good work that has been done in respect of health matters; but it is possible for the best of departments to make mistakes, and in submitting a regulation such as the one I am asking shall be disallowed, undoubtedly a grievous mistake has been made. We are entitled to inquire what is the business against which the regulation is directed. It is, as I have said, what is known as patent or proprietary medicines, many of the owners of which are old established business people. In some cases we know that the businesses have been acquired by companies, the shareholders in which, doubtless form no inconsiderable part of the investing public. These proprietary medicines are made up in handy and convenient form and supply a public want. It is not a luxury business, but is carried on, not only for people in towns, but particularly for those in the country and living in remote places. For example, in the country districts a man can obtain these medicines at any store. But if the regulation is upheld, the result would probably be that the man would have to pursue the course I have already indicated—either go to consult a doctor, or send to a chemist to have a mixture made up. All that means extra cost to the man. Our health legislation provides ample protection against possible imposition on the public so far as medicines are concerned. These medicines, however, are prepared, generally speaking, under the skilled direction of highly trained chemists and pharmacists. A vast amount of capital is invested, and the business gives direct employment to a very large number of persons, as well as providing, indirectly, employment in bottle-making and other industries. In the manufacture of machinery a man can, as we know, apply for a patent; but the mere compounding of drugs or medicines is hardly a subject for a patent. Accordingly the proprietors of these medicines are forced through sheer necessity to keep their recipes or formulae secret, just in the same way as manufacturers of beverages and condiments keep the secrets connected with their particular manufactures. One may instance Lea and Perrin's sauce. If anyone were to ask for a disclosure of the formula of that sauce, Lea and Perrins would say, "We will not disclose our secret of manufacture, because it would mean loss of trade to us." Take, again, such a beverage as Ross's Belfast ginger ale. There are any number of ginger ales manufactured, but they are not Ross's Belfast ginger ale, any more than the particular fruit salt that I got was Eno's fruit salt. Then there are those celebrated liqueurs which follow occasionally on sumptuous banquets. It would be the last thing to expect that the manufacturers of those liqueurs would disclose their secrets of manufacture. It is sometimes forgotten, moreover, that there are secrets kept even with regard to foods prepared. Take, for example, certain dishes prepared by distinguished chefs in large hotels and restaurants in the Old Country and elsewhere. These men attract custom to their particular hotels or restaurants, owing largely to the very fine dishes they make up. Would those chefs disclose the secret of making such dishes? If they did, then probably their employment would be gone. It is necessary to realise that what applies to the chef, applies with equal force to the maker of a proprietary medicine.

Hon. A. J. H. Saw: What is sauce for the goose is sauce for the gander.

Hon. J. NICHOLSON: The hon. member can put it that way. A recipe or formula represents a valuable right of property, and that right has always been recognised by the courts so long as the secret is not disclosed. It must be kept secret if one is to retain a right of property in it. Once a formula is disclosed, the courts have laid down that that it is open to anyone to make and sell the article and even to call it by the same name. Judging from decisions, it would appear that even the registration of a trade name would not suffice to protect a manufacturer if once his secret became known. The demand of this regulation for information is so wide that it amounts to absolute disclosure, and therefore would be destructive of the rights of property those people have in their manufactures. I have been handed a pamphlet issued by the Proprietary Association of Australia. The pamphlet refers to that very matter. On page 32 there is the following passage:—

> It can, we think, safely be stated that there is not a single instance of a manufacturer having published his formula and then being able to maintain his proprietary rights and trade-mark title in his article. We would in-

stance Dover's Powder, Gregory's Powder, Warburg's Tincture, Blaud's Pills, Parrish's Chemical Food, Liebig's Extract of Meat, etc., as titles lost through disclosure. The following case may be instanced. The original Liebig's Extract of Meat Company advertises the fact that, owing to a trade-mark decision following disclosure of formula and process of manufacture, the term Liebig's Extract was lost to them as a proprietary right, and that now innumerable worthless extracts of meat are sold as Liebig's Extract of Meat. It therefore became necessary for the original Liebig Company to found a new business with a new trade-mark, so as to distinguish their goods from the worthless imitations which could be sold under their name, and by taking out the new trade-mark "Lemco," and by the expenditure of much time and probably many hundreds of thousands of pounds they have successfully done this, although, of course, it would have been absolutely impossible for them to have succeeded if they had been compelled to give away their formula on each package bearing their new trade-mark.

Several cases are referred to at the end of the pamphlet. One is a case connected with what was a favourite bitters known as Angostura bitters. The case was decided in 1878, and Mr. Justice Fry in the course of his judgment said—

> The plaintiff was not entitled to the exclusive use of the term "Angostura Bitters," since that had become the name of an unpatented article which anyone who could discover the secret recipe might make and call by its name, although it had hitherto been made by only one firm, because they alone knew the secret.

There was a case in which, through the disclosures of the formula, the right of property was lost. Another case was that of "Yorkshire Relish," and a further one that of the Magnolia metal. I shall not, however, take up the time of the House by reading those cases. What I have already read is sufficient to show that a serious right of property is being invaded; and I do not think members of this Chamber are going to see any man's rights of property taken away without just cause. The matter has been considered in the Mother Country. Some few years ago a select committee of the House of Commons took evidence on this very question of proprietary medicines and disclosure. Here is part of the select committee's finding—

> We have given long and careful consideration to this proposal and we find ourselves unable to recommend it. In the first place it would beyond question inflict a grave hardship, sometimes amounting to ruin, upon proprietors of secret remedies, or the loss of their investments upon shareholders in limited companies. Any long-established remedy in the lawful advertising and sale of which very large sums have been spent, would immediately be faced upon the market by a score of preparations advertised as made from the same formula and sold at a much lower price. An example was given to us of a remedy, the proprietary rights of which were immediately destroyed by disclosure of its formula. The above would not, we are aware, be a conclusive argument against this proposal if its adoption would really protect the public against danger and fraud. We are convinced, however, that such would not be the case. Exhibition of formula does not appear to us a proper, practical, or effective measure.

In England the rights of proprietors in secret medicines have been preserved. In the Old Country at the present time there is no such regulation as this. It has been turned down there. If in England, with all its millions of people, the position is sufficiently safeguarded by the ordinary means provided by health legislation, surely it is possible for us to do the same. I will quote a further instance from the pamphlet—

> When, during the war, it was necessary to obtain licenses in order to export compound articles, the applicant was required to furnish to the department the exact composition and proportions of the constituents contained in the article, that is, deposit the formula. Representations, however, were made to the War Trade Department, and it was pointed out that it was a matter of vital importance to traders that their formulae should be kept secret and the War Trade Department met the situation most fairly by providing that in regard to any article which was made according to secret formula, and the disclosure of the composition might injuriously affect trade rights, the department directed that the applicant might declare the names and percentage proportion of any controlled ingredient. This shows how, even during the war, when it was necessary to control the export of certain drugs, the authorities recognised the disclosure of secret formulae was capable of inflicting damage and loss on the proprietors, and before this concession was made many manufacturers sacrificed foreign trade rather than disclose formulae. Again, in England the Profiteering Amendment Act, 1920, expressly provides that nothing in the Act or the principal Profiteering Act should require anyone to disclose any secret process or preparation or the ingredients used in such process or preparation.

I have already quoted the New South Wales provision, and have also referred to a similar provision in Queensland. New South Wales has an enactment somewhat similar to the English provision that no proprietor can be called upon to disclose his formula. Here, a demand is made by our health authorities that that disclosure should be made. I hope the House will not agree to it. This dis-

closure of formulae asked for in this regulation amounts to nothing more nor less than a deliberate confiscation of property, or of rights in property, without any compensation. I think every person's sense of justice would rebel at such an act. What would be thought of a Government seeking to resume or confiscate a man's property without giving him adequate compensation? Yet that is what is meant by this proposal, and that would be effected by the passing of this regulation. I sincerely hope the House will show its disapproval of it. I wish also to make it clear that I do not ask for compensation. Nor are the proprietors of these medicines seeking compensation. What they are asking is simply bare justice and a fair opportunity to carry on their business. Assume for a moment the disclosure was actually achieved. Would the public be any wiser? I have had prepared for me some formulae on the lines which would be required to be supplied if this regulation were actually passed.

Hon. W. T. Glasheen: Is there any public demand for this regulation?

Hon. J. NICHOLSON: There is no public demand. I do not know what prompted the conference to make the recommendation. It looks to me as though the different representatives from the various States wanted to pass some recommendation, even without pausing to see what the result would be.

Hon. W. T. Glasheen: Is there any nigger in woodpile, do you think?

Hon. J. NICHOLSON: I do not know of any. Assuming that these regulations were in force, this is the sort of thing that would be disclosed. This has been supplied to me—

Attached are a number of representative formulae, some of them being prescriptions of the Western Australian Public Health Department, translated from Latin into English. The contention is that the publication of such formulae is meaningless to the majority of the public. What, for instance, do the general public know of salicylate of sodium, ammonium acetate, syrup of balsam of Tolu, hypophosphorous acid, extract of balm of gilead buds, fluid extract of spikenard, tincture of squill—it would be double-Dutch to 99 per cent. of the people.

In Martindale's "Extra Pharmacopoeia" it is stated that the House of Commons appointed a select committee to inquire into the conditions prevailing in the United Kingdom regarding the sale of patent and proprietary medicines. The committee met in 1912. After long and careful consideration the committee reported:—"That the 'exhibition of formula'—a much discussed proposition—(except in the case of alcohol, poisons and certain dangerous drugs) does not appear to us to be a proper, practical, or effective measure."

Specimens of Average Representative Formulae, in English.

Influenza Mixture (Department of Public Health Mixture "A").—This mixture contains in each dose recommended for an adult:—20 grains bicarbonate of sodium, 10 grains salicylate of sodium, 30 minims compound tincture of camphor.

Poison.—This mixture includes 1/74 grain of morphine in each half fluid ounce.

Bronchitis Mixture (Department of Public Health Mixture "B").—This mixture contains in each dose recommended for an adult:—10 minims ipecacuanha wine, 90 minims solution of ammonium acetate, 30 minims compound tincture of camphor, 60 minims syrup of balsam of Tolu.

Poison.—This mixture includes 1/74 grain of morphine in each half fluid ounce.

Bronchitis Mixture (Department of Public Health Mixture "C").—This mixture contains in each dose recommended for an adult:—3 grains ammonium carbonate, 10 minims ipecacuanha wine, 15 minims compound tincture of camphor, 15 minims tincture of squill, 30 minims syrup of balsam of Tolu, 170 minims infusion of senegae.

Poison.—This mixture includes 1/148 grain of morphine in each half fluid ounce.

White Pine Cough Syrup with Tar.—This mixture contains in each does recommended for an adult:—5 minims fluid extract white pine bark, 4 minims fluid extract wild cherry bark, 1 minim fluid extract spinkenard, 1 minim fluid extract blood root, 1 minim fluid extract balm of gilead buds, 1 minim fluid extract sassafras bark, ½ minim fluid extract tar, 8 minims glycerine, 1/42 grain morphine.

Poison.—This mixture contains 25 per cent. proof spirit and includes 1/42 grain of morphine and 3/8 minim of chloroform in each fluid dram.

Hon. E. H. Harris: Who is the author of all those quotations?

Hon. A. Lovekin: If the medicine does not act, try the bottle.

Hon. J. NICHOLSON: In addition to the reasons I have urged for disallowing this regulation, there is, I think, another sufficient reason, namely, that already we have on our statute-book laws sufficiently wide to protect everybody. We have in the Health Act certain provisions that, I say, we ought to rely upon. Under Section 188 the Commissioner may examine and report on any food or drug for the purpose of ascertaining its composition and properties.

Hon. A. J. H. Saw: You said just now that could not be done.

Hon. J. NICHOLSON: No, I said it could be done; that we had power in our statute-book.

Hon. A. J. H. Saw: But you said the analyst could not determine what is in the mixture.

Hon. J. NICHOLSON: No, I said there is difficulty sometimes in discovering certain drugs by mere analysis. I am only going on evidence to that effect, evidence given by celebrated men before the select committee in London. Then Section 189 of the Health Act provides that the Commissioner may from time to time prohibit the sale of any patent or proprietary medicine which, in the opinion of the advisory committee, is deleterious or dangerous to health. There we have all the power required. All that the Commissioner has to do is to prohibit the sale of any particular medicine.

Hon. J. R. Brown: But how will he know what is in it, if it is not on the bottle?

Hon. J. NICHOLSON: Under Section 188 he has full power to examine it, and if he finds it deleterious, he can stop its sale. So there is full measure of protection in our own Act. In another section it is provided that any person who sells or advertises any of these doubtful medicines is liable to a penalty.

Hon. W. T. Glasheen: Does anybody ever bother to find out whether there are injurious drugs in these medicines?

Hon. J. NICHOLSON: I do not know, but I suppose the department make inquiries from time to time. But some of these well-known proprietary medicines have established good reputations. The best test of their being non-harmful is the fact that many people, having derived benefit from using them, have come to swear by them.

Hon. W. T. Glasheen: What would move the Commissioner to have analyses made?

Hon. J. NICHOLSON: The Commissioner may do all this under Section 188 of the Health Act. In an individual has any doubt about a particular medicine, all that he requires to do is to go to the Commissioner and say, "Here is the medicine, and I shall be obliged if you will exercise the powers given to you under Section 188 of the Health Act." Various other protective provisions are made in other sections of the Health Act, particularly in Section 190, dealing with the publication of any advertisements. Then in Section 191 provision is made for samples of foods and drugs to be obtained by any medical officer of health or health inspector. Those officials may procure samples of food and drugs at their discretion. There are in the Health Act many other protective provisions. The powers given there are so wide that we do not require this regulation. Moreover, we must have some faith in the public themselves, some belief that they would not continue to take a medicine if they found it harmful in its effects. Then why in the name of goodness is the department so anxious, unasked, to give all this proposed inconvenience to the general public. The thing is astounding. In addition to the Health Act, there are various wide provisions in the Act dealing with poisons and all possible protection is afforded there. Over and above that I took the trouble to look up the protection that is afforded under the Federal statutes. Section 50 of the Customs Act provides that no prohibited imports shall be imported under a penalty of £100, and Section 52 provides for certain goods the importation of which may be prohibited by proclamation. There are also various other provisions. Under the Commerce (Trade Descriptions) Act of the Commonwealth Parliament, which is read with the Customs Act, there are provisions to prevent the importation of goods and to prevent people from importing goods whenever the Government make a proclamation prohibiting importation. I have only a few words to add regarding the question of uniformity. I have explained that so long as each State passes its own laws and is master of its own laws, such matters as these regulations can never be uniform. It is competent for any State, even after having passed the regulations, to revoke them or alter them at any time. The Federal Royal Commission on Health, which sat in 1925-26, dealt with this matter. The report was presented in 1926, and on pages 30 and 31 the following appears under the heading "Patent Medicines" :—

> Representations were made by several commercial witnesses in Sydney as well as in Melbourne with respect to No. 79 of the Victorian Regulations for food and drugs——

That corresponds with our regulation No. 72 which I am seeking to have disallowed.

> ——which provides that every package containing a patent or proprietary medicine shall have attached thereto a label on which shall be inscribed the names of the drugs therein which have any therapeutic action. These wit-

nesses took the view that insistence upon this requirement would constitute an infringement of the trade-mark rights of proprietors, and that there would be nothing to prevent other persons from making the goods and selling them under the original trade name.

That proves what I said earlier in my remarks, that once the secret is disclosed, the manufacturer's right of property in those goods disappears.

The Honorary Minister: That is only a contention.

Hon. J. NICHOLSON: It is supported by cases. The Royal Commission continued—

It may be pointed out that the conference of health officials of the Commonwealth and States of Australia of 1922——

That was the third conference of those officials.

——recommended with reference to patent or proprietary medicines the disclosure of ingredients and their proportion on every package, with a proviso that exemption be granted from this requirement on condition that particulars be confidentially deposited with the State health authority, that no change be made without notification, and that an undertaking be given that all goods should comply with the particulars deposited. The evidence submitted showed that no State has adopted the proposed regulation or has, as yet, taken control of such preparations . . . . .

It appears that the Commonwealth has power under the Constitution to legislate with respect to imported foods and drugs and as to foods and drugs of Australian origin which are the subject of interstate trade, but it is understood that any such food or drugs, after they leave the control of the Commonwealth (that is, after they have been released by the Customs, or have been transferred from one State to another) are subject to State laws, and if they infringe the law of the State in which they are released or to which they are transferred, the vendor is liable. To overcome the difficulty now experienced by manufacturers and importers, and in order that uniformity may be accomplished with respect to foods and drugs, we are of opinion that the States should voluntarily transfer by legislation to the Commonwealth their powers of control of imported foods and drugs and of foods and drugs of Australian origin which are the subject of interstate trade, so as to enable the Commonwealth to legislate on the subject.

That was my contention in 1924 and it is my contention to-day; transfer the powers to the Commonwealth and let the Commonwealth Parliament legislate. I am sure the Commonwealth Parliament would display more wisdom than the individual States are apparently possessed of.

The Commonwealth could then pass the necessary legislation and appoint a foods and drugs standards committee for the purpose of formulating uniform regulations as to standards and labelling. A sub-committee of the foods standards committee, or a body of experienced officers appointed by the foods and drugs standards committee could deal with and decide upon details of labelling for such foods and drugs. To avoid duplication of machinery the regulations made by the foods and drugs standards committee, so far as they concern the States, should be administered by the State health authorities of the various States in conjunction with their own Foods and Drugs Acts and regulations. This body would be in a position to deal with the various difficulties to which our attention has been drawn.

The recommendations of the Commission were as follows:—

(1) The Parliaments of the several States should refer to the Parliament of the Commonwealth the matter of the control of imported foods and drugs, and of such foods and drugs of Australian origin as are or may be the subject of interstate trade, and that the Parliament of the Commonwealth should thereupon make laws for the control and regulation of such foods and drugs.

(2) The Commonwealth Parliament should pass legislation for the establishment of a legal standard for a metric or decimal system of weights and measures in Australia.

Hon. A. J. H. Saw: The Federal Government at the present time have not the power.

Hon. J. NICHOLSON: They have the power; the report of the Commission states that it appears the Commonwealth have power under the Constitution to legislate. There is no question about getting over that difficulty and no one can dispute the authority of the Commonwealth. I have shown that the Commonwealth have power under the Customs Act and under the Commerce (Trade Descriptions) Act to issue proclamations regarding prohibited imports and to prevent such goods from coming into the country. Summing up the position, I think we can say that the regulations even if we passed them here to-day, would be futile because we have no assurance that the other States would pass similar regulations or, if they did pass them, that they would enforce them. The only way in which such regulations can be made effective is by their becoming a matter of Federal legislation. I contend it would also be unfair not only to manufacturers but to business people in this State, and it would affect employment adversely; at any rate it would not help employment. It would cause grave inconvenience to the public,

and particularly to people in the back country. It would be a grave injustice because we should be confiscating the rights of property, which should not be taken away from the rightful owner except on the payment of adequate compensation. That question of compensation has never been raised but it is a vital question. The conference of health officials did not give a moment's thought to the question of robbing owners of their rights of property: they did not consider what the effect of their proposals would be. I can only express the hope that the House will show its approval of my action by passing the motion.

On motion by the Honorary Minister, debate adjourned.

BILL—FERTILISERS.

Received from the Assembly and read a first time.

BILL—SUPPLY (No. 2), £1,250,000.

All Stages.

Received from the Assembly and read a first time.

Standing Orders Suspension.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [6.0]: I move—

That so much of the Standing Orders be suspended as to enable the Supply Bill to pass through all stages at this sitting.

Our supplies in many respects are exhausted, and it is necessary, in order to act constitutionally, that this Bill should be sanctioned without delay.

HON. A. LOVEKIN (Metropolitan) [6.1]: Unless there is real urgency for this Bill, I hope the Chief Secretary will not press his motion. As I indicated when the last Supply Bill was before us, I desire to raise the question whether Clause 2 is in order. It says—

The said sums shall be available to satisfy the warrants under the hand of the Governor under the provisons of the law now in force, in respect of any Services voted by the Legislative Assembly during the financial year ending 30th June, 1929, or issued for such purposes.

I am of opinion that this House has equal right with another place in voting money for these services. The only bar put upon us in regard to financial Bills is that we shall not introduce them, nor shall we increase any burden or impost upon the people. In other respects we have equal rights with the Legislative Assembly. We are asked to put this Bill through at once. It limits to the Assembly the right to say how the money shall be spent. In good faith we may vote a large sum of money, but we leave it to the Assembly to say in what direction it shall be expended. In many cases it does not matter much, but on the present occasion some large expenditure may be involved. The Fremantle harbour extensions may come into this, or the money may be wanted for railway extensions, group settlement purposes, or other matters of the kind, in which we should have a say. This House should have a voice in that expenditure. If we allow this Bill to go through as it is, it will mean that we have practically agreed to vote the money for all those purposes. Several matters should be stressed on a question like this. If there is no real urgency for the Bill, I suggest that the Chief Secretary might allow it to take its ordinary course.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [6.3]: Mr. Lovekin raised the same question on the occasion of the last Supply Bill. Although I was convinced in my own mind that there was no necessity for him to raise the point, I submitted it to the Solicitor General. That officer made it plain to me that the present procedure had been the practice ever since the inauguration of responsible government. From Lord Forrest's time down to the present day this practice has been followed. It is also adopted in the other States. The Legislative Council is recognised in the Preamble, where it says—

And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same.

The hon. member knows that the procedure is strictly constitutional.

Hon. A. Lovekin: The Council votes the money, but the other House spends it on its own.

The CHIEF SECRETARY: Anyone who has an elementary knowledge of political matters knows that the position is perfectly constitutional. If hon. members desire that the measure should be postponed until tomorrow, I have no objection.

Hon. A. Lovekin: This is an important matter, and I think we should discuss it.

Question put.

The PRESIDENT: As there has been no dissentient voice, and as there is more than an absolute majority of members present, I declare the question carried in the affirmative.

Question thus passed.

Second Readng.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [6.5] in moving the second reading said: This measure can very easily be explained. It is necessary in order to enable the Government to carry on the work of administration, to pay salaries and wages to Government employees, and to carry on public works, that this Supply should be granted. The proposed expenditure is based upon the Estimates submitted last year. The provision is for a two months' supply. The only difference is that we are asking for a lesser amount now than has usually been granted. From the General Loan Fund we are asking only £350,000, and under Government Property Sales Fund for £50,000 instead of £300,000. There is sufficient money in hand to carry on the works during the next two months. Nothing is asked for under the Treasurer's Advance. Within the next ten days, I understand, the Estimates will be submitted to Parliament. Support of this measure does not authorise the Government to carry out any work which has not received the assent of Parliament. It simply provides the money, but it gives no specific authority for its expenditure.

Hon. J. Nicholson: Is any part of it being used on the Fremantle harbour extension?

The CHIEF SECRETARY: I dare say some of it has been used on the preliminary operations which Parliament agreed to last year. I refer to the testing required for the bridge site. No doubt some of the money has gone in that direction.

HON. A. LOVEKIN (Metropolitan) [6.8]: As we are to have the Estimates in chief brought down at an early date, I do not want to put the Government in a difficult position. This, however does seem to me a matter to which we should give serious attention when voting Supply, notwithstanding the phraseology of the Bill being that which has been found in similar Bills from time immemorial.

The Chief Secretary: It has appeared in such Bills since 1896.

Hon. A. LOVEKIN: That does not affect the question, for new discoveries may always be made. At the present time it may be more necessary than ever to see that this House shall preserve its rights, and say what services shall be carried out. We should be on an equal footing with the Legislative Assembly. It is true the Bill gives the Council equal power in the words "Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia," etc., and that in this manner the money shall be voted from the Consolidated Revenue. Clause 2, however, does not take the Council into account. It says—

> The said sum shall be available to satisfy the warrant under the hand of the Governor, under the provisions of the law now in force, in respect of any services voted by the Legislative Assembly.

Some of these services apply to the Fremantle harbour extension and we are practically voting money, if the Legislative Assembly approves, for that work. If we pass this Supply we can hardly find fault with the manner in which the money is expended. As the Estimates in chief are to come down shortly, I have no desire to embarrass the Government, or at this stage to raise any constitutional difficulty between the two Houses, but I do think we should keep this matter in mind when we are dealing with the Estimates themselves.

Question put and passed.

Bill read a second time.

In Committee, etc.

Hon. J. Cornell in the Chair, the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Sums available for purposes voted by the Legislative Assembly:

Hon. A. LOVEKIN: I suggest that the Chief Secretary should consult with his colleagues as to whether the words "the Legislative Assembly" could be deleted, and the word "Parliament" inserted in lieu thereof. I merely raise this point.

Clause put and passed.

Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and passed.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [6.14]: I move—

That the House at its rising adjourn until Tuesday next.

There is nothing on the Notice Paper to warrant my asking the House to meet tomorrow. In the case of the Education Bill, there is only one clause to consider. Besides the Permanent Reserve (King's Park) Bill, in which Mr. Lovekin is interested, there is the Navigation Act Amendment Bill, which requires further consideration and which we are not yet ready to submit.

Question put and passed.

House adjourned at 6.15 p.m.

Legislative Assembly.

Wednesday, 12th September, 1928.

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

QUESTION—WHEAT TRANSPORTED.

Mr. LINDSAY asked the Minister for Railways: What quantity of wheat was transported over the railways during the year 1927-28, giving each month separately, (a) to ports, (b) to mills?

The MINISTER FOR RAILWAYS replied: The approximate total of wheat transported for the year ended 30th June, 1928, was 10,130,000 bags. The approximate figures to port and mills were—

	Ports.	Mills.
July	500,000	270,000
August	240,000	140,000
September ..	120,000	25,000
October	15,000	Nil
November ..	100,000	12,000
December ..	1,029,000	123,000
January	1,651,000	220,000
February	1,110,000	150,000
March	1,029,000	220,000
April	920,000	310,000
May	780,000	190,000
June	770,000	140,000
	8,264,000	1,800,000

The difference between the total to ports and mills and that for the whole year, as per annual report, is accounted for by wheat sent from station to station, i.e., to other than ports or mills.

QUESTION—FREMANTLE HARBOUR DEVELOPMENT.

Mr. BROWN asked the Minister for Works: Is it his intention to lay on the Table of the House for the information of members, the papers containing the scheme