

# Legislative Council

Tuesday, the 8th September, 1959

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## MEETING OF THE COUNCIL

### Absence of President

The Council met at 4.30 p.m., and the Clerk (Mr. J. B. Roberts) announced that the President having been granted leave of absence, it would be necessary under Standing Order No. 29 for the Chairman of Committees to take the Chair and exercise the authority of the President.

The DEPUTY PRESIDENT (the Hon. W. R. Hall) took the Chair, and read prayers.

### BILLS (4)—ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Foot and Mouth Disease Eradication Fund.
2. State Electricity Commission Act Amendment.
3. Parliament House Site Permanent Reserve (A/1162) Act Amendment.
4. Justices Act Amendment.

## QUESTIONS ON NOTICE SCHOOL BUSES

### Reopening and Establishment of Spurs

1. The Hon. J. MURRAY asked the Minister for Mines:

Due to the unsatisfactory reply to question No. (5) on Tuesday, the 1st September, will the Minister now inform the House who was responsible for the entirely misleading statement issued to the Australian Broadcasting Commission, and broadcast on the 17th August?

The Hon. A. F. GRIFFITH replied:

There was no misleading statement issued to the Australian Broadcasting Commission as the statement issued to it was that of which a copy was handed to the honourable member last week.

### NANNUP SCHOOL

#### Headmaster's House

- 2A. The Hon. G. C. MacKINNON asked the Minister for Mines:

(1) How much has been spent in maintenance on the Nannup School headmaster's house over the last three years?

(2) Who now lives in this house, and what is his avocation?

The Hon. A. F. GRIFFITH replied:

(1) £1,369 13s. 6d.

(2) The house has been sublet by the headmaster to Mr. K. Stacey, who is a butcher.

#### Maintenance Expenditure

- 2B. The Hon. G. C. MacKINNON asked the Minister for Mines:

(1) How much money has been spent on the Nannup school for maintenance over the last three years?

(2) How much is it intended to spend on the Nannup school in this current financial year?

The Hon. A. F. GRIFFITH replied:

(1) £50 18s. 3d.

(2) £1,612.

## SCHOOL BUSES

### Reinstatement of Services

3. The Hon. G. C. MacKINNON asked the Minister for Mines:

Since the completion of the examination of school bus routes by Mr. Leslie—

(a) How many spurs have been reinstated?

(b) What schools are affected by the reinstatement?

(c) How many more spurs are under consideration for reinstatement, and where are they situated?

- (d) Of the spurs under consideration for reinstatement, how many are situated in the South-West Province?

The Hon. A. F. GRIFFITH replied:

- (a) Of the cases examined by Mr. Leslie, spurs and extensions have been approved in 28 cases.
- (b) Albany  
Busselton  
Calingiri  
Coorow  
Corrigin  
Cunderdin  
Darkan  
Dongara  
Frankland River  
Galena  
Harrismith  
Jingalup  
Katanning  
Karlgarin  
Manjimup  
Marvel Loch  
Merredin  
Moora  
Morawa  
Nabawa  
Narrogin  
Pingelly  
Pingaring  
Pinjarra  
Quairading  
Shackleton  
Williams  
Yealering  
York
- (c) Spurs, extensions or re-organisation of routes are under consideration in 28 cases at the following centres:—
- Binnu  
Beverley  
Bullsbrook  
Cunderdin  
Coomberdale  
Darkan  
Goomalling (2)  
Kalamunda  
Lake Grace  
Merredin  
Manjimup  
Midland Junction  
Mt. Barker (3)  
Nannup  
Narrogin  
Northampton  
Quairading  
Shackleton  
South Stirling  
Toodyay  
Wanneroo  
Wongan Hills  
Wyalkatchem (2)  
Yandanooka
- (d) Two—Manjimup and Nannup.

## BILLS (2)—FIRST READING

1. Town Planning and Development Act Amendment.
2. Metropolitan Region Improvement Tax.

Received from the Assembly; and, on motion by the Hon L. A. Logan (Minister for Town Planning), read a first time.

## POLICE ACT AMENDMENT BILL

*Third Reading*

Bill read a third time and passed.

## INDUSTRY (ADVANCES) ACT AMENDMENT BILL

*Second Reading*

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.42] in moving the second reading said: Members will recollect clearly the train of events which have culminated in the introduction of this Bill. In early February, 1958, the managing director (Mr. A. B. Pearce) of Canterbury Court Pty. Ltd., approached the previous Government in regard to his company's proposal to erect a multi-storey car park over the property fronting Beaufort, James and Stirling streets.

This project was estimated to cost £284,000, of which the Prudential Assurance Coy. Ltd. was prepared to advance £250,000, at 6½ per cent. interest, repayable over a period of 40 years. The loan was conditional on a guarantee by the Government—the Government to have a first security over all the property on the site, including the proposed parking building. It was considered this property would be worth £450,000 to £500,000.

Repayment of a loan of £250,000 over 40 years by the company would work out at approximately £21,500 annually in the earlier years; and would reduce as the capital amount grew smaller. Net rents for the existing property, over which the car-park is being built, amount to £13,000 a year; and it was estimated that income from the car-park, based on a five-day week, would exceed £20,000 a year. After careful Treasury examination, the then Government agreed to give the guarantee, provided the company discharged the existing liability of £47,000 over the land, and gave a first mortgage over its assets to the Government.

After work on the project had been commenced by the contractors, the Prudential Assurance Company refused to accept the Government's guarantee, on the ground that, in the company's opinion, doubt existed as to whether the project was an "industry" as defined for the purposes of the principal Act. Section 3 of the Act merely empowers the Treasurer to render financial assistance, by way of advance or guarantee, to any person engaged in mining or other industry.

Section 2 of the Act, however, states that the Act shall be read and construed as one with the Rural and Industries Bank Act; and that words and expressions in the principal Act shall, subject to the context, have the same meaning as similar words and expressions have in the Rural and Industries Bank Act.

I might say that legal opinion did not unanimously support the assurance company's contention that the project was not covered by the principal Act. However, in November, 1958, the assurance company advised it would abandon the loan proposal unless some other way could be found of providing the guarantee. At this stage, a considerable amount of work had been carried out by the contractor, who, among other things, had imported a £14,000 remote-controlled crane to assist in expediting completion of the building.

To overcome the deadlock, the then Government introduced a Bill to amend the principal Act to cover this and similar transactions. The Bill was agreed to in another place, but was defeated in this House on the second reading; although two of the four speakers indicated they would be prepared to agree to a Bill enabling a guarantee to Canterbury Court Pty. Ltd., only. The position then became rather serious, as it appeared that the Government might be called on to provide money out of loan funds to assist the company which had entered into contractual commitments.

Early in March last, the leaders of the Liberal and Country Parliamentary Parties informed the Premier that their Parties would support a Bill designed to enable the Government to guarantee the loan to Canterbury Court Pty. Ltd. The Prudential Assurance Coy. indicated its willingness to provide the loan, but not until the Bill was passed by Parliament.

As money for the project was needed, the Commonwealth Bank, in March last, agreed to make an advance of £240,000 available; this to be repaid within nine months either by a loan from the Prudential Assurance Co. Ltd., or by the Western Australian Government. As security, the bank was prepared to accept a guarantee under the provisions of the principal Act.

The sole provision in the Bill is to enable the Government to guarantee the loan to Canterbury Court Pty. Ltd. The Bill has been examined and agreed to by the head office in Sydney of Prudential Assurance Coy. Ltd. I move—

That the Bill be now read a second time.

On motion by the Hon. F. J. S. Wise, debate adjourned.

## ART GALLERY BILL

### Report

Report of Committee adopted.

## MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

### Second Reading

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [4.48] in moving the second reading said: This measure contains four amendments to the Motor Vehicle (Third Party Insurance) Act. The first amendment is a very simple one. It seeks to alter the constitution of the trust so that the "General Manager" of the State Government Insurance Office will continue in the position which at present is specified in the Bill as being simply that of representing the State Government Insurance as "Manager." The position of the office having been altered since the Bill was last before Parliament, it is necessary to make this small alteration to coincide.

The next amendment is to section 3P which deals with the distribution of funds to members of the trust, if the trust ever secures sufficient revenue to allow of a distribution. The proposed amendment to section 3P does not, with one exception, alter the intention of the present section; but, it is considered, merely clarifies the present section and makes it more workable from a practical and accountancy point of view.

For instance, the present section 3P (5) (a) sets out the method the trust must adopt in disposing of a surplus in any year's accounts. Section 3P (5) (c) then authorises the trust to make a distribution in anticipation of a surplus, following which, section 3P (7) (a) (c) authorises the trust to invest moneys which come into its hands, and, in turn, to distribute interest earned between annual accounts. As interest so earned is taken into account before a surplus or deficiency can be ascertained, this subsection should obviously be inserted before the section dealing with distribution of a surplus; and this has been dealt with in the opening paragraph of the proposed amendment by including the present wording of section 3P (7) (a) (b) after subsection (4) dealing with the composition of the various yearly trading accounts, and renumbering them 3P (5) (a) (b).

Again section 3P (5) (c) authorises the trust to make a distribution in anticipation of a surplus, but the paragraph follows the subsection dealing with the distribution of a surplus after all claims have been finalised. It is thought that this should precede the latter subsections; and, accordingly, it forms the proposed section 3P (6). At the same time it clearly defines the circumstances and limits of such distribution of anticipated surplus. The proposed section 3P (7) merely replaces the present section 3P (5); and, it will be noted, it commences with the same wording.

The existing section is ambiguous and presents accounting difficulties, particularly where participants withdraw from the trust; and it is thought the proposed amendment more clearly defines the original intention of the present section 3P (5) and, at the same time, simplifies its operations. The dividend mentioned in the present section 3P (5) (a) (iv) has been increased from 5 per cent. to 7½ per cent.; and the words "per annum," which are obviously incorrect, have been deleted.

The increase of 2½ per cent. is considered warranted in an effort to equate the present purchasing power of money to that existing in 1954. It has to be remembered that, since the inception of the trust in 1949, no distribution has been made to the participants, but they have always been, and still are, faced with substantial losses which are not in any way limited. Since the inception of the trust, several participants have withdrawn, and the increase in percentage should tend to promote more confidence in the trust by participants. This is essential to the operation of the trust.

It is stressed that, under the proposed amendment, the maximum dividend a participant can receive is his proportion—based on his interest in the fund—of 7½ per cent. of the total premium received by the trust; whereas, should a year's trading result in a deficit, participants must accept responsibility for the total amount of the losses; there is no limit to their liability.

The next amendment is an alteration to section 8 which deals with the right of the trust to recover against the owner or driver of an uninsured motor vehicle. Under this section, as now existing, a person who has obtained a judgment against the owner or driver of an uninsured vehicle cannot claim payment from the trust, as the insurer of the vehicle, without first issuing a writ against the trust and obtaining judgment against it. This means delay to the claimant; and means a further expense in the first instance to the claimant and, subsequently, to the trust as the person ultimately liable to pay.

There is no reason why, once a judgment has been obtained against the owner or driver of an uninsured motor vehicle, the trust, as such insurer, cannot, without the issue of any proceedings, pay the claimant. The amendment to section 8 is designed to obliterate the necessity for any writ to be issued against the trust by a person who has obtained judgment against the owner or driver of an uninsured motor vehicle, and to allow the trust to pay the amount of such judgment on a claim being received from the judgment creditor. If the trust then, for any reason, refuses to meet the claim, the judgment creditor may recover such amount from the trust by the appropriate court proceedings.

A further variation in the section takes cognisance of the fact that, as the Act stands at the present time, the trust may recover against either the owner or the driver of the uninsured vehicle; and this liability of the owner can exist regardless of whether he was aware of the fact that the vehicle was being driven, and whether it was being driven with or without his consent. The amendment, therefore, will relieve the owner of responsibility if the vehicle is, in fact, being driven without his knowledge or consent; in other words, if it has been stolen.

The next amendment is to section 11 of the principal Act which authorises the trust to conduct negotiations and accept service of summonses, etc. During the last few years, difficulties have arisen in regard to the service of court process on nominal defendants. Even though liability of the defendant and the trust—as his insurer—is abundantly clear, the trust has been advised from time to time that no solicitor can accept service of a writ of summons on behalf of any person unless he has written authority from that person so to do; and it has been thought that section 11, in its present form, does not permit the trust, or its solicitor, to accept terms of any writ.

The effect of this is that considerable time is spent, and money wasted, in an endeavour to have a nominal defendant served with the appropriate document. In brief, the powers conferred on the trust by section 11 have proved to be inadequate. The object of the amendment to subsection (1) of section 11 is to give the trust full coverage. Prior to the proposed amendment, the trust seems to have had no power to act in the matter until the writ had been actually served. The real object of the amendment is to allow the trust to have the conduct of the matter immediately a writ is issued, and prior to service. I refer particularly to subsection (1) (d) of the section as amended.

The trust is often placed in an invidious position when a pig-headed defendant, who is clearly liable, refuses to admit his negligence; and the trust then has merely to stand by and see costs thrown away for which it is ultimately liable. Proposed subsection (1) (d) in the proposed amendment will allow the trust to admit the driver's negligence in all cases in which there is no personal liability on the defendant; that is, in cases in which the trust, by admitting negligence, merely makes itself liable, and not the nominal defendant.

Subsection (1) (d) (i) empowers the trust to admit the driver's negligence, provided there is no claim against the driver in relation to property and the trust has no right of recovery against him. During the debate on the Bill that was before the House previously, which also

dealt with third party insurance, one or two members asked why the trust took such a long time to pay some of these accounts. The reason is that the claims—in such cases—had not been settled; and, until such time as they are, the accounts cannot be paid.

The Hon. F. R. H. Lavery: But when the trust accepts liability, that is when we object.

The Hon. L. A. LOGAN: It is not a case of accepting liability. I propose to lay this file on the Table of the House. On reading it, and going back as far as 1953, I notice that in that year there was £975 outstanding. There was £4,100 outstanding for the next year, and in 1954-55 there was £20,345 outstanding. For the next four years the amounts outstanding were—

	£
1955-56	99,400
1956-57	192,760
1957-58	470,385
1958-59	596,950

The total amount outstanding was £1,374,915, so it can be readily conceded that a person who has been the victim of an accident and has suffered severe injuries would not know, until probably three or four years had elapsed, what the full liability would be.

The Hon. F. R. H. Lavery: But what about payment for the services rendered to that person?

The Hon. L. A. LOGAN: Who is going to pay them?

The Hon. F. R. H. Lavery: The trust.

The Hon. L. A. LOGAN: It might pay out more than the eventual liability, so its hands are tied until it can be sure of the exact amount. I have tendered that information because I believe some members were genuinely concerned. In order that I might see how the trust functioned, I attended one of its meetings, and whilst there I raised that point. I found that the trust is just as concerned over the delay in the payment of accounts, as are the members in this House. I move—

That the Bill be now read a second time.

On motion by the Hon. E. M. Heenan, debate adjourned.

## FIRE BRIGADES ACT AMENDMENT BILL

### *In Committee*

Resumed from the 2nd September. The Deputy Chairman of Committees (the Hon. G. C. MacKinnon) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

### Clause 5—Section 25A added:

The DEPUTY CHAIRMAN (the Hon. G. C. MacKinnon): Progress was reported on the clause after the Hon. A. F. Griffith (Minister for Mines) had moved the following amendment:—

Page 4, line 38—Add the following sub-clause:—

(4) (a) A person who is aggrieved by a direction of the Board may within twenty-one days of the receipt by him of the notice appeal in manner prescribed against the direction to a Court of Petty Sessions held nearest to the premises referred to in the direction, on the ground that the things directed to be installed and provided in or upon the premises are not reasonably required by the Board for any of the purposes referred to in paragraph (b) of subsection (1) of this section.

(b) On the hearing of the appeal the Stipendiary Magistrate may confirm, vary or cancel the direction and effect shall be given to the decision of the Stipendiary Magistrate according to its tenor.

(c) A Court of Petty Sessions hearing an appeal under this subsection shall consist of a Stipendiary Magistrate.

The Hon. A. F. GRIFFITH: Progress was reported on the clause in order that I might obtain the answers to certain queries raised. One point raised by Mr. Jones was that a board would be more satisfactory than a magistrate. I have had the opportunity to consider that suggestion, and, in my opinion, a board would not be as satisfactory for a number of reasons. There are already in existence too many boards. Furthermore, more expense would be involved by the Crown and by the Fire Brigades Board if there were a board instead of a stipendiary magistrate. I consider that a magistrate would be able to adjudicate on a matter brought before him much more quickly and effectively than would a board.

In referring to the measure to increase the salaries of judges, Mr. Heenan pointed out the great responsibilities, because of the distances involved, which are placed on stipendiary magistrates under certain circumstances. If it is possible for magistrates to adjudicate on the issues referred to by the honourable member, then it will also be possible for them to adjudicate on the matters coming under the Bill.

It was considered by Dr. Hislop that the Fire Brigades Board should give this Committee some idea of its requirements in respect of clause 5. It is very difficult for the board to do that, as it would become a matter of specific equipment for certain types of building. For instance water towers and ladders reach up a distance

of 50ft. to 75ft.; and it may be necessary to install sprinklers or hydrants in buildings over that height. To determine what was needed in a particular building would require a rigorous inspection of the building in question. If the type of equipment specified by the board is not regarded as satisfactory by the owner of the building, the owner can make an appeal to the magistrate.

It was suggested by Mr. Watson that it would be more satisfactory if the appeal were made to a judge of the Supreme Court. I point out that it would take longer for such an appeal to be heard than if it were taken before a magistrate. The activities in the Supreme Court are not the same as those in the local court. If all appeals were to be heard in the Supreme Court, a difficulty might arise.

The Hon. G. Bennetts: It would be very costly.

The Hon. A. F. GRIFFITH: It would be most costly. If my amendment is agreed to, the board could notify the owner of a building as to what equipment was required; and if the request was considered to be unsatisfactory, an appeal could then be made to a magistrate.

There are four words in paragraph (b) of my amendment which I desire to delete. They are, "according to its tenor." They appear to be redundant to the amendment. I ask leave to delete them.

Leave granted.

The Hon. H. K. WATSON: The Minister's amendment has upset the position. I intended moving amendments earlier in the clause.

The DEPUTY CHAIRMAN (the Hon. G. C. MacKinnon): The Minister merely corrected the amendment appearing on the notice paper.

The Hon. H. K. WATSON: His amendment was before the Chair when the Committee last discussed the Bill, and the word "seven" was deleted and the words "twenty-one" substituted.

The Hon. A. F. GRIFFITH: It is not my intention to prevent a debate on this clause. If it would help I would ask leave to withdraw my amendment.

The DEPUTY CHAIRMAN (the Hon. G. C. MacKinnon): In my opinion as leave of the Committee was asked and granted without a dissentient voice, the correction was permitted to be made. The honourable member is permitted to proceed with his amendment if he wishes.

The Hon. H. K. WATSON: I have given this matter considerable thought. The suggestion has been made to the effect that the tribunal hearing an appeal should consist of a magistrate or a judge, with the assistance of an assessor—a practical man or an architect who possesses knowledge of these matters. I have not been

able to frame an amendment other than the one I indicated last week; namely, that the appeal should be heard by a judge of the Supreme Court instead of by a magistrate.

The Minister referred to the remarks made by Mr. Heenan in discussing the relative qualifications of magistrates and judges. He pointed out the limitations of a magistrate as against the wisdom, experience and knowledge of a judge. In either case, the judge or magistrate would be at sea on these matters, unless he had the assistance of some practical person.

Whilst an appeal to a judge is preferable, I also recognise that it will be more costly to the applicant, and there will be more delay in the hearing of the appeal. I am disinclined to alter the amendment as it appears on the notice paper.

The Hon. J. M. THOMSON: We can do no better than leave the amendment as it appears on the notice paper. If we were to replace the stipendiary magistrate with a judge of the Supreme Court, then applicants in the country would have to appeal to a judge. That is entirely unnecessary. A person in a large country town could feel that this was not practicable; for him to have to appeal to the Supreme Court would be costly.

The Hon. A. F. Griffith: There would be a court of petty sessions in the town.

The Hon. J. M. THOMSON: Yes. Such courts would sit in country towns not far removed from each other. The suggestion has been made that a panel be constituted. This suggestion is also impracticable. The panel would have to move from town to town, and it could not function as it was intended it should. We could not constitute, in every town, a panel capable of handling the disputes that may arise from time to time. We cannot do better than adhere to the amendment on the notice paper. If this matter were confined to the metropolitan area, there may be some justification for going to the Supreme Court; but as it is to apply to the whole State, the amendment is the most practical suggestion.

The Hon. R. C. MATTISKE: I agree entirely with the views expressed by Mr. Thomson. The amendment is a practical solution to the problem so far as certain country districts are concerned; and also with regard to smaller cases in the metropolitan area. At the same time, I appreciate the position envisaged by Mr. Watson. I am wondering whether we could not deal with both by adding a proviso stating that under certain conditions a further appeal would lie to a judge of the Supreme Court. That would not mean that there would be an appeal against every decision of the magistrate; but if the case were of sufficient importance, the appeal could be advanced a further stage.

The Hon. H. C. STRICKLAND: I agree largely with what Mr. Thomson has said. If the appeal were to lie only to a Supreme Court judge, a lot of unnecessary expense could be caused with respect to small appeals. While I also agree with the contention advanced by Mr. Watson and Mr. Mattiske, I rather feel that under common law an appeal lies from a court of petty sessions to a higher authority. The amendment does not state that the magistrate's finding shall be final.

The Hon. J. G. HISLOP: I intend to vote against the clause because I believe this is not the correct way to legislate for matters of this nature. This will mean that existing factories, although they conform to the regulations that previously applied, could come under surveillance. The fire brigade chief could say that certain additional measures were necessary in a factory. If the clause is agreed to, I do not feel that factory owners will be safe with regard to their commitments for the control of fires.

Another aspect is that apparently an architect for a new building will not know what fire-prevention apparatus will be necessary. Until such time as the board has seen the plans, no possible estimate of the cost can be given. It is wrong to give such wide powers to a board that is appointed for a specific purpose; namely, to control and prevent fires. I shall vote against the clause to demonstrate that it is the duty of the board to lay down conditions for certain types of buildings. I hazard the guess that when we do grant these powers to the board, it will not be long before regulations are made to cover them.

The Hon. H. K. WATSON: There will be no need for regulations.

The Hon. J. G. HISLOP: I think regulations will be made because no-one will know what is to happen. There is a tendency to hurry to put this type of power into the hand of boards; and I do not approve of it.

The Hon. R. C. MATTISKE: Following on the views expressed by Mr. Strickland, I feel that paragraph (b) of the amendment makes the decision of the stipendiary magistrate final, because of the inclusion of these words, "effect shall be given to the decision of the stipendiary magistrate." If it is intended that there shall be a further appeal, an amendment on the amendment will be necessary.

The Hon. A. F. GRIFFITH: Those are the words I was going to express. The clause is self-contained. I do not think there is an appeal against the decision of the magistrate.

When we were considering the matter last week, Dr. Hislop contended that it would be better to deal with this question

by regulation. I pointed out to him that that was not our desire, because the board intended to use a more honest approach to the situation than by bringing down regulations.

After Parliament rises, a regulation could be gazetted; and it would be six months before Parliament would have an opportunity to look at it. In that time an appeal could be listed and heard, and Parliament would not have had a chance to say a word about it. I have agreed all the way through—and I still agree—that clause 5 is a weighty one, giving the board a good deal of power. But it is wrong to presuppose that the board will act irresponsibly and ask the owners of big buildings to do the most outrageous things. If it acted irresponsibly, the magistrate would disallow such irresponsible action.

It would be true to say that all new buildings—or at least a great many of them—are satisfactorily equipped with sprinkler systems. I hope that, in the circumstances, the Committee will support the amendment.

The Hon. J. M. THOMSON: I cannot agree with Dr. Hislop when he spoke of the cost of delay in building. If the Bill becomes law, the architects will take cognisance of the legislation; and before drawing up their plans and specifications, they will consult the people who will have to pass those plans and specifications. I refer members to what occurs under the Act controlling architects, when there is a dispute with the Architects' Board. The magistrate can either vary, or reverse the order, or dismiss the case. I have no objections to the amendment.

The Hon. E. M. HEENAN: I support the amendment. I am a little with Mr. Watson and the others who have expressed the hope that where a large amount or a serious situation is involved, a further appeal will be possible. Although I have not had time to study the matter properly—and I hesitate to give a legal opinion on it—I point out that undoubtedly an appeal lies from a court of petty sessions. Unless something to the contrary is expressed in the amendment, an appeal, as envisaged by Mr. Strickland will lie. I am inclined to think that under Section 197 of the Justices Act, there would be an appeal by way of an order to review; and that, in my opinion, would be a good thing, and would enhance the value of the amendment.

The Hon. A. F. GRIFFITH: If the Committee is prepared to agree to the amendment, I will make the necessary inquiries to see whether Mr. Heenan's contention is correct—no doubt it is because he is a lawyer and he knows these things. But if, on the other hand, it is not correct I will undertake to allow the Bill to be re-committed for a further discussion of this clause.

The Hon. H. K. WATSON: In view of what the Minister has said, members, between now and tomorrow, will be able to give consideration to the question; and, perhaps, an aggrieved person could be given the option of an appeal to a judge of the Supreme Court or a stipendiary magistrate.

The Hon. J. M. Thomson: I think that is fair enough.

The Hon. H. K. WATSON: By giving people the option, they will not be forced to appeal to one if they think an appeal to the other would suit them better. I would be inclined to move in that direction tomorrow, thus giving an aggrieved person the option of appealing to the Supreme Court or a court of petty sessions.

The Hon. A. F. GRIFFITH: I am not prepared to give an undertaking in that regard, but if the honourable member wishes to move in that direction when the report is being adopted tomorrow, that is his affair.

#### Amendment put and passed.

The Hon. R. C. MATTISKE: Like Dr. Hislop, I do not feel at all happy with this clause, even as it is amended, and I intend to vote against it. I think too much power is being given to the Fire Brigades Board to direct owners of property to carry out certain precautionary measures.

During the week-end I made further inquiries, and I was astounded to learn, on good authority, that in Australia at present there is no national code for fire prevention. Should not all the States agree among themselves before we give such sweeping powers to the board in this State?

Although the board may be acting in the best of faith, and to the best of its knowledge and belief, it could be making innocent mistakes which could prove costly to certain owners of property. One part of the clause which does not impress me is that part which deals with premises where more than one family could be involved. For the reasons I have given I intend to vote against the clause.

The Hon. H. C. STRICKLAND: I feel there is quite a lot in the views of Dr. Hislop and Mr. Mattiske. Surely the Health Act, and the building by-laws of the local authorities, should cover all aspects of fire protection! If a board is to be given an open cheque, so to speak, to order various appliances to be put into buildings—

The Hon. A. F. Griffith: Subject to a magistrate or a judge.

The Hon. H. C. STRICKLAND: —subject to appeal—it might encourage the board to be a little more rash and say, "Why should we argue about it? A person has an appeal to a magistrate." I would like the Minister to inform the Committee

whether there have been any instances of flagrant breaches of the building by-laws, or whether any dangerous buildings have been erected in the city or suburbs in recent years, as a result of which complaints have been made of people openly defying the by-laws to the extent that the buildings could be a danger to human life. I am not clear on the matter but I certainly do not subscribe to giving boards of any kind too much power.

The Hon. A. F. GRIFFITH: If the clause is defeated, it will mean that the board will have no power to do anything.

The Hon. J. G. Hislop: It will have time to think.

The Hon. A. F. GRIFFITH: Mr. Strickland hit the nail on the head when he said we must have regard for human life. Although some members may think that the board has a bit too much power, it would be a sorry state of affairs if the board did not have sufficient power to enforce the provision of safety appliances in buildings to prevent the loss of life. At present, authority is given to the board by regulation, but in a case brought to the court by the Adelphi Hotel the magistrate declared the regulation to be void because of uncertainty; and the Crown Law Department has doubts in regard to the matter. If this clause is taken out of the Bill, it will leave the Act in a state of uncertainty, because the board will have no power under the regulations or the Act. However, that is the responsibility of members.

The Hon. H. K. WATSON: If the clause is taken out of the Bill, it will simply mean that the Fire Brigades Board will have the same power as it has had for the last 40 years.

The Hon. A. F. Griffith: Which is doubtful.

The Hon. H. K. WATSON: We would not be taking away from the board anything that it has at the moment. We may be declining to give the board further powers, which is a different matter altogether.

The Hon. A. F. Griffith: What about the court's decision in the Adelphi case?

The Hon. H. K. WATSON: That merely confirmed the fact that the board did not have power under the Act; it was going beyond the powers which had been conferred upon it by the Act. I think there is a lot of substance in what Mr. Strickland said. We have our building by-laws, and our health by-laws; and, last year, we had a model set of by-laws which covered every conceivable angle. It seems to me that that is the proper place in which to specify such further requirements as are necessary for fire protection.

If my understanding of the position is correct, items such as lifts being within concrete channels; an external fire escape; and a host of other matters, should be

covered under the building and health Acts. Therefore, why such items as fire-fighting appliances and equipment should not be covered under the same Acts is not clear to me.

As a matter of practice, I think it would be easier for the Fire Brigades Board to convey to the local authorities what its requirements were in this regard, because then architects, when getting approval from the Perth City Council for certain plans and specifications, would be able to get all the necessary information from the one source.

The Hon. G. BENNETTS: Plans and specifications when submitted to local authorities have to comply with the fire brigade, health and other regulations. I often wonder how often the hoses and hydrants are tested in many of these buildings. Some time ago a fire broke out in a building in which I was employed, and all the hoses and pipes were found to be out of order when they were required.

The Hon. F. J. S. Wise: Those up here were tested one opening day.

The Hon. G. BENNETTS: If they are under the control of the Fire Brigades Board, officers will periodically test the equipment to see that it is up to standard. Boarding houses and hotels should have something portable. Recently there have been many cases of fire due to the carelessness of people under the influence of liquor. There was also the case a short while ago of a number of children in America being burnt to death, because fire-fighting equipment was not installed. I support the Minister's contention. Provision is made in the Bill for appeal. I support the clause.

The Hon. J. G. HISLOP: By taking this clause out of the Bill, we will not be depriving the board of anything that it already has. We will simply be indicating to the board that its duty is to lay down, for the information of the public, what it requires for protection. We must take into account what Mr. Mattiske said about an attempt being made in Australia to secure some uniformity in the matter of fire-fighting equipment and apparatus. We are giving the board power to do exactly what it likes.

I used the word "regulation" in order to give advice to those in the building industry that it will be essential for this board to form regulations. If it is possible for the board to form regulations, it is possible for the details to be put in the Bill. I shall vote against this clause.

The Hon. L. A. LOGAN: All the Bill seeks to do is to put back into the measure some power which the court says it does not possess. The board thought it had this power under the regulations, but the court ruled that it did not. Dr. Hislop says that

the board should lay down rules or regulations; but if we take this power from the board it will have no right to do that. This provision is included to make sure that the board tells the people what it wants. We may possibly have to wait 10 years before we get an Australia-wide code, and we will be groping in the dark. When it is a possibility, it can be made applicable. Members know what happened when the building by-laws were introduced. An attempt was made to apply modern building by-laws to Halls Creek; so it can be seen how silly the situation will become. We must give the board power to tell the builders what it requires. Dr. Hislop wants the board to lay down conditions; and it can do so under this measure.

The Hon. F. R. H. LAVERY: I support Mr. Mattiske's argument. Neither of the Ministers has mentioned the fact that the fire insurance companies also have a vital say in this matter. The fire brigades, of all the States of the Commonwealth, have taken in the past, and will take in the future, certain directives from the insurance companies as to how they should improve fire-protection conditions. These are added costs to the community. I support Mr. Mattiske's suggestion.

The Hon. A. F. GRIFFITH: I refer members to section 35 of the Act which says the Governor can make regulations for all or any of the following services; and we then find included paragraphs (a) to (z). Paragraph (n) says—

for prescribing the various apparatus and appliances for saving life and property at fires to be kept and maintained at or in all premises, excluding private dwellings, which term shall not include flats.

The court found that to be wrong; it declared it void because of uncertainty.

The Hon. H. C. Strickland: Has that been tested?

The Hon. A. F. GRIFFITH: There was the case of the Adelphi Hotel; but I do not know whether it has been tested. The decision of the judiciary was that the provision was void. If we take clause 5 out of the Bill, and bear in mind the fact that the court said that section 35 was void, there would be no power in the Act whatever; because the Court said it was void for uncertainty. Provision is made for an appeal to a magistrate; and if Mr. Heenan's contention is correct there is also an appeal from the magistrate to the judge; and that satisfies Mr. Watson's contention.

The Hon. H. K. WATSON: The Minister referred to section 35 (n) of the Act. I contend that the power has never been declared void for uncertainty. What was declared void for uncertainty was the regulation purported to have been made in pursuance of that power. If we had given the power to make regulations for the

matters we now propose in the Bill, then the Fire Brigades Board could provide regulations.

The Hon. A. F. Griffith: With no right to attack them for six months.

The Hon. H. K. WATSON: It was the regulation that was void for uncertainty. It had not been drafted in accordance with the power conferred by section 35. It should have been drafted in accordance with the power conferred by section 35. It should not be said that we are taking away something the board never had. If it had the power to make these regulations specific, they would not be void for uncertainty.

The Hon. J. M. THOMSON: Reference has been made to the added cost of the building. A person who invests his money in a building would have the right of appeal to a magistrate within the 21 days, if the board were insistent that certain fire-fighting appliances should be included in the specifications. We must give the board some discretion; and clause 5 lays that down clearly. We frequently hear members say that we should not pass regulations but should include the necessary provisions in the Bills.

Quite frequently we have disallowed regulations after they have caused damage and inconvenience. These provisions are apparently necessary; and an indication has been given to us of what took place at the Adelphi Hotel. There have been many cases of fires causing disaster in country districts, due to a lack of fire fighting equipment. Clause 5 will define the position clearly. I support the provision.

The Hon. J. G. HISLOP: I agree with Mr. Thomson; and I am glad he agrees with us. He mentioned that it is often said that the provisions contained in regulations should be taken out and placed in Bills. It would be wrong to adopt the attitude that because we want clearer Bills, we should provide absolute power.

Clause, as amended, put and a division taken with the following result:—

Ayes—11.

Hon. G. Bennetts	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. E. M. Heenan	Hon. F. D. Willmott
Hon. G. E. Jeffery	Hon. J. Murray
Hon. L. A. Logan	

(Teller.)

Noes—13.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. G. Hislop	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. W. F. Willesee
Hon. A. L. Loton	

(Teller.)

Majority against—2.

Clause thus negatived.

Clauses 6 to 10 and Title put and passed.

Bill reported with an amendment.

## FILLED MILK BILL

### Second Reading

Debate resumed from the 2nd September.

THE HON. A. R. JONES (Midland) [6.5]: I do not desire to say much in regard to this measure. However, I have done a little reading and carried out a certain amount of investigation, and I consider we must treat this Bill as something which is necessary to protect an industry; and in protecting that industry we will be protecting quite a number of people. If what I am told is correct, there are over 100,000 people engaged in the dairying industry; and, apart from that, large sums of money, running into many millions of pounds, have been spent on this industry to try to bring the dairy farmers in Australia up to a state of protection where they can be in a better position to compete with those in countries overseas.

If we allowed a filled milk industry to creep in at this juncture, quite a lot of the money which has been spent in the past would be lost, and the industry would suffer a severe blow. In addition, there could be quite a deal of unemployment; and we do not know at this stage—unless Dr. Hislop can tell us—that filled milk would adequately take the place of milk as we know it—straight from the cow and then pasteurised. It may do, but I do not know. It may not be as beneficial to the people as the product in use today.

Whether the next five or six years will bring us more understanding of the subject, I am not in a position to say; but at this juncture, I appeal to members to protect the dairying industry because of the amount of money which has been spent on it, and because of the number of people who are engaged in it. We also know that the whole milk which we receive as customers is a good product indeed; and we do not know, unless others can tell us, whether filled milk will be an advantage or not.

The Hon. G. Bennetts: It contains emu oil or whale oil.

The Hon. F. J. S. Wise: Vegetable oil.

The Hon. A. R. JONES: I take it it contains vegetable oil. It has been mentioned that a type of whale oil can be used. I suppose it would need to be highly refined. From the reading I have done, I gather that about the only thing that cannot be used is old sump oil! This is a matter about which I do not know a great deal. However, I know a lot about the industry we are hoping to protect, and those who are interested in the industry; and until it can be shown that something else can take the place of whole milk, and absorb the people in the dairying industry to advantage, we should pass this measure to give the protection which is sought.

**THE HON. R. THOMPSON** (West) [6.10]: At the outset I want to say that I support the dairying industry to the fullest extent, but there are some features in this Bill with which I do not agree. I am referring to clause 6, which provides that no person shall manufacture or pack filled milk. We are going to lose a market in this respect, inasmuch as in the near future we will have the Ord River scheme in operation—or we hope to—and one of the crops produced will be that of safflower. The oils extracted from this product can be used for filled milk.

I agree that south of the 26th parallel, filled milk should not be placed on the market for the ordinary consumer. However, anyone who has been in the North-West and has had to live on condensed milk—its keeping properties are better than powdered milk—will know that it deteriorates in that climate. Once a tin of powdered milk is opened in the North-West it loses its qualities overnight, and is not wholesome the next day.

Filled milk would be most beneficial in those areas. If one traces the history of filled milk, one will find that the country responsible for the manufacture of filled milk is Holland. The people of Holland were the first to bring filled milk into being, primarily to offset the shortage of wholemilk at the time. They saw the potential markets in their Eastern countries, to where the product of filled milk was exported. Indonesia is the largest consumer of filled milk in the world. Why cannot we, in place of Holland, export to Indonesia? Why should we, by passing this legislation, prevent local manufacturers from seeking an export market? Why should the passing of this Bill mean that the people living in the North-West will have to go without something which, if not as good as wholemilk, is at least the next best substitute inasmuch as its keeping properties are more than equal to wholemilk?

One cannot argue about the nutritional value of filled milk, because it is equivalent to wholemilk. In some cases it is higher than that of wholemilk. I do not think that any right-thinking person would want to see the sale of filled milk in the metropolitan area, or in centres where wholemilk can be transported and kept in a decent state. I have seen the introduction of frozen milk in the North-West. It was first taken there by plane. It is good on arrival; and, the next day, it is still good; but after that it sours and has to be thrown away.

I am told that filled milk has keeping properties up to seven or eight days without refrigeration. As I said at the outset, I support the dairying industry: I would not like to see anything done in Western Australia that would injure our Cinderella industry. I consider it a Cinderella industry because those employed in it are the hardest-working primary producers we have. It is a seven-day per week job.

A fortnight ago I visited a dairy farm at Manjimup and saw two lads aged 12 and 14 years milking 45 cows per day on their own, owing to the illness of their father. I realise how hard even children have to work in those areas in cases of emergency. Therefore, I would not want to do anything that would injure the industry, but we should leave the gate open as far as exports are concerned and as far as our North-West is concerned.

*Sitting suspended from 6.15 to 7.30 p.m.*

**THE HON. J. G. HISLOP** (Metropolitan) [7.30]: This is a very interesting measure; and to me it describes the state of an industry and the paucity of its thinking, because time after time I have referred to the milk trade in this State as one that should take a new look at its products and study the conditions that have altered in the community since the introduction of the Milk Act. The Bill is designed purely to prohibit the manufacture and sale of something which at present does not exist in Australia. Therefore the measure must be based purely on the fear that this new product will endanger the milk industry; and that is where the paucity of the thinking of those in charge of the industry starts.

Not one word in the Minister's introduction impressed me in regard to the necessity for this Bill; nor did he give the pros and cons of the measure. He did not tell us what the virtues of filled milk would be or what effect it would have on the trade. He only expressed the fear that it would have an effect on the wholemilk trade. Just what is likely to happen? If filled milk is banned, why not ban skimmed milk? Surely the introduction of skimmed milk is going to do some injury to the trade. The only injury it would do would be to lessen the use of wholemilk, but it would have the added virtue of providing an extra supply of fat.

I cannot emphasise too strongly—as I have emphasised it so much before—that there is no need to drink milk because of its fat content. The only benefit from milk is from its total solids, and not its fat content. It probably contains the best form of absorbable calcium we know of. It is doubtful whether calcium is absorbed as easily by any other method as it is by drinking milk; but we certainly do not need milk for its fat content in our diet. As a matter of fact, the higher the fat content, the less is the value of the milk for young children who do not need a high fat content in their food.

When we stop to think for a moment it makes us wonder where the cream trade comes from, because I believe that under the Milk Act the depots are prohibited from extracting the extra fat that may be present in some samples sent to them. But that prohibition must be evaded in

some way, surely, to bring about the large quantity of cream we see for sale within the city! Therefore, there must at the moment be some fats taken from the milk. I maintain that the man who has a herd which produces milk of a high butterfat content is not receiving any reward at all.

The first point of thinking in the milk trade must inevitably be with respect to the purchase of milk on a butterfat basis and not a gallonage basis. There could be brought into this country, and throughout Australia, a big call for butterfat extract which would be used as coffee cream. Only last week I was speaking to Professor Kark from Chicago, and he emphasised that the difference he saw in this country and his own was in the large amount of cream that was used here in restaurants and coffee lounges, and so on, as against the low percentage of actual cream of that nature used in the United States. There has always been an urgent call throughout the States for the 12 per cent. cream; and that, of course, is because different use is made of it in regard to the drinking of coffee. I think that is the No. 1 point we must look at; and that is we do not drink or need milk because of its butterfat content. Its total solids, and not its fats, are the essential needs today.

What matter if we take the natural animal fat out of the milk and substitute a vegetable fat? Those who wanted the ordinary milk, as we know it today, could still purchase it; but there must be a large number of people who prefer to use a milk that does not contain any animal fat. There has been a tremendous amount of literature written in the medical journals regarding the relationship of a high fat content in the blood—the high cholesterol content—in the causation of primary insufficiency—a disease brought about by an abnormal process in the walls of the arteries. A low fat diet has been suggested for those people as a way out of their difficulty; and yet the only product they can use today within our community, is skimmed milk; and if any one wanted to drink that skimmed milk he would find it is quite horrible.

The Hon. F. J. S. Wise: It is hard to take.

The Hon. J. G. HISLOP: It is quite horrible and out of date. If we had a milk which was deprived of its animal fat and had a vegetable substitute, we would have a remedy for such people. They would be well advised to have such a type of fat, and not to drink milk with an excess butterfat content. If we took the excess fat out of our milk, we could turn it into cheese. There is no reason why this State should not produce a fine cream cheese. It would be a cheese which would sell very well.

There is a suggestion also, that the eating of animal fats in large quantities is the cause of a good deal of stomach conditions; and it has been said that since the rise in the price of butter, in the natural inflation of money, less butter is being used and there have been fewer cases of certain types—some of a serious nature—of gastric disorders. There is, as yet, no proof of this; it is purely a surmise.

It is known that certain races which do not eat animal fat show a much lower percentage of cancer of the stomach than we do in this country. If there is any sense in it all, which of course will take years to prove, it is that this type of filled milk would be a desirable method of absorbing the calcium. As Mr. Thompson pointed out, there is a market in Indonesia for filled milk; because from what I know of the dietetic habits of those people, there are very large numbers who do not eat animal fat. There are many who will not eat pork fat, and there are others who will not eat any animal fat at all. This would give us a market close to our doors, and would allow the dairying industry to progress.

I cannot see why we should ban a product of this sort simply because we have not given it sufficient thought. This is not a measure to limit the number of years over which the Act will function, either; it will be a Kathleen Mavoureen Act, only to be altered if someone submits again, a measure to allow the production of this filled milk.

I also believe—and I am on pretty good grounds—that there is a religious sect in our community which does not mix animal fats with carbohydrates, and so on; and this filled milk would give it a type of milk which it could use and produce for itself. But as the position is at the moment, with our milk containing animal fat, these people are deprived of the use of the calcium content of milk associated with carbohydrates; and I believe there are not a few of these people. Personally, I know some of them, and they have just suffered from the fact that we have only allowed the present type of milk to be sold.

If one thinks this over, one will find that a re-adjustment of the whole of the dairying industry would permit of the sale of filled milk. It would be of benefit to quite a number of people, and would be in the interests, eventually, of the whole State because it would bring a handsome return to the dairying industry itself. I think this is very hasty legislation, despite the fact that all the other States are doing likewise.

The Hon. G. C. MacKinnon: And countries.

The Hon. J. G. HISLOP: Yes, and countries; although I am not worried about other countries. Their problems may be different. However, in this country we have an industry which, I think, could be

advanced as a result of the introduction of this particular type of food. Therefore, I propose to vote against the measure hoping that someone will delay it, until such time as more thought is given to the matter.

I believe the dairying industry itself should be asked to consider whether or not it is against the interests of the industry to introduce a measure of this sort. I believe it is entirely in its interests to completely re-organise the dairying industry; and yet we are simply going to allow the *status quo* to exist by passing a measure of this sort. If this does pass, everyone will think that all is right in the industry. But all is far from well, and everybody knows it. We have already heard one country member in this Chamber uphold the view which I have repeatedly stated; that the first step in progress is to alter the methods of production of milk.

I conclude by saying, again, that we do not need milk for its butterfat content, but for its calcium content; and there is a market not far away which we could use. We could use the excess butterfat taken from our milk in various other ways; and could do justice to a lot of people—some on religious grounds and some on health grounds—by lessening the amount of fat which is circulating in their bloodstreams.

I therefore appeal to the Minister to halt the Bill, and to ask the dairy people of this State to reconsider it and advise this Chamber whether they still feel that the measure is in their interests. I feel that they have been hasty, and do not realise how they could reorganise their industry. I am certain that many of them do not realise the markets they may lose by means of this measure.

**THE HON. G. C. MacKINNON** (South-West) [7.48]: I desire to carry Dr. Hislop's argument a little further, and suggest that by taking the right tablet we could obtain the amount of calcium that we require in our diet. However, in that form it would not be as pleasant or as palatable as it is by the drinking of milk. There is a little bit more than the basic physiological requirement at stake when we discuss foodstuffs. To suggest that we can dispense with the butterfat content of milk because it forms cholesterol in the blood; and that we should, therefore, not support this Bill is, I feel, not a logical approach to the question. One could argue, on the same grounds, that we could find cheaper and more efficient methods of obtaining the vitamins and so on which we now take so pleasantly in our various foods.

I would also suggest that Dr. Hislop is aware that no progress has ever been stopped by legislation; and, if the introduction of filled milk is progress, this legislation will not prevent it; and if the manufacture of filled milk becomes an

established fact—as Dr. Hislop believes will be the case—this legislation will give a breathing space which will undoubtedly be needed.

Mr. Thompson pointed out—looking into the future—that the time may come when the Ord River scheme will produce all sorts of crops from which we will be able to extract edible oils. When that day comes, there will undoubtedly be a clamour to find markets for those oils; and that may require the repeal of this legislation. That is a bridge we can cross when we come to it; and I would point out that even the preliminary work on the Ord River project has not yet been commenced. We have many bridges to cross before we reach the stage where we need to worry about a market for edible fats and oils produced in that part of the State.

I therefore suggest that this is a timely measure. I have some reservations about it along the lines suggested by Dr. Hislop; and some along the lines mentioned by Mr. Thompson; but I believe that both of those members are looking well into the future. In reference to the warnings issued by Dr. Hislop, I remind members that he was careful to state that his fears were not provable at the present time.

Dr. Hislop suggested that an excess of animal fats in the diet might be a contributory cause of cancer of the stomach—and equally possibly it might not. It is not long ago that probably the only intake of fat which the savage human had was in the form of animal fat; yet he survived quite well. It might be suggested that to offset the present intake of animal fat we need only take a bit more exercise; and, at any rate, Dr. Hislop's arguments rested on such tenuous grounds as to offer no real reason why we should throw this measure out.

In view of the difficulties facing the milk industry, I feel it needs all the support we can give it. The problems facing the industry are of rapid growth; and synthetic edible fat products have increased greatly in volume of production within a short space of time. Surely the dairying industry is entitled to the breathing space that this Bill will give! I feel that we should support the dairying industry, in which so much capital is invested and in which the welfare of so many of our people is involved.

I therefore appeal to the House to support the Bill. Despite the fact that this is, to use Dr. Hislop's words, a Kathleen Mavourneen measure, we should bear in mind that it will remain in force only so long as Parliament sees fit, and no longer. Whether or not history will be on the side of Dr. Hislop and Mr. Thompson remains to be seen. It might well be so; but that is a matter for future history, and we are dealing with the situation as it exists today.

In this, of all States, where with the exception of a little whale oil, no fats that can be converted into edible fats are manufactured, we should be ready to accept a measure of this kind: even though we may be aware of its limitations and may be gravely in doubt about its validity under certain sections of the Constitution. We may have doubts as to whether it will indeed prevent the development and perfection of filled milk; but the fact remains that in country after country throughout the world, legislation of this nature is being passed; and it has not been rushed into. Such legislation has been passed by State after State in Australia, and by the Commonwealth also.

I maintain that there has been no element of haste or panic in relation to this measure; and history will take care of the various doubts that have been so genuinely expressed by members in this Chamber tonight. I hope all members will support the Bill.

**THE HON. F. J. S. WISE (North) [7.55]:** Mr. Deputy President, this Bill, in contradistinction to the point of view expressed by Dr. Hislop, has a rather lengthy background; and although it may have been hurriedly introduced by the present Government it cannot, by any stretch of imagination, be dubbed hasty legislation. If there is any industry in the Commonwealth of Australia that has, of necessity, been bolstered up to a greater extent than the dairying industry, I do not know of it. If there is any industry in Western Australia which has cost more to establish than has the dairying industry, I do not know of it.

From the very inception of the schemes for group settlement in this State to the present day, the dairying industry has, directly and indirectly, been helped by various Governments in this State to the tune of tens of millions of pounds. Indeed, it could safely be said that the amounts written off from the time the first settlement schemes were propounded by the late Sir James Mitchell, were all due, in the South-Western part of this State—and, indeed, in almost the whole of the South-West Land Division—to the cost of establishing and maintaining the dairying industry.

It was costing, per cow, even prior to the days of the zoning system, a great deal. It cost vast sums to import dairy products from the other States; and, on the insistence of the late Sir James Mitchell, the dairying industry was established in Western Australia, at a cost quite out of proportion to its capacity and productivity at that time.

Butter produced in this State up until the late 1930's was costing the consumers in Western Australia, from tax money, shillings per pound more than they were paying for the imported article. We have this industry scattered, as it is, from the Atherton Tableland in North Queensland,

down to Dover at the southern point of Tasmania, and in all the temperate parts of Australia, representing tens of millions of pounds of investment.

I think the latest figures available show that there are 3½ million dairy cattle in Australia, worth, perhaps, £125,000,000 today; and this is the industry in relation to which the Dairy Equalisation Committee initially propounded the idea that it needed protection from the use of cheap edible oils coming further into conflict with its products.

The Hon. A. F. Griffith: Margarine, for instance.

The Hon. F. J. S. WISE: When the case for margarine was first put forward and the quota system applied, in the 1930's, I was Minister for Agriculture; and what was done was undertaken only because of the threat to the dairying industry on a cost basis. The oils used in the manufacture of margarine, and excluding all the animal fats concerned, such as whale oil, are almost all derived from the cheap labour countries, and are almost entirely controlled by Lever Bros., one of the world's greatest monopolies. If members have any doubts about the profits obtained from oils produced in black labour countries, they have only to listen to some of the radio sessions and see what happens in regard to the soap advertised. I refer to Lever Bros. sessions on many radio stations in Australia. This is one of the greatest monopolies in the world; and the only source of the oils proposed to be used in filled milk would be black labour countries.

Oils costing pence per gallon would be used in the manufacture of filled milk, and sold at shillings per gallon; just as, in the case of margarine, the fats added and blended do not cost half-a-crown per pound—they cost only a few pence per pound. Controlled by the quota system, margarine is manufactured in this country; and that system was instituted for the same reason as opposition developed throughout Commonwealth Government sources originally, then extending through the States, against filled milk; that it would be unwise, as a challenge to any section of the dairying industry, to substitute costly butterfats—costly in production and value—in a world sense, by the fats derived from vegetable origin which cost very little indeed.

Therefore, filled milk can be sold to the detriment of butterfat in milk and, in turn, to the detriment of the wholemilk and butterfat industries. There must not be confused thinking on the two sections of the dairying industry. There is the section which produces only butterfat and the other section which produces wholemilk for selling as such in the cities and as dried milk in outback towns; but, again, as a wholemilk component. I regret that there may not be a way as yet to assist outlying parts of Australia with a supply of a commodity which has keeping qualities. Recently, in another place, it was

said that margarine is popular in the out-back because it does not melt as readily as butter; but that is nonsense. The vegetable oils and vegetable fats in margarine melt at a much lower point than does butterfat.

The Hon. A. F. Griffith: That is not the real reason.

The Hon. F. J. S. WISE: Of course it is not the real reason. The children of the Leader of the Opposition have been reared in the tropics on tinned milk, and I can assure the House that they are splendid healthy specimens. There is another member of the House who was reared in the North, and who did not taste wholemilk until long after he had passed his babyhood. It is not true to say that dried milk—as presented to the public today—depreciates so quickly when the tin is opened that it cannot be used on the following day. In fact, that is pure nonsense.

My purpose in speaking to the Bill is to try to correct some wrong impressions that members may gain from what has been said. However, I support the Bill mainly on the ground that if vegetable oil is to be added to natural cow's milk, including the cream, I do not want to see any component used that is produced and handled solely by the monopoly of Lever Bros. Anyone who has visited, say, Fiji will know of the odoriferous factories which border the coastline and which extract the oil from the coconuts. The smell from those factories is terrible. However, that is the oil which is the component of margarine in the main, and that will be the principal component of filled milk to be sold in this State unless this legislation is passed.

A third point is that all States have, in conference with the Commonwealth Government, approved this legislation because of the need to protect the industry which is costing all States tens of millions of pounds. The Paterson plan, I think, was evolved in 1934, and, under the Dairy Industry Equalisation Commission, it gave to all States a guarantee that the cost of production would not be reflected in the value of butterfat, without considering either the overseas price of the commodity or the price for internal consumption. Since that time, all taxpayers of Australia have contributed millions—paid indirectly when butter is purchased—towards the payment of subsidies which are advanced to the dairying industry.

During the tea suspension I tried to obtain the figure which the Commonwealth and the States have put into the industry by that means, but I could not find it in the documents I referred to. However, the figure is extremely substantial. In defence of the payment of those subsidies, I point out that it is doubtful whether the South-West corner of Western

Australia would contain even one half of the present population had it not been for the subsidies paid to the dairying industry, and the losses occasioned on land settlement in that region. Not half of the existing population would be in the South-West corner of Western Australia without the direct and indirect subsidies which the dairying industry has received. Therefore, the industry represents something worth preserving.

The industry is something which is not unreal. It is something which is extremely real in our economy; and although our political opponents are normally not on the side of the people they are supporting in this instance—they are for free trade and free enterprise without any limits or controls—we find confusion extending to their own members.

The Hon. A. F. Griffith: It just shows how free we are in the things we want.

The Hon. F. J. S. WISE: No; it shows how parochial one may become. It shows indeed how the interests of the district one represents dominate the thinking of the member, which is not improper at all. Having wandered a little around the subject, I reaffirm my first statement; namely, that this is in no way hasty legislation. It has been well conceived and well considered; and, although the dairying industry—Australia wide—is still in a parlous condition and apparently we must always expect that it shall be bolstered by subsidies, it must still try to put its house in order. Although Dr. Hislop has suggested that we should examine its costing methods and its cost basis, we have this problem to overcome; namely, the tremendous cost of establishing any land settlement scheme in any State. But land settlement schemes have conferred much benefit on Australia, and have helped to establish the dairying industry in all States.

Being extremely parochial—that is, being a Western Australian—in my attitude to what the dairying industry has meant to the South-West corner of Western Australia, I repeat that it is very necessary that we still continue—as far as we can reasonably do so alongside the attitude of other States—to protect that industry in this State. I support the Bill.

**THE HON. J. M. A. CUNNINGHAM** (South-East) [8.10]: In exemplifying the remarks of Mr. Wise about parochialism in regard to this Bill, I admit that I am going to be extremely parochial. I represent one of the inland areas where the people are very conscious of the value of milk—in all its forms—as a food; whether it is in short supply or otherwise. At present the people on the Goldfields are supplied with milk in five different forms. Firstly, by stainless steel tankers, which bulk supply is bottled when it reaches Kalgoorlie. This was originally done in the form of an experiment which has been a great success.

Secondly, it is brought up to Kalgoorlie in the usual bottled form. Thirdly, it reaches Kalgoorlie in the new Tetra pack. Fourthly, it is supplied in powdered milk form; and, lastly, there is the good old stand-by—sweetened condensed milk. Also, standing on their own and very lonely, we have the three remaining local dairy herds, numbering in all about 350 cows. A peculiar position is now arising to offset the protection that has been given to the dairying industry in the South-West; that is, we have a local body on the Goldfields which, at present, is endeavouring to enact by-laws which will have the most stringent effect on the three remaining dairy herds on the Goldfields. The owners of those herds and the people they are supplying are, of course, very perturbed; but that is the position on the Goldfields today.

Goldfields members know only too well that during the last two or three years we have all been approached to assist, in some way, those people who are desperately short of powdered milk. On the Goldfields, milk in this form has been stringently rationed in past years. When there is such a pressing need for milk foods, we cannot help but look very carefully at anything that is brought forward which, in some way, may alleviate that great demand. There are many towns between Perth and Kalgoorlie at present which, because of cost, are not being supplied with milk for distribution among schools, homes, and so forth. Nevertheless, there are huge numbers of people who are unable to get a supply of fresh milk because of its bad keeping qualities; because of the difficulties of distribution; and so on.

It has been found that the supply of wholemilk is never very consistent to the people in those parts. If filled milk will meet the requirements of the people who reside in inland centres, we cannot dismiss the proposition very lightly. At first I was inclined to oppose the Bill, but having heard other speakers, I would like to hear more debate on the matter because I am inclined to think there is a need for the Bill to be made law for these reasons: I understand that milk in various forms is produced basically from wholemilk. I am referring to powdered milk, baby foods, sweetened condensed milk, etc. For the first time, we have been presented with a proposition to use the waste portion of skimmed milk. We have the suggestion that, with an additive—

The Hon. J. M. Thomson: You do not throw it away; it is used on pigs.

The Hon. J. M. A. CUNNINGHAM: I understand that there are thousands of gallons of skimmed milk thrown away. I know that one can buy skimmed milk but it has a limited demand because it is so nauseating in that form. I believe there are thousands of gallons of skimmed milk poured down the sewers after the fat content has been extracted from it.

Now we have a proposition to convert the skimmed milk—by using an additive—into a liquid form of milk which can be sold. I understand it has good keeping qualities. According to Mr. Wise, margarine apparently does not possess the same keeping qualities as butter in hot climates. It is not the additive which causes that. Apparently margarine has not good keeping qualities in tropical countries; and I doubt whether filled milk, seeing that the same oil additive is used, will keep better than wholemilk.

The Hon. R. Thompson: It will.

The Hon. J. M. A. CUNNINGHAM: I cannot reconcile the two statements. Quite recently in the Eastern States' newspapers, it was suggested that our concern for the supply of milk to school children was not well founded, and that instead of supplying them with milk, it would be better to supply them with fresh fruit juices which are far more nutritious than milk. It has been stated authoritatively that fruit juices are far more beneficial than milk to children.

I have heard the debate on this measure, and I listened particularly to the remarks of Mr. Wise who is considered to be an authority on our North, where there is still need for milk products; and if I can be convinced that we will not be throwing away the opportunity to use a by-product to add to our food supplies, I shall be prepared to change my mind. At present I have a lingering doubt that we have a great opportunity for the sale of a by-product of milk by the addition of vegetable fats. If that is the case, I cannot help but believe that the sale of filled milk will be beneficial to the dairying industry. Unless I can be convinced that filled milk is detrimental to the dairying industry, I am not prepared to support the measure.

THE HON. R. F. HUTCHISON (Suburban) [8.24]: I cannot debate on the economics of filled milk as well as Mr. Wise, nor can I speak authoritatively on the production of oils in other countries. I am opposed to the measure from the point of view of the housewife. Before any legislation imposes the use of a foodstuff on the housewife, her views should be considered. In my opinion filled milk cannot be compared with wholemilk. If filled milk is permitted to be manufactured and sold, housewives may be compelled to use it.

Reference was made by Mr. Wise to oils produced in countries with cheap labour—oils which are used as additives to skimmed milk. Australia has a basic industry in the production of wholemilk. Every baby starts off life on that food. It is the only perfect food for a new born baby. If filled milk is imposed on the community it may not be suitable for the feeding of infants. We should, therefore, be careful to avoid damaging the wholemilk industry.

Last year I toured the South-West with a woman economist from the U.S.A. We visited the dairy farms, and for the first time I had the opportunity to study through her eyes the value of a dairying country. She was horrified at the struggle for existence experienced by the dairy farmers here. If this Bill will bring about the prohibition of filled milk in Australia, then it is a worthwhile measure.

In my early years I lived in the Upper Murchison, and we had wholemilk substitute in the form of condensed milk. That filled a need. Powdered milk was not heard of then, and babies were reared on Nestles condensed milk. I do not expect that filled milk will be suitable for the rearing of babies.

It is incorrect to say that skimmed milk is a waste product. We can find some use for it. One might say that potato peelings are waste products, but in reality they are not. Before the milk is skimmed, it has an economic value, and the value is taken out in the form of butter fat.

It is dangerous to interfere in any way with a staple food of any country, particularly a country so undeveloped as is Australia, in which already the sheep and cattle industries are established. To manufacture a synthetic article, such as filled milk, with a view to making some profit, is very harmful to this country.

It is nonsense to contend that there is a shortage of wholemilk on the Goldfields. If it is true, then there has been a mismanagement of distribution, because when I was in Norseman I was able to buy Browne's milk in the shops in cardboard containers. I paid 1s. 2d. for a carton. If that is possible in Norseman, then it should also be possible in Kalgoorlie. If, in that part of the State, there are herds of cattle from which a wholemilk supply can be obtained, we should not do anything to damage the industry there.

I sometimes hear subjects being discussed in Parliament, of which only half is understood by the members participating in the debates. That is one argument why the housewives do not like artificial foodstuffs, such as the one referred to in the Bill, being imposed on them. They are being supplied, more and more, with synthetic products. They are sold, because they are advertised with so much show.

The Hon. A. F. Griffith: This Bill does not impose anything on anybody.

The Hon. R. F. HUTCHISON: Is not the Bill designed to forbid the manufacture and sale of filled milk?

The Hon. L. A. Logan: You want to oppose it?

The Hon. J. G. Hislop: Are you speaking for or against it?

The Hon. R. F. HUTCHISON: I think I have been mixed up a little. When I looked at the Bill I thought it provided for the manufacture of filled milk. I meant

to speak against the manufacture and sale of this product. Apparently I was speaking on the wrong side of the fence. I want to support it.

I do not believe in filled milk, and I oppose its being placed on the market. I hope that my arguments will be construed in that light. Having made this mistake in speaking against the Bill earlier, I shall be careful in future not to get up in the middle of a debate and speak so hastily.

It is becoming difficult to get some types of fresh foodstuffs these days; such as fresh eggs. That is the reason for the women's organisations advocating for wholesome and natural foodstuff to be put on the market.

The Hon. J. M. Thomson: You desire the genuine article at all times.

The Hon. R. F. HUTCHISON: We certainly do, when it comes to food. I support the second reading.

**THE HON. J. M. THOMSON** (South) [8.28]: If the House agrees to this Bill, we will be doing what the other States have already done; that is, pass legislation to prevent the manufacture and sale of filled milk.

The query has been raised as to the reaction of the dairy farmers and those associated with that industry. On behalf of the dairy farmers I represent in the lower South-West, I oppose the manufacture of filled milk. They are very greatly concerned at the possibility of this Bill being defeated. They see a danger to their industry which has cost this country many millions of pounds to foster. Furthermore it has cost the farmer running the dairy herd, and improving the stock and the pastures, a considerable sum of money. He does not want any threat to his industry.

Over the years great fears have been expressed regarding the stability of the dairying industry. If this Bill is not passed, we will place the dairying industry in great jeopardy—an industry in which much capital has been and will be involved.

In the *Farmers' Weekly* of the 27th August last, there appears a report from the wholemilk executive of the Farmers' Union. Among the discussions that took place is one which is reported as follows:—

Filled Milk: Discussion on the complementary legislation being introduced into all States took place and the Executive reiterated its strong opposition to any introduction of filled milk into Australia.

We hear of the markets in Indonesia. When we produce the oil that is necessary for the manufacture of filled milk, it will be time enough to give consideration to this matter. I strongly oppose any measure that will deal a blow at the dairying industry of Western Australia.

Reference has been made to what the passage of the Bill will mean to the people in the North-West. Mr. Wise said that

there were many children who had been reared on condensed or powdered milk, and that they were a credit to those forms of milk. Time has proved that the milk that the people in the North-West receive, satisfies them. I do not think the argument in connection with the North-West is one that can be raised in favour of allowing filled milk to be manufactured in Australia.

I understand that ours is the last State to attempt to pass this legislation; and I hope the House will agree to it as it is a protective measure. The people in the dairying industry are greatly concerned because of what filled milk could mean to the industry. It behoves us, as a primary producing State, to see that the dairying industry is not put in jeopardy.

**THE HON. J. D. TEAHAN** (North-East) [8.33]: I have no doubt as to the attitude I shall take on the Bill; I shall strongly support it. If Western Australia could produce the dairy produce that the State needs, the Bill could, perhaps, receive consideration. But the State is quite capable of producing that produce; and it will produce it for an increased population. We have fostered, and will continue to foster, the dairying industry in this State.

If we heard of a synthetic wool making inroads into the wool industry in Australia, we would be the first ones—and rightly so—to take action to see that it did not outdo the natural article. Although we have made great strides in scientific research and advance, we have not reached the stage where we can defeat the natural article; and filled milk is nothing more than a synthetic article; and to say that it is better than the natural article, is saying something that I will not believe.

Even speaking of our Goldfields, I take a different line from that of a previous speaker. Were we to admit filled milk, it would mean the end of the dairy herds on the Goldfields. If we want to foster them, we must continue to use the natural product. A previous speaker said, "Let the position go on for a while, and let filled milk be tried out." That would be one of the greatest dangers we could have, because we would build up a vested interest that possibly could not be shifted. So we should take action to preserve our dairying industry; and we can do that by agreeing to the Bill. I support the second reading.

**THE HON. G. BENNETTS** (South-East) [8.35]: I wish to clear up a doubt which seems to exist between Mrs. Hutchison and Mr. Cunningham with regard to powdered milk in Norseman and Kalgoorlie. The time that Mr. Cunningham was speaking about, was some few years ago when there was a shortage of baby food and powdered milk. I, together with some other members, came to Perth to make arrangements to meet the needs of the

children at Norseman. But that was a long time ago. Today we have plenty of tinned milk, and all sorts of powdered milk; and, in addition, there is plenty of fresh milk.

The dairy herds that Mr. Cunningham spoke about are in dairies that have been established since the early days of Kalgoorlie. The dairies have been handed down from family to family. As the honourable member said, a road board there is about to table regulations to put these people out of business. That will be a bad thing for the Goldfields, because the dairy-owners are producing 250 gallons of milk per week; and they have maintained their dairies at a high standard, according to the Milk Board. The dairy-owners are very worried about the position.

As Mr. Cunningham said, there is a shortage of fresh milk at the Norseman school. But the position is likely to be overcome. I have been in communication with the Minister for Education; and the trouble is that the milk is too dear. A certain person in Norseman wants a license to deliver milk; and I think that next week we will have a deputation to have fresh milk provided. I shall support the measure because I do not believe in interfering with milk. Since I have been a member, I have been concerned about dairy herds and milk production. Dairying is one of our main industries; and we should protect it, and not permit substitute oil to be put into milk. In one of the areas along the Trans-line, a different class of milk is used; they are all on nannies' milk; they all have a herd of goats.

The Hon. L. A. Logan: The best milk of the lot.

The Hon. G. BENNETTS: That is the purest milk available.

The Hon. A. F. Griffith: Not quite.

The Hon. G. BENNETTS: I support the Bill.

**THE HON. F. D. WILLMOTT** (South-West) [8.38]: I cannot resist the urge to have something to say on this matter. I listened to the remarks of some members, and the one who intrigued me most was Mr. Cunningham, who drew a picture of a river of skimmed milk flowing to waste. I assure the honourable member that that is by no means the position; very little skimmed milk is wasted.

We must remember that we get skimmed milk on the butterfat dairy farms. Mr. Wise pointed out that we should not get confused between the whole-milk supplier and the butterfat supplier. The dairyfarmer who supplies butterfat, invariably raises calves and pigs as part of his normal procedure. That means that he uses a fairly large quantity of skimmed milk; and apart from that a great deal of skimmed milk is used in the manufacture of calf foods, and that sort of thing.

I assure members, having been a dairy farmer myself at one stage, that about the hardest thing to get rid of is skimmed milk. If a dairy farmer has skimmed milk to waste, he cannot let it run away in rivers; because he could not, if he did that, live on his farm for long; he would be driven off by the result.

There is just one feature that I do not think has been touched on; and it wants to be taken into serious consideration by members before they pass the measure. All members know that at the moment an inquiry is being held into the production costs of the dairying industry in Australia. Members know, too, that for some time this State and other States have been making an approach to the Commonwealth Government for assistance to improve the dairy farms, with the idea of lowering the cost of production. The States, in their approach to the Commonwealth, are going to have a very poor argument for financial assistance, if they are going to agree to the manufacture of filled milk.

The fat products used in the manufacture of filled milk—as Mr. Wise pointed out—come from overseas producers who use black labour. Until such time as we produce the oils that are used in the manufacture of filled milk, I think the Commonwealth Government would, if we agreed to the manufacture of skimmed milk, have a strong case against giving any assistance to the dairy farming industry. We should take that factor into serious consideration before we decide to oppose the measure. I support the Bill.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines—in reply) [8.43]: Some members have given unequivocal support to the Bill, whilst others have pointed out various matters which they consider should be inquired into. In replying to the debate, I shall endeavour to comment on some of the matters that were raised. Mr. Jones gave unqualified support for the Bill, and I thank him. Mr. Ron Thompson supported the Bill with the qualifying remark that he thought some provision should be made to enable people north of the 26th parallel to be given consideration.

This matter has not slipped by without some consideration having been given to it. I point out that the Government has gone so far as to ask the Chief Parliamentary Draftsman what he thinks about the question. We have asked him: Should some member see fit to move an amendment to allow the manufacture and sale of the product in an area north of the 26th parallel, what will be the position? The advice we have received is that if such a set of circumstances arises, and the area north of the 26th parallel is excluded, there will be no reason why some manufacturing company should not undertake the manufacture of filled milk; and by

manufacturing it in an area, excluded under the Act, it could then export it to the Eastern States; and section 92 of the Commonwealth Constitution would not prevent its being sold in those States.

**The Hon. J. M. Thomson:** That is the danger.

**The Hon. A. F. GRIFFITH:** It must not be forgotten that each of the States has agreed to pass this legislation. Dr. Hislop mentioned the haste with which the legislation had been introduced. There has been no haste about its introduction. I mentioned, when introducing the Bill at the second reading stage, that this was something which the previous Government started when it was in office; and that we, as the existing Government, are merely putting into effect the result of a conference held by all the Ministers for Agriculture throughout Australia.

I might say, Mr. Deputy Speaker, for the benefit of Mr. Wise, that he need not think that all the things his Government did were wrong. We find that some of them were quite right; and in such cases we are only too happy to support them.

**The Hon. H. C. Strickland:** You have only to follow the things we did.

**The Hon. A. F. GRIFFITH:** In some cases they will be followed. After we have been in this position for many years, the honourable member will find himself in the same position.

**The Hon. E. M. Davies:** You are an optimist.

**The Hon. A. F. GRIFFITH:** Mr. Deputy Speaker, the negotiations concerning this legislation were started as far back as October, 1958. Surely it could not be said that negotiations which have extended over a period of 12 months have been hurried, are haphazard, or have been badly conceived; nor can it be said that the Government has found itself in the position that it has to hurry the legislation through. In actual fact Parliament sat on the 30th June this year, and it is now the 8th September. We have had ample opportunity to give consideration to the matter, and this Bill has not been hurried in any way, shape or form; nor has its passage through this House been hurried, because it was introduced last week and members have had a fairly good opportunity to give consideration to it.

As a matter of fact, Mr. Deputy Speaker, so much time has Dr. Hislop had to consider it, that he was able to attack it quite considerably. He said that I did not give any reasons for the introduction of the legislation.

**The DEPUTY PRESIDENT** (the Hon. W. R. Hall): I would remind the Minister for Mines that on three occasions he has referred to the Deputy President as the Deputy Speaker. The Deputy Speaker is in another place and is not in this Chamber. The Minister may now proceed with his speech.

The Hon. A. F. GRIFFITH: I humbly beg your pardon, Mr. Deputy President; I must have imagined for a moment that I was back in the Legislative Assembly where I spent some time. Dr. Hislop said that I did not give any reasons for the introduction of the Bill. I think I have given reasons for it. The fundamental reason for its introduction is to protect the dairying industry of this State; and this legislation will be complementary to legislation introduced by the other States. If this Parliament does nothing more than pass legislation designed to protect the dairying industry, it will have done a good job.

Mr. MacKinnon also supported the legislation, and quite rightly said that such measures have not stopped progress. This Bill is similar to another piece of legislation which has already been assented to, as we heard from the message read by you, Mr. Deputy President—I refer to the Bill designed to prevent the spread of foot and mouth disease. This Bill is similar to that legislation in one respect—it will come into operation when it is proclaimed; it will come into operation when it is needed. As Dr. Hislop has said, at present in Western Australia there is no filled milk; but this Bill will prevent it from being put on to the market.

The Hon. J. G. Hislop: Are you going to proclaim it when some starts to come on to the market?

The Hon. A. F. GRIFFITH: It will be proclaimed when necessary. I am not suggesting that we would be foolish enough to wait until someone started to produce filled milk before we did anything about it.

I now come to the remarks made by Mr. Wise. He pointed out to us the original basis of the dairying industry in this State; the difficulties it has faced over the years; and the hardships it has gone through, and is continuing to go through. As we heard Mr. Willmott say, the States are at present asking the Commonwealth Government for assistance for the dairying industry. We would be hard pushed to satisfy the Commonwealth Government on the one hand that the dairying industry needs assistance while on the other hand we allowed a substitute product to be made in this State! The fear that this Government has, and the previous Government had, is that the product will be placed on the market at such a figure that it will be a danger to the dairying industry of this State.

This legislation could in some way be likened to the Margarine Act because that Act has similar provisions.

The Hon. J. G. Hislop: There is a quota under that Act.

The Hon. A. F. GRIFFITH: Yes; but I said it had similar provisions. Under the Margarine Act a quota is allowed, and the Act lays it down that so much margarine

may be sold by the manufacturers in this State. From time to time that quota has been altered; but the idea of the Margarine Act is to protect the dairying industry.

The Hon. J. G. Hislop: What about a quota in this case?

The Hon. A. F. GRIFFITH: The honourable member is asking about a quota in respect to something which does not as yet exist. Dr. Hislop said that a demand might exist, but I point out to him that this supposed demand may not be in existence. Suffice it to say that many other countries throughout the world have similar legislation to prevent the introduction of this commodity.

The Hon. J. M. Thomson: To protect their dairying industries.

The Hon. A. F. GRIFFITH: Yes. Countries like Germany, Switzerland, Belgium, most other European countries, and the United States—probably the most progressive country in the world—have found it necessary to enact similar legislation to protect their dairying industries.

The Hon. R. Thompson: In 1912 in the United States.

The Hon. A. F. GRIFFITH: As far as this country is concerned, the Commonwealth Bureau of Agricultural Economics has reported that there are over 111,000 persons employed on Australian dairy farms; and, in 1956-57, the gross value of milk produced in Australia was £163,000,000, of which the Western Australian proportion was over £6,000,000.

Is it reasonable to suggest that I have not given sufficient reasons for the introduction of this legislation? I say that sufficient reasons have been given. Mr. Cunningham pointed out the reservations he has in regard to the matter. Like Mr. Willmott, I have no knowledge of the rivers of skimmed milk about which the honourable member spoke. Experience of dairy farms will show that dairy farmers feed their skimmed milk to calves; or it is taken to factories and turned into dried stock food; or it is fed to pigs. If a farmer finds himself in the position that he is causing a river of skimmed milk to be made, perhaps he should have another look at the organisation of his farm. I do not think there are rivers of skimmed milk.

Then we come to Mrs. Hutchison's remarks. Whilst she started off by saying she was going to oppose the Bill—I think because it was introduced by a Liberal-Country Party Government—I was glad to learn that she found sufficient reasons to support it. Obviously somebody put her "wise," and I am glad to say she finished up by supporting the Bill.

The Hon. F. R. H. Lavery: She was really in favour of it all the time, but she did not know that she was.

The Hon. A. F. GRIFFITH: Let her fight her own battles; she is not bad at that! Mr. John Thomson, who comes from a district in which there are many dairy farmers, confirmed the fact that the Farmers' Union required this legislation. As far back as September, 1958, the Farmers' Union of Western Australia wanted legislation such as this passed, and that organisation wrote to the then Minister for Agriculture concerning the matter.

Support for the Bill was also given by Mr. Teahan, Mr. Bennetts and Mr. Willmott. Mr. Willmott is a practical farmer, and he has had a great deal of experience in these matters. He is well aware of what could happen if legislation such as this were not passed. Mr. MacKinnon shared some of his views regarding the South-West.

It was interesting to see how the Goldfields members expressed their views. Mr. Cunningham gave them the lead and they followed dutifully, one after the other. I have endeavoured to answer any of the queries that may have been raised during this interesting debate, and I thank members for their contributions.

**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. A. F. Griffith (Minister for Mines) in charge of the Bill.

**Clauses 1 and 2 put and passed.**

**Clause 3—Interpretation:**

The Hon. J. G. HISLOP: In this clause there are definitions for almost everything mentioned in the Bill; but there is a complete absence of a definition of "processed milk," despite the fact that in clause 5 there is reference to "the manufacturers of processed milk." What constitutes processed milk? I think the term should be defined because one person is to represent the manufacturers of processed milk.

The Hon. A. F. GRIFFITH: If the honourable member would look at the definition of "manufacture" he will see that it includes "prepare and process." I can only suggest that the Australian manufacturers of processed milk will be those who process milk; in other words, those in the industry of pasteurising milk.

The Hon. J. G. HISLOP: I should not think milk would be processed merely because it was pasteurised.

The Hon. A. F. Griffith: Powdered milk.

The Hon. J. G. HISLOP: It should be defined to make it clear. I am certain that pasteurised milk would not be regarded as processed milk.

The Hon. A. F. GRIFFITH: I would refer members to clause 5 which sets out the constitution of the advisory committee. Paragraph (d) of clause 5 includes a person who shall be deemed by the Minister to represent the manufacturers of processed milk chosen from a panel of three names submitted by the West Australian manufacturers of processed milk. I can think of other legislation where a representative of an organisation is selected without being included in the interpretation. We have a representative of the Australian Labor Party which is not defined in the Bill.

The Hon. J. G. Hislop: You would have to define his work.

The Hon. G. C. MacKINNON: There are a number of things which could be included, like Choc Milk. Some milkshakes could even be included.

The Hon. F. J. S. Wise: Does that not centre on the type of fat used?

The Hon. G. C. MacKINNON: Choc Milk has a reduced fat content. Is it meant to cover all these things?

The Hon. A. F. GRIFFITH: The Bill provides that the Act will come into operation on a date to be proclaimed; and its provisions will not apply to any product exempted by the Minister by notice in the *Government Gazette*. *Bona fide* invalid food will not be included.

The Hon. R. Thompson: What would happen in the event of somebody having a herd of goats?

The Hon. J. G. HISLOP: I would still ask the Minister whether it is not wise to define processed milk.

The Hon. A. F. GRIFFITH: I will undertake to see whether it is necessary.

**Clause put and passed.**

**Clause 4 put and passed.**

**Clause 5—Advisory Committee:**

The Hon. A. F. GRIFFITH: I have a number of small amendments on the notice paper. I move an amendment—

Page 3, lines 14 and 15—Delete the words "be deemed by the Minister to." The words are unnecessary, and by deleting them we will be fulfilling an undertaking given by the Minister for Agriculture in the Legislative Assembly.

**Amendment put and passed.**

The Hon. A. F. GRIFFITH: I move an amendment—

Page 3, lines 22 and 23—Delete the words "be deemed by the Minister to." Like the previous amendment, the words are unnecessary.

**Amendment put and passed.**

The Hon. J. G. HISLOP: The large retailers are not represented here. Is it meant that they should be excluded?

The Hon. A. F. GRIFFITH: I am not in a position to say whether it was purposely intended that they should not be represented. I am advised that the advisory committee consists of a fairly representative group of people.

On motions by the Hon. A. F. Griffith, clause further amended as follows:—

Page 3:

Line 31—Delete the passage, “(b) and (c) or (d) and (e)” and substitute the passage, “(b), (c), (d) or (e).”

Line 34—Add after the word, “person” the words, “for appointment to the Committee.”

Line 34—Delete the words, “a panel” and substitute the following, “to submit to him a panel of names of persons suitable for appointment to the Committee.”

Line 35—Delete the words, “for appointment to the Committee.”

Line 38—Add after the word “member” the words, “who shall be deemed to represent that body.”

Clause, as amended, agreed to.

Clause 6—Prohibition manufacturing and packing filled milk:

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

Page 4, line 28—After the word “milk” add the following words:—

except for use or sale above the 26th parallel within Western Australia or export.

The Hon. A. F. GRIFFITH: I point out to the honourable member, in a kindly manner, that, if he has any amendments to make to the Bill, he should endeavour to put them on the notice paper. If that is not possible, he should at least give the Minister, or the person in charge of the Bill, a copy of his amendment so that person can have a brief look at the position.

The Hon. R. Thompson: I beg your pardon.

The Hon. A. F. GRIFFITH: If the Committee passed this amendment, it might as well forget the Bill. The amendment would enable the manufacture of filled milk above the 26th parallel, and it could be exported to the Eastern States. I oppose the amendment.

The Hon. R. THOMPSON: That is exactly what I do not want to happen. I do not think there is sufficient value in filled milk for it to be banded around Australia; and I do not think it has the same economic value as jute goods which are exported all over the world, before they are actually used. I feel that filled milk would be acceptable to the people in the North-West, and that a market could be found in Indonesia, Malaya and other Eastern countries. Before sitting down I would like to ask the Minister how

many other States in the Commonwealth have passed this legislation to date. I am of the opinion that Victoria, South Australia and Tasmania are the only States which have passed it.

The Hon. J. M. THOMSON: If the Committee agreed to the amendment proposed by the honourable member, filled milk could be manufactured north of the 26th parallel of Western Australia. Because of section 92 of the Commonwealth Constitution, the gate would be opened wide for the distribution of filled milk throughout Australia and elsewhere; but that is the very thing we are endeavouring to prevent.

The Hon. F. R. H. LAVERY: I am going to oppose this amendment, although I consider my colleague is trying to do something to benefit a certain section of people in this State. If this amendment were passed, the Bill would be completely killed. I would suggest to Mr. Thompson that he withdraw his amendment rather than have it defeated.

The Hon. G. C. MacKINNON: I point out that the arguments in regard to filled milk are purely hypothetical. Whilst I admire the feeling behind the amendment, I am quite sure I am safe in saying that the honourable member has not tasted filled milk. I have not, and I do not think any other member has. From the reliable information which I have obtained, I am led to believe that if filled milk were manufactured, it would not be as palatable as whole milk. I think the honourable member imagines filled milk to be a complete replacement of milk in its present form. I suggest that by his amendment he is not doing the people in the remote areas the great favour he thinks he is doing them.

The Hon. A. F. GRIFFITH: I appreciate the spirit behind the amendment, as I know the people in the North would like to have a drink of fresh milk. In regard to Mr. Thompson's question regarding the other States, I would point out that all the States of Australia have passed this legislation with the exception of Western Australia and Tasmania. I have the extracts from speeches made by his Labour colleagues in other States, which he can peruse if he so desires. He will find there was complete support by Labour members for the legislation when it went before the Houses of the State Parliaments of South Australia and Queensland. If it is passed here tonight, there will be only one State left; and I believe the legislation is in process of being attended to there.

The Hon. R. Thompson: The States which have passed this legislation have no North-West of Western Australia to contend with.

Amendment put and negatived.

Clause put and passed.

Clause 7—Prohibition of the sale of filled milk:

**THE HON. A. L. LOTON:** I draw the attention of the Minister to the words "this section does not apply to the sale of filled milk in the course of interstate trade or commerce" which appear in subclause (3). Section 92 of the Constitution says that trade between the States shall be free. Here we say, "This section does not apply to filled milk." We all know that. I cannot understand why unnecessary words are added to Bills. Perhaps the Minister has an explanation.

**THE HON. A. F. GRIFFITH:** Let me make a confession to the honourable member; I do not know, either.

**THE HON. A. L. LOTON:** Do you think my explanation is satisfactory?

**THE HON. A. F. GRIFFITH:** I am not going to say that, but I will give an undertaking that if there is no reason for the words to be in the measure, I will have the Bill recommitted on the third reading.

**THE HON. H. K. WATSON:** If those words were not in the Bill, it could be interpreted as purporting to apply to interstate trade. The Act would, therefore, be invalid because it would contravene section 92 of the Commonwealth Constitution.

**THE HON. R. F. HUTCHISON:** Does it mean that we can import this commodity?

**THE HON. A. F. GRIFFITH:** With the exception of Tasmania—and Tasmania will have similar legislation—all States have passed legislation which will prevent the manufacture and sale of filled milk within their States.

**Clause put and passed.**

**Clause 8 to 14 and Title put and passed.**

**Bill reported with amendments.**

## **BILLS (4)—FIRST READING**

### **1. Land Agents Act Amendment.**

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

### **2. Health Act Amendment.**

### **3. Nurses Registration Act Amendment.**

Received from the Assembly; and, on motions by the Hon. L. A. Logan (Minister for Local Government), read a first time.

### **4. Railways Classification Board Act Amendment.**

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

## **FATAL ACCIDENTS BILL**

### *Second Reading*

Debate resumed from the 2nd September.

**THE HON. H. C. STRICKLAND (North) [9.36]:** In supporting this Bill, I note with some pleasure that the Government has broadened to a very large extent the compensation which can be awarded to dependants of a breadwinner who may be killed or die as a result of some misfortune or wrong doing. As the Minister pointed out, the legislation operates in most parts of the world, and in the other States of Australia; and it is certainly very commendable legislation to introduce and place on our statute book.

Some phases of this measure exceed the provisions existing in the legislation in the Eastern States; and its provisions cover quite a number, or all, of the dependants who may be left as a result of the death of their breadwinner.

I do not think that there is anything in the Bill that calls for any comment other than commendation. The Minister did point out that Mr. Johnson, who was a member in another place until the last general election, had sought similar amendments; and it is commendable that some of his desires have at last been realised.

A notable feature of the Bill is that it has been made up of sections adopted from various Acts of the British Commonwealth and the various States of Australia; and, as far as I can see they are all most desirable. No doubt, the Government had some ideas itself in connection with the provisions of the measure; and the Bill does not merely consist of portions snatched from other legislation.

Clause 5, which enables damages to be assessed over and above the normal insurance, workers' compensation, and so on, is most desirable. I am sure that the broadening of the issues in this measure is very good indeed. For instance, a child is defined as a son, daughter, grandson, granddaughter, stepson, step-daughter; and even an adopted child, or an illegitimate child. That is very commendable, and I think this is the type of legislation which we all desire to be introduced. It is something which is far-reaching; and it endeavours to cover almost every person who may be connected with a breadwinner who is killed. I support the Bill.

**THE HON. A. F. GRIFFITH (Suburban)—Minister for Mines—in reply [9.42]:** I would just like to take the opportunity of thanking Mr. Strickland for his support. I think there is no necessity for me to say anything else. We will now proceed to the Committee stage; and if there is any factor in the Bill the answer to which I have not got, I will obtain it as we proceed.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Deputy Chairman of Committees (the Hon. E. M. Davies) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

**Clauses 1 to 4 put and passed.**

**Clause 5—Medical and funeral expenses:**

The Hon. H. K. WATSON: There is one point on which I would like enlightenment before the Bill passes through the third reading stage. This clause provides that in assessing damages in an action brought under this legislation, various items shall be taken into account. I notice that in damages cases in the United Kingdom in recent years, a real problem has arisen because the courts have decided that the damages which are awarded are related to the income earning capacity of a person after his income tax has been deducted.

In England a calculation is made of what the person's income would have been, and then half of it is cut off as income tax; and the balance represents the damages. Whether that question arises under this clause, I do not know; but I think it is worth inquiry, because I believe the clause should state whether the damages shall be assessed without considering income tax, or after considering income tax.

The Hon. A. F. GRIFFITH: I will look into the matter and advise Mr. Watson.

**Clause put and passed.**

**Clauses 6 to 11, Schedule, and Title put and passed.**

**Bill reported without amendment and the report adopted.**

## **JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL**

### *Second Reading*

Order of the Day read for the resumption of the debate from the 2nd September.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Deputy Chairman of Committees (the Hon. E. M. Davies) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2—Section 5 amended:**

The Hon. A. F. GRIFFITH: While I did not reply to the debate on the second reading, as there was no opposition to the measure, I take this opportunity to let Mr. Heenan know that his remarks in support of the Bill did not go without notice. He gave the Chamber his view on the ques-

tion of district judges; and I have conveyed his point of view to the Attorney-General, and have asked him to give the matter consideration.

**Clause put and passed.**

**Title put and passed.**

**Bill reported without amendment and the report adopted.**

## **TRAFFIC ACT AMENDMENT BILL**

*In Committee*

The Deputy Chairman of Committees (the Hon. E. M. Davies) in the Chair; the Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2—Section 5 amended:**

The Hon. W. F. WILLESEE: I move an amendment—

Page 2, line 22—Add after the word "grazing" the following paragraph:—

(c) notwithstanding the provisions of paragraph (a) of this subsection, the Minister may exempt from the necessity of being licensed any vehicle intended to be hauled or towed, while such vehicle is being so hauled or towed on a road by a vehicle for which the owner is the holder of the requisite vehicle license.

This measure widens the provisions for towing or propelling inert agricultural implements; and it has had the support of the Chamber. I think the amendment is necessary to give the Minister power to deal with a type of vehicle which could, of necessity, require removal from one place to another, in the case of a seasonal occupation. One can see the anomaly, inasmuch as a farmer could apply to a road board for the right to move an agricultural implement and have permission granted; but if he sold the farm and bought a caravan and decided to sell hamburgers from it, the road board would not be able to grant him permission to move the caravan. The amendment will give the Minister the right to grant that privilege.

The Hon. L. A. LOGAN: I hope the Committee will not agree to the amendment, which is similar to one moved and defeated in another place. If agreed to, the amendment would throw the onus in this matter on the Minister. There is very little risk involved in the case of agricultural implements; but both the Motor Vehicle Insurance Trust and the Police Department are opposed to this amendment. Only recently 10 vehicles were stopped between Perth and Pearce while carrying food stalls; and four of the conveyances were not licensed. Had there

been an accident to any of those vehicles which were uninsured, the trust could have been up for a considerable sum.

At the moment the trust is up for two accidents to caravans; and in each case the amount involved runs into five figures. Members can see the difference between agricultural implements, where very little risk is involved, and the type of caravan which Mr. Willesee wants included. I do not think the onus of deciding this question should be placed on the Minister, and I oppose the amendment.

The Hon. W. F. WILLESEE: I was conscious of the factors mentioned by the Minister when I moved the amendment. I do not think the fact that some vehicles were caught without licenses between here and Pearce is relevant.

If the Minister thought the provision was too cumbersome to deal with in the metropolitan area, he could limit the movement of vehicles to one application. There is always the danger of accidents with any vehicle, whether it is licensed or not. The outstanding argument in support of that is when we witness a police escort accompanying, through the streets of the metropolitan area, those large vehicles that are used for the transport of goods interstate. I leave the amendment with the Committee to consider it on its merits.

Amendment put and negatived.

Clause put and passed.

Clause 3 to 6 and Title put and passed.

Bill reported without amendment and the report adopted.

House adjourned at 10.3 p.m.

## Legislative Assembly

Tuesday, the 8th September, 1959

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

### MAIN ROADS ACT (FUNDS APPROPRIATION) ACT AMENDMENT BILL

#### Message—Appropriation

Message from the Governor received and read recommending appropriation for the purposes of the Bill.