# Legislative Assembly

Tuesday, the 11th October, 1966

CONTENTS



The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

## PERPETUAL EXECUTORS TRUSTEES AND AGENCY COMPANY (W.A.) LIMITED ACT AMENDMENT BILL (PRIVATE)

*Petition Presented*

**MR. DURACK** (Perth) [4.31 p.m.]: I present a petition from the agents for the Perpetual Executors Trustees and Agency Company (W.A.) Limited praying for leave to bring in a private Bill for "An Act to amend the Perpetual Executors Trustees and Agency Company (W.A.) Limited Act, 1952-1955." I move—

That the petition be received.

Question put and passed.

*Leave to Introduce*

In accordance with the prayer of the petition, leave given to introduce a Bill.

*Introduction and First Reading*

Bill introduced, on motion by Mr. Durack, and read a first time.

*Reference to Select Committee*

**MR. DURACK** (Perth) [4.34 p.m.]: I move—

That the Bill be referred to a Select Committee consisting of the member for Subiaco (Mr. Guthrie), the member for Stirling (Mr. Mitchell), the member for Pilbara (Mr. Bickerton), the member for Victoria Park (Mr. Davies), and the mover, with power to call for persons and papers, to sit on days over which the House stands adjourned, and to report on Tuesday, the 25th October.

Question put and passed.

## WEST AUSTRALIAN TRUSTEE EXECUTOR AND AGENCY COMPANY LIMITED ACT AMENDMENT BILL (PRIVATE)

*Petition Presented*

**MR. DURACK** (Perth) [4.36 p.m.]: I present a petition from the agents for the West Australian Trustee Executor and Agency Company Limited praying for leave to bring in a private Bill for "An Act to amend the West Australian Trustee Executor and Agency Company Limited Act, 1893-1955." I move—

That the petition be received.

Question put and passed.

*Leave to Introduce*

In accordance with the prayer of the petition, leave given to introduce a Bill.

*Introduction and First Reading.*

Bill introduced, on motion by Mr. Durack, and read a first time.

*Reference to Select Committee*

**MR. DURACK** (Perth) [4.38 p.m.]: I move—

That the Bill be referred to a Select Committee consisting of the member for Subiaco (Mr. Guthrie), the member for Stirling (Mr. Mitchell), the member for Pilbara (Mr. Bickerton), the member for Victoria Park (Mr. Davies), and the mover, with power to call for persons and papers, to sit on days over which the House stands adjourned, and to report on Tuesday, the 25th October.

Question put and passed.

## QUESTIONS (14): ON NOTICE

### STATE HOUSING COMMISSION

*Price of Blocks at Woodlands*

1. Mr. GRAHAM asked the Minister for Housing:

   Regarding land in the Woodlands area which belongs or belonged to the State Housing Commission, what is the respective maximum, minimum and average price per lot, of lots sold or available for purchase by—
   (a) the public;
   (b) war service home applicants;
   (c) applicants under other commission schemes?

   Mr. O'NEIL replied:

   (a) to (c) The commission-owned land at Woodlands subdivided into 149 residential lots. After allocating two sites for church purposes, the remaining 147 were allocated as follows:—

   (1) By arrangement with the Education Department, the Shire of Perth, and the commission, 23 lots were transferred to the shire as replacement lots for private individuals whose land was required as portion of the Woodlands Primary School. The Education Department paid the commission for the 23 lots on the 17th April, 1963, the basis being the valuation as determined by the Chief Valuer, Taxation Department, and ranged from $2,100 to $2,500 per lot, which averages $2,190 per lot.

   (2) Sales to private individuals by the commission—
   (a) Over the counter between August, 1963, to April, 1964: 45 lots, ranging between $2,050 and $2,500, which averages $2,238 per lot.
   (b) by ballot scheme between October, 1965 and July, 1966: 45 lots, ranging between $3,550 and $4,000, averaging $3,754 per lot.
   The average for the whole of the above lots was $2,996 per lot.
   The valuations were determined by the Chief Valuer, Taxation Department, as required in respect of sales over the counter and for the ballot at value appertaining as at 18th August, 1965.

   (3) On 3rd May, 1965, the 24th January, 1966, and the 17th August, 1966, the commission sold three separate parcels of land, totalling 8 acres 2 roods 26.1 perches to the Director of War Service Homes. The sale was on a broad-acre basis, the director paying proportional costs of development of the resultant 34 residential lots.
   The total purchase price was $22,770, or an average of $2,679 per acre.
   I regret that Commonwealth policy prevents my giving the honourable member information as to the detailed price per lot to eligible ex-servicemen. It is suggested that the honourable member, if he requires this information, writes to the Federal Minister for Housing.

### TRAFFIC ACT

*Section 5 (2) (d): Request for Deletion*

2. Mr. EVANS asked the Minister for Traffic:

   (1) Has he received a request from the Conference of Goldfields Local Bodies concerning section 5 (2) (d) of the Traffic Act?

   (2) Does he agree with the submissions of the conference in respect of this provision?

   (3) Will he agree to the deletion of this provision and, if so, can such an amendment to the Act be expected this session?

   Mr. CRAIG replied:

   (1) Yes.

   (2) Yes, to the extent that the provision seems unnecessary but not that undue penalties have been inflicted because of the provision.

   (3) This is being considered.

### SCHOOLS

*Payne's Find, Kookynie, Argyle Downs, and Bibra Lake: Ages, Grades, and Intake*

3. Mr. JAMIESON asked the Minister for Education:

   (1) What are the ages and grades of the children attending each of the following schools:—
   (a) Payne's Find;
   (b) Kookynie;
   (c) Argyle Downs;
   (d) Bibra Lake?

   (2) What are the immediate prospects for an increase in attendance in the foreseeable future for each of the abovenamed schools?

   Mr. LEWIS replied:

   (1) The department does not keep a record of the ages of individual children, but it will be safe to assume that children in Grade 1 turn six during that year, Grade

2 seven, Grade 3 eight, and so on. The grades are given from the August return.

(a) Payne's Find:

| | Boys | Girls | Total |
|---|---|---|---|
| 1. .... | 1 | — | 1 |
| 2. .... | — | — | — |
| 3. .... | 1 | 1 | 2 |
| 4. .... | 1 | 2 | 3 |
| 5. .... | — | 1 | 1 |
| 6. .... | — | 1 | 1 |
| 7. .... | — | — | — |
| | | | 8 |

Enrolment has since increased to 11 but it is not known in what grades the new children are.

(b) Kookynie:

| | Boys | Girls | Total |
|---|---|---|---|
| 1. .... | 1 | 2 | 3 |
| 2. .... | — | — | — |
| 3. .... | 1 | — | 1 |
| 4. .... | — | 1 | 1 |
| 5. .... | — | — | — |
| 6. .... | — | 1 | 1 |
| 7. .... | 1 | — | 1 |
| | | | 7 |

(c) Argyle Downs:

| | Boys | Girls | Total |
|---|---|---|---|
| 1. .... | 1 | 2 | 3 |
| 2. .... | 1 | 1 | 2 |
| 3. .... | 1 | — | 1 |
| 4. .... | 2 | — | 2 |
| | | | 8 |

(d) Bibra Lake:

| | Boys | Girls | Total |
|---|---|---|---|
| 1. .... | 1 | — | 1 |
| 2. .... | — | — | — |
| 3. .... | 1 | 1 | 2 |
| 4. .... | 1 | 2 | 3 |
| 5. .... | — | 1 | 1 |
| 6. .... | — | 1 | 1 |
| 7. .... | — | — | — |
| | | | 8 |

(2) Unknown at the present time.

## TRAFFIC

*Fatal Accidents: Obligation of Surviving Driver to Testify*

4. Mr. GRAHAM asked the Minister representing the Minister for Justice:
   (1) Does he agree that at an inquest concerning a motor accident fatality arising from a collision the surviving driver is a vital and probably the principal witness?
   (2) If not, why not?
   (3) If so, should not there be a requirement for such to be done?
   (4) If "Yes," is legislation necessary in order to ensure this is done?
   (5) If not, why not?
   (6) If so, will he introduce legislation accordingly?

Mr. COURT replied:

(1) The surviving driver could be an important, but not necessarily a vital, witness.
(2) The facts may be sufficiently established by other evidence.
(3) The Minister for Justice is not prepared at this stage to disagree with the policy of the law as stated in sections 11 and 24 of the Evidence Act.
(4) Legislation would be necessary to alter that policy.
(5) See answer to (4).
(6) No.

## FLUORIDATION OF WATER SUPPLIES

*Chronic Fluoride Intoxication and Limitation of Medical Knowledge*

5. Mr. TONKIN asked the Minister representing the Minister for Health:
   (1) Is the journal, *Annals of Internal Medicine* which is published by The American College of Physicians a publication of good standard?
   (2) Would a reader of this journal be justified in giving serious consideration to case reports by medical doctors which are published therein?
   (3) Is he aware that in volume 63, December, 1965, there was published a case report by Bertram J. L. Sauerbrunn, M.D., Charles M. Ryan, M.D., F.A.C.P., and James F. Shaw, M.D. of a patient whose death resulted from drinking water with a concentration of fluoride from 2.4 p.p.m. to 3.5 p.p.m. over a period of 43 years?
   (4) Does he agree with the authors of the report that the case was of special interest because the patient "lived in an area where cases of advanced fluorosis would not be expected"?
   (5) Does not this case of unexpected chronic fluoride intoxication emphasise the limitation of medical knowledge on the effect of fluoride at specific levels of intake?
   (6) Does not this case impugn the validity of the belief of the U.S. Public Health Service and the World Health Organisation that fluoride levels up to 3.5 p.p.m. will not result in clinically detectable fluorosis except for mottled teeth?
   (7) Does he agree with the statement by the doctors, "However, the risk and degree of fluorosis may also depend on the quantity of water consumed"?

(8) Under the Government's proposal now before Parliament, what protection is there for persons who for one reason or another will consume large quantities of water daily?

Mr. ROSS HUTCHINSON replied:

(1) to (4) Yes.

(5) No.

(6) No; if in fact this is the belief.

(7) To some extent, "Yes."

(8) The compensatory mechanisms of the human body (particularly diuresis) together with the very small amount of fluoride involved at 1 p.p.m. or less, are adequate safeguards, in excessive drinkers. (Note: "diuresis" — abundant urination.)

## TAXATION

*Commonwealth Collections from, and Returns to, Western Australia*

6. Mr. HALL asked the Premier:

(1) How much per head of population did the Commonwealth Government collect in Western Australia by way of direct and indirect taxation in 1950 and in 1965?

(2) How much per head of population did the Commonwealth return to the State by way of payments and grants for the years 1950 and 1965?

Mr. NALDER (for Mr. Brand) replied:

| | | $ Per Head |
|---|---|---|
| (1) | 1949-50 | 111.28 |
| | 1964-65 | 258.78 |
| (2) | 1949-50 | 51.64 |
| | 1964-65 | 168.19 |

## MURESK AGRICULTURAL COLLEGE

*Exhibition of Stock*

7. Mr. JAMIESON asked the Minister for Agriculture:

(1) Why were restrictions placed on the exhibition of stock, etc., from Muresk Agricultural College at this year's Royal Show?

*Qualifications of Principal*

(2) What are the qualifications and previous administrative experience of the new principal at Muresk College?

*Suspension of Students*

(3) How many students have been suspended since the new principal has been in charge, and for what offences were these suspensions made?

Mr. NALDER replied:

(1) Efforts were concentrated on the Muresk College display "Spotlight on Muresk" undertaken in association with Technical Training Year.

(2) Qualifications:
Bachelor of Arts (Queensland).
Bachelor of Education (Hons.) (Melbourne).
Diploma of Science of Sydney Technical College (A.S.T.C. (Sc.) ).
Associate Royal Australian Chemical Institute.
Administrative Experience:
1942-52—Secondary school teaching in Queensland and New South Wales.
1953—Chemist with C.S.I.R.O. Division of Physics, National Standards Laboratory, Sydney.
1954-55—Chemist in Charge, Peters' Creameries, Taree, New South Wales.
1955-57—Senior Science Master, Dookie Agricultural College, Victoria.
1957-64—Vice Principal, Longerenong Agricultural College, Victoria.
1964-66—Vice Principal, Dookie Agricultural College, Victoria.

(3) One group of 10 students for breach of college rules.

## INDUSTRIAL ARBITRATION

*Commissioners: Appointments and Salaries*

8. Mr. DAVIES asked the Minister for Labour:

(1) When were conciliation commissioners first appointed in this State?

(2) What was the salary of the first conciliation commissioner appointed?

(3) What are the salaries of members of the present industrial commissioners?

(4) What adjustments have been made to such salaries since the appointments were first made?

Mr. O'NEIL replied:

(1) A single conciliation commissioner was appointed on the 23rd April, 1949.

(2) $3,000 per annum.

(3) Chief Industrial Commissioner $11,730 per annum, other commissioners $10,060 per annum.

(4) Since date of appointment (1st February, 1964), the following salary adjustments have been made in line with adjustments to Special Class Administrative Division officers in the Public Service:—
22/9/64; £40; Basic wage adjustment.
8/1/65; $200; Marginal adjustment.

26/4/65; $40; Basic wage adjustment.

7/1/66; $1,092; Marginal adjustment. ($1,262 for Chief Commissioner.)

25/1/66; $40; Basic wage.

22/7/66; $80; Basic wage adjustment.

## ROAD TRANSPORT

*Freight Subsidies at Sandstone, Laverton, and Wiluna*

9. Mr. BURT asked the Minister for Transport:

What amounts were paid as subsidies on road freights on goods carted between railheads and the towns of Sandstone, Laverton, and Wiluna, respectively, for the year ended the 30th June, 1966?

Mr. O'CONNOR replied:

| | $ |
|---|---|
| Sandstone .... .... .... | 6,694 |
| Laverton .... .... .... | 1,314 |
| Wiluna .... .... .... | 2,094 |

## MADDINGTON SCHOOL

*Additional Classroom*

10. Mr. ELLIOTT asked the Minister for Education:

(1) Has a decision been made on the request for the construction of an additional classroom at the Maddington Primary School?

(2) If so, and the reply is "No," will a "demountable" room be made available for 1967 if it is shown to be necessary?

Mr. LEWIS replied:

(1) and (2) Yes, an additional class room is not considered necessary.

## LOCAL AUTHORITIES

*Qualified Privilege of Speech: Legislative Provision*

11. Mr. JAMIESON asked the Minister representing the Minister for Local Government:

Does any section of the Local Government Act make provision for the granting of qualified privilege of speech to members of local governing bodies?

Mr. NALDER replied:

No.

## FLUORIDATION OF WATER SUPPLIES

*Sodium Silico Fluoride: Cost and Effect on Water Pipes*

12. Mr. GRAHAM asked the Minister representing the Minister for Health:

(1) Will he list any quotations of cost received, also the country of origin, of the chemical sodium silico fluoride?

(2) Will he check whether it is a fact that this chemical costs $321 per ton on site at Goulburn after a rail charge of $5 per ton from nearest port?

(3) If the Goulburn price is likely to be the actual price to be paid what will be the effect on fluoridation costs as given in reply to questions on the 21st September?

(4) Is it known whether sodium silico fluoride is in reaction, and whether it will have any corrosive effects when in contact with copper and brass in hot water services?

(5) Have any tests been carried out in order to determine this; if so, where, and with what result?

(6) If tests have not already been made, will he have them made before the chemical is put into local water supplies?

(7) Is he aware of any tests having been made in order to ascertain how much of the chemical is taken out of the water by the cement in the linings of pipes and in service reservoirs?

(8) If so, when, where, and with whose authority have the tests been made, and with what result?

(9) If not, does he consider the information should be available in order more accurately to give estimates of cost of chemicals?

Mr. ROSS HUTCHINSON replied:

(1) $120 per metric ton (Denmark). $113 per metric ton (China).

(2) This is not a fact.

(3) Not applicable.

(4) to (6) No such corrosive effects have been observed or reported in Australian towns using sodium silico fluoride; nor is there any good chemical reason to suspect that such effects will occur through fluoridation at one part per million. Special tests are therefore unnecessary.

(7) and (8) Experience in fluoridated towns does not indicate that fluoride concentrations are so depleted; nor is there any good chemical reason to anticipate that they should be so depleted. Special tests are therefore unnecessary.

(9) Not applicable.

## DENTAL SURVEY

*Country School Children*

13. Mr. NORTON asked the Minister representing the Minister for Health:

(1) Has a dental survey been made of children attending the primary schools at Carnarvon, Geraldton,

Merredin, Bruce Rock, Bunbury, and Busselton?

(2) If "Yes," will he give the House the findings of the survey of each of the towns mentioned?

Mr. ROSS HUTCHINSON replied:

(1) and (2) The findings by schools dental officers and others, among primary school children, at the places mentioned in recent years, disclose the following:—

| Place | D.M.F. Rate. (Average number of decayed, missing or filled teeth per child). |
|---|---|
| Carnarvon .... .... | 0.75 |
| Geraldton .... .... | 6.7 |
| Merredin .... .... | 6.0 |
| Bruce Rock .... .... | 5.5 |
| Bunbury .... .... | 5.1 |
| Busselton .... .... | 6.3 |

## FLUORIDATION OF WATER SUPPLIES

*Fluorosis: Incidence in North-West*

14. Mr. NORTON asked the Minister representing the Minister for Health:

(1) In the north-west where fluoride is naturally in water has any fluorosis (mottling of teeth) been noticed in—
(a) white children attending school;
(b) white adults;
(c) native children attending school;
(d) native adults?

(2) If "Yes," is there any noticeable difference in the degree of fluorosis between natives and whites and, if so, who is more susceptible?

Mr. ROSS HUTCHINSON replied:

(1) Dental mottling has been observed among some school children (both white and native) in north-west localities with a high natural content of fluoride in water supplies. Little useful information about adults is available.
It must be pointed out, however, that dental mottling occurs independently of a high fluoride intake.

(2) Reports suggest that the degree of mottling, in such localities, is more evident in natives.

## QUESTIONS (3): WITHOUT NOTICE

### LAND

*Sales Advertised in "Winnipeg Free Press"*

1. Mr. GRAHAM asked the Minister for Lands:

Has the Minister seen the news item appearing in *The West Australian* of Saturday, the 8th October, which contains, on the word of the Federal Leader of the Opposition, a quote from the *Winnipeg Free Press* of Manitoba, dated the 3rd August, containing an advertisement headed, "Australia Land Boom" and addressed to "Investors, Brokers, Ranchers." The advertisement is—

> Prime land for farming, grazing or hold for profit.
> These prices will never be repeated. All land less than $10 per acre.
> Many American and European firms have already bought. Don't miss the opportunity of a lifetime.
> Minimum purchase 1,000 acres. Terms.

Has this advertisement any relationship to land in Western Australia; if so, where is such land situated, and by whom is it owned? If the Minister has not the information available, will he make inquiries to ascertain the facts of the situation?

Mr. BOVELL replied:

I do not know to what the Federal Leader of the Opposition refers, but to the best of my knowledge and belief there is no Crown land available in Western Australia under the conditions stated. Whatever land might be available under freehold conditions is completely outside the jurisdiction of the Minister for Lands. It is not within my province to query the sale of freehold land, and I do not intend to do so.

To the best of my knowledge and belief there are no such conditions offering in respect of Crown land. Crown land for agricultural development is, and has been during the 7½ years that I have been Minister for Lands, made available under the provisions of the Land Act on conditional purchase, which requires a maximum area of 5,000 acres to be allotted to each successful applicant of Crown land. Applications are called for in the normal course of events; they are considered, and allocations are made in accordance with the provisions of the Land Act by the Land Board, the decision of which is final.

I do not think I can add anything further to what I have already said, and if the member for Balcatta can supply me in writing with any more detailed information—which he might obtain from the Federal Leader of the Opposition—I will have the matter investigated to see whether

it affects any of the functions of the Lands Department.

Mr. Graham: I thank the Minister for his courteous reply.

P.W.D. EMPLOYEES, ALBANY

*Dismissals*

2. Mr. HALL asked the Minister for Works:

Can the Minister account for the dismissal of P.W.D. workers at Albany, in view of the fact that finance has been made available for the extension of sewerage and water supply work in that district?

Mr. ROSS HUTCHINSON replied:

I have no knowledge of what, according to the honourable member, is taking place in this respect, but if he cares to put the question on the notice paper, I will see that he is given full information on the matter.

FLUORIDATION OF WATER SUPPLIES

*Metropolitan Bores: Fluoride Content*

3. Mr ROSS HUTCHINSON: The Deputy Leader of the Opposition has given me notice of a question without notice. Is it beyond the bounds of possibility for me to reply to it, Mr. Speaker, without the question being asked?

The SPEAKER: No. I will give you half-a-minute to get some member to ask it on behalf of the Deputy Leader of the Opposition.

## JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

*Returned*

Bill returned from the Council without amendment.

## QUESTION WITHOUT NOTICE

FLUORIDATION OF WATER SUPPLIES

*Metropolitan Bores: Fluoride Content*

Mr. BICKERTON asked the Minister representing the Minister for Health:

I would like, on behalf of the Deputy Leader of the Opposition (Mr. Tonkin), to ask a question without notice of the Minister representing the Minister for Health. I missed your eye, Mr. Speaker, when I endeavoured to ask it!

The SPEAKER: I have really finished with the questions without notice. Is this the question in respect of which I gave the nod to the Minister for Works?

Mr. BICKERTON: Yes.

The SPEAKER: I will allow it on this occasion.

Mr. BICKERTON: My question is—

What is the fluoride content respectively of the water from the various bores from which, from time to time, supplies of water are drawn to augment supplies from hills reservoirs to the metropolitan area?

Mr. ROSS HUTCHINSON replied:

I only wish to give this reply now, because it may possibly be used by the Deputy Leader of the Opposition this evening. The reply is—

FLUORIDE ANALYSES ON PERTH BORE WATER SUPPLIES.

| Bore | Parts per Million |
|---|---|
| Attadale .... .... | 0.4 to 0.5 |
| Balcatta No. 1 .... | 0.4 |
| Balcatta No. 2 .... | 0.4 |
| Loftus Street No. 1 .... | 0.4 |
| Loftus Street garage | 0.4 |
| Mounts Bay No. 1 .... | 0.3 to 0.4 |
| Mounts Bay No. 2 .... | 0.3 to 0.4 |
| Mt. Hawthorn bores (separate analyses not taken) | 0.1 |
| Redan Street .... | 0.8 |
| Regent Street .... | 0.7 |

## PERTH MEDICAL CENTRE BILL

*Introduction and First Reading*

Bill introduced, on motion by Mr. Ross Hutchinson (Minister for Works), and read a first time.

## FIREARMS AND GUNS ACT AMENDMENT BILL

*Third Reading*

Bill read a third time, on motion by Mr. Craig (Minister for Police), and transmitted to the Council.

## STRATA TITLES BILL

*Third Reading*

**MR. COURT** (Nedlands—Minister for Industrial Development) [5 p.m.]: I move—

That the Bill be now read a third time.

I would like to convey some information on three points which I promised to follow up for some members. First of all, the member for Kalgoorlie asked me to check whether the Partition Act would be either redundant or would require amendment following the passing of this legislation. I am assured by the Crown Law Department that it will be neither redundant nor in need of amendment as a result of the passing of this legislation; and, if the honourable member likes to read the opinion given on this matter, I would be only too pleased to make it available to him.

The other point was in connection with the limitation of this legislation to two or more strata. It was the intention, as I explained during the earlier debate on this Bill, that the legislation would be drafted so that it referred to two or more strata. There was some discussion initially as to whether it should refer to a single stratum as distinct from two or more strata, but, at this stage, it was decided to confine it to two or more strata.

The matter will be kept under review, as I indicated earlier, to see whether the legislation should be further extended; but it is intended, and was always intended, that this particular piece of legislation shall refer to two or more strata.

The third point was the one raised by the member for Claremont who gave an instance of a property containing 11 flats. Seven of these are on the double-storied basis, four being on the ground floor and three on the top floor. The remaining four are attached in front of the two-storied section on ground level. In other words, seven of these flats would be in the two-strata type of structure, and four would be in a single-storied structure, but the buildings are connected; they are part of the whole building.

I cannot give the honourable member any assurance that this building would be treated as coming within this legislation, even if it conformed to the requirements of the legislation in every other particular; but I have been assured that it is intended to administer this type of legislation largely along the lines of the New South Wales legislation. It could be that this particular property would, in fact, be able to qualify for 11 separate titles within the provisions of this legislation.

However, I reiterate that this would have to be the subject of determination when the Act is being administered, because there are quite a number of things necessary to qualify under the legislation, and any one particular point would be dangerous to pick out on its own. Nevertheless, there is an indication that if the New South Wales interpretation is followed, this property would qualify, subject to all other requirements under the provisions of the legislation being met. I commend the Bill to the House.

The SPEAKER: Before any further debate takes place, I would like to draw the attention of members to a correction that has been made by the Clerks. Paragraph (b) of clause 13(2), on page 12, line 25, commences with the words "may sue for an in respect of". This should read "may sue for and in respect of". This error was not picked up in the House, but the Clerks have made the correction at the Table.

**MR. GUTHRIE** (Subiaco) [5.9 p.m.]: I would like to add a few comments to what the Minister has just told us, concerning particularly two points raised during the second reading debate, one by the member for Claremont and the other by the member for Victoria Park.

It so happened that fairly late yesterday afternoon I had occasion to see the Commissioner of Titles about a totally different matter, and after we had conferred—

*Point of Order*

Mr. J. HEGNEY: On a point of order, the Minister for Industrial Development has replied to the third reading debate.

The SPEAKER: No. He has only moved that the Bill be read a third time.

Mr. J. HEGNEY: I am sorry. I thought he had replied.

*Debate Resumed*

Mr. GUTHRIE: As I was saying, before I was interrupted—

Mr. J. Hegney: I am sorry.

Mr. GUTHRIE: I accept the apology. I had occasion to be talking to the Commissioner of Titles yesterday about another matter, and I told him about the debate we had on this Bill and the view I had expressed that it was essential that a building be of two storeys or two strata before this legislation could apply. He commented that he did not agree with me, but neither of us had the Bill before us at the time. He told me his understanding of it was that in the circumstances described by the member for Claremont, and as repeated by the Minister today, a strata title could be issued. He told me he expressed that opinion from what he remembered of the definition of a strata plan. Portion of the definition on page 3 of the Bill states that a "strata plan" means a plan that—

> (b) shows the whole or any part of the land comprised therein as being divided horizontally into two or more strata, whether or not any such stratum is divided into two or more lots.

When I read that previously I thought the draftsman was trying to make sure that a strata plan could be registered if a building did not cover the whole of the land. Most members realise that no blocks of flats these days completely cover the land. There is always a drive or car port or something of that nature, and I had interpreted the definition to mean that even though the multi-storied building was on portion of the land, a strata plan could cover the entire lot. I am not sure even now that that is not the correct interpretation.

However, the Commissioner of Titles has told me—and I pass it on to the House and the member for Claremont—that in New South Wales this provision is being interpreted a little differently from my interpretation. In that State, a strata title is issued so long as on some part of the land concerned is a building of at least

two storeys. The fact that somewhere on the same land is a building of one storey, does not prevent a strata title being issued.

The Commissioner of Titles has the final say, and if that is his view, that will be the situation until there is some litigation somewhere and a court is required to construe the definition. If the court construes it as I did the other night, then a title will not be permitted under the circumstances. In my mind there is still some doubt. However, the honourable member can take some comfort from the fact that the commissioner is favourable to the registration of the type of flat he has in mind.

The other matter I wish to discuss for a short while is the one raised by the member for Victoria Park concerning the single-storied houses, and he instanced duplex houses. I explained then that they would find no place in a strata title, and I still hold that view. If we introduced legislation to cover that set of circumstances, it would not be called a strata titles Bill, because it would not be a strata at all.

However, having further considered this matter, I believe a case does exist for the introduction of some other legislation, call it what we will—I cannot think of a name at the moment—under which two or more apartments or living places could be vertically subdivided without offending in any way our town planning laws. In this way a certificate could be issued in respect of each apartment, but the land would remain, as it does under this Bill, in the names of the joint owners. In the event of the building being subsequently destroyed, the position regarding the land would be the same as it is under this Bill. This would assist the cases the member for Victoria Park has in mind.

**MR. CROMMELIN** (Claremont) [5.11 p.m.]: I thank the Minister and the member for Subiaco for their comments on this small problem. It appears a possibility does exist that these 11 people will be given an opportunity to obtain a title, and that is some satisfaction. I should point out to the Minister that in 1968 some of these problems which are arising will be in part of his electorate. He will have problems other than those in the City of Nedlands.

I am pleased to hear that once this legislation has been given a trial, consideration will be given to these people who, as I have said, have eight flats on a huge block of land. Under the present legislation they will be denied the right of a title. It is a good idea that they should be given this opportunity at some future date.

Question put and passed.

Bill read a third time and transmitted to the Council.

## BILLS (2): THIRD READING

1. Fisheries Act Amendment Bill.
   Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works), and transmitted to the Council.
2. Companies Act Amendment Bill.
   Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and transmitted to the Council.

## FIRE BRIGADES ACT AMENDMENT BILL

*Second Reading*

**MR. CRAIG** (Toodyay—Chief Secretary) [5.15 p.m.]: I move—

That the Bill be now read a second time.

Quite a number of amendments contained in this Bill are the result of suggestions made by the Crown Law Department and by the Auditor-General. However, the prime need for this Bill is to provide a basis for apportioning contributions to the W.A. Fire Brigades Board. When, in 1963, the Fire Brigades Act was amended to provide for the sharing of contributions to fire brigades on a ratio of: insurance companies 64 per cent.; local authorities 20 per cent.; and Government 16 per cent., the legislation had a currency of three years, necessitating a review in the present session of Parliament.

The ratio of contribution then struck was based on a five-State average. During the intervening three years there has been no change in contributions in any of the States used in the average, and an amendment to section 37, subsection (2), is now sought to continue the existing scale of contributions.

The necessity to legislate for rates of contributions to the fire brigades has also provided an opportunity to correct certain anomalies in the Fire Brigades Act, and I will outline to the House the several amendments sought to facilitate the operations of the Fire Brigades Board.

Section 4 of the Act defines the board's accounting year as ending on the 30th September. While over a considerable period this has operated satisfactorily, present-day demands for closer budgeting, both by the board and by the various contributing parties, suggests that a financial year ending on the 30th June would be mutually advantageous. Both the Government year and the local authorities' year end on the 30th June, and the insurance companies have indicated there is no objection to the proposed change of period. Amendment to section 4 along these lines is therefore sought, and there are consequential amendments to sections 18, 28, 36, 37, and 39.

Section 15 (b) of the Act provides for the disqualification of any local authority representative on the board who, being

a councillor of a municipality at the time of his election, subsequently ceases to be a councillor of a municipality. The procedures for filling such a vacancy on the board can extend over a period of three months, and during this time local authority representation on the board is diminished. The effect of the amendment sought to section 15 is to permit the otherwise disqualified member to retain his seat until the vacancy caused by his disqualification is filled by process of extraordinary election.

Section 17 imposes a statutory limit to the aggregate amount of fees which may be granted to board members by the Minister. In the light of the practice obtaining in regard to other statutory authorities, and having in mind that increases are only granted after a departmental review of levels of fees generally, I feel the procedure would be less cumbersome if the need for periodical amendment to the Act were removed. The power to grant fees will remain in the hands of the responsible Minister. An amendment to section 17 to remove the statutory limit to fees is therefore sought.

Section 29 of the Act gives the board power to appoint officers and members of permanent fire brigades and such administrative employees as shall be deemed necessary. Over the years, the operations of the board have become more complex and it is now found that the word "administrative" is not inclusive of such employees as tradesmen and maintenance staff who are necessary to the present organisation. The proposed amendment, by substituting the words "other employees" for "administrative employees," will mean that all contingencies will be met and the anomaly removed. Amendments to sections 2 and 35 are consequential.

Under section 33 the Chief Officer has power to inspect premises and, where he considers there is a potential danger to life or property, may direct the owner or occupier to abate the danger within reasonable time. The penalty for non-compliance with any such direction has stood at the sum of $100 for many years. In a community where the actions of one party are interdependent with those of his neighbours for mutual safety, it is essential that penalties for disregard of communal responsibilities should be realistic. The amendment desired for this section leaves the base penalty at $100, but provides a continuing penalty of $4 for every day during which the offence continues after conviction.

The present Act prescribes the powers and duties of the Chief Officer at fires and delegates those powers, in the absence of the Chief Officer to the officer in charge. In the metropolitan area officer coverage is provided by shifts operating for 24 hours per day, seven days each and every week, but despite these arrangements there are occasions due to sickness, or when an officer is on duties away from the station, or is incapacitated on the fire ground, when a fireman will be in charge of a crew until a relief officer can be provided. Also, in certain country towns, permanent and volunteer firemen work together and the permanent fireman is required to take charge of the volunteer crew. In other country towns manned solely by a volunteer brigade, the senior volunteer fireman at the fire takes charge.

The process of delegation of authority to the senior fire brigade member at fires is an essential and time-honoured practice recognised by additional payments under industrial awards. In fulfilling the responsibilities committed to him, a fireman may find it necessary to exercise some of the powers at present granted only to the Chief Officer, or, in his absence, the officer in charge, but as the Act currently reads he would be precluded from taking such steps as may be vital to the saving of life and property.

I am certain it was not the intention of the original legislators to limit the powers of any person rightfully in charge of a fire crew, and the amendments sought to sections 34 and 60 are to correct this anomaly and to provide, at all times, for the community, the best protection from the hazards of fire.

Section 35 deals with the power to make regulations. One of the express powers is for the imposition of penalties for breaches of the regulations, to a maximum of $40. This limit has also stood for many years and the amendment sought is for the substitution of a maximum of $100, which is realistic in the light of current values.

Subsection (2) of section 36 provides for the manner in which loan and sinking fund charges incurred by the board shall be apportioned between fire districts to establish the contributions payable by individual local authorities. There is also a proviso that the Minister shall determine the amount of loan moneys spent in the City of Perth in the erection of executive offices for the board, in order to permit the allocation of costs between the fire districts.

This subsection is somewhat anomalous as it is possible the board might desire to establish executive offices other than in the City of Perth, and in such case the principle enunciated in this section should still apply. To remove this anomaly an amendment is sought for the deletion of the words "in the City of Perth municipal district."

Some years ago the board deemed it prudent to establish replacement funds for the purchase, construction, renewal and maintenance of land, buildings, machinery, and plant. These funds were established by regulation and have operated for the efficiency of the fire service. The Auditor-General is of the opinion that the power

for the maintaining of these funds would be better based if the present regulation 59A were to become a section of the Act. The proposed inclusion of section 46A is to give effect to this suggestion.

At the end of each financial year the board is faced with the problem of expenditure incurred but not paid during the financial year, as there is no specific power under the Act to bring this outstanding expenditure into account. Such action is a normal business practice, and section 46B has been framed to empower the board to act accordingly.

In 1917 legislation in this State copied a Victorian Statute which stipulated that no fire brigade demonstration should be held unless permission of the board was first obtained and published in the *Government Gazette*. Section 53 of the present Act still requires such action, which has long since ceased to have significance and is out of context with present-day requirements. This amending Bill proposes that the section be repealed.

Section 72 is a general penalty clause for failure to comply with the Act or regulations. The penalty for non-compliance has remained at $20 with a continuing daily penalty of $2, since 1942 at least, and this amendment seeks to bring the section more in line with present-day values by substituting respective amounts of $40 and $4.

Also included in this amending Bill are amendments consequent upon the change to decimal currency in February of this year. The amended sections are 39, 40, 42, 43, 59, and 62, and the third schedule of the Act.

Debate adjourned, on motion by Mr. Bickerton.

## INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

*Second Reading*

**MR. O'NEIL** (East Melville—Minister for Labour) [5.28 p.m.]: I move—

That the Bill be now read a second time.

This Bill is designed to give effect to a number of amendments to the Industrial Arbitration Act, 1912-63. Of these amendments, one transcends all others in importance and relates to part VII of the Act—basic wage—and I propose to deal with this subject in some depth.

Members will be aware that in the matter of wage fixation, Western Australia stands out alone as having the only wage-fixing authority still required, in certain circumstances, to consider making a quarterly adjustment to the basic wage component of the total wage.

It would, perhaps, be advisable here to outline briefly the situation which obtains in the Commonwealth and in the other States in respect of the methods of basic wage determination. The Commonwealth basic wage is determined from time to time by a very broad inquiry which is usually referred to as a "national wages case." Prior to August, 1953, quarterly adjustments were made to the Commonwealth basic wage and since then there have been seven variations brought about by inquiries at intervals of a year or more.

In the most recent review of the Commonwealth basic wage, which resulted in a $2 increase, an indication was given that reviews would be conducted more frequently than in the past. In New South Wales, legislation was enacted by a Labor Government in 1964 to tie the basic wage in that State to the basic wage determined from time to time by the Commonwealth Conciliation and Arbitration Commission. The Labour and Industry Act of Victoria provides that wages boards shall take into consideration the relevant awards of, or agreements certified by, the Commonwealth commission. In practice these boards automatically adopt the Commonwealth basic wage.

The State Industrial Code of South Australia provides for the Board of Industry to determine a living wage. However, the proclamation of the board's determination shall not be made unless the Minister is satisfied that the proclamation is desirable to avoid unjustifiable differences between rates of wages fixed under Commonwealth and State law respectively.

Mr. Jamieson: They have other forms of wage fixation as well.

Mr. O'NEIL: In practice, the Commonwealth basic wage is adopted. Wage fixation in Tasmania is by wages boards, which generally provide for automatic adjustments to the State basic wage to conform with any changes in the Commonwealth basic wage.

The Queensland Conciliation and Arbitration Commission declares a basic wage from time to time. In practice this is more frequently than annually, but not necessarily quarterly.

Having broadly covered the situation which exists elsewhere, let us now look at the principle prevailing in Western Australia. The Western Australian Industrial Arbitration Act provides that the State Industrial Commission shall consider adjustments to the State basic wage when the quarterly report of the Government Statistician indicates a variation in excess of 10c per week in the cost of living. Whilst the commission must consider making adjustments in these circumstances, it is not mandatory for the adjustment to be made. However, as a general rule the basic wage has been adjusted quarterly, and these adjustments have been a direct reflection, in monetary terms, of variations in the consumer price index.

At this point it would be as well to analyse what effect these differing methods of

wage fixation have had upon the differential between Commonwealth and State basic wages in each of the States. Before doing so, perhaps I should advise members of some pertinent facts: firstly, that all States with the exception of South Australia now prescribe a State-wide basic wage, Western Australia having quite recently adopted this principle; and, secondly, that whilst the Commonwealth basic wage varies from State to State there are further variations of this wage within the individual States.

Bearing these factors in mind, I propose to give in tabular form the basic wage as prescribed for workers under both Commonwealth and State awards in each of the capital cities as at the 30th June, 1966. This comparison, of course, gives the position before the most recent increases in the Federal and State basic wages—

| | Commonwealth Basic Wage | State Basic Wage |
|---|---|---|
| | $ | $ |
| Perth .... | 30.80 | 32.65 |
| Brisbane .... | 29.00 | 32.70 |
| Sydney .... | 31.50 | 31.50 |
| Melbourne .... | 30.70 | 30.70 |
| Adelaide .... | 30.30 | 30.30 |
| Hobart .... | 31.40 | 31.40 |

From the table just quoted, it will be seen that the Western Australian basic wage was the highest State basic wage, with the exception of that in Queensland, which exceeded that in Western Australia by 5c; that it was in excess of the Federal basic wage for Perth by $1.85; and that it exceeded the average of the State basic wage in New South Wales and Victoria by $1.55.

Recent increases to the Federal basic wage for Western Australia of $2.00, by way of a general review, and to the State wage of 61c, by way of quarterly adjustment, has had the effect that in this State the State basic wage is now 46c above the Federal basic wage for Perth.

Differentials of the magnitude reached prior to the recent increase in the Federal wage have far reaching effects not only on the Government's financial position, which I will consider in a moment, but also through the economy at large.

I am aware that there is considerable disagreement among those close to this problem as to whether the general economic effect of more frequent small increases in wages is any more disadvantageous than less frequent, larger increases. However, this question is not at issue. While the Western Australian basic wage is adjusted quarterly and the Federal wage—and hence the basic wage in other States—is adjusted less frequently, a differential is created which can build up to a substantial figure, as on the last occasion.

Mr. Jamieson: But how long did that differential last?

Mr. O'NEIL: I wish you would wait. I have several more pages yet.

Mr. Jamieson: I am glad about that.

Mr. O'NEIL: This is the basic problem—the harm that is caused when the State wage moves in advance of the Federal wage. It is important to remember that not all workers in this State are under State awards, and therefore receive quarterly adjustments at present. The most recent figures available indicate that more than 40,000 workers in this State are under Federal awards, or under award conditions such that they receive basic wage increases only when the Federal basic wage increases.

In order to meet the cost of quarterly adjustments to the State basic wage received by bus drivers, nurses, and school teachers, to name only some of the employees on the Government payroll, the Government is frequently forced to increase taxes and charges. There is no alternative to this. We have no personal Father Christmas who replenishes our stocking when it empties.

The private employer is in no different position. He can and does absorb some of these regular increases, in higher productivity, but there comes a time when he must increase prices or go out of business. And let us not forget that these higher charges and taxes are paid by every member of the community—workers on Federal awards, pensioners, and people on superannuation and otherwise on fixed incomes. They pay the price but do not receive the benefit of quarterly adjustments.

From whichever point of view we look at it, there is no equity in this. There is no justification for two systems of wage adjustment, one of which favours one section of the community at the expense of the other. It is no answer to say that our system is right and the rest of Australia is wrong. We are one community and it is right that the one system of wage adjustment should apply to all workers and to all employers.

Mr. Jamieson: You want price fixing on one commodity only.

Mr. O'NEIL: Let us look for a moment at the pattern of movement of the State basic wage and the Federal wage for Perth over the last seven years. In June, 1959, the State basic wage had risen by quarterly adjustments to a point $1.41 above the corresponding Federal wage. An increase of $1.50 in the Federal wage in that month brought them closely into line. By July, 1961, the differential had moved out again to $2.32. An increase of $1.20 in the Federal wage that month only partly closed the gap to $1.25. In October of that year the State wage fell by 17c and remained constant for over a year at $1.08 above the Federal wage. However, by June, 1964, the differential had opened out to $1.62, when an increase of $2 to the Federal wage put that wage 38c

ahead. A decision of the State court brought the wages into line in September, 1964.

This coincidence was short lived, as a month later the State basic wage went 32c ahead. Again the differential continued to widen until it reached $1.85 in July this year, when the $2 increase in the Federal wage put our wage 15c behind. At the present time we are ahead again by 46c, with all the signs indicating that a substantial differential will be built up again before the Federal wage is reviewed, probably next year. Three times in seven years our wage levels have been the same as in other States. At other times we have been briefly lower, but for the most part higher—on four occasions more than $1.50 higher.

To borrow an expression, this is a heck of a way to develop a State and provide stable and rising employment for its workers! A local employer producing goods for sale in the Eastern States, or on the local market against competition from the east, is faced with a continually changing cost differential between himself and his competitors.

Mr. Jamieson: How does he make a differential—

The SPEAKER: Order!

Mr. O'NEIL: Given the same wage costs, or even a constant differential, the local manufacturer can plan his product, investigate his market and go ahead with confidence. But under the present system the only certainty he has is that in six months' time his calculations will no longer come out the same, and what began as a sound business venture may no longer be a feasible proposition. This sawtooth movement of relative wage costs is a positive discouragement to growth; and, for a State fighting to get ahead in a common market, where the industrial strength lies in other States, it is a luxury we cannot afford.

Our constant aim must be to create more and more jobs in this State both by the expansion of our existing activities and by encouraging new enterprises to set up here. To do this it is not necessary that workers in this State be paid any less than elsewhere in Australia, but we must seriously ask ourselves whether this aim, namely, growth with full employment, is compatible with the payment of a basic wage which is periodically higher than elsewhere.

The payment of a State basic wage higher than the Federal wage for Perth poses serious financial problems for the Government. Before expanding on this statement I wish to make two most important points—

(1) There is no provision in the arrangements for Commonwealth grants to the State, neither in the financial assistance grant nor the special grant, whereby we automatically receive increased grants to offset the burden of paying a State basic wage higher than in the other States.

(2) In the absence of such a provision, a financial burden for this Government is a financial burden for the people of this State. What the Government must pay it must raise from the public in one way or another—there is no escaping this fact.

This problem of finding the money to pay for rises in the basic wage is one we have in common with all other States, but, unlike other States, with perhaps the exception of Queensland, we have an additional and an even more serious problem. We must also find the money to pay for the additional outlay from Consolidated Revenue due to quarterly adjustments of the State basic wage in advance of movements in the Federal wage.

By way of illustration allow me to point out what has occurred since September, 1964, when the State and Federal basic wages were in line. At that time our situation was the same as it was in other States which were adhering to the Federal basic wage, in that revenue and expenditure had to be adjusted to that wage. From that date, until June, 1966, quarterly adjustments aggregated $1.85 per week, which added considerably to our payroll. Other States on the Federal wage did not incur this additional expenditure.

In June, 1966, the Federal wage was increased by $2, and the States of New South Wales and Victoria are experiencing extreme difficulty in finding the money to pay for this rise. Because our cost levels had increased by $1.85 before June, 1966, our situation at that time was comparable with that in the States mentioned. However, a further increase in the State basic wage of 61c as from the 2nd August, 1966, has meant a total increase since September, 1964, of $2.46. Members can thus realise that we are now in a postion much worse than that existing in New South Wales and Victoria where the situation has been described as critical.

Thus quarterly adjustments to the State basic wage since September, 1964, have—

(a) Imposed a burden on the State's Budget for 1965-66 amounting to $2,000,000 which will not be recovered in the special grant and which will have to be funded by diversion of a corresponding amount of next year's loan funds from the capital works programme.

(b) Created a problem for the State's finances this year by requiring us to find the money for a basic wage 46c in excess of the Federal wage, in addition to the problem shared equally with other States of financing a $2 rise in that wage.

If we leave things as they are the problem will increase as the year progresses and

more quarterly adjustments are made. Notwithstanding the increases in charges for Government services in two successive years, which were necessary to offset the increase since September, 1964, of $2.46 in the State basic wage, we could still face a heavy final deficit when this year is out. As a result more loan funds will be siphoned away from capital works to meet current wage costs, and the possibility of further increases in charges will have to be faced. This, I am certain every member will agree, is a vicious circle that gets us nowhere.

Mr. May: Peg prices.

Mr. Hawke: Resign.

Mr. O'NEIL: The existence of the Grants Commission and the special grant paid by the Commonwealth on its recommendation does not alter the general situation I have described.

Although there are circumstances when an increase in the Federal basic wage can be absorbed or partly absorbed by an increase in the special grant—circumstances which depend entirely on the budgetary position in the standard States—quarterly adjustments to the State basic wage which result in that wage exceeding the Federal wage do not lead to an increase in the special grant to the extent that they are reflected in social service costs or the results of business undertakings.

For some years the Grants Commission has disallowed in the special grant the cost to the finances of State business undertakings of the differential between the State and Federal basic wages. The more important of these undertakings are the railways and the Metropolitan Transport Trust. The adjustment is calculated as the actual cost to these undertakings of paying a basic wage higher than the basic wage which would be paid by comparable authorities in the standard States. The commission has yet to make its calculations for 1965-66, but its known method of calculation indicates that the expenditure disallowed will amount to $870,000 for that year.

The adjustment for wage policy is not the only way in which a basic wage differential affects the State's final Budget result after taking the whole of the special grant into account. As members are aware, the commission endeavours to measure the standard of social services provided in Western Australia compared with the standard States. Its object is to determine how much we should be allowed in the special grant to enable us to provide services about equal to those provided in the standard States. Its measurement is inevitably in terms of expenditure; and expenditure incurred by Western Australia above that necessary to provide a comparable service is disallowed in the assessment of the special grant.

A very high proportion of social services expenditure is in wages; and the payment of a State basic wage higher than in the standard States to teachers, nurses, and policemen, to name the more numerous employees in this field, means that we incur a relatively higher expenditure in providing the same services. In 1965-66 the average differential between the State and the Federal wage added $1,185,000 to our costs of social services.

The total adverse effect on the Government's finances of the basic wage differential during 1965-66 was therefore $2,055,000, of which $1,185,000 was the additional cost of social services and $870,000 the specific adjustment for the effect of wage policy on Government business undertakings. If it were not for the higher basic wage we would have balanced the Budget for 1965-66 in the end result, but, instead, it is expected by the Grants Commission that $2,000,000 of next year's loan funds will have to be used to clear the final deficit for 1965-66.

Mr. Hawke: What a Government!

Mr. O'NEIL: Whilst Western Australia retains the quarterly adjustment system and thereby keeps ahead of the Federal wage, there is no escape from the present position whereby substantial sums from our annual expenditures are not allowed in the special grant. The result must inevitably be a diversion of loan funds away from needed capital works, or higher than standard taxation and other charges.

All States are having a difficult time making ends meet under the present Commonwealth-State financial arrangements. If the financially stronger States are at their wits' end to find the resources to meet basic wage increases, we as a claimant State are in no position to pay a higher wage than they do for long periods. We would be fooling ourselves to believe otherwise.

Mr. Hawke: The great leap backwards!

Mr. O'NEIL: Finally I should remind members that this Bill does not seek to fix the basic wage and deny increases in that wage to workers in this State. It simply seeks to align increases in the State basic wage with increases in the Federal wage so that we do not get out in front.

Mr. Hawke: The Minister is pulling his own leg!

Mr. Jamieson: It pegs the price of one commodity and one commodity only.

Mr. Bovell: The Labor Government in New South Wales took this action.

The SPEAKER: Order! There will be no more interjections.

Mr. O'NEIL: The system of quarterly reviews will be replaced by the wider reviews of the Federal court—reviews which not only take into account increases in the cost of living since the last review, but also the underlying strength of the economy and changes in productivity.

I have canvassed fully, I believe, the difficult financial problems constantly besetting this State, and members should realise why it is no longer feasible or reasonable for Western Australia to remain out of step with the other States in the continuance of quarterly adjustments. This Bill, therefore, proposes that the State basic wage, in effect, at the time of coming into operation of the Bill—when it becomes an Act—will remain unaltered until the amount thereof is exceeded by the Commonwealth basic wage. From that time onwards the State basic wage will conform to and be equal to such Federal basic wage, whether it rises or is reduced.

Further amendments which are proposed relate to section 23 (1) of the Act which provides, *inter alia*, that any amendment or recession of the rules of any union must be authorised by a resolution of the majority of members of that union present at a general meeting especially called for the purpose. Some union rules now provide, and had provided prior to the coming into operation of the Act in 1963, that the rules may be altered by other than a special general meeting. It is proposed to ratify action already taken to alter rules where recommended in these circumstances, and to provide for future alterations where power to alter rules is already vested in a body other than members in a general meeting.

Currently the power to order rectification of the register of union members is vested in the Industrial Court of Appeal. It is considered that the more appropriate authority to handle such matters would be the Industrial Commission.

Contrary to a popularly held belief, the Industrial Registrar has no discretion in the ordering of a court-conducted ballot when an application for such a ballot is duly made. However, there is no appeal against his determination that such an application is not in order. The Bill proposes to grant the right of appeal against the registrar's determination to the commission in court session. Members should be aware that a request for a court-conducted ballot may be made by either the committee of management of an industrial union or a number of members as prescribed in the regulations made under the Act. In the event of a court-conducted ballot being proceeded with, it is proposed that such a ballot be arranged by the Chief Electoral Officer. There is no provision to allow the commision to strike out or otherwise deal with matters which have been filed and forgotten by the parties, or which for any other reason have not been dealt with. It is proposed to empower the commission to list for hearing, without having regard for the date of lodgment, any matter or dispute which has been filed in excess of twelve months.

Section 71 of the Act gives the commission power to dismiss a dispute or part thereof under certain conditions. However, the wording of section 71 (a) (iv) inhibits the exercise of this power. A minor amendment removes this difficulty. At the same time it is proposed that any part of a dispute may be referred to the commission in court session.

Whilst these later amendments are designed to facilitate the function of the commission, it is felt that the same flexibility of procedure should be extended to the court of appeal. The Bill provides for such an extension.

Section 79 provides that before an award or an amendment to an award or order is issued or made by the commission, it shall be drawn up in the form of minutes to be handed down to the parties concerned. It is not and never has been customary to issue minutes of an order, and it is proposed to delete any reference to an order in this section.

Some difficulty is being experienced in regard to the enforcement of complete procedures of judgments and orders by industrial magistrates. Amendments to sections 103 and 179 of the Act are designed to overcome these difficulties.

Section 170 of the Act refers to the powers of the commission or the court of its own motion to direct investigations or institute proceedings which, in the view of the president of the court are functions most inappropriate to a court of law and more particularly an appellate court. It is proposed, therefore, to delete any reference to the court in this section.

Other amendments are of a minor nature and in my view require no explanation. I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr. W. Hegney.

## MARKETING OF POTATOES ACT AMENDMENT BILL

*Second Reading*

**MR. NALDER** (Katanning—Minister for Agriculture) [5.57 p.m.]: I move—

That the Bill be now read a second time.

A number of amendments to the Marketing of Potatoes Act are proposed in this Bill. The main purpose of these amendments is to reduce the illegal sales of potatoes by providing more severe penalties to offset profits made by growers who participate in any black market in the potato industry. Provision is also made to enable evidence regarding offences of illegal trafficking in potatoes to be more easily obtained.

Included in the Bill at this time is a clause that will provide the board with the financial means to more efficiently maintain the potato growing industry in its present stabilised fashion, in a way that can be borne more equitably by all growers. Provision is made in this Bill for the

amendments to come into operation on a date to be fixed by proclamation.

I will now explain in detail the amendments contained in this Bill. Firstly, it is proposed that the minimum penalty for illegal dealing in potatoes be raised from $40 to $50 for a first offence and to $100 for a second offence. In addition, when a person is convicted of buying or receiving potatoes illegally from a grower, the offender is to pay an additional penalty of an amount equal to the wholesale price obtained by the board at the date on which the offence was committed, for the quantity of the potatoes involved.

In the past this illegal activity has been profitable even after convictions have been made and a penalty imposed. The situation at the moment is that a grower who is operating illegally in potatoes, can bring a 10-ton truck of potatoes to Perth. He could be picked up by an inspector, go before the court, and be fined $40. This is the maximum fine under the Act at present. The grower could do the same thing the next day, and again be fined another $40. One can therefore see how this type of transaction can be profitable to the grower who is illegally selling potatoes outside the activities of the board.

So one can appreciate the importance of increasing the penalties if we are going to give the board the power it requires. The amendment will make it a much less attractive proposition to deal in potatoes on the black market if any profit made is offset in this way by a heavier fine and payment for the potatoes is involved. Last year, Parliament agreed to a similar provision being included in the Marketing of Onions Act.

Also included in this amendment is a provision that will enable samples of potatoes to be taken for use as evidence in a case where it is reasonably suspected potatoes are being sold unlawfully. This will apply only to quantities of potatoes in excess of 10 stones in weight, and the amount of the sample that is impounded would not be more than two pounds for every 10 stones of potatoes.

The second amendment proposed will also assist in the obtaining of evidence with respect to illegal potato sales. The Potato Marketing Board has considered it necessary for vehicles to be stopped and inspected where it is suspected on reasonable grounds that potatoes are being dealt with illegally. Members will recall that in 1957, when growers were sending large quantities of potatoes out of the State, a similar amendment was provided, but it was limited to two years only.

The next amendment is concerned with the planting of potatoes for sale without the necessary license. At present it is a breach of the regulations to plant potatoes for sale except in accordance with a license, and a maximum penalty of $40 is provided under the Act for a breach of the regulations. To date the imposition of a minimum penalty by the court has not proved an effective deterrent. It has been a recent tendency on the part of a few growers to plant substantial areas without a license, which jeopardises orderly marketing in the potato industry.

The amendment in the Bill seeks to establish a maximum penalty for the offence of illegal planting of potatoes of $400. This amount will enable the court to decide the significance of the breach in respect of the area planted and to fix a penalty that is appropriate to the magnitude of the offence.

The final amendment concerns the financial arrangements of the Potato Marketing Board. This amendment allows for the deduction from the gross proceeds of the sale of potatoes such amounts not exceeding 2½ per cent. as the Governor from time to time declares. These moneys will be applied in meeting the normal costs of administration and to repay borrowings, also to meet expenditure incurred in the purchase, establishment, and maintenance of the premises and facilities of the board. These provisions are already contained in the Act and are essential to the continued operations of the board.

In addition, from these moneys the board may credit a fund to be maintained to enable the board to make a fair return to growers during periods of unusual marketing conditions and to meet emergency situations. Under the Act at present all moneys from the proceeds of sales are distributed and the board is left with no carryover finance unless it borrows against future operations. There is no fund from which the board can draw to meet emergency expenditure or to cover instances where final pool receipts, as a result of falling markets, do not meet advance payments when fixed at too high a level to growers.

Unless the board is very conservative when preparing estimates and deciding on first payments prior to the commencement of each pool, we would have the situation arising—as has happened on a previous occasion—where proceeds from sales were insufficient to finance the estimates and first payments. In such a case the board would need to seek repayment from the growers or borrow money to meet the emergency. This money, of course, would need to be deducted from future sales.

In addition the board, to preserve orderly marketing in this State, must counter the importation of potatoes when there is a glut in the Eastern States, by providing a reduction in price for the local market. This can only be achieved by having a fund from which to draw to meet the emergency. At the present time there have been up to 40 tons per week of Victorian potatoes being sold on the local market and, of course, this affects the sales of local merchants.

At the present time in the Eastern States, especially in Victoria, there has been an oversowing of potatoes and it has been unprofitable for many growers to dig the potatoes. Therefore they have been left in the ground. This, of course, makes it possible for some growers to try to find markets outside their State. This would not be so bad if the quality of the product was up to standard, but in many cases the potatoes transported to this State have been under grade. For this reason it has been possible for them to be sold at a lower price, and this is not in the best interests of the industry in this State or of the consumers. I feel the situation does necessitate the Government and Parliament giving some consideration to this matter in the interests of all concerned.

However, the board, in the interests of the growers, has resisted pressure from regular merchants, as any action would have penalised only a section of the growers, for the only finance available for subsidies would be moneys intended for distribution as a second and final payment for deliveries to the No. 3 pool. The board already has authority under the Act to meet such a situation as this, but the objective of the amendment is to distribute the costs of an emergency, or unusual expense, equally over all growers, present and future, and not to penalise one section.

Normal administration expenses of the board have ranged over the years between .98 per cent. and 1.71 per cent. of the gross proceeds each year, and these would be automatically paid from the 2½ per cent. to be deducted. In 1964-65 the gross proceeds for potatoes marketed through the Potato Marketing Board was $5,229,900, and it is estimated that in 1965-66 the gross proceeds will be $4,300,000, obviously not as good a year as the previous one.

Using this figure of $4,300,000 as a basis, the deduction of the maximum 2½ per cent. would amount to $107,500; and, by deducting the expected normal administration charges of the board of approximately 1½ per cent., or $64,500, it could be estimated that the balance available for the other purposes outlined would be $43,000.

Orderly marketing in the potato industry has led to considerable stability to the advantage of both consumers and growers, and the establishment of these proposals will ensure that this situation will be maintained.

If the Potato Marketing Board is expected to administer the potato growing industry efficiently, it must be given the means to prevent illegal trafficking in this staple commodity and be placed in a position financially to meet any emergencies that may arise.

I submit these amendments, confident that after the debate the House will be prepared to accept them as a move to stabilise the industry in this State. The Potato Marketing Board approached me, as Minister administering the Act for the time being, to see whether or not some move could be made to help the board carry out its work under the best of conditions and in the interests of the growers engaged in the industry and, of course, for the benefit of a stabilised price which will benefit consumers.

This approach was made last year, but it was not possible for the Government to bring the legislation before the House during the 1965 session. However, negotiations have continued and we now bring this measure forward so that consideration can be given to it.

I understand that in the country some of the growers are not very keen to support the establishment of this particular fund, but I feel it will be in their interests to support the Bill. I know the feeling of many growers when legislation is introduced to deduct any portion of the proceeds derived from the sale of their product, but I would make this point: Growers must appreciate the importance of the activities of the board.

In many cases, of course, growers are not fully informed of the various problems that are attached to the sale and distribution of a product such as the potato. It is a perishable product and must be handled in the best manner possible and be made available to the consuming public when it is required.

I make this point because I believe the growers must at least have some faith in the activities of the board, on which they are represented by three elected growers from various areas in the State where potatoes are grown. The situation is very similar to that under other Acts where growers are represented on boards. Therefore the growers must have some confidence in the representatives they have elected.

I do not want anyone to misunderstand the situation. I believe the growers have had some meetings and some of them are not very happy about this measure. Nevertheless, I hope the House will give every consideration to all aspects of the Bill; and, if any members have any points to make, I will endeavour to see that whatever information they desire is made available to them.

Debate adjourned for one week, on motion by Mr. Hall.

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

## CORNEAL AND TISSUE GRAFTING ACT AMENDMENT BILL

*Second Reading.*

Debate resumed from the 6th October.

**MR. DAVIES** (Victoria Park) [7.30 p.m.]: I support this Bill. As the Minister said when he was introducing it, it is only a small Bill, but it is a very important one. It seeks to amend the Corneal and Tissue Grafting Act, which was brought

in in 1956 as a progressive piece of reform by a then progressive Government—the Hawke Labor Government.

Mr. Graham: Hear, hear!

Mr. DAVIES: On this occasion the changes to the Act have been necessary because of the advancements in medical science which have proved that by using the parts of a deceased person's body and adapting them to therapeutic use, some very great benefits can be applied to the patient concerned. In particular there can be produced certain therapeutic substances, and I think it is directly towards these that this Bill is aimed. These therapeutic substances are concerned with pituitary glands, and they check dwarfness, or smallness of stature.

I have read with interest the debate which occurred in another place, where this Bill was introduced. One of the members in that Chamber, who is a medico, has very clearly outlined some of the advantages which can be derived. In fact, it would appear that it was as a result of his representations that these amendments are now before us. The same honourable member stated that last year in South Australia, he found that other States had brought in amendments similar to the ones which now appear before us; but a considerable amount of research is required to be done before any further advances can be made.

It appears the Commonwealth Government is prepared to sponsor—and, indeed, to pay for—this research. However, before the Commonwealth Government can enter into this particular field, it is necessary for all States to bring down amending legislation. It is for this reason that the Bill now appears before us.

The Minister when introducing the measure said it was almost exactly the same as the New South Wales Bill. The Minister did not say in which way it differed from the New South Wales Bill and I am unable to find out where the differences lie. Apparently the matter has been properly considered by the Public Health Department and, if the differences which exist in the Bill in New South Wales had been thought necessary to be applied in this State, they would have been incorporated in this Bill. As they are not now incorporated, I can only hope they are not required and that the time of the House will not be wasted at a later stage by bringing in a further amending measure.

The Bill itself alters the main sections of the Act with the exception of section 2. Section 2 of the principal Act provides the authority to remove certain parts of the body for grafting once a person has died. The authorisation remains as it was brought down in 1956. The rest of the Bill alters the few remaining sections in the Act and splits the functions into two sections; that is, into the direct grafting and into the production of therapeutic substances from parts of the human body.

Little complaint can be made at the manner in which this has been brought forward, and it would be preposterous for me to try to give the House a lecture on the medical achievements which are likely to be the ultimate goal of the proposals of this Bill. Indeed, I found it necessary to look up a medical dictionary in order to understand some of the terms which had been used both in another place and in this House, and I found I had to further research some of the words used in the definitions before I understood them. However, the point has been well and truly made by a legislative councillor. As I say, anyone who has a great interest in this measure can read the debate and find out exactly what is concerned.

The Minister only gave a short introductory speech but it did contain all the essential elements for the House properly to consider the measure. In view of the manner in which this legislation has been brought forward and in view of the very great benefit which, obviously, will be derived from the practices which will be legalised by this Bill, I have no hesitation in supporting it.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [7.40 p.m.]: Firstly, I should like to thank the honourable member for his support of this Bill. It is an important little Bill and it is true my introduction of it was confined to comparatively few sentences. Nevertheless, I feel that in those sentences was drawn out the essence of meaning and understanding of the purposes of the Bill, and they are, briefly repeated, that authority can be given for the removal of eyes or other parts of the body and these can be grafted on to another, living, person; and that parts of a body may be processed under authority and made into therapeutic substances which can be used for the benefit of ill or diseased persons.

Of course, this is part of modern day practice in medicine and it is very desirable that it should be put into law. Accordingly, I commend the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## AERIAL SPRAYING CONTROL BILL

*Second Reading*

Debate resumed from the 18th August.

MR. JAMIESON (Beeloo) [7.43 p.m.]: This Bill has been on our notice paper for some considerable time, and no doubt this action was taken in order to give the people involved in aerial spraying in this State the opportunity to have con-

ferences with the Minister in order to arrive at some worth-while amendments.

As everyone in the House will be aware, last year the member for Geraldton introduced into this Chamber a motion which concerned itself with the fact that spraying in general was causing some considerable concern to the tomato growers in his district and, indeed, to the people generally in the area where intense agriculture was carried on. In order to refresh the memory of the House, the member for Geraldton moved—

> That in the opinion of this House the Agricultural Department should immediately control the manufacture, sale, distribution and use of hormone-like herbicides and similar substances, so as to prohibit their use, except under strict departmental supervision.

The Minister dealt rather fully with the matter last year and intimated that some legislation would be brought forward and that the Standing Committee on Agriculture was giving consideration to certain features which were involved. I, myself, was involved in the debate and, as you will recall, Mr. Speaker, I produced to the House some specimens that had been affected by these hormone sprays, and drift from such sprays, in the gardens around the metropolitan area where people had carelessly left such sprays or where they had been the result of a drift from factories. Indeed, I was very much indebted to Mr. Meadly, the officer in charge of the Weeds and Seeds Branch of the Western Australian Department of Agriculture for his comprehensive article on damage caused by hormone-like herbicides and, at an early stage in my remarks, I drew attention to his summary of advice on this matter when he reached the eight recommendations at the conclusion of his pamphlet on this subject matter.

For the benefit of the House, I should like to repeat these recommendations, which are—

(1) Only spray with 2,4-D and 2,4,5-T under calm conditions.
(2) Do not use a higher pressure than is necessary.
(3) Take added precautions when sensitive crops such as tomatoes, vines and lupins are in the vicinity.
(4) Avoid using the volatile ester when it presents additional hazards.
(5) Retain spraying equipment used to apply 2,4-D for that purpose only.
(6) Do not store 2,4-D along with other pesticides or fertilisers.
(7) Destroy empty containers.
(8) Do not leave vehicles or equipment used for spraying in the vicinity of gardens or sensitive crops, particularly when the temperature is high.

From those recommendations one can quickly realise that this departmental officer was greatly concerned about the use of these highly volatile chemicals at that time. He also made it apparent that close supervision should be exercised in carrying out his recommendations. Unfortunately, this legislation deals only with aerial spraying of such chemicals and, to that extent, it falls short of proper control.

The Minister did indicate that this Bill had been introduced following agreement between agricultural Ministers in the various States, and that similar legislation would be introduced in all States and in the Australian Capital Territory. However, I understand that Victoria, and possibly Tasmania, have introduced a mode of control which differs somewhat from the control suggested in the Western Australian proposal. Queensland is introducing comprehensive legislation, because of the peculiar agricultural set-up in that State. Producers in Queensland are engaged in intense culture and a great deal of spraying is done in producing cane sugar and in other tropical agriculture. South Australia has decided to shelve the legislation for the time being, and at this juncture there is no clear indication that New South Wales intends to introduce similar legislation. I have no indication of the Commonwealth's attitude in this matter.

It would appear that in respect of this subject, some of the States are obviously having a second look at the proposals which have been placed before them, because they realise that by dealing only with aerial spraying in legislation there would be many shortcomings. To that extent I understand that all members of the House have received a circular letter from the W.A. Aerial Agricultural Operators' Association which, whilst generally agreeing that aerial spraying should be controlled, considers the Bill falls far short of the overall requirements.

The association also points out—

1. Aerial Spraying uses relatively large droplets given an initial downward momentum by the aerodynamic forces involved in flying; whereas misting machines, used at ground level, send a cloud of very small droplets in an upward direction to be carried and spread by the wind.

This is a most important feature to which we should give consideration. The association goes on to state—

2. Under existing law, agricultural pilots must undertake an operational training period of 200 flying hours before qualifying for an agricultural rating Class 1. The Class 1 rating allows them to operate without supervision. On the other hand, the bulk of ground

> spraying equipment is operated by comparatively untrained personnel.

That, of course, is a factual statement. One other point I wish to make while dealing with this letter, and which is outlined by the association, is—

> . . . . the Bill, in its preseent form, will do little to give any greater practical degree of control than exists now because present trends indicate that there will be a greater increase of ground spraying than aerial spraying in the future.

This becomes very obvious when one considers that, to obtain the insurance coverage required under the Act, operators would be forced to take out an insurance policy that would give the necessary $30,000 coverage. In an extract from a letter from Stenhouse (W.A.) Limited, insurance brokers, who were asked to quote on chemical liability, it is stated—

> We confirm our verbal advice that the best Quotation we could get for this Liability was $250 per Aircraft for a limit of Liability of $30,000 any one occurrence with an aggregate liability of $50,000 for the period of the Policy. This Quotation covered only drift Liability and would not cover any damage to the property being sprayed. We have noted that at this stage you are not interested in effecting this insurance.
>
> In view of the possibility that the proposed Aerial Spraying Control Act may come into force we asked our London Office to prospect the market to see if there was any possibility of obtaining the cover which would be required under the Act. We are advised that no Underwriter will quote for the cover required and only drift liability cover is obtainable in any substantial amount. It is possible to obtain cover for small limits up to say $5,000 to cover damage to property being sprayed, but this cover is most expensive and not readily available. Even this limited cover would not give protection against liability for damage to crops or pastures which are sprayed in error. It is possible that this picture might change if similar Acts are passed in each State and there is a considerable demand for the cover. Even if it does become available it would be expensive and we suggest that your Association make every endeavour to have the Conditions of the proposed Act amended.

This would indicate that insurance brokers are not very keen on issuing insurance policies to meet the requirements set down by this legislation. This could mean, of course, that if operators have to shop around to obtain the requisite insurance policy, they may have to pay premiums far higher than $250 per aircraft which, in turn, would increase the price of aerial spraying considerably to those requiring it.

Whilst introducing the Bill, the Minister mentioned that agricultural aerial spraying had increased considerably not only in this State, but throughout the Commonwealth generally; and, in *The West Australian* of the 25th August, 1966, in the party political notes column, he made some comments which are extremely contestable, particularly those under the heading of "Consultations." He said—

> Before proceeding with the bill, the various legislative proposals were made known to aerial agricultural associations . . . . .

Unfortunately, the W.A. Aerial Agricultural Operators' Association in this State was relying on its headquarters in Victoria which was dealing with a somewhat different piece of legislation; and, whilst it had okayed that part of this legislation which it had seen, the legislation as a whole had certainly not been okayed by the local Aerial Agricultural Operators' Association. In fact, it was rather shocked at the time the Bill was introduced. In this newspaper article, the final remarks of the Minister, to which exception could be taken, are—

> These measures will be welcomed especially by people in vine, fruit and vegetable-growing areas who are aware of the tremendous damage to crops which had resulted in the past from uncontrolled aerial spraying.

Because of those remarks I asked a series of questions in Parliament on Tuesday, the 30th August, the first two of which were—

> (1) How many known cases of injurious affection have been recorded by the Department of Agriculture as a result of aerial spraying?
>
> (2) How many known cases of injurious affection have been recorded by the Department of Agriculture as a result of spraying by other than aerial means?

To those questions the Minister replied—

> (1) and (2) Reports of plant injury of varying severity resulting from weedicide spraying from aerial and ground units have come to the notice of the Department of Agriculture over many years but these have not always been investigated and have not been recorded.

My third question was—

> (3) Are there any known cases in either category in this State where legal action has been successful by the injured party?

The answer I received was as follows—

> (3) The Department of Agriculture has not been involved in any legal

actions concerning spray injury by weedicides and has no records of civil action or private settlements.

I went to the trouble to make some inquiries from the private operators who are endeavouring to maintain a high standard of goodwill among their clients, and they informed me that, so far as they were able to ascertain, the operators who are mainly handling the agricultural aerial spraying in this State have paid less than $2,000 in compensation, although on many occasions a claim was doubtful. To maintain good feeling with the farmer whose property had been affected by the spray as a result of slight drift from the spraying performed on a neighbouring property, a claim had often been paid. No case had ever been decided; but on the other hand there had been some problems related to spraying from the ground. These problems had arisen particularly in the Geraldton area in the last few years, to which I referred earlier, and it would seem that this type of incident is the one that causes concern.

In these instances I would say that ground spraying would have been used, because the letter I read a few moments ago indicated that there were two different forms of spraying: one spray is forced down on crops or fruit trees, or whatever is being sprayed, whereas spraying from the ground is performed by forcing fine droplets up into the atmosphere and they drift over a wide area. Nature being what it is, it decides the extent and the velocity of the wind drift, and with this kind of spraying, neighbouring crops could be subjected to extreme risk and danger, despite every precaution being taken.

I understand that at present there are 2,000 misting machines being handled in this State, and the number of operators is progressively increasing. As a result, many people are entering this field who have no knowledge of chemical values or the toxicity of chemicals. In consequence of their actions whilst moving around the State handling these chemicals indiscriminately and permitting them to flow from one property to another, great damage could be caused.

I repeat that the principle enunciated by this Bill is an extremely good one—namely, that there should be some form of control; and we have to go ahead with the legislation. I am particularly impressed with the fact that future operators will have to pass an examination based on the *Chemical Rating Manual* on aerial agriculture issued by the Commonwealth of Australia. This manual deals with chemical ratings, susceptibility of crops and plants to chemicals, and many other matters which are most important to a person handling volatile chemicals, in view of their possible effect on crops.

The manual also deals with insect pests, and the various insecticides that may be used to eradicate them, and I consider that any person passing an examination based on this manual would at least have a basic knowledge of the requirements necessary to handle dangerous chemicals. As a result, such a person would be more competent than otherwise to conduct aerial spraying on farming properties wihout causing damage or creating bad feeling among the farmers.

Nevertheless, over a number of years, because of the necessity to protect themselves against any action taken against them, the aerial agricultural operators in all States have not carried out their tasks in a haphazard manner. In fact, I was rather amazed when I received the sheaf of documents that are required to be completed for such operations. The procedure is almost as complicated as that set down by a Government department before one can get the department to do something.

I have here a set of documents used by the Doggett Aviation Company, one of the big operators in this State. I understand from the interviews I have had that similar sets of documents are used by other companies engaged in these operations. To indicate how thorough these companies are before they take on a job of aerial spraying, one should examine in detail the functions which have to be noted and reported. In the first place these companies require a job sheet to be filled in. This contains details of the work to be undertaken on the farm or property, the type of coverage required, and the signature of the client wanting the work to be done.

Secondly, the operators are required to draw on the map card a map of the paddocks concerned, in accordance with a set procedure which includes the setting out of the fundamental geographical features, the direction and velocity of the wind, the temperature, the soil conditions —whether dry, average or wet—the rainfall in the four hours during which the operation takes place, the batch number of the chemical used, and the operation hours flown.

Mr. Gayfer: That would be done after the operation.

Mr. JAMIESON: Most of it during the operation, because they have to have this knowledge beforehand. Naturally some of the details would be filled in afterwards. The operators would require information on the direction of the wind and the location of the paddocks before they started.

The Doggett Aviation Company requires a very comprehensive report on these things. Another document has to be filled in, and here symbols are set out in legend so that the document can be followed easily when it is examined later. These companies also supply a mixture schedule so that the operators will have some idea of exactly what is required, even though they may not be familiar with the weedi-

cide, pesticide, or insecticide they are handling on the particular occasion. Next, they have to compile a mix sheet which shows the amount and type of mixture used, and the place where it is used.

Then finally there is a large document which is like those used by Government departments. It is the statistical return to the Department of Agriculture. There is also a similar one which they keep themselves, where information regarding price, date of commencement and completion, and surcharge, and general remarks in many more categories are recorded.

At present the firms engaged in these operations go to great lengths to cover their clients and themselves, because of the likelihood of being blamed for damage or injurious affection caused by fogging machines and other types of spraying. They do that rather than leave the matter to be determined on some future occasion should a claim for damages be made. By making these records they would have substantial particulars and evidence on which to base their defence.

As the position now stands, and as it will be with the passage of the Bill, anybody intending to take action for damages, or for injurious affection, from aerial spraying is more likely to proceed against an aerial operator, even though the aerial operator might have been working on one property and a fogging operator on an adjacent property. The farmer making the claim might be on the other side of the valley or road, and he would not be aware of the fogging operations unless he personally saw them being carired out. For obvious reasons the aircraft of the aerial operator would be heard and would be known to be in the district.

When this Bill becomes law and a claim for damages is made, the claimant will more likely take action against the party from whom he can get some redress, and that is the aerial operator, because he is required to take out insurance under the provisions of the Bill. The case would be hard to prove, unless other witnesses were present and were able to testify as to the direction of the wind, regardless of the records compiled by the aerial operator. The damage might not have been caused by his operations.

The Minister has indicated that this Bill follows the lines of legislation passed elsewhere. I would like to point out that in the Victorian Act we find some vital differences. For example, the definition of "aerial spraying" carries on from the definition in the Bill before us and includes the words, "but does not include the jettisoning of agricultural chemicals from an aircraft in flight in an emergency in an attempt to prevent damage to that aircraft or injury to the pilot thereof." I think the Victorian definition should be adopted.

Emergencies do arise, and the definition in the Victorian Act provides a safeguard. It would exclude the jettisoning of chemicals like 2, 4-D in a paddock in emergencies, although by doing so harm would be done to the paddock.

The definition of "agricultural chemical" in the Victorian Act is very specific. It does not include fertilisers. In introducing the Bill the Minister stated that some 700,000 acres in this State were top-dressed by aircraft each year. That being the case it is entirely unnecessary to include fertilisers in the definition of "agricultural chemical." I understand some firms engage only in top-dressing. Being a farmer, the Minister will realise that when an operator is top-dressing a farm with superphosphate, and some of it spills over onto the adjacent farm, the owner will not complain.

Mr. Gayfer: It would be quite a windfall.

Mr. JAMIESON: It would be a windfall. I am sure the adjacent farmer hopes that a similar mistake will be made on the next run of the aircraft. The definition of "agricultural chemical" could be shortened to exclude fertilisers. If too much urea is applied to an area it could have some effect on the animals. but it is preferable to deal with this aspect under the regulations by prescribing agricultural chemicals. At times there is a possibility that superphosphate will be used in conjunction with DDT or some other kind of insecticide used for the destruction of red mite. This aspect should also be dealt with under the regulations in a similar manner. I think it is quite unnecessary to use the general term of "fertilisers." The Victorian Act does not include it in the definition; it defines "fertilisers" in a different way. The definition of "agricultural chemical" in the Victorian Act is—

> Any substance defined as a fungicide, insecticide or weed destroyer under the Pesticides Act, 1958 or any substance which is by proclamation declared to be an agricultural chemical for the purposes of this Act.

The position in Western Australia would be covered if the final portion of that definition were included. It is desirable, in the interests of the farming community, to delete the term "fertiliser" from the definition in the Bill to ensure where superphosphate, or any other type of fertilisers, is used it is not likely to affect the district. This type of fertiliser does not affect tomatoes or grape vines. This aspect should be examined again.

The definition of "spray drift" varies greatly. In the Victorian Act it is defined as—

> the drifting of any fraction of any agricultural chemical while such

chemical is being transported through any hazardous area for use in an aircraft for aerial spraying or is being loaded into or used in an aircraft for or in connexion with any aerial spraying whether such chemical is in pure form or diluted in any manner or in the form of particles, vapour or volatile components thereof.

The definition in the Bill is—

the movement of any fractions of the original spray from an aircraft containing agricultural chemicals in solution or in suspension or in the form of chemical particles, vapours or volatile components thereof;

What would happen if in the course of loading an aircraft there was a spillage of the chemicals along the road? There is no provision in the Bill to cover such an occurrence, and this is an aspect which needs careful consideration, because of the remarks which I made last year and the comments of the department that the damage to the Cape Lilac tree could have been caused by the parking of a vehicle which contained some herbicide, or a similar substance.

In introducing the Bill the Minister referred to hazardous areas. The proclaiming of hazardous areas in dealing with aircraft is rather unusual. When things on the ground are dealt with they can be more clearly defined. I understand that under the regulations an area within a 10-mile radius of Geraldton is prescribed. It is pretty hard to ascertain the prescribed area from the air, and from my consultations with the people engaged in the flying business it is far more desirable to use geographical features, such as rivers, ranges of hills, and the like. It is very difficult from a low-flying aircraft to determine whether one is within the 10-mile radius. Difficulty is also experienced in a high-flying aircraft, particularly when there are clouds.

I understand that on this matter Victoria has gone one step further. It has an advisory committee on which are representatives of the Agricultural Department, the operators, and the farm people generally. This committee advises on such matters as this, and I feel it would be quite desirable if the operators were consulted so that they might indicate their ideas. They might feel that a certain river should be used because it is very easy to follow. It would be very hard to use a set area without any clear guide such as a river.

The Victorian Act goes further still. Before any area in Victoria is proclaimed by the person responsible, the Minister for Lands must be consulted with regard to the necessity to control noxious weeds in the area. In other words, it is not possible to proclaim an area just for the sake of proclaiming it. The Victorian Act gives the Minister the opportunity to decide whether it is desirable to have weeds killed even though a slight danger might exist from the spray.

This Bill deals with many features which will solve certain problems, but one or two more should be included. One of these concerns the accessibility of a property alleged to have been damaged by a sprayer. Under the proposed legislation here, no right is given to the insurer to inspect the property damaged; and no responsibility rests with the department to supply a departmental report to the operators accused of injuriously affecting the property.

In the Victorian legislation both of these points are covered. The Director of Agriculture has the right to authorise a person to go on to a property on behalf of the operator who is accused of damaging it. Also, at the request of the operator, a copy of the departmental report on the situation is made available to him. This seems to me to be a fair and proper provision. I imagine the insurance companies would require to increase their premiums to a pretty high rate if they were not able to gain access to properties, under reasonable conditions, to observe just how badly the crops had been affected by the spraying.

Another provision in the Victorian Act which I feel could well be incorporated in our own legislation is the following:—

Any person who in a notice given pursuant to the last preceding subsection makes a false allegation that the Director or a person authorised by him pursuant to sub-section (1) shall do any act or thing as a result of such allegation shall be guilty of an offence against the Act.

I feel that this provision would deter the person who thought that a claim against an aerial sprayer would be more likely to succeed than a claim against some fly-by-night operator of a fogging machine, against whom there might be little chance of a successful action in connection with injurious damage to property. However, if the legislation contained a provision concerning false statements on such matters, a person might think twice before making an accusation.

I desire to refer to several other matters, but particularly to the ability to make regulations. I feel the Minister would be rather hard pressed to establish conditions. One regulation which could be made is in connection with the prohibition of aerial spraying in conditions that are likely to result in the spray drifting. The Minister would have to be on the spot to make a regulation in connection with spray drifting. As a matter of fact, if such a regulation were made and implemented in its entirety, it could put a lot of operators out of business.

In connection with the regulations concerning the droplet size in aerial spraying, whether generally or in prescribed areas, or in prescribed weather conditions, I point out that weather conditions vary.

The Minister will quite readily acknowledge that thunderstorms occur in various areas and affect certain sections only. It would be very hard to make regulations of a general nature concerning droplet size. I believe the operators themselves will watch that aspect in order to ensure they obtain the most effective results; because, after all, they are being paid by the owner of the property they are to spray, and therefore they will strive to obtain the most satisfactory results.

I understand that the droplet size in very still conditions is somewhat smaller than under more turbulent conditions and, as I have said, the operator would make sure that the spraying achieved the desired results.

Regulations will also be made in regard to the mode of aerial spraying and the appliances to be used in connection therewith. Improvements are constantly being made to these appliances and therefore, because of the more modern appliances, such regulations would have to be constantly reviewed. Indeed, if standard regulations were made, they would probably prove very harsh.

As I indicated earlier, the possibility exists that insurance would be hard to get, and therefore I was wondering whether the Minister would contact the Minister in charge of the State Government Insurance Office to ascertain whether that office could underwrite insurance for such a venture. I feel that the insurance office would be happier about the matter if it were able to cover spraying in general. As indicated in the brokers' report, if there were a bigger demand for overall coverage, it would be possible for the premiums to be reasonable.

It would be rather unjust and unwise to proceed very far with the implementation of this legislation before legislation covering ground spraying was introduced. Ground spraying is probably far more hazardous than aerial spraying and therefore would require far more attention than has been given to it. As I indicated earlier, under this legislation, claims will be made against aerial operators thus boosting up their charges and, indeed, pricing them out of the business. However, all in all, it would appear they have a position in the community, because, after all, we are primarily a primary-producing State and we require as many modern agricultural methods as we can possibly introduce.

In this regard aircraft appear to have a rosy future in this State, but if we introduce this legislation ahead of other States we will drive operators away rather than encourage them.

It is very good to know that under this legislation an agreement will exist between the Ministers for Agriculture in the various States. In other words, a certificate issued in one State will be acceptable in the other States. This provision is to be lauded because otherwise complications could arise. As I have already pointed out in regard to the definitions, if these differ vastly in the various States, bad feeling will exist among the operators if they find it necessary to go from one State to another.

Before I conclude, I desire to return to the theme on which I commenced. General Government control of spraying is very necessary because of the nature of the sprays available to us in this day and age. I believe that we should not only ensure that the pilots are trained, but that the Agricultural Department should introduce a course in order that those concerned might obtain a proficiency certificate in connection with the handling of sprays. They should know how to use these sprays, and also they should know what to do if a person becomes badly affected by insecticide. Some of the insecticides available are very toxic.

I understand that one pilot flying in the north of the State on the cotton crops became very badly affected by insecticides about a year ago. In fact, he nearly lost his life. He was an American pilot, not very clued up on the insecticides he was using. He was prepared to take far more risks than he should have taken, and, as a consequence he endangered his life and also the lives of the people referred to as marksmen. These people are on the ground and can see where the spray has been effective, and they mark the next run for the aircraft.

If we permit such pilots to endanger the lives of their fellow men we are not, as a Parliament, doing our job. Legislation of this nature must clearly cover such aspects, and the department will have its part to play in providing a proficiency course for farmers and pilots. It is very difficult under certain circumstances to persuade farmers to agree to such a proposal, because they like to feel they know all there is to know about the requirements of their own farms. However, as I mentioned earlier, with the constant change in modern chemicals and appliances, many problems will be encountered.

As already indicated, I would like the word "fertiliser" removed from the definition of agricultural chemical." This legislation, together with the proposed amendments the Minister has placed on the notice paper, is desirable. However, I hope that it will not be completely implemented unless in conjunction with legislation to cover ground spraying.

**MR. NORTON** (Gascoyne) [8.29 p.m.]: I feel it is a pity the Minister did not introduce a complementary Bill in regard to ground spraying, because not all the

danger arises from aerial spraying as is indicated in this Bill.

To understand the dangers, one has to understand the various types of herbicides, weedicides, and insecticides which are used today; but the herbicides and weedicides cause the main trouble. Two particular types of sprays are involved, these being the volatile and the non-volatile. The volatile herbicides will fume for days and keep acting.

When a non-volatile herbicide or weedicide lands on a particular plant, it takes action immediately on that particular plant only. In South Australia, during the last year or two, new herbicides and weedicides have been tested. I am not sure just what types of weeds they will get rid of, but so far as clovers are concerned they have a very bad effect. They can make the ground sterile for as long as two years with respect to clover. So, there again, we must have a good knowledge of the weedicides which are to be used.

Another matter is the method of applicaton. There are several methods of applying sprays. Starting at the smallest, we have the knapsack spray, or hand-spray, which is comparatively safe with volatile or non-volatile sprays. As I said before, the action of volatile sprays can go on for some time, but the area of spraying is very limited and the spray is unlikely to cause much damage to a person on the other side of the fence.

The boom type of spray is used extensively on wheat farms and large areas. It is worked from behind a tractor and there is a definite downward drift of the droplets. So, unless there is a very heavy wind and a volatile spray is used, little or no damage can be caused.

The latest form of spraying is the fogging method and it is one which is going to cause a tremendous amount of damage, because, if the person who operates the machine does not have to have a certificate or know anything at all about the method of fogging, he can allow a drift on to other properties.

The word "fogging" is very descriptive because the spray is about as heavy as a fog in ordinary winter weather. The fogging machine is capable of atomising, very minutely, the spray being used. Not only does the machine atomise the spray minutely, but it forces the spray upward into the atmosphere and so it could quite easily drift with the slightest breeze. In fact, even though one could not detect a breeze, there could be a considerable drift with fogging. If a volatile spray is used, then here again the spray could settle in neighbours' paddocks and could go on fuming for several days unknown to the owner of the property.

With the use of new sprays it is very necessary that some education should be given, or some certificate issued, with respect to the persons operating the machines, particularly fogging machines with volatile sprays. The fogging machine is the one which is very dangerous and which will cause a lot of harm. That was the spray which caused damage in and around Geraldton, although the use of volatile spray has been denied.

The actual subject matter of this particular Bill is aerial spraying. First of all, we find that the pilots have to be well qualified before being allowed to obtain an "A"-class license to operate. I do not think their method of spraying is anywhere near as dangerous as that of fogging, because the spray is spread by the boom method. The spray is ejected through individual jets which can be adjusted so that the droplets can be regulated in size according to the wind drift, height of the plane, and general weather conditions. If there is a fairly strong wind, the size of the droplet can be increased.

The aircraft forces the droplets downwards, whereas a fogging machine forces the fog upwards. The drift from fogging is far greater than that from aircraft. Yet, under this Bill, the pilot of an aircraft can be blamed for damage done; but when a fogging machine is used, damage could be done half a mile or three-quarters of a mile away, unknown to the owner of the particular property. This applies particularly if a volatile spray is used.

It is unfair that of the pilots, or the operators, or owners of the aircraft, only one person should have to get a license and should be properly trained in the use of sprays. I think the Minister will agree with me that this is a particularly sectional Bill. Whilst the sprays can be used by anyone, only one person will be responsible for the damage.

With regard to aerial spraying, if the operator is going to be responsible for any damage, then either the owner of the property or the person authorising the spraying should also carry some responsibility. The reason I say this is that the person authorising, or paying for, the spraying, can direct the pilot when and where to spray. He can also direct the pilot with regard to the type of spray he is to use so the pilot may not be responsible for the damage done, because he might consider the spray being used is the wrong one; and he might also consider the weather is against him.

Therefore, the owner of a property, or the person directing the work, should be partly responsible, together with the operator of the aircraft.

Mr. Nalder: That, I suggest, would not be at all practicable. The operator of the plane could probably be doing the spraying when the owner of the property was nowhere near the place.

Mr. NORTON: If the owner of the property had directed what had to be done, I would still think he should be responsible to a certain extent.

Mr. Durack: There would probably be some responsibility at common law.

Mr. NORTON: According to this Bill, it is the responsibility of the owner of the aircraft, if the member for Perth cares to read the Bill. The owner of the aircraft has to take out an insurance policy for $30,000; and I do not think there is anything wrong with that provided he can get the policy at a reasonable price. As the member for Beeloo suggested, the S.G.I.O. could probably help in this respect.

Two years seems to me to be a long time to have to keep records. I do not know of any spray, even volatile, which lasts for that length of time. Still, there must be some reason for the period of two years, and I would like the Minister to explain the need for that provision. If an aerial operator is going to keep all his records of spraying for two years, he is going to need a sizable building in which to keep them.

The Bill stipulates that there is to be quite a big definition of the location of a property. I suggest to the Minister that there is one definition which could be used by all concerned and that is the location number of the property as used by the Lands Department. It might be Nelson location so-and-so, or Williams location so-and-so, and that would definitely identify the property irrespective of how many miles it was from any particular town. I think that would help to clear the point.

The Bill contains a time limit for the making of a claim, and the time limit set down states the claim must be made within 14 days of observing the damage. It seems to me that is rather a long time to give a person to make a claim for damage. Most of the sprays used take effect within hours, and I cannot see that 14 days would be required to make a caim.

Another point is that the claim must be made a least 14 days before taking or harvesting the crop.

Mr. Nalder: Do you contend it should be a shorter period?

Mr. NORTON: Yes; a shorter period in which to make a claim.

Mr. Nalder: Seven days?

Mr. NORTON: Yes; seven days would be ample. The present provision is 14 days before the crop is harvested. A neighbour could be spraying, in a vegetable area, next door to a crop of beans which are to be harvested within 14 days. If the spraying took place seven days before the harvesting, one could not make a claim in regard to the spraying. Within that period of 14 days before harvesting, the whole crop of beans and tomatoes could have been lost.

Mr. Nalder: One would not have to wait for 14 days. Once it was observed, it would be reported immediately.

Mr. NORTON: It is stated that it must be reported at least 14 days before.

Mr. Nalder: Within that period. Once the damage is observed it should be reported.

Mr. NORTON: Yes, but any time within 14 days before the crop is picked. It has to be reported 14 days before picking.

Mr. Nalder: That could apply to wheat. We are dealing with all types of crops.

Mr. NORTON: That is why I say a time closer than 14 days to harvesting should be allowed. The report should be made within three or four days of harvesting. If it was a wheat crop that was affected one would not be so badly off, because the wheat would be practically ripe. Vegetable crops mature very quickly and could be lost from day to day through spraying.

It appears to me that this Bill will also increase considerably the cost of spraying and will be a great liability to the farmer with respect to his costs. Another thing is that pilots will fly lower and take greater risks. I do not think we should encourage that.

Far more thought should be given to the Bill before it is eventually passed. I do not like it in its present form, but I will support the second reading with reservations.

Debate adjourned, on motion by Mr. Sewell.

## HEALTH ACT AMENDMENT BILL

*Second Reading.*

Debate resumed from the 8th September.

**MR. CROMMELIN** (Claremont) [8.43 p.m.]: I want to take the opportunity of saying a few words in regard to this Bill, mainly in regard to clause 5, which, in one instance, covers the establishment of laundromats. In this regard, I am given to understand that there are a couple of these concerns already established. I think there is one in Albany, and certainly there is one in Claremont. As the law stands, the laundromats are illegal and consequently, the intention of this clause is to make them legal.

The Bill also gives the Government power, by proclamation, to class trades as non-offensive, and in this respect there is some concern being shown by the drycleaners' association. From what I can gather, this trade plies in different areas to different degrees. For instance, one will find a drycleaning establishment in Hay Street in Perth, but in the town of Claremont a drycleaning establishment must be carried on in a zoned light industrial area.

In this respect the feeling of the Dry Cleaners' Association is that if by proclamation, certain fluids which can be used

are declared as non-offensive, and safe for use in these new drycleaning machines, they could be established in areas which are not now set aside as light industrial areas.

However, we have to face facts, and the facts are that over the months and years certain progress is made; different methods are evolved; and this method of drycleaning to which I have referred is a progressive one, and a new type of spirit will be used for the purpose of drycleaning. One can appreciate, therefore, that the drycleaning firms which are already established in the light industrial areas would be concerned about it because of the distance these establishments are from shopping centres.

I am given to understand that if the new fluid which is to be used in these automatic machines is proclaimed as being non-offensive it will have a considerable effect on already established drycleaning firms. There are many of these machines in Sydney and I understand they are fully automatic. One places a 20c piece in the machine and then, according to its capacity, one or more garments are drycleaned. Whether these machines are satisfactory I am not in a position to say, but the fears of the drycleaning firms should be allayed somewhat, because an important part of drycleaning is the pressing and spot cleaning. If a mark does not come out in the drycleaning process it has to be spot cleaned by hand, and naturally no spot cleaning can be done by the automatic machines.

I can imagine a woman with a couple of garments having them drycleaned in an automatic machine; but, after the garments have been taken from the machine, I wonder whether they are safe to be taken away in a shopping bag, a plastic bag, or some other type of container, or whether they would be considered dangerous. I am given to understand that the fluid which is used in these machines is highly dangerous.

We must not lose sight of the fact that drycleaning establishments are covered not only by the Health Act but also in some respects by the Fire Brigades Act.

Mr. Norton: And the Factories and Shops Act.

Mr. CROMMELIN: The Fire Brigades Act as well as the Factories and Shops Act, because some of the material used—for instance, white spirit—is highly inflammable. I do not suppose, however, that the fluids used would be any more inflammable than the petrol that is pumped into one's car at the garage. Everyone knows that white spirit can be used in the same way as petrol, and has been used in an emergency on many occasions.

The health inspector at Claremont has raised a query with me. If this new fluid can be used in these machines, will the local authority have the right to say where the machines shall be placed? At the present time drycleaning firms must establish themselves in a light industrial area, but the Claremont health inspector wants to know whether, with the advent of automatic machines, the local authority will have the power to allow these machines to be installed in shopping centres, or will the local authority have the right to prohibit their installation. I think this is one important point the Minister could clear up for us.

There is a second query: If the use of these machines is to be curtailed, can we have an assurance that although they may be perfectly safe to use they will not be allowed in certain shops? We can appreciate the fact that the Health Department would not permit these machines to be installed in such places as shops which were selling food—vegetables, and the like. But even today many small shops act as pick-up centres for drycleaning firms. One can leave one's drycleaning at one of these pick-up centres, it will be collected by the drycleaning firm, and returned to the centre after cleaning. However the health inspector at Claremont is most anxious to know whether regard will be had for the placing of these machines in certain shops.

I can appreciate that in a large store, where a certain area could be partitioned off so that these machines could be installed, and suction fans could be provided to draw out any fumes which might be occasioned by the drycleaning process, it would be possible to permit of their installation. However, the important point is that because of progress, the drycleaning firms will have to face the fact that automatic machines are in use in other cities; but I do not think their introduction here will have a great affect on the industry.

One can appreciate that if a person has an established business and some new process is introduced, that person has a certain fear that the competition will be such as to deprive him of business. But, as I said, one of the important features of drycleaning is the pressing of a garment after it has been cleaned; and there is no automatic cleaning machine yet devised that can do that sort of work.

I support the Bill because I see no harm in it provided we have an assurance that the proclamation of new types of spirits as being non-offensive will not be made lightly; that there will be no risk to health or danger of fire; and that if these spirits are permitted to be used, their use will be only in certain areas in towns and villages where they will not affect the public health. Also I would like an assurance that the local authority will have an opportunity to say, "You shall not have these machines unless they are installed in specified places." With those remarks I support the Bill and hope that the Minister will give me some information on the few points I have raised.

**MR. JAMIESON** (Beeloo) [8.53 p.m.]: There are a few points in regard to this legislation about which I would like some clarification, and I refer firstly to new section 107A which reads as follows—

> Any person who manufactures, sells or offers for sale an article designed for use in the construction or operation of any sewer, drain, sanitary convenience or receptacle for drainage, commits an offence if the article is not of the prescribed standard and construction.

I believe this is the wrong way to tackle the situation. I understand that certain tops for dry wells, and pipes used for certain septic systems, have been weak and not up to standard. However, the provisions in the Bill are certainly harsh so far as the manufacturer of these articles is concerned.

Members will recall that for many years, under regulations promulgated by the Health Department, pipes and connections used for sewerage mains have had to be tested to ensure that they were satisfactory and were made from first class material. However, under the provisions of the Bill a heavy impost will be placed on the manufacturer of these articles if some fault develops during the process of manufacture, or the articles themselves, upon completion, are found to be not suitable. Under the amendment the person who manufactures the products will be liable and this seems ridiculous to me.

I quite agree that articles such as these should be subjected to a test, that certain requirements should be laid down regarding tops of septic tanks and the materials used in septic tanks, and that the department should lay down certain specifications. There should be stress and other tests, but to amend the Act to provide that if one produces something which does not come up to the required standard one commits an offence seems to me to be ridiculous and I am sure it is not what the department intended. However, that is obviously what will happen if the Bill as it stands is passed. Therefore I would suggest that the Minister have another look at this provision because we do not want any people to fall foul of the law simply because certain goods which they manufacture do not come up to specification.

The amendment in the Bill certainly falls far short of what is required in legislation of this type, and I suggest that the Minister should do something about it before the Bill is passed.

I am indebted to the member for Claremont for mentioning the proposal which will allow self-help drycleaning machines to operate in this State. It would appear that if the Minister agrees to an amendment of the second schedule, which at present prohibits drycleaning to be done and laundries run in other than a light industrial area because of the proclamation as an offensive trade, automatic drycleaning machines will be permitted to operate in other than light industrial areas; and I think we should know exactly where we are going in this regard.

I agree that laundromats should be established in closely settled areas such as Terrace Drive, or any other similar place. They have been established in Victoria Park, Maylands, and in other suburbs; but, as the member for Claremont said, up to date these machines have been operated illegally because there is no provision in the Health Act under which the local authority can give approval for them to be installed. The schedule in the Act is very clear on this point; this class of work is defined as an offensive trade and therefore these machines cannot be operated legally in any area other than a light industrial area.

However, these self-service drycleaning machines are to be established despite the upsetting effect they are likely to have on already established drycleaning firms which have a number of employees and agencies throughout the community. If the Minister does not have complete control over these establishments, they could be dangerous in many respects. Usually in the drycleaning industry, except when it is not available, the Stoddard solvent is used. It is a white spirit or solvent with a petroliferous base and is the usual chemical used. I understand the other type of machines use perchlorethylene, which is a comparatively unstable substance. It is highly toxic and is likely to cause a considerable amount of trouble if there is not good ventilation.

I do not know whether members have had experience of one of these machines being in operation, but a similar sort of substance was used by Bertols, who had a machine operating in one of the windows of a Hay Street store. That firm used trichlorethylene and one noticed a strong odour and heavy fumes as one passed along the street near that shop. This solvent has an obnoxious odour and the perchlorethylene has an almost identical smell although some of its other characteristics are a little different.

Synthetic solvents are not highly inflammable, as is the case with spirit solvents, but they are certainly a problem; and the toxicity must be watched, otherwise considerable trouble will be experienced with handling these solvents. I am indebted to the National Institute of Drycleaning for the technical advice I have. On this matter it put out several bulletins, and one in particular dealt with the mixing together of trichlorethylene and perchlorethylene for specific purposes. There was another bulletin on the toxicity of drycleaning solvents.

If these are used, we would have to make sure that the local authorities had sufficient power to ensure the necessary ventilation, because, while they are sealed, general leakages can occur. Anything with a liquid solvent in it is apt to wear a portion of the container and permit the escape of the substance at various times. I would draw attention to the bulletin which deals with the toxicity of drycleaning solvents, particularly where they refer to the matter of perchlorethylene and mention ventilation as being a very important factor. The bulletin says—

> A very important factor in any operation is, how good is the ventilation? How easy is it to remove the vapors and prevent a build-up of concentration? With properly designed equipment which is designed especially for perchlorethylene, and with close control of operations, the level of perchlorethylene vapors should be no problem in a drycleaning plant. Several things should be kept in mind to avoid build-up of vapors:
>
> 1. Perchlorethylene vapors are 5 times heavier than air. Therefore they will accumulate near the floor. Exhaust fans should be low to keep from drawing vapors past the face of the operator.

I understand that one of these machines was to be installed in the basement in a supermarket in Claremont. This could have led to a number of problems without the provision of effective fans for the removal of the gases. There would have been occasions when the gases would be there and they could be a danger to the public.

We all know that when a refrigeration service breaks down somewhere or other, people are subjected to inhaling the gases associated with it; and problems do exist. To continue with the bulletin—

> 2. Perchlorethylene vapors will concentrate readily in basement locations. Basement locations (except for storage of unopened drums) require extreme attention to ventilation problems and are not recommended.
>
> 3. Open containers of perchlorethylene should be avoided and all leaks should be sealed immediately.

The bulletin draws attention to the fact that perchlorethylene decomposes very easily. It states—

> Perchlorethylene is a rather stable compound at ordinary temperatures but it can be broken down with extremely high temperatures. Temperatures above 500°F. decompose perchlorethylene into poisonous products. Some of the decomposition products are phosgene, chlorine, and hydrogen chloride, all of which are poisonous or corrosive gases. Gas flames and electric heating coils—

and there is a degree of heating in drycleaning establishments for use in pressing, etc.—

> —should be avoided in any room where there are perchlorethylene vapors. Welding around a drycleaning plant should not be done in the presence of perchlorethylene. Although perchlorethylene will neither burn nor support combustion, it will decompose into poisonous products.

If the local authorities who are toying with the idea of putting these machines into the supermarkets, and who are requesting the Minister to amend the Act to allow them to do so, were aware of this fact, they might not be so keen to go ahead and put these machines in, particularly if the occasion arose which caused them considerable problems, or caused the customers in the supermarket considerable distress.

I have had the experience of walking past one of these plants in Sydney. There is a drycleaning plant at Wynyard station where the people say they dryclean while you wait. They will even lend the customer a dressing gown while he waits. It is possible to smell gases from these machines right throughout the station in question. We should hasten slowly in this matter, because there are difficulties associated with it. Even though the gases are not inflammable, they have a toxicity rating higher than the Stoddard solvent drycleaning method.

There is one other feature with which I would like to deal, and that concerns the proposal to amend section 360, which allows for a change from a maximum fine of $40 to a maximum fine of $200. The provision was made in 1911, and it also provided a daily rate, at that time, for not complying with the provisions of the section. This was 40s. a day, and it has not been adjusted since. Surely if 40s. was considered appropriate back in 1911, we should adjust it now so that it will be commensurate with present-day conditions. If this is not done I can imagine that in certain circumstances people might have to be brought into line over and over again.

The daily rate should be made heavy enough to enable the local authorities to slap it on to its tougher customers who persist in breaking the law. They may not mind paying $4 a day by way of a fine, and it should be made stiff enough so that the person will think twice before continuing to break the law.

I think the points I have listed need some explanation. Apart from that I think the Bill appears to be a necessary modernisation of certain sections of the Act which need attention.

**MR. ROSS HUTCHINSON** (Cottesloe—Minister for Works) [9.8 p.m.]: I would like to express my appreciation to those members who have contributed to the debate on this Bill. Initially there was probably a greater degree of misunderstanding about the provisions of the amending Bill than appears to be the case at the present time. I think the summation of the member for Beeloo, who has just resumed his seat, is indicative of the approach to the legislation: that there are queries raised as to the implementation and effect of the provisions of the Bill rather than criticisms of it.

I think, generally, there has only been criticism of two of the main provisions, the first of which relates to articles used in sewerage and drainage work. At the present time the law states it is an offence to use faulty equipment, and this obviously cries out for attention. It has been found that some manufacturers of septic tank covers have not been manufacturing them in accordance with the desired specification. The result is that when the users attempt to use these covers, the covers crack and fall into the septic tank, and the people using them suffer the penalty. So we should include the manufacturer as the one who commits the offence if he does not manufacture to prescribed conditions or specifications.

Mr. Davies: Where are these specifications set out?

Mr. ROSS HUTCHINSON: These will be promulgated under the new regulations. The member for Victoria Park, who spoke the other day, mentioned this point. He said that in the metropolitan area and in other prescribed districts there are rules and regulations which govern the installation of septic and sewerage systems.

Septic tank regulations apply uniformly throughout the State and not in prescribed districts, as may have been suggested by the honourable member. The standards of quality and workmanship demanded do not vary as between the metropolitan area and the country districts. The regulations clearly state what is required of the manufacturer, and goods produced to those standards will be accepted throughout the State. I take the point that if there is no method by which the manufacturer can determine how he should comply with these things, then it is more difficult for him.

Mr. Davies: Cannot these be inspected by the Water Supply Department just as other things are?

Mr. ROSS HUTCHINSON: This would create needless additional expense. The offence is committed if the manufacturer does not make to the prescribed regulations. I think the food and drug section of the Health Act was amended in 1958 by the Labor Party to include "manufacturer", where the manufacturer was not included before; because at that time also it was an offence for a retailer to sell, for example, a tin of jam.

The Government of the day felt that was obviously wrong, and made it an offence for the manufacturer to make a faulty product. Subsequently another gap was filled when wholesalers were included in this section in regard to milk, where substandard milk was something for which the retailer could be penalised, but not the wholesaler. So the wholesaler was brought in. This was merely to conform with the general principles that apply in the Health Act.

The point simply is that in the case of an article such as a septic tank cover, the purchaser has no means of proving its quality, and it is wrong that the purchaser only should be penalised for its use.

The other provision on which most queries were raised was section 186 and the change thereto. Even the member for Victoria Park said there was a very bad principle involved, and that to his knowledge, and from the research I think he had undertaken, he said he had not been able to find where a schedule could be changed by proclamation, or where a section of an Act could be changed by proclamation. This, of course, is wrong as I will show.

Mr. Davies: I could not find one.

Mr. ROSS HUTCHINSON: We are changing section 186 of the Act. In this division of the Act the term "offensive trade" means and includes all the trades specified in the second schedule, and any other trade declared to be offensive by proclamation. So, in the very section we are amending, provision is made for amendment by proclamation.

Mr. Davies: That is adding to, but we are talking about deleting from.

Mr. ROSS HUTCHINSON: It is the wisest possible thing to do. If one can add by proclamation, then surely one should be able to subtract by proclamation, by Order-in-Council!

Let me go on: There is the Clean Air Act, the Poisons Act, and the Explosives and Dangerous Goods Act that provide for additions, deletions, and alterations to schedules by Order-in-Council which is virtually the same as by proclamation. The same applies to the Health Act, where amendments can be made by proclamation. Proclamations may also be made for this purpose in the Registration of Births, Deaths and Marriages Act, the Licensing Act, and the Builders' Registration Act which, not long ago, was before the House. So there are many occasions when this is done; and it is the most natural thing in the world that this should be done.

Obviously if a trade, which was once declared to be noxious, is no longer noxious, then it is wrong that it should remain in the schedule of noxious trades.

Mr. Davies: Bring in an amending Bill.

Mr. ROSS HUTCHINSON: The House would be flooded if that were done. Over the years, it has been traditional in this House that such matters as alterations of this kind be made by proclamation. I think the honourable member is trying to read into this something bad, but it is a principle which has been long-established as a good principle.

Mr. Davies: I am suspicious about the proposed action in this instance.

Mr. ROSS HUTCHINSON: I find it difficult to understand why the honourable member should be suspicious, although he is entitled to be suspicious when he wants to be suspicious.

The member for Claremont raised the point as to whether local government would have any say in the direction of trades which were no longer noxious trades. I would say that if a process is not noxious and such a process conforms with the law, then the local authority cannot direct where the process shall take place.

I would think, in regard to the various points made by all three speakers to this Bill, it would be possible for noxious smells to arise in the course of the work in laundromats using perchlorethylene or any other liquid. If this does happen, then immediate representations could be made and the schedule could be altered accordingly. This is where the value of alteration by proclamation comes in. Obviously, the Health Department is not keen on creating nuisances for people; it is trying to be up to date with modern-day trends. This present trend is one which is established in many cities in the world and it would be wrong for us to try to hold it up by the operation of the Health Act. It would be invalid reasoning for anyone to say that the present situation should remain because a change would pose unfair competition to established laundries. I do not think anyone could argue in that direction.

The member for Beeloo mentioned something about the fact that although the maximum fine had been altered from one figure to another, the daily penalty had not been altered. Of course, the daily penalty is the harshest type of penalty and it was not felt necessary at this point of time to alter it.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 107A added—

Mr. DAVIES: I feel this clause places an unfair burden on the manufacturer. I explained during my second reading speech that I could not support the manufacturer of shoddy goods as I would not want to see them foisted on the public. I believe there should be no penalty so far as the manufacture of other parts for use in the installation of a septic tank system is concerned. They are passed and inspected by the Metropolitan Water Board which is responsible to see that proper parts are installed. They are tested at source, and when they are supplied through various retail or wholesale outlets one thinks they are suitable for use.

I believe the same thing can be done in regard to concrete covers. The Minister said—as did the Minister in another place—that there was evidence regarding these covers. I do not know what evidence. Once again I complain at the lack of evidence given to us when we are asked to amend Bills. We do not get instances quoted to us where a practice is actually happening; and I could not, in all conscience, support the amendment at this stage because of a lack of evidence and what I believe to be an unfair onus being placed on the manufacturer. I do not know how many manufacturers would be concerned with these items, but the other parts of water supply and septic installations are passed at source.

If untested parts are installed, then the person installing is at fault; and I should imagine the person installing a septic cover—if that is all the amendment is directed at—would still be responsible. I think that is where the fault lies. A manufacturer, once he has manufactured a part, has no control over its use. Cannot these parts be used in other circumstances; and could not a similar part be improperly used in connection with a septic system? Those are the questions that arise in my mind. I do not see any analogy between the manufacturer of food that is not up to standard and parts that are not up to standard. The Minister and I will not see eye-to-eye on this issue but I must register my opposition.

Clause put and passed.

Clauses 4 to 10 put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

## FLUORIDATION OF PUBLIC WATER SUPPLIES BILL

*Second Reading*

Order of the day read for the resumption of the debate from the 4th October.

*Members of the Public in the Gallery: Admonition by Mr. Speaker*

**THE SPEAKER**: Order! I feel that the members of the public in the gallery tonight will be interested in this Bill and I

must draw attention to the fact that no demonstrations of any kind are permitted in this House.

I think most of you would be aware that last week there was an interjector, and some of you would possibly have noticed that the gentleman concerned is at present sitting in the Speaker's Gallery. However, I have been assured by one of the older members of the House that the gentleman concerned intends to behave himself tonight. This is not to be interpreted by anybody to mean that people who abuse the privileges of the House will be treated in this way the next time they attend. I would like no misunderstandings whatsoever in this regard.

*Debate (on second reading) Resumed*

**MR. TONKIN** (Melville—Deputy Leader of the Opposition) [9.28 p.m.]: The object of the Bill before the House is to compel the entire population of Western Australia to take fluoride for the whole of their lives without any regard for the consequences to any persons who may through some metabolic malfunction find one part per million of fluoride intolerable. This Bill goes further, so far as I can ascertain, than any similar measure anywhere else in the world inasmuch as it proposes to give the Government power to direct that there shall be fluoridation throughout the whole of the State.

In other countries, the practice has been to provide permission for fluoridation, leaving it in most instances to the people in the various communities themselves to determine whether or not they want fluoridation. There have been a few instances where it has been compulsorily carried out, but not on a State basis; only on a town or community basis.

I would like to trace what is proposed here with the position in Sweden—one town only in Sweden. The town of Norrköping had fluoridation. Norrköping is a town of some 90,000 people and there are two separate water supplies in the town. Half the town had fluoridation and the other half did not. So there was an excellent opportunity to ascertain in practice just what the effect of fluoridation was, and compare the children in one area with the children in another.

This fluoridation was commenced in Sweden in 1952. In 1961, it was challenged in the court and the court upheld the challenge. I shall read later what was said about it. So fluoridation in Norrköping had to cease.

The Government felt it desirable that any town in Sweden which wanted to fluoridate should be permitted to do so. Consequently a Bill was introduced by the Minister for Health for the purpose of providing this opportunity. The Bill had a very stormy reception and the Minister only succeeded in securing the passage of it by agreeing to the amendment to provide that this permission should extend only to the town of Norrköping for a period of five years. Therefore, the town which had already been fluoridating for nine years was given the opportunity by this Bill to introduce fluoridation again. Although that was done in 1961, an inquiry a fortnight ago of the Swedish Ambassador in Canberra brought back the information that Norrköping had not reintroduced fluoridation.

Is not it a most remarkable thing that this country, after having had nine years' experience of fluoridation, was not able to convince the people that, now they had the opportunity of having it again, they should have it? Consequently, at the present time there is no fluoridation in Sweden.

I mention that illustration to show the difference between the attitude of this Government and the Government of the people who had already had this experiment in operation for nine years. Mr. Speaker, this Government has no mandate for this proposition. It was not mentioned in the policy speech—nor could it be—because at that time the Country Party had declared it was opposed to fluoridation. Therefore, how could the coalition Government go on the hustings with a proposal for fluoridation when the people had been told by the Country Party organisation that the Country Party was not in favour of fluoridation? However, Mr. Speaker, the Premier committed himself, not publicly, but in a letter to a liberal supporter.

This document I have in my hand is a photostat copy of the Premier's letter and I am in the position of being able to produce the original if it is required. The letter is dated the 25th January, 1965. I shall not mention the name of the person but the letter is available for anyone to see if he so wishes. The letter reads—

> Thank you for your letter of 18th January making reference to the vexed subject of "Water Fluoridation" particularly in relation to its place in any Policy Speech which might be put forward on February 2nd.
>
> As you are well aware, and as is indicated in your letter, the Liberal Party parliamentary group, supported by the Country Party section of the Coalition, put forward legislation with the idea of introducing fluoridation of water supplies. This was done only after our being completely satisfied from all possible sources that this was a move in the interests of the dental condition of our young people, and even though it involved some political difficulties, we felt that we were justified in introducing the legislation. As you know, it was supported in the Assembly but finally defeated in the Legislative Council through the defection of two Country Party Members.

As for the Policy Speech, because we believe that this is still a desirable development and a progressive decision in health, the matter will receive every consideration. I would point out to you that the Liberal Party supports holding a referendum. I haven't any doubt about the result of such a referendum and therefore more political support to this quarter will not achieve a great deal.

I think it would be fair to remind you—because evidently you have been a supporter of the Liberal philosophy for many years—that there was vigorous opposition to the compulsory ex-raying of people because of the very issue which you have now raised on the matter of fluoridation, that of the freedom for the individual to please himself in these matters. Since then, however, because it finally became law to compel people to have these ex-rays, Western Australia now boasts of having made great progress and has achieved much by preventing the spread of the once dreaded tuberculosis disease.

Whilst I thank you for your thoughts on the matter, I trust that you will give further consideration to the points which I have raised, and, if you intend to vote for the other side, bear in mind that it is the over-all policy which counts and not just one particular point as part of it.

Yours sincerely,
(sd) David Brand
Premier

One of these points was that the Liberal Party was in favour of a referendum. There was no public declaration made with regard to this proposal and, I repeat, there could not be because the Country Party was opposed to it and could not agree to its inclusion in the policy speech that fluoridation would be introduced.

I have here a very interesting little booklet which came into my possession some years ago. It is headed—

WE BELIEVE

A Statement of Liberal Party Beliefs

Belief No. 7 is—

We believe that it is the supreme function of government to assist in the development of personality: That today's dogma may turn out to be tomorrow's error; and that, in consequence, the interests of all legitimate minorities must be protected.

Belief No. 8 reads—

We believe in liberty—

Mr. Hawke: For the 20-year olds conscripted to Vietnam?

Mr. TONKIN: To continue—

—not anarchy, but an individual and social liberty based upon and limited by a civilised conception of social justice.

One more belief is—

We believe that improved living standards depend upon high productivity and efficient service; and that these vital elements can be achieved only by free and competitive enterprise.

I suggest that when one combines those beliefs with the Premier's indication to this constituent that the Liberal Party believed in a referendum, it is very difficult to understand how this Bill came here in this form. There are some people who argue—and the Premier is one because he argued in his letter—that this in no way cuts across the freedom of the people or the liberty of the subject. I propose to read a memorandum which was published by Dr. R. B. Sampson, Doctor of Philosophy of the Department of Politics, University of Bristol, where, by the way, this subject of fluoridation is quite a controversial issue. I do not propose to read all of this because it is too long but I shall read the first section because it is apropos of what I am saying and I quote—

Those who wish to fluoridate the community's water supplies are very powerful and very persistent in the face of a large and growing volume of opposition. Moved as they are by a genuine concern for the state of children's teeth, emotionally predisposed to attach very great authority to what purports to be the result of objective scientific method, they are wholly convinced that they have discovered a scientifically attested, safe method of remedying effectively and easily a serious menace to health. Hence their thinly suppressed irritation when their will is frustrated by opposition. Although this is one public controversy among many, yet, in this instance, because the bulk of professional opinion is aligned on one side, the opposition is contemptuously dismissed as agitation stirred up by an alleged "handful" of well-meaning but mischievous cranks.

But however irritating to them the fact may be, try as they will the fluoridators cannot answer the objection that the measure is incompatible with human freedom. No amount of ransacking constitutional law books, invocation of legal authorities, appeals to the principle of parliamentary sovereignty, touches the principle, immediately evident to all unprejudiced men, that the forcing of any ingredient into the body of another is a most fundamental violation of his right to personal liberty. This cannot be denied. Of course, if we all wanted to drink 1 p.p.m. of fluoride, there would be no difficulty. Hence the irritation of the authorities, convinced of

their own good intentions and authoritative expertise, when through "pure ignorance on our part" we do not wish to take what they say we so clearly ought to want. The question therefore must be faced: Why are some men no less stubborn in opposition to this measure than those in advocacy of it? All, no doubt, are equally public spirited; all, no doubt, equally and deeply concerned about the grave state of dental decay in children's teeth. The opposition fully appreciates the reasons animating the public authorities; their opposition is none the less unswerving. Why? There are two essential and related reasons.

First, though less important than the second, is a widespread suspicion of claims of infallibility by scientific experts in matters where it is very difficult for lay opinion to judge for itself. This is due in part, of course, to a number of recent disasters still fresh in the public mind which have resulted from uncritical acceptance of expert advice. Secondly, there is a growing suspicion that many scientists, doctors and health authorities are animated by a mistaken metaphysic and correspondingly misguided social thinking. Lord Douglas of Barloch puts his finger on the heart of the matter when he says of the fluoridation proposal: "the design may not be sinister, but the principle is thoroughly bad."

These recent disasters to which reference was made in this letter include what happened with regard to thalidomide, and I would remind members that it was no expert body—it was not the American Medical Association; it was not the Australian Medical Association; it was not the British Medical Association; nor was it the World Health Organisation—which found out that thalidomide was causing deformed babies.

For six years thalidomide was being sold and being used in America by 1400 doctors. When a doctor in Germany wrote a paper on the dangers of thalidomide, the medical publication to which he offered his paper refused to publish it. Subsequently he was threatened with libel, but eventually it was established that what he said was true. I personally read an advertisement put out by Distillers which stated that in view of the doubts that had been raised they would, temporarily, have to withdraw thalidomide from sale. This they did and it was not sold afterwards, but it was sold for months in Australia after being withdrawn elsewhere.

So do not let us rely too much on these expert bodies to do the right thing. That was one of the disasters referred to in that article. I think I shall be able to prove, as I proceed, that this may be a question of life and death as well as liberty. Today I asked some questions about an article to which my attention was drawn and which appeared in a publication called *Annals of Internal Medicine*. I wanted to make sure that I would not be tripped up by being told, "That book is of no account", "Nobody takes any notice of that", or "Only cranks take notice of that."

Therefore, to establish that this was a reputable journal—and I obtained it from the Medical Library—I asked a series of questions. I wanted to know if this publication was of good standard. Would a reader of the journal be justified in giving serious consideration to case reports by medical doctors which were published in the journal? Then I asked whether the Minister was aware of the existence of this article? I also asked if the Minister agreed with the authors of the report that the case was of special interest because the patient lived in an area where cases of advanced fluorosis would not be expected? I followed this with the question—

> Does not this case of unexpected chronic fluoride intoxication emphasise the limitation of medical knowledge on the effect of fluoride at specific levels of intake?

To which the Minister, somewhat surprisingly, answered "No".

This occurred in a district where it was not expected. It was not expected by whom? By the experts! As it did occur, is it not a fact that this was an indication of the limitation of the knowledge of the experts in regard to this matter? If it were not admitted, this would not have been unusual. They would have said, "We anticipated you might have got this". But this was entirely unexpected. Apparently they could not believe it. I will proceed to read this report, the heading of which is, "Chronic Fluoride Intoxication with Fluorotic Radiculomyelopathy."

The authors of this case report were Bertram J. L. Sauerbrunn, M.D., Charles M. Ryan, M.D., F.A.C.P., and James F. Shaw, M.D., McKinney and Dallas, Texas. The first paragraph reads—

> All cases of chronic fluoride intoxication with radiculomyelopathy have been previously reported from India. This paper describes a patient with clinical, necropsy, and toxicologic findings of this disorder, whose problem is of special interest because he lived in an area where cases of fluorisis would not be expected.

Then is set out a result of an examination of this person who died. It showed that his spine was in a dreadful condition, as were most of the bones of his body. What struck me about this was that apparently somebody had taken this book from the medical library and studied it closely. I assume it was some doctor because the

important parts of this finding were underlined lightly in pencil, and these underlinings have come out in my photostat copy. I am wondering why this doctor—whoever he was—did not bring this to the attention of his Minister, because in not doing so, I say he was recreant to the oath he has taken as a doctor, if indeed it were a doctor who had read this article, and few people other than doctors and cranks like myself would read it.

Mr. Ross Hutchinson: You are drawing a pretty long bow when you say that.

Mr. TONKIN: I am not drawing the long bow at all! I am dealing with the probabilities.

Mr. Kelly: The Minister is splitting straws.

Mr. TONKIN: In regard to the discussion on this, I quote from page 1077, and so that this may be identified, let me say that this report comes from the *Annals of Internal Medicine* which is published monthly by the American College of Physicians. This is the December issue, volume 63. I quote—

> In our postmortem inquiry, we tried to relate the patient's past history to his advanced fluorosis and found no evidence to suggest self-medication, industrial exposure, or dietary idiosyncrasy. Drinking water seems to have been his only source of fluoride intake. He appears to have been drinking, for 43 years, water with concentrations of fluoride from 2.4 ppm to 3.5 ppm.

That is a very low quantity indeed. We are told that that is much lower than the people in Colorado Springs have been drinking without harm. I continue to quote—

> In the United States, these levels of fluoride have not been thought to result in clinically detectable fluorosis except for mottled teeth. This relationship appears to be that for individuals with normal water consumption. However, the risk and degree of fluorosis may also depend on the quantity of water consumed.

Finally, this is the summary—

> This case of a patient with chronic fluoride intoxication, extensive osteosclerosis, and fluorotic radiculomyelopathy is believed to be the first reported from the United States. The development of advanced fluorosis in this patient exposed to drinking water with less than 4 ppm of fluoride was unusual and was probably a consequence of his excessive water intake.

In other words, he was too thirsty, so he died.

Dr. Henn: It does not say that fluorosis was the cause of death, though.

Mr. TONKIN: Oh, yes it does!

Dr. Henn: You read on.

Mr. TONKIN: I continue to quote—

> Prolonged polydipsia may be hazardous to persons who live in areas where the levels of fluoride in drinking water are not those usually associated with significant fluorosis.

The member for Wembley endeavours to indicate that this person died from other causes. What he overlooks is that this poisoning from fluoride occurred over a period of 43 years, and one of the symptoms of fluoride poisoning is excessive thirst.

Dr. Henn: Are you going to leave that report now?

Mr. TONKIN: On this question of life and death, it should be possible to consider, firstly, the known facts; secondly, the probabilities, and then the possibilities, without resorting to any misrepresentation, intimidation, down-grading, or anything of that nature without justification, and yet this is far from being the case, and it does not matter how high in authority the people are; they resort to such actions in order to discredit those who have the temerity to oppose them.

I now quote from the *Commonwealth Parliamentary Debates* of the first session in 1964, on Thursday the 16th April. When the question of fluoridation was under discussion Sir Robert Menzies found it desirable to enter the debate and, in part, this is what he said on page 1150—

> Fluoridation has been endorsed and advocated by the World Health Organisation . . .

That is not true; it is only partly true. It has been endorsed by the World Health Organisation, but not advocated by it. Sir Robert then went on to say—

> . . . the American Medical Association, . . .

That is not true, either. The American Medical Association has endorsed this in principle, has accepted the report of its House of Delegates, but does not advocate it, as I shall prove from this letter dated the 30th May, 1965, from the American Medical Association to Mr. R. Fulton, 70 Thorne Street, Toronto, New South Wales, which reads—

> Dear Mr. Fulton,
>
> In acknowledgment of your letter of May 10, 1965 to the Secretary of the American Medical Association I am attaching a copy of the "AMA Policy Statement: Fluoridation of Public Water Supplies."
>
> You will notice that this Association endorses the principle of fluoridation of public water supplies to reduce the incidence of dental caries; it does not become involved in endorsement of fluoridation of water supplies of specific cities.
>
> The American Medical Association is not prepared to state that "no harm

will be done to any person by water fluoridation."

The American Medical Association has not carried out any research work, either long-term or short-term, regarding the possibility of any side effects.

Did Sir Robert Menzies have justification for the information he conveyed to the Federal Parliament on this question? Let me proceed with what he said—

In Canada, the Ministry of Health, the Canadian Medical Association, the Canadian Dental Association, and the Canadian Public Health Association have endorsed and advocated fluoridation. In Great Britain, the British Ministry of Health, the Medical Association, the British Dental Association and the Royal Society for Health have also endorsed it.

Let me point out that the Royal Society for Health has never endorsed it.

Mr. O'Connor: Has the State Executive of the A.L.P. of Western Australia endorsed it?

Mr. TONKIN: No.

Mr. O'Connor: It did not support it. Is that correct?

Mr. TONKIN: One question at a time is enough.

Mr. Williams: That put you on the spot.

Mr. TONKIN: On what spot? The Government is on the spot.

Mr. Hawke: The Minister assisting the Minister for Railways has spots!

Mr. TONKIN: I repeat that the Royal Society for Health has neither endorsed nor advocated the fluoridation of water supplies, and the Minister for Health can shake his head, because I will stand or fall by that statement.

Mr. May: That is fair enough.

Mr. TONKIN: To proceed with what Sir Robert Menzies said—

It has been brought to my attention—I do not speak as an expert on this matter; I am the least of God's creatures in this field . . .

Mr. Hawke: You are still quoting Sir Robert Menzies?

*(Laughter from Gallery).*

The SPEAKER: Order! There will be no more demonstrations of any description, or I will clear the gallery.

Mr. TONKIN: Continuing with what Sir Robert Menzies said—

. . . and I still have a few of my own teeth—

Perhaps at this juncture it might be pertinent for me to say I still have all my teeth, although I have not had fluoridated water. It is often said that toothless men oppose fluoridation.

Mr. Bovell: You are singularly fortunate in that respect.

Mr. TONKIN: Sir Robert Menzies went on to say—

—that the honourable member for Moreton laid great stress on the views of Professor Hugo Theorell of Sweden, a Nobel Prize winner. I think this made a great impact on our minds. The honourable member was referring, I am told—and I have it here in writing—to what the Professor said in 1958. In 1962 the same man, no less a world expert and no less a Nobel Prize winner said—

Sir Robert Menzies had no warrant or basis for saying what he then went on to say, because it was untrue. He stated that Sir Hugo Theorell had said—giving no date and no indication of where he said that, or whether it could be checked—

If you read my 1958 report you will see that at the time I simply did not consider the time to be ripe for any general permission for the fluoridation of water supplies, and advised experiments along other lines. But now, since the Norrkoping experiments have shown such good results as a 50 per cent. reduction in caries, I consider that it would be wrong to stop the experiments. Quite obviously they must go on.

I stated in my 1958 report that there was a risk involved in increasing the fluorine content of certain organs of the body, and that as fluorine is an enzyme poison, the prolonged addition of fluorine to drinking water might have medical consequences. The Norrkoping experiments, however, have not supported this theory. That is something we did not know four years ago. We now know that it is not dangerous.

That was a very bad and serious misrepresentation of one of the world's leading scientists. Sir Hugo Theorell has won the Nobel Prize twice for biochemistry. His reports and the information which he has supplied to the Swedish Government are in the main responsible for the fact that there is no fluoridation in Sweden. We are now told that no reputable scientist is opposed to fluoridation.

Shortly after the statement was made by Sir Robert Menzies, the following appeared in the *Weekend News* of the 16th November, 1963—

This Doctor's Not For Fluoridation

Dr. Hugo Theorell, the 1955 Nobel prize winner, said today he was still opposed to fluoridation of municipal drinking water. In a cable to former Mayor of Atlanta M. Hartsfield, he said that much more research was needed before fluoridation of water for human consumption would be acceptable.

Hartsfield, former president of the American Municipal Association, has

carried on a running fight against advocates of fluoridation.

During the 24 years he served as Mayor of Atlanta he successfully opposed all attempts to fluoridate the city's water.

Those backing fluoridation say it is of immense value in retarding tooth decay. Hartsfield and other opponents charge that more research is needed in order to determine if fluoridation might interfere with cell growth and possibly cause cancer.

Dr. Theorell, winner of the 1955 Nobel Prize for Bio-chemistry and a 1946 Nobel winner for his work in the field of enzymes, issued a report in 1958 on fluoridation.

On the basis of that report, the Swedish Government declined to authorise general fluoridation.

Yet we are told that no reputable scientist is opposed to fluoridation.

Mr. Ross Hutchinson: What about the statement of Sir Robert Menzies?

Mr. TONKIN: That statement was not true.

Mr. Ross Hutchinson: How do you know?

Mr. TONKIN: Because he said Sir Hugo Theorell had changed his mind and was no longer opposed to fluoridation.

Mr. Ross Hutchinson: How do you know he has not?

Mr. TONKIN: It will be recalled that I asked a certain question five or six weeks ago, and the Minister for Health told me that no reputable authority was opposed to fluoridation. I submitted a series of names and asked him which were not reputable authorities and which were not opposed to fluoridation. The Minister asked me for more information so that he could check on the matter.

This was a remarkable request, because the Minister has available to him the Medical Library, an easy access to who's who in medicine. However, I did not baulk at the task. I immediately got in touch with the University and with the Medical Library, and obtained details regarding several of the persons whose names I had submitted. The Minister's statement was that no reputable authority considered the controlled fluoridation of water supplies to be dangerous.

That is straightforward and unequivocal enough. There is no room for argument about that. So I submitted these names: Hugo Theorell, and Professor Steyn, of the University of Pretoria, head of the atomic research in that country. They were two of them. The Minister came back and he did what so many people frequently do; he attempted to disparage the persons whose names I submitted, and I quote the reply—

> In answer to (a) all of the gentlemen whose *curricula vitae* has been supplied would appear to be reputable authorities . . .

The Minister could not come out and say they are—he said, "would appear to be reputable authorities in their special fields." Continuing his answer—

> Professor Phillips appears to be an agricultural chemist and Professor Steyn a veterinarian, whilst Professor Theorell's particulars indicate that he is a medical biochemist of repute, with strong musical interests.

Mr. Ross Hutchinson: That is very true.

Mr. TONKIN: I do not want to be unfair, but it is my opinion that that answer was deliberately framed to downgrade the persons concerned.

Mr. Ross Hutchinson: You read it again and you will find that is not so.

Mr. TONKIN: Each of them is an outstanding man in his profession.

Mr. Ross Hutchinson: I just told you the professions.

Mr. TONKIN: Whilst I have heard that Sir Winston Churchill used to lay bricks, if I were asked whether he were a successful and reputable politician I would not tack on to the end of it, "Yes, and he was able to lay bricks—

Dr. Henn: He was a statesman.

Mr. TONKIN: —or to paint pictures." Is that not disparagement? I say that this was a deliberate intention in accordance with the practice generally adopted to downgrade the persons concerned.

Mr. Ross Hutchinson: On the contrary, we have the greatest admiration for Theorell.

Mr. TONKIN: That is excellent; and does the Minister admit he is opposed to fluoridation?

Mr. Ross Hutchinson: No.

Mr. TONKIN: Despite the fact it is stated that the Swedish Government has declined to approve of the introduction of fluoridation in Sweden because of what Theorell has said, the Minister sits there and says he is not opposed to fluoridation.

Mr. Ross Hutchinson: Come along and hear me next time I speak.

Mr. TONKIN: I would like to refer to what the court said in Sweden when it stopped the experiment at Norrköping. This information was supplied through the Swedish Legation at Canberra on the 12th September, 1963. It was supplied personally in response to requests for information, and I quote from page 2.

> In its ruling on December 7, 1961, this Court stated that the adding of fluorides is not done in order to purify the water or to make it in any other respect fit for drinking or cooking, but is done for another purpose. Furthermore the Court stated that the possibility cannot be excluded that fluoridation may involve health

risks or inconvenience to the consumers and that the way in which the water is being supplied makes it impossible for anybody to avoid using such water should he wish to do so.

On these grounds the Supreme Administrative Court states that fluoridation should be discontinued and the case was remitted by the Court to the County Administration.

I read a very interesting leading article in *The West Australian*. My opinion was that it might more properly have been written after there had been some indication of the views of the Opposition on this matter. However, the paper came in quite early and had this to say under the heading, "Trusting the Experts." I quote from the leading article of the 6th of this month—

> There is no way in which the government can reconcile the views of people who are for fluoridation of water supplies with those who are against it. This is a public-health measure about which laymen can hold strong and sincere opinions but on which they cannot speak with authority.
>
> West Australians have bad teeth and this affects public health. Even if everybody visited his dentist regularly, the problem would remain for the foreseeable future because apart from the expense we could not provide dental services to cope with the work. Because some parents are apathetic to tooth decay, free supplies of fluoride tablets could not be relied on to produce a satisfactory improvement.
>
> In these circumstances the government cannot ignore the fact that it could reduce tooth decay among children under 12, and in future generations, by 60 per cent. by bringing the fluoride content of drinking water up to 1 part in 1,000,000.
>
> The question has been investigated exhaustively for many years by public health authorities in various countries and they have advocated fluoridation as a safe and effective means of tackling the dental problem.
>
> This is a matter in which the government and the public have to rely on the advice of the people whose job it is to safeguard public health. They have no axes to grind; they are the only people who are qualified to judge the medical and dental issues; and there is no reason to doubt their sincerity or competence.

I hope to show these conclusions, admirable as they are, are not at all well based. This matter is of vital importance because if we make a mistake and compulsorily impose it upon the people with the result that deaths occur, we will be guilty of manslaughter. Make no mistake about that. If there is substantial doubt about the safety of this measure, we have no right to force it upon the people; and, if as a result of forcing it upon them, some die, we would be responsible for their deaths.

Why cannot our attitude on this question not be one of downgrading, misrepresentation, and disparagement? Why cannot we think about those words from the first chapter of the book of Isaiah, the 18th verse, "Come now, and let us reason together." Let us weigh the pros and cons dispassionately; let us weigh the evidence which exists in the medical literature and make up our minds as to whether there is any special reason why some people are getting certain results from their experiments as against the results being obtained by others who can speak with authority.

*The West Australian* says the experts are the ones who speak with authority. Which experts? The experts who are being paid by the aluminium companies, the tooth-paste companies, and the sugar companies; or the persons who are receiving no pay from these sources but who are nevertheless qualified experts—the experts we should take notice of.

In the ranks of the people opposing fluoridation we find past presidents of the American Medical Association; biochemists experienced in fluoride research; professors of toxicology and pharmacology; four Nobel prize winners; and many eminent medical doctors. One whose name comes readily to my mind is Doctor Robert Newton, Ph.D., Doctor of Science, Director of Biology of the Division of the National Research Council, Canada.

All these gentlemen are strongly opposed to the fluoridation of water supplies. Why? Because they are cranks? In Australia we have Professor Amies, Dean of the Faculty in the University of Melbourne and Sir Stanton Hicks who say —and say now—that they are not satisfied with the safety of this measure, and they are opposed to its introduction.

Now, who are the people who advocate it? One is Mr. A. P. Black, Ph.D., Professor of Chemistry in the University of Florida, personally responsible for the introduction of fluoridation in Florida cities as early as 1949, before the experiments had been in operation sufficiently long to find out what the score was. Mr. Black's son and daughter-in-law (C. A. and L. V. Black) were president and vice-president respectively of the Black Laboratories Incorporated and this business supplies plans, specifications, and fluoridation equipment to cities. He is an advocate for fluoridation and I shall come back to him later.

Another advocate is Doctor V. J. Stare of the Harvard School of Public Health, head of the Department of Nutrition at the University. He contributes to the *Nutrition Review* and the *Nutrition*

*Review* is sponsored by no fewer than 49 companies, some of which sell fluoride for the fluoridation of water supplies. Stare's department receives approximately $200,000 from the food industry and $400,000 from various Government agencies. For confirmation of this members should consult the *Medical Tribune* of the 15th November, 1963, page 4.

Is Mr. Carr, of the local department, an expert? He frequently talks about this question on the radio. Does he know what he is talking about? I have here a cutting from the *Daily News* of the 9th December, 1964. It has a heading in large type, "Why You Have To Drink Up." I must read this article because it is most important. It is as follows:—

> Most people do not drink enough water for proper health, according to Health Education Executive Officer Jim Carr. He says that at least four pints of water should be consumed daily and this intake increased in warm months. People working out in the open or in "hot industries" should drink up to seven pints each day.

I want to remind members at this stage that that is four litres. To continue—

> The average person loses about three pints of sweat a day. "We sweat to cool down. The evaporation on the skin's surface has a cooling effect and has to be replaced," said Carr.

He concludes by saying—

> The council particularly stressed the necessity to give babies plenty of water.

Let us analyse this. If we fluoridate the water at one part per million it means that if a person drinks a litre of water —1¾ pints—he ingested one milligram of fluoride. Therefore if he drinks four litres, as suggested in that article, he ingests daily from that source alone, four milligrams of fluoride. Members will recall that I previously read to the House of the death of a man who drank water, the fluoride content of which did not exceed 3.5 parts per million. Members will realise, therefore, that there is not a wide safety range in this. But here is Mr. Carr recommending that large quantities of water should be drunk. We cannot educate people to drink water now, when it is not fluoridated, and expect them to cut down on it when it is fluoridated; but if they do not cut down when it is fluoridated their health will be endangered.

Mr. Ross Hutchinson: Their health would not be endangered. What a lot of nonsense!

Mr. TONKIN: According to the United States Public Health Service—and I quote from its *Drinking Water Standards, Public Health Report No. 76* for the year 1961 at page 782—1.2 parts per million should be the quantity in the water when the maximum daily temperature is 63.9 to 70.6; and it should be reduced to .8 parts per million when the average temperature is 79.3 to 90.5.

Now surely that emphasises the fact that there is a very narrow margin of safety, if the fluoride content in the water has to be reduced according to temperature!

Mr. Ross Hutchinson: It is just to try to get near the mean.

Mr. TONKIN: I have here a very important document, issued in Australia, called *The Report of the National Health and Research Council*, which is in favour of fluoridation. This is for the 38th session held at Canberra on the 18th and 19th November, 1954. I quote from page 21, appendix A as follows:—

> The Council considered that some Public Health Authorities would probably require information concerning safe levels of fluoridation of water supplies under varying Australian climatic conditions, and therefore it recommended that part of the report of the Advisory Panel dealing with these safe levels of fluoridation, should be given publicity in the *Medical Journal of Australia*. The full text of the report of the Advisory panel on water consumption will be found in the Report of the 37th Session of the National Health and Medical Research Council.

On page 22 appears the following:—

> From these estimates and assuming the upper safe level of fluorine intake from all sources for children of eight years of age to be 1.5 m.g. fluorine per day (McClure *et al.*, 1945)—

McClure is one of the proponents of fluoridation in the United States. To continue—

> Table II. has been prepared showing the recommended fluorine concentration related to the temperature zones (normal maximum temperature) shown in Maps 1 and 2.

Let me emphasise that this refers to the upper safe levels of fluorine intake from all sources in the parts per million in the water supplies.

The upper safe level of intake is 1.5 milligrams per day and yet Mr. Carr advocated something for Western Australia which would result in four milligrams per day being ingested, despite the fact that the National Research Council says the upper safe limit of fluorine intake from all sources—not water supply alone —is 1.5 milligrams a day.

That does not represent some figure put forward by some disreputable opponent to fluoridation or some crank who does not know what he is talking about. That figure is from the National Research Council of Australia. The upper safe limit of intake from all sources is 1.5 milligrams a day.

Mr. O'Neil: What other sources are there beside water?

Mr. Hawke: Beer.

Mr. TONKIN: And tea, baby foods, and bread. As a matter of fact, I think it might be pertinent here to inform the Minister that if one were to make, or drink, six cups of tea, those six cups of tea would contain one milligram of fluoride.

Mr. Lewis: Would not that be from the same source as the water?

Mr. TONKIN: If the tea was made with water containing 1 part per million of fluoride, one would consume two milligrams of fluoride in six cups of tea.

Mr. Lewis: The fluoride would come from the same water supply whether it was tea or beer.

Mr. TONKIN: No, it would not. The fluoride is in the tea leaves.

Mr. Ross Hutchinson: Then it must have killed a lot of people.

Mr. TONKIN: That conclusion is like a lot of the conclusions the Minister reaches without data.

Mr. Ross Hutchinson: It is a natural progression of your argument.

Mr. TONKIN: No, it is not. My argument, for the Minister's benefit, is that the people whom the Minister takes as his authority have said that the upper safe limit—and that is the limit I am interested in—is 1.5 milligrams a day from all sources. I leave it at that.

Mr. O'Neil: A cup of tea is not a litre so there is not one milligram in a cup of tea.

Mr. TONKIN: The great strength of the case against fluoridation leads me to the position where I say it should be examined from the source to see what is behind this promotion. Let us see how it started, and how it got under way. We have to go back to 1931 when Professor M. C. Smith and Professor H. V. Smith and Mr. H. V. Churchill—a chemist at the Alcoa Aluminium Company of America, established that fluoride in drinking water caused mottled teeth. That was the first thing and there was a flurry to take fluoride out of the water to prevent the mottling of teeth. A number of the scientists who started to advocate fluoridation were previously trying to find a way to get fluoride out of the water.

In 1939 Gerald Cox, Ph.D., a biochemist, was given a grant from the Buhl Foundation, and this foundation was obtained from what was known as the Mellon Institute. The Mellon Institute was set up by Andrew W. and Richard B. Mellon who owned the Aluminium Company of America. A laboratory for applied science was set up for the benefit of United States business men who were in difficulty over a number of scientific problems. Whenever a grant was given from this institute it was on the basis that it was to be used for research but the research was the property of the institute and the person giving the grant could determine whether or not the result of the research would be made public. And so one can only assume that if the research was adverse to the point of view desired by the person, it would not be made public.

At this time, there had been numerous lawsuits in the United States because of the killing of fish and the killing of cattle, and harm to human beings caused by fluoride intake from the fumes coming from the smoke stacks and because of fluoride being dumped into the rivers. At this time grants were made to a number of universities to aid research, and the universities to benefit were: the University of Tennesee; the University of Cincinatti; and the University of Wisconsin. Those universities received very substantial cash grants for research, and they acknowledged that they had received support from nine companies which I propose to name.

The companies are the Aluminium Co. of America; American Petroleum Inst.; E.I. du Pont de Nemours; The Harshaw Chemical Co.; Kaiser Aluminium and Chemical Corp.; P.A. Salt Manufacturing Co.; Reynolds Metals Co.; Tennesee Valley Authority; and the Universal Oil Products Co.

Those companies were listed in a publication in America called the *Eagle,* on the 12th August, 1959. In 1950 Alcoa was fined a substantial amount for dumping fluoride into the Columbia River and, as a result, poisoning animals.

There was a scientist in the United States known as Wallace D. Armstrong. By way of these grants, and as a result of his research in conjunction with a man called Brekhus, P.J., he published an article called Chemical Composition of Enamel and Dentin Fluorine Content. That was in the *Journal Dental Research* 17:25 (1938).

These two gentlemen claimed that their analysis of tooth enamel showed less fluoride in decayed teeth than in healthy teeth. It is most important to remember that, because some years later Armstrong changed his mind about it. But that is what he said then. What he said started the fluoridation theory that there was less fluoride in a decayed tooth than in a whole tooth.

In 1940 the Smiths, already mentioned, wrote—

> "Although mottled teeth are somewhat more resistant to the onset of decay, they are structurally weak; when decay does set in the result is often disastrous.
>
> These scientists established that as little as 0.9 parts of fluoride occurring naturally in 1,000,000 parts of water

> produce white flecks on tooth enamel which turn yellow and brown in later life.

If anyone wants to check that quotation it can be seen in "Observations on the Durability of Mottled Teeth," *American Journal of Public Health* No. 30 at page 1050 of 1940. In that year Gerald Cox became a member of the Food and Nutrition Board of the National Research Council. From 1944 to 1948 Gerald Cox was the research chemist for Corn Products Refining Company, Illinois. This company was a sugar-processing company which wanted to combat the argument that carbohydrates were responsible for decay in teeth and consequently this company was looking for something which would combat this teeth decay. As a result, Cox became a potential advocate for fluoridation.

In 1945 the first trials for fluoridation were established in Newburgh, Grand Rapids and Grand Fiord, and when they commenced, they were designed to cover a 10-year period. However, long before that period elapsed, the promotion of fluoridation was advanced.

At this time when the experiments had been in operation for four years only, a man called Oscar Ewing came on to the scene. Oscar Ewing had been the leading attorney for the Aluminum Company of America and, all of a sudden, we find him as director of the United States Public Health Service—but not without a bribe of $750,000.

I have here a photostat copy of a letter addressed to a man in Harvey. A few days ago I rang this man and asked him, "Is this an authentic letter of which I have a photostat copy?" I read it over to this man. He said, "Yes, that letter was sent to me." I asked him how he got it and he said, "I read a book called *The Super Drug Story;* I saw this statement in the book and so I wrote to the Columbia Publishing Company, Washington, D.C. to ask if this statement were true." This man told me that the letter of which I have a photostat is the one he got back and I propose to read it. I will leave out the names but anybody is free to see this letter if he wishes. It is dated the 19th November, 1963, and I quote—

> Your friend is very hard put to find some criticism of my book THE SUPER DRUG STORY. Only a layman well versed on the subject could write a book on the drug racket as clearly put as SUPER DRUG STORY.
>
> I am a newspaper man of forty-years standing. I have been in the truth-hunting business twenty years, and have never been caught in a misstatement yet.
>
> The story of Oscar Ewing is well set out in SUPER DRUG STORY. He is not getting $750,000 a year, but did get a single $750,000 fee for starting the U.S. Public Health Service off as the chief sales engineers of fluoride. Ex-Congressman Miller of Nebraska, a medical doctor, put the Ewing matter in the Congressional Record.
>
> Ewing did not leave anything.

I must interpolate here, Mr. Deputy Speaker (Mr. Crommelin), to say that that is a reference to a statement that Ewing left a well paid job with the Aluminum Company in order to take lesser pay with the United States Public Health Service. That is what this reference is to. Ewing did not leave anything. The letter continues—

> He was Administrator of the Federal Security Administration when he took the $750,000 bribe as a side issue.

This letter is signed by Morris A. Bealle, General Manager of this company.

Mr. Graham: Can the Minister pass that one off?

Mr. TONKIN: I suggest that is a very handsome present. Is it any wonder that a considerable fillip was given to the promotion campaign for fluoridation right from that very time? He became head director of the United States Public Health Service in 1949—previously he was attorney for the aluminum company—and in 1950 Alcoa advertised fluoride for the fluoridation of water supplies for sale.

In 1951 the House of Delegates of the American Medical Association endorsed the principle of fluoridation. Before the trials had been completed in Grand Rapids and Newburgh—they had only been in operation for five years which was half the time—the delegates of the American Medical Association endorsed the principle! What does that mean?

This Government has endorsed the principle of equal pay for women but it has not done anything about bringing it about; yet it is supposed to do something.

The A.M.A. endorsed the principle and then set about trying to find out something about it but, not until several years later.

In the meantime, I want to refer to a very interesting document, and this is a copy of the proceedings of the Fourth Annual Conference of State Dental Directors with the Public Health Service and the Children's Bureau held between June 6th and June 8th, 1951, in the Federal Security Building, Washington, D.C. Mr. Deputy Speaker, you will not be surprised to learn that this document took quite a lot of getting. Many attempts were made to get a copy of these minutes. Various Government agencies which were approached would not—or could not—supply a copy. On the 22nd September, 1953, a man who signed himself as N. H. April and who was chief of the Public Inquiries Board of the Public Health Service wrote that the minutes which were being sought, "were recorded for administration use only and are not available for distribution."

However, subsequently these minutes became available through a Congressman. Once he had these minutes, they were reproduced. If members had the time to read these minutes, I feel that few of them would vote for this Bill after having done so. I have only time to make a few short quotations.

There was present at this conference a Dr. Schule who, shortly before, had been appointed President of the World Health Organisation. His appointment is important. This is what he said—

> I am not going to give you a serious talk like Dr. Bain did. Dr. Knutson asked me to tell you stories. I don't do that either.
>
> I have just come back from the fourth World Health Assembly. I think all of you will be interested in hearing that interest in dental hygiene is rising in that organisation. Dr. Rowlett, who is the secretary of the International Dental Federation, is a very persistent fellow. He began beating a path to the doorstep of WHO two years ago in Rome. He found it a bit hard to get the doors open more than just a little crack, but he was persistent. The United States delegation, too, felt that it had a real obligation to promote dental health all that it could.

One can see from where the driving force behind the World Health Organisation is coming. Continuing—

> We found a great resistance within the staff of WHO at that time to concerning themselves with dental problems, an understandable reluctance because their program was very small. They had a total of less than five million dollars of actual cash coming into the till to spend on health around the world. It is a pretty big world, and problems are pretty large, especially in the underdeveloped countries. That is where they work mostly. Dental problems may be somewhat secondary in groups of people who are living to the ripe age of 25 and 27 and 31 years. Malaria and a lot of other problems were in fact the first priority problems.
>
> Further, they didn't have the personnel to carry on dental programs, anyway. That is, the countries themselves didn't. A year ago in Geneva at the third World Health Assembly we made our first real progress. I say "we." Dr. Rowlett did. The United States delegation sponsored a resolution, one a little unpopular with our own group. We were beginning to feel that WHO was diffusing its program too far, that it might have kept its program on three or four items since it had so little money. We found it shifting to mental health and a variety of other things. We felt it was spreading itself too thin. That was the general United States view. But in spite of that we did as we have so often done at WHO. We were completely inconsistent. We turned in a resolution we hoped they would adopt, which called attention to the fact that WHO had an obligation to concern itself with problems of dental hygiene. Fortunately, it was passed.
>
> However, that still didn't add up to very much program. So this year, due to the good offices of many folks in the United States, to the fact that WHO itself was settling down and beginning to see the total problems facing it more clearly and in broader perspective, due to the fact, too, that funds will now rise in the course of the coming year to the grand level of about seven and a half million dollars for the whole world, they are going to make some little start in this field. WHO will have a person working in the field of dental hygiene, and they will begin to make some impact on some of the countries. Dr Rowlett was, I think, a very good person. The International Dental Federation meeting is coming up in a relatively few days at Brussels. I am sure he will glow when he reports that the door is now wide open. And the only thing that will deter WHO from moving out on a wide-scale program in dental health will be the limitation on money.

The chief speaker was a person called Dr. Bull, and the following is a small quotation from his remarks, which appear on page 11:—

> I think the first one that is brought up is: "Isn't fluoride the thing that causes mottled enamel or fluorosis? Are you trying to sell us on the idea of putting that sort of thing in the water?"
>
> What is your answer? You have got to have an answer, and it had better be good. You know, in all public health work it seems to be quite easy to take the negative. They have you on the defensive all the time, and you have to be ready with answers.
>
> Now, we tell them this, that at one part per million dental fluorosis brings about the most beautiful looking teeth that anyone ever had. And we show them some pictures of such teeth. We don't try to say that there is no such thing as fluorosis, even at 1.2 parts per million, which we are recommending. But you have got to have an answer. Maybe you have a better one.

I now quote from page 17, and Doctor Bull is still speaking—

> Now, why should we do a pre-fluoridation survey? Is it to find out if fluoridation works? No. We have told the public it works, so we can't

go back on that. Then why do we want a pre-fluoridation survey?

I will now quote from page 18 as follows:—

> The medical audience is the easiest audience in the world to present this thing to. They are used to carrying on public health activities. This worry about toxicity doesn't mean much to them because of all the human experience we have had.

Turning to page 22 I will continue to quote the remarks of Doctor Bull—

> This thing is tremendous. Let's not underestimate it. But by the same token, let's not over estimate it. It doesn't do the whole job.

I will quote now from page 25, and it is still Doctor Bull speaking—

> You know these research people—they can't get over their feeling that you have to have test tube and animal research before you start applying it to human beings. They can't get over the fact that nature set this thing up and set it up in human beings. We have millions of those human beings who have been using water with high amounts of fluorides over generations. They think you have got to go back to the rat again.

On page 29 of these minutes appears the following quotation of remarks made by Mr. F. J. Myer—

> We in the Public Health Service are speaking of supplementing the fluoride content. That, of course, involves knowing how much is already in and how much you want to deliver to the consumers.
>
> We believe that the optimum fluoride content varies in different parts of the country. In those places where the environment stimulates a higher water consumption, the fluoride content, we believe should be lower.
>
> We will show the first slide which includes the complete data we have so far on those places in this country where the fluorosis index has been measured.
>
> The biggest difficulty with this, and the biggest drawback, and the most obvious reason for criticism, is the lack of data. Of course, we are all working to get more data. These show that as the temperature rises, the fluorosis experience increases with the same fluoride concentration in the water. The criterion that we have been using is that if there is some 10 to 20 percent fluorosis in the community, that would not be objectionable, because in those places the degree of intensity is not greater than the accepted designation of "mild."

I only wish that all members had the opportunity to read all these minutes, because they would have a better idea of the scheme that has been behind this promotion. In 1952 the Aluminum Company of America put an article in the *Seattle Times* of the 16th December, and offered grants to research groups for a solution of their serious disposal problem. It was said that the Public Health Service was collaborating closely with industry in the disbursement of research funds to overcome the menace.

In 1953 The National Health and Medical Research Council (Australia) recommended that fluoride be added to the water supplies conditional upon the second resolution it carried. I have a copy of its minutes here which state at the top—

> This Council is of the opinion that an optimal intake of fluorine is a factor in the prevention of dental caries.
>
> It must be admitted, however, that an adequate supply of fluorine in drinking water will not in itself provide the solution of the problem of dental caries. There are other factors, particularly dietary, involved in the control of dental caries.

Its second resolution, upon which this first one depended was—

> This council recommends that each State set up an advisory panel within its health department to review, advise on, and supervise proposals for the addition of fluorine to communal water supplies. These panels should include representatives of the medical and dental professions, and public health, a water engineer, and a chemist.

I do not think those panels were ever set up. So the approval which the National Research Council gave was conditional on that being done, and the conditions have not been properly met.

In the same year the British Government sent a commission to the United States to have a look. When it came back the commission reported that fluoride did delay caries, and there was no evidence of a health hazard; but it recommended special studies.

In 1956 the American Medical Association, which in 1951 had endorsed fluoridation in principle, decided to have some inquiry made. So the House of Delegates, which is the policy-making body of the American Medical Association, ordered its Council of Pharmacy and Chemistry and its Council of Food and Nutrition to form a joint committee to study all aspects of fluoridation and to report back the following year.

This report was submitted in December, 1957. It was then referred to a five-man reference committee for recommendation, and the committee recommended that the report be accepted; and it is now offered as American Medical Association policy.

The very next year Mr. A. P. Black, to whom I previously referred, and who was

the father and father-in-law of the two members of the company selling fluoride equipment, was able to get an article published in the "Newsletter" of the World Health Organisation.

This was most opportune, and his letter was headed, "The Strange Case of Fluorine —the Blessed Impurity." Mr. Black, who was a professor of chemistry and who, I have said, was responsible for the introduction of fluoridation in many Florida towns, now had the opportunity to put in a few words to help the World Health Organisation along.

In 1958 the World Health Organisation Expert Committee reported. This was a committee of seven members. At least five of the seven members were known to be ardent supporters of fluoridation; they had already declared themselves publicly, and had written articles advocating it.

Of these seven members, six were dentists and one was a pharmacologist. There was not one doctor, dentist, or scientist on the committee who was known to be in opposition. Let us have a look at the personnel. First of all we have Miss Jean Forest, L.D.S., who was senior dental officer of the Ministry of Health in Great Britain; who was already strongly advocating fluoridation. She was the one who drafted the report. Another member of the personnel was Mr. J. W. Knutson, Assistant Surgeon General, and Chief Dental Officer of the United States Public Health Service. He was chairman of the conference, the minutes of which I read a few moments ago.

The next member, who was Mr. H. C. Hodge, Ph.D., came from the Rochester University. He was a pharmacologist, and the university from which he came was the recipient of large grants from the sugar industry. Hodge had been writing articles promoting fluoridation.

So on this expert committee we had, as a commencement, three persons who were pre-eminent as advocates for fluoridation—and they hold very high positions —two of them from the United States.

We must not overlook the fact that Dr. Scheele, whose words I previously quoted, had been President of the World Health Organisation; and through the good offices of friends in the United States, more funds became available to the World Health Organisation. Is it any wonder its interests in dental hygiene rose?

When this report was issued there was attached to it a note that it did not necessarily represent the decisions or the stated policy of the World Health Organisation. There were three important recommendations, one of which was that hundreds of controlled fluoridation programmes were now in operation in many countries. That was not true when it was said, and it is not true now.

A controlled experiment or programme would require that all of the components in the water would be controlled; because there is a difference when magnesium and calcium are in the water as against when they are absent. I say deliberately, that that finding was not true when the expert committee said it, nor is it true today.

The No. 2 recommendation was that mortality and morbidity rates for five leading causes of death are comparable with other cities in the United States with fluoride and non-fluoride public water supplies. That is not true, either, because I have here the *Science Review* of the 4th January, 1964. On page 89 it is stated—

> As a resident of New York SR's science editor has been disconcerted by an item of information not mentioned at the fluoridation hearing. The item appeared in the famous English medical journal, *Lancet*. Death rates for the years 1955-57 in Colorado Springs were compared with death rates for the same years in Utah County, Utah. The water in Colorado Springs has a fluoride content of 2.5 parts per million; the water in Utah County has a fluoride content of 0.5 parts per million. Deaths from cancer of the stomach in Utah County accounted for 2.4 percent of all deaths in the county during the years surveyed; deaths from cancer of the stomach in Colorado Springs accounted for 28.8 percent of all deaths in Colorado Springs during the same years. The *Lancet* item said:—
>
> > "The precise significance of these figures is uncertain because of the lack of information about a host of modifying factors, such as the age distributions of the two populations." After noting that deaths from stomach cancer in Crowland, Lincolnshire, England, "where the water is naturally fluoridated at 3.5 p.p.m., were more than twice as many over a ten-year period as in Donnington, where the water contains 0.5 p.p.m. of fluoride," the *Lancet* item went on:
> >
> > "This might be accounted for by chance variations in the two populations, or it might be a 'real' difference, but one not related to the water supply. Such apparently inexplicable local differences have been observed elsewhere, both in this country and in the Netherlands, and could be due to some difference in the organic or trace-element content of the local soils. There is always a danger when evaluating statistics of indulging in post-hoc reasoning. Both the opponents and supporters of fluoridation could claim that the audacious method of reasoning has been used against them, but too much reliance must not be placed on

> sets of numerical data alone—assumptions must be tested against a background of sound clinical knowledge and experience."

The pertinence of these facts to the situation in New York City is that New York City's water is soft.

That article indicates, firstly, that the statement that there is no difference in the mortality rate wants looking into further before it can be accepted. But I have more proof with regard to this. In the *Newburgh News* of the 27th January, 1958, deaths per 100,000 of the population from heart disease are shown. The rate in Newburgh was 82, whereas the United States average was 507. So in this fluoridated town there were 375 more deaths per 100,000 of the population from heart disease, than the average for the United States.

Although the conference of the dental people did not like the idea of carrying out research on rats, I understand that most research of this kind is carried out on rats. I have an interesting reference from Doctor Alfred Taylor, Ph.D., of the Biochemistry Institute of the University of Texas, who as a result of his research wrote—

> Sodium fluoride in the drinking water of mice.
>
> Dental Digest No. 60, page 170, of 1954. Series of experiments on cancer.
>
> In a series of 12 experiments involving 645 mice, one part per million fluoride in water reduced the life span by 9 per cent.

I do not know whether this person was playing around with words, or whether any notice can be taken of his research, but the results were published in the *Dental Digest*. I would assume his research must have had some standing, and I would have no doubt that if the findings had been the other way the proponents of fluoridation would certainly have quoted them. That is all I am doing. I quote the results of his research, and that was in an experiment involving 645 mice, fluoride in the water at one part per million reduced the life span of mice by 9 per cent.

The third recommendation of the expert committee to which I wish to refer is that there is no relation between fluoride and arthritic changes in bone. The exact words were, "No relation between fluoride and arthritic changes in bone has been found." How in all conscience it can make that statement, in view of what is stated in the medical literature, I do not know.

I refer members to an article in the *British Medical Journal* of the 10th December, 1955, page 1408, under the heading of "Fluorosis in Nalgonda district, Hyderabad, Deccan," by A. H. Siddiqui: and to another, by J. F. Raffaele under the heading of "La Fluorosis" in *Al Ateneo*, Buenos Aires, 1944 on extensive arthritis of the spine. Both of these articles connected fluoride with arthritic changes. This was set out in the literature and was available for perusal. Therefore to say that no relation between fluoride and arthritic changes has been found is unjustified, because the expert committee itself carried out no research in this direction at all, and it came to its findings on the literature. So, in view of the existence of this literature, that finding was not justified.

I referred previously to Armstrong who stated that he found less fluoride in decayed teeth than he did in teeth which were not decayed. Doctor Wallace Armstrong is Professor of Biochemistry in the University of Minnesota. In 1948, and this is most important because we are told to take notice of the experts, F. J. McClure contradicted Armstrong, and proof of this can be found in the *Journal of Dental Research*, No. 27, page 287, under the heading, "Fluorine in Dentin and Enamel in Sound and Carious Teeth." McClure used Armstrong's methods and said he found the differences in the fluoride content were not significant. In the meantime, Oscar Ewing had come over to take charge with a $750,000 encouragement.

So McClure found it necessary to repeat his experiment and this time he found he was able to support Armstrong. This is to be found in his article. Unfortunately, I have left out the reference, so I cannot quote it but I will guarantee that McClure, this second time, found he was able to support Armstrong, despite the fact that his earlier finding confirmed that of Dr. Restarski, J.S. in his article, "Incidence of Dental Caries Among Pure Blooded Samoans," to be found in *United States Navy Medical Bulletin*, 41: 1713 (1943).

Dr. Restarski supported what McClure had previously determined and Dr. T. Ockerse in his "Chemical Composition of Enamel and Dentin in High and Low Caries Areas" reported in the *Journal of Dental Research*, 22 : 441 (December, 1943) also supported McClure in his original research.

In 1952 Dr. Paul Pincus of Melbourne produced evidence contrary to Armstrong and McClure's 1951 conclusion and supporting McClure's 1948 result. He said he found no difference in the fluoride content in sound and carious teeth. For confirmation of that see "Fluoride and Dental Caries" *Australian Journal of Dentistry* 56 : 185 (August, 1952).

In 1963 Armstrong himself took another look at this despite the fact that McClure had come to his support and said that Armstrong was right and he previously had been wrong. So when Armstrong took another look at this in 1963 he said he was convinced that he had misinterpreted his earlier data; and proof of this can be found in the *Journal of Dental Research*, No. 42, page 133, of 1963, under the head-

ing "Fluoride Contents of Enamel of Sound and Carious Teeth."

This is the important point: Armstrong now having said that his original research was wrong, shows that the very basis upon which fluoridation was launched was a false basis because Gerald Cox used the argument of Armstrong that fluoride must help in the prevention of dental caries because the proof was that there was more fluoride in sound teeth than in decayed teeth. So the very basis for the promotion programme was removed by Armstrong himself.

In the same year there was a publicity campaign to push fluoridation in Great Britain and it was announced in the supplement to the *British Dental Journal* of September, 1963, that this programme was made possible through the generosity of three firms of toothpaste manufacturers, who will remain anonymous. So we come to the question of whether fluoride does really benefit the teeth or not.

In an article called, "Soils and Dental Caries in Hawke's Bay" to be found in the *New Zealand Soil Service*, No. 92: 359 (December, 1961) the article by Healy W. B., Ludwig T., and Losee F. L. said that in the town of Napier which had only 0.13 parts per million, children's teeth had less decay than in the artificially fluoridated town of Hastings, which had one part per million.

Now I quote from the research of Dr. Robert Weaver, C.B.E., M.D., F.D.S., formerly senior medical officer and chief dental adviser to the Ministry of Education from 1938 to 1959. There is not much chance of downgrading this gentleman. I quote—

> One of the best and most authoratative papers on fluoridation in all its aspects is that by Dr. Robert Weaver, C.B.E., M.D., F.D.S., in the Proceedings of the Royal Society of Medicine . . .

I would interpolate here that no Johnny-come-lately could speak to the Royal Society of Medicine.

Dr. Henn: I could be a member for ten quid.

Mr. TONKIN: I doubt whether the society would listen to the honourable member.

Dr. Henn: I am telling you what is a fact.

Mr. Graham: We only do it here under sufferance.

Mr. Bovell: There is a considerable amount of sufferance at the moment.

Mr. TONKIN: This can be checked by looking at the *Proceedings of the Royal Society of Medicine*, volume XLI, pages 284 to 290. The reference here says—

> Dr. Weaver held high qualifications in both medicine and dentistry. He had wide experience as a practising dentist and as a Medical Officer of Health before his appointment in 1930 as a Medical Officer of the Board of Education. He was chief dental adviser to the Minister of Education, from 1938 to 1959. Quite apart from these considerations, the paper in question makes it quite clear that Dr. Weaver is an authority of the highest order, and his statements are as relevant today as when he wrote them. It is indeed remarkable and symptomatic of the one-sided official presentation on the subjct that this paper is excluded from the list of references in the Ministry of Health Report No. 105, which is the basis for the whole official campaign in favour of fluoridation in this country.

Dr. Weaver's paper is based upon a careful examination of children's teeth that he carried out in North Shields, where the fluorine concentration in the water supplies was less than 0.25 parts per million, and in South Shields, where it was 1.4 ppm. He compared the teeth of 500 children aged 5 and 500 children aged 12 in each of the two towns and the detailed results of the survey were published by him in the British Dental Journal for the year 1944 (Volume LXXVI, pages 29 to 40). The paper which is our concern here deals with the general results of his researches, and also with the general principles that arise, and his main points are as follows:

(i) Any effect of fluorine on the incidence of dental caries is temporary only, being merely a delaying action of limited extent. The caries incidence in the teeth of children aged 15 in South Shields (which has the higher water fluorine) was the same as that of children aged 12 in North Shields, and in adults, and in general, in Dr. Weaver's own words, "there is in fact no very striking difference in the incidence of caries in the two towns". He says also: "I think the most important lesson to be learned from the North and South Shields investigation is that the caries inhibitory property of fluorine seems to be of rather short duration.

The incidence of caries in an experimental and a control group is usually shown by recording the number of DMF (decayed missing and filled) teeth in each group, and then expressing the number in one group as a percentage of the number in the other group. Using that method, the average number of DMF permanent teeth in 12-year-old children in South Shields was 56% of the average number in North Shields. There is, however, some justification for saying that fluorine inhibited caries in South Shields children to such an extent as to reduce the incidence of caries by nearly half—a really remarkable result.

I suggest, however, that such a comparison can be most misleading. The 12-year-old children in South Shields averaged 2.4 DMF permanent teeth, whilst the corresponding children in North Shields averaged 4.3 DMF permanent teeth. The question which needs to be answered is 'How many years does it take for the figure of 2.4 in South Shields to reach 4.3?' The answer is approximately three years. It is, of course, true that during those three years the figure of 4.3 in North Shields is also increasing, but the fact remains that at 15 years of age children in South Shields have the same average amount of caries as found in North Shields at 12 years of age. A further investigation into the dental condition of adults in the two towns showed that in them caries was postponed for about five years.

In the *Journal of the Americal Dental Association*, volume 65 of 1962, at page 610, is a report which shows that in Grand Rapids, after 17 years of fluoridation, 19.3 per cent. of white children and 40.2 per cent. of negro children had mottled teeth.

It is quite often useful in a discussion of this kind to try to obtain the views of someone who is in favour of the proposal but who has strong reasons why caution ought to be advised; and therefore I intend to quote from a book written by Dr. W. A. Cannell, published by H. K. Lewis of London in 1960. It is a book warmly reviewed in *The Lancet* of the 12th November, 1960, and is called *Medical and Dental Aspects of Fluoridation*. I propose to read quite a long extract from this because it appears to me to contain the thoughts of a very reasonable and sound person in the position to say what he thinks because he is inhibited by no-one. It reads—

> The author is qualified in medicine, dentistry, and in public health, and his approach is strictly technical and professional. While acknowledging the existence of other aspects, he is not concerned with them, and keeps himself strictly to the subject matter of his title. Again, his adverse evidence gains value from the fact that he is by no means opposed to fluoridation, but cautiously favourable to it —how cautiously may be judged by his final conclusion that: "Unpleasant as the symptoms are, and serious the complications in terms of ill-health, dental caries as a disease does not warrant the general adoption of fluoridation as a matter of extreme urgency." Further quotations will serve to illustrate his cautious and critical attitude:
>
> "Flouride is the only chemical added to water solely as a prophylactic agent.

That, of course, is perfectly true. Chlorine is not a prophylactic agent. To continue—

> It serves no other purpose and its introduction as such is a precedent.

That also is, of course, true. Continuing—

> Objections have been made on the grounds that fluoridation is prodigal and unprofitable in its scope and application and is suggestive of indiscriminate mass dosage. It is difficult to meet this argument until a better method is found of administering fluoride in controlled doses, only to those who may be expected to benefit. Of more serious import is the lack of scientific evidence of chronic fluoride action in animal and plant pathology and in human physiology . . .
>
> "The cumulative effects of fluoride are uncertain and unpredictable. Its interference on Ca and P metabolism and on enzymes, may in part explain the indefinite symptomatology during the 'time lag' between dental and skeletal fluorosis, but such an assumption is speculative. The slow clinical involvement may be hastened by nutritional factors such as malnutrition and deficiency disease.
>
> "It is a tempting field of speculation, too, to ascribe the symptomatology to allergic reactions or related mechanisms, such as have been described by Waldbott and this aspect of fluoride cumulation can scarcely be disregarded.
>
> "It is apparent, too, that, if the classification of Sognnaes be accepted, in which the demands of preventive dentistry are met at F levels of 1.0-1.5 p.p.m. in the daily intake, and toxic effects arise at levels of 2-8 p.p.m., then the margin of safety is very narrow indeed and probably is often exceeded. This is, in itself, of little clinical importance over short periods, but may assume significance with many years' cumulation . . . "
>
> " . . . other physical abnormalities (besides dental and skeletal) in a slow chronic condition tend to be overlooked and a clear clinical picture does not emerge, or tends to be obscured by the changes of time. Population studies on fluorosis and on the effects of known fluoride intakes have been restricted mainly to children. The evidence from clinical studies of fluorosis in adults is mostly of a negative nature, with the exception of skeletal and dental lesions. This in itself is not so much reassuring as disturbing to find that so much pathology is associated with so few clinical symptoms."

I learnt a few hours ago that at the Princess Margaret Hospital here in Perth three children are listed as being allergic to fluoride. One of these children has

eczema. The dentist attending the child—and he told me this himself—advised the parents to give her fluoride tablets. The experience is that every time this child takes fluoride, the eczema flares up and the child is in a very bad condition. When the fluoride is stopped, the condition subsides. This occurs every time. Information has come to me that three such children are listed at the Princess Margaret Hospital.

Here is the point: The parents of those children can discontinue the fluoride and stop this aggravation because the children are allergic to it; but if we put fluoride in the water supply, these youngsters cannot avoid it.

How many more people in the community may be found to be allergic to fluoride? Those people are to be compelled to take it even though it aggravates their condition. That is a weakness in this proposition. If one reads the findings of Waldbott, who is a specialist in allergy in the United States, one will find a number of examples of fluoride affecting an allergy.

Surely this is something which causes us to think very seriously about this proposal. The dentist who confided the information to me said he was shocked at the information himself. He was a strong advocate for fluoridation and believed in its efficacy and safety and he said this knowledge shocked him, as, indeed, it should shock everybody, because it is significant that there may be many people who are allergic to fluoride and who have no escape. What is worse, it has been proved that it is particularly harmful to renal malfunction. That is, kidneys not working properly.

McClure has said that this is a cumulative poison. From 10 to 25 per cent. remains in the body. If a milligram of fluoride is ingested a day, according to McClure, 10 to 25 per cent. remains in the body. Scientists who have studied people with kidney diseases say that a person with diseased kidneys will not be able to excrete any more than 60 per cent. of what the normal person does. So if we take McClure's figures of 10 to 25 per cent. remaining in the body and make a calculation, in the case of a person with diseased kidneys, with only 60 per cent. excretion, we get the figure of 50 per cent. of the fluoride remaining in the body of that person with kidney disease. That fluoride is going to build up every day without any way of getting rid of it.

This proposition imposes fluoridation upon the entire population and makes no allowance for the people with kidney disease who will have this excessive build-up of fluoride in their bodies.

The last time this matter was being debated in this House we were told that Professor Amies changed his mind and said his name was not to be used in this connection at all. There could not be much truth in that because I have a letter here by Professor Arthur Amies dated the 9th March, 1966.

Mr. Graham: Is the Minister telling us untruths?

Mr. TONKIN: This letter is from the Dean of the Faculty of Dental Science, Professor Sir Arthur Amies, C.M.G., University of Melbourne. It reads as follows—

> Thank you for your letter of inquiry of 7/3/66.
>
> In reply I have to state that the latest Dental Hospital Report (75th) contains no mention of the fluoridation of public water supplies. Perhaps the report you mentioned was one which one of my colleagues had drawn up early in 1964 and placed before the Council of the Dental Hospital on February 26th of that year.
>
> I was abroad on sabbatical leave at the time and hearing that the Hospital proposed to make a public statement in relation to fluoridation I wrote to the President and asked that I be allowed to express my view before a public statement was made. On return from abroad I informed the Hospital Council that I did not agree with its pronouncement in favour of fluoridation and asked that my objections should be transmitted formally to the Minister of Health, the Chairman of the Hospitals and Charities Commission, and the President of the Australian Dental Association, (Victorian Branch). My request was agreed to by the Council.
>
> I also indicated that in my opinion it was not appropriate for an institution such as the Dental Hospital to express public views on a professional matter which were not based on direct experience or work carried out by the Hospital, nor was it fair to commit lay members to opinions expressed in this regard. At the meeting on Thursday, 30th June, 1964, the Council of the Dental Hospital agreed to make a public statement on dental health in Victoria and to incorporate a paragraph on its policy re fluoridation, but subject to specific mention to the effect of my dissent in that regard.
>
> I am still opposed to the artificial fluoridation of community water supplies for a number of reasons, and I continue to hold the opinion that such a procedure should not be implemented until a great deal more knowledge is obtained concerning the possibilities of long range toxic effects on individuals.

Yet, Mr. Speaker, it is stated that no reputable authority is opposed to fluoridation. I have here a copy of a letter to a lady who lives in Barrett Street, Wembley. It is dated the 12th September, 1966, and

comes from the French Ambassador in Canberra. It reads as follows:—

> I refer to your letter of June 9th requesting information on the subject of fluoridation in France.
>
> The competent authorities in France have just forwarded to us the following particulars:
>
> As far back as 1955, the "Conseil Superieur de l'Hygiene" had declared themselves against the fluoridation of public supplies of drinking water and water used for cooking purposes and in the preparation of food. They considered that the innocuousness of consuming, over an extended period of time, food, and especially water to which fluoride had been added, even in small, strictly controlled doses, had not been sufficiently established and proved, and that, under these circumstances, fluoride should be administered individually, on a doctor's or dentist's prescription and under their supervision.
>
> To this day, the "Conseil Superieur de l'Hygiene" have not modified their position on the subject.

I suppose there are no reputable authorities in that organisation.

Mr. Graham: Shame on the Minister!

Mr. TONKIN: I have a few reports of authentic cases of definite harm which I think I am obligated to read. The first deals with the report of a man called Rapaport who carried out two researches. The first one was criticised by the Health Department officers on the ground that he had done this, or something else; so he carried out a second research and did the things he was told he had omitted to do in the first research. The second conclusions were the same as the first—that fluoride in the water increased mongolism. This report was published in France, Volume 143, Numbers 15 and 16, Pages 367 and 370, 1959. It reads as follows—

> We have presented, in a previous communication (1), a statistical study on the geographical distribution of mongolism in some States in the central United States, showing a parallelism between the prevalence of this affliction and the concentration of fluorine in the drinking water.
>
> The paradoxical rarity of dental caries, observed in mongoloids (2, 3), constituted the point of departure of this study. The hypothesis of a simultaneous attack on these two structures derived from the primitive ectoderm, the brain and the enamel, by the same pathological process, has also recently been proposed by several authors (4, 5).
>
> The high frequency of opacification of the crystalline lens (cataract) (3) and of licheniform hyperkeratosis (6), among mongoloids made us return this affliction (mongolism) into the group neuroectodermoses of Touraine (7), and gave weight to the hypothesis indicated above.
>
> It is important to mention, likewise, that the passage of fluorine across the placenta has been demonstrated by several recent works.

He then goes on to give a table which shows the incidence of mongolism. This table shows—

FREQUENCY OF MONGOLISM (ILLINOIS)

Towns of 10,000 to 100,000 Inhabitants
(January 1, 1950 to December 31, 1956)

| Births | Fluorine | Cases of Mongolism | |
|---|---|---|---|
| Total Number | milligram/ litre | Number | per 100,000 |
| 196,186 | 0.0–0.2 | 67 | 34.15 |
| 70,111 | 0.3–0.7 | 33 | 47.07 |
| 67,053 | 1.0–2.6 | 48 | 71.59 |

This is twice the number of those which are found in unfluoridated towns.

All I can do, Mr. Speaker, is to report the result of the findings. The bibliography to which Rapaport refers is given here and so is the detail of the whole of his results. This was carried out on statistics supplied to him officially with the assistance of officers of the Public Health Department.

There was a case of a person dying under a process—or method of treatment—called hemodialysis. This treatment consists of using an artificial kidney outside the body. A person with a kidney disease gets an accumulation of poison in the blood and gets into a very toxic condition with the result that, if it is not corrected, the person dies. One of the methods of treatment is the method known as hemodialysis whereby frequently—and as frequently as once a week in some cases—the blood is drawn out of the body, passed through this artificial kidney—ordinary water is used in the process to mix with the blood—and then the blood is filtered and taken back into the body. This process is repeated until the poisons are removed. I refer to the American Medical Association Archives of Internal Medicine No. 115 at pages 167 to 172 dated February, 1965—

> Dr. D. R. Taves and collaborators—and his collaborators were R. Terry, F. A. Smith, and D. E. Gardner—reported substantial accumulation of fluoride in the blood of a 41-year-old nurse from the use of fluoridated water in hemodialysis. In repeated treatments extending over eight months, the authors observed that fluoride entered from the water into the blood stream and settled in the bones, instead of the toxic waste products leaving the blood. After the patient's death destructive changes in bones were revealed at an autopsy.

This case was also reported by other doctors who were interested and these were—

> L. H. Kretchmar, W. M. Green, C. W. Waterhouse, and W. L. Parry

The report is under the heading of, "Repeated Hemodialysis in Chronic Uremia" and is to be seen in the Journal of the American Medical Association No. 184 at pages 1030 to 1031 of 1963.

Following the death of this person the United States Public Health Service found it necessary to warn doctors that in future treatments using the process of hemodialysis, they were to be careful not to use fluoridated water.

Yet, now we are told that water fluoridated at one part per million will not hurt anyone. Here is a case of a woman whose death was due to the fact that fluoridated water was used in a certain process. I asked a question a while back about Martindale's *Extra Pharmacopoeia* in which it appeared that, for treatment of osteoporosis, doses of fluoride up to a maximum of 60 milligrammes a day could be given. I was subsequently informed by the Minister that he had been in touch with Martindale. A new *Extra Pharmacopoeia* was to be issued and it was proposed to lift the maximum dose to 150 milligrammes. If the Government does that, it will be guilty of murder.

I have here a photostat copy of page 355 of the British Medical Journal and the case is "Sodium Fluoride and Optic Neuritis" and I quote—

> The report below is of a patient who developed bilateral optic neuritis six weeks after beginning sodium fluoride therapy for spinal osteoporosis.

These doctors say they gave the patient 20 milligrammes three times a day and this sent the patient blind. There is no getting away from it—that was the result. To continue quoting—

> As there was still no clinical or radiological improvement by the following August he was given sodium fluoride 20 mg. t.d.s. orally along with his other drugs for six weeks. He then noticed pain and poor vision in his right eye, and five days later mistiness of vision in his left eye. He was readmitted to hospital, when he denied taking any other drugs, and his general state was found to be unchanged. His bone pain had not altered and there was no evidence of improvement of his skeletal radiographs. He was not cyanosed, there were no signs of latent tetany, both internal carotid arteries were palpable, and his blood-pressure was 130/85. There were no abnormal neurological signs except that ophthalmoscopy showed moderate oedema of the right optic disk, slight blurring of the left optic disk margin, and bilateral macular oedema. No haemorrhages or exudates were seen and the vessels appeared normal. The sight of his right eye was reduced to the perception of hand movements in the upper temporal periphery of the visual field.

Finally, the conclusion was that the man went blind because of being dosed with fluoride to the extent recommended by the pharmacopoeia. Now we are told it is proposed to lift the maximum in this State to 150 milligrammes. The first thing the Minister for Health ought to do is to write to Martindale and draw attention to this case.

Dr. Henn: Why don't you do it?

Mr. TONKIN: Does the member for Wembley think that Martindale would take more notice of me than they would of the Minister for Health?

Dr. Henn: If there is any truth in what you say, yes.

Mr. TONKIN: I do not agree. All I ask him to do is to draw the attention of Martindale to the existence of this case and ask that the report on it be read, and I think that is more likely to be done if the Minister for Health makes the request instead of myself.

Mr. Ross Hutchinson: All these cases that you have quoted have been taken into account by medical authorities all over the world.

Mr. TONKIN: Nonsense! The Minister is making that statement without any basis whatsoever. It is a straightout assertion without any evidence and is not worth tuppence! Let us see how much notice we can take of an official statement which appeared in *The West Australian* dated the 5th July, 1963. The heading of this Press report was—

> Cue Survey Shows Fluoride Beneficial

The officers who went to Cue to conduct the survey were reported as follows:—

> They said the overall incidence of dental decay in Cue children was about 62 per cent. less than among the children of Meekatharra, 73 miles further north.

I happen to have in front of me the annual report of the Commissioner of Public Health for 1951, in which is published a report of a very careful analysis that was carried out and which shows that Cue had 1.25 parts per million of fluorine; that the percentage of sound mouths was 8.9, and that the average D.M.F. per child was 4.89. The report also shows that Meekatharra, with .25 parts per million of fluorine, had 12.7 per cent. of sound mouths, and 4.78 as the percentage average D.M.F. per child. This was against a percentage of 4.89 as the average D.M.F. per child in Cue.

So the town of Meekatharra, with a lesser percentage of fluorine in its water supply than Cue, has a better dental result. Yet we have this article which states that because Cue has all this fluorine in its water supply the teeth of the children in that town are better. I also notice from this annual report by the Commissioner of Public Health in 1951 that in Port Hedland, which has only 1.4 parts per million of fluorine in the

water, the percentage of sound mouths was 16.1, against a percentage of 12.7 of sound mouths in Meekatharra, and 8.9 per cent in Cue. So something has gone wrong with the statistics. Take notice of the experts, we are told!

I wish to conclude with a quotation from the report of the House of Delegates of the American Medical Association which report was adopted by the association. The House of Delegates of the A.M.A. stated—

> . . . the effects of water with one part per million of fluoride would vary almost unpredictably, depending, among other things, on what other minerals were in the water; that it was too early to know what the effects of artificial—as contrasted with natural—fluoridation would be; that we don't know, and have no way of finding out, how much fluoride any person can take without harm . . .

Mr. Ross Hutchinson: What is the date of that publication?

Mr. TONKIN: This is the report adopted by the House of Delegates of the American Medical Association.

Mr. Ross Hutchinson: Can you give me the date of it?

Mr. TONKIN: Yes, 1958. The report also contained this—

> Ideally, the measurement of fluoride ingestion, particularly in the determination of the amount that can be taken without harm, would be based on the total amount of fluoride taken per day, not merely on the number of parts per million in the liquid or food consumed. And both the Councils and the reference committee recommended that in warm climates "or where for other reasons the ingestion of water or other sources of considerable fluoride content is high, a lower concentration of fluoride is advisable."

Apparently there is to be a flat amount of fluoride placed in the water supplies of Western Australia. No notice is to be taken of the fact that some people, because of their occupations, have to drink more water than others. What about men who work on firing boilers; in the engine rooms of vessels; in the very hot parts of the State; and also children who reside in the hot parts of the State? It is not the number of parts per million in the water, it is the amount of fluoride that is ingested daily that counts. Also, we must not lose sight of the fact—and no amount of argument can disprove it—that fluoride is a cumulative poison at any level of intake. So the more fluoride one ingests the more fluoride stays in the body and builds up in the bones.

I read a very interesting article in the archives of environmental medicine. This was an article prepared by three Canadian scientists and subsequently examined and approved by Doctor L. F. Bellanger of the Department of Histology of the University of Ottawa; by Doctor B. B. Migicovsky of the Animal Research Institute, Experimental Farm, Ottawa, and by Doctor F. C. Lu of the Department of Pharmacology and Toxicology, Canadian Department of Health and Welfare, and this article suggested that when water was naturally fluoridated the water was a hard water and had components which were protective, those components being calcium and magnesium. As fluoride is a calcium depriver it unites with the calcium and therefore it is more easily excreted from the body, but lots of it remain in the body. When sodium fluoride is placed in the water supply it is usual to put it into a soft water and this protective mechanism is not present. As a result, more of the fluoride remains in the body which results in toxic effects, followed by fluorosis.

Mr. Rushton: Has not this been disproved by the millions taking fluoride now?

Mr. TONKIN: No, it has not been disproved at all. As a matter of fact, when I referred it to the local medical association here, thinking it would pass some opinion on it, it really let the cat out of the bag, because it as much as said it had no opinion on this matter, but it would tell me what somebody else had told the association. Because the subject has been brought up I will read a letter dated the 15th June, which I wrote to the secretary, Australian Medical Association, 8 King's Park Road, West Perth. It is as follows:—

> Dear Sir,
>
> I understand that your Association's support of the case for the adjustment of the fluoride content of water by the addition of sodium fluoride or sodium silicofluoride to a maximum content of 1ppm, arises from its acceptance of the concept that a fluoride ion is a fluoride ion, regardless of where it is found.
>
> Therefore, since thousands of people have drunk naturally fluoridated water all their lives, with no detectable detrimental effect except for mild mottling of the enamel of teeth when the fluoride content of the water is above a certain known level, it is entirely safe to add fluoride to drinking water up to the minimum amount known to give the mottling effect.
>
> I desire to bring under the notice of your Association a paper entitled "Accumulation of Skeletal Fluoride and Its Implications," prepared by three officers of the National Research Council of Canada, which after being carefully checked by Dr. L. F. Belanger of the Department of Histology, University of Ottawa, Dr. B. B. Migicovsky of the Animal Research Institute at the Central Experimental Farm in Ottawa, and Dr. F. C. Lu of the Division of Pharmacology and Toxicology

at the Canadian Department of National Health and Welfare in Ottawa, was published in the May 1963 issue of "Archives of Environmental Health," an American Medical Association publication, official journal of the American Academy of Occupational Medicine and of the Association of Teachers of Preventive Medicine.

The implications of the line of thought in the thesis could be significant to the whole structure of reasoning on which artificial fluoridation of public water supplies is built.

The authors recited from 71 different research papers and books which are listed by name and date, to show the pattern of their thought, and then posed questions of such a fundamental nature that it is difficult to see how any thoughtful person, concerned with the welfare of his fellows, could continue to support the addition of fluoride to public drinking water until unequivocal answers have been obtained.

I ask that your Association gives consideration to the work of J. Marier, Dyson Rose and Marcel Boulet, which is the subject of this letter, and in due course favours me with an expression of its views thereon.

The reply I received read—

> I have been asked to inform you that the scientific body on which this Association relies for advice on such matters is the National Health & Medical Research Council of Australia. When that body's views on your enquiry have been received I will write to you again.

Mr. Graham: They have not a mind of their own.

Mr. TONKIN: I had hoped that these gentlemen who were supporters of fluoridation would read this article themselves and try to form some judgment on it. But they sent it over to somebody else, and they were prepared to accept whatever they were told.

That has been the pattern with this promotion right from the start. When Dr. Oscar Ewing took charge of the United States Health Services, for $750,000 he started promoting fluoridation, and then, with the United States Health Service, they gingered up the World Health Organisation—which they could not move at all at first—and subsequently they got them to move, because some kind friend in the United States provided the oil to lubricate the machine. Once it was lubricated an expert committee was set up which was loaded from the start by proponents of this proposition.

Is it any wonder that the World Health Organisation endorsed the views of the American Health Service? So we have a chain reaction. When the National Health and Medical Research Council of Australia endorsed it, the various branches of the Medical Association did what they were told, and endorsed it. So it went on. Then we had the dentists, and the medical men who, according to the minutes, were the easiest ones to get in; and they endorsed it.

We then had the example of a dentist who had a child in front of him who was allergic to fluoride. He said he was shocked. Up till then he was a proponent of fluoridation, but now he is not too sure. Of course he is not; because he has seen for himself what can happen to people who are allergic to fluoridation. There will probably be hundreds of these in the community.

Yet we propose to say to them, if we pass this Bill, "Even though you are allergic to fluoride, and we know it upsets you and could even kill you, we still say that you must take it." So far as I am concerned, no vote of mine will go to effect that.

Debate adjourned, on motion by Dr. Henn.

*House adjourned at 12.17 a.m. (Wednesday).*

# Legislative Council

Wednesday, the 12th October, 1966

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