Legislative Assembly

Tuesday, the 25th August, 1959

CONTENTS

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

QUESTIONS ON NOTICE

INDUSTRIAL DEVELOPMENT

Advisory Committee Meetings, Recommendations, etc.

1A. Mr. W. HEGNEY asked the Premier:

(1) How many meetings of the Industrial Development Advisory Committee have been held since he announced the establishment of the committee on the 29th April last?

(2) Has the third member yet been appointed to the committee?

(3) If so, what is the name of the appointee?

(4) Have any recommendations or suggestions been made by all or any members of the committee with respect to the sale of Government undertakings to private interests?

(5) If so, what is the nature of such recommendations?

Mr. BRAND replied:

(1) Almost daily.

(2) No.

(3) Answered by No. (2).

(4) and (5) General discussions only have taken place between the committee and the Minister.

Reorganisation of Department

1B. Mr. W. HEGNEY asked the Premier:

(1) Following his statement in *The West Australian* of the 29th April last, that the reorganisation of the Department of Industrial Development would be the subject of a further submission to Cabinet, will he indicate what action, if any, has since been taken in the way of reorganisation?

(2) If some reorganisation has taken place, what is its nature?

Mr. BRAND replied:

(1) The reorganisation of the department is dependent on a Bill which will be introduced this session.

(2) Answered by No. (1).

HONEY

Production and Price

2. Mr. W. HEGNEY asked the Minister for Agriculture:

(1) How many commercial apiarists are in this State?

(2) What was the total production of honey for each of the past three years?

(3) What was the total amount of honey consumed during the past year by Western Australian consumers?

(4) What is the approximate amount of honey being exported to—

(a) Great Britain;

(b) West Germany?

(5) What price is being received by apiarists for their honey?

Mr. NALDER replied:

(1) There are 721 registered beekeepers, of whom 92, having 100 hives or more, are regarded as full-time commercial apiarists.

(2) The figures for 1958-59 are not yet available. Production figures for the three preceding years are as follows:—

Year	lb.
1955-56	4,482,125
1956-57	5,658,866
1957-58	7,313,277

(3) 1957-58—1,855,466 lb.

(4) 1957-58

(a) Great Britain 2,791,000 lb.

(b) West Germany 2,262,000 lb.

(5) Price to apiarists ranges from 5d. to 9d. per lb. depending on quality, with an average of approximately 7d. per lb.

MIDLAND JUNCTION WORKSHOPS

Value of Plant and Machinery

3. Mr. BRADY asked the Minister for Railways:

(1) What is the capital value of the Government Railways Workshops at Midland Junction (including plant and machinery)?

(2) What is the value of the plant and machinery?

(3) What is the approximate value of plant and machinery purchased since June, 1945?

(4) What years were the new plant and machinery installed?

Mr. COURT replied:

(1) Recorded depreciated capital values to the 30th June, 1959, (including stores branch buildings but excluding trackage) £1,471,449.

(2) Recorded depreciated value as at the 30th June, 1959—£904,889.

(3) Value of additions recorded as a charge to capital expenditure is £1,145,255.

(4) Value of additions recorded as a charge to capital expenditure since the 1st July, 1945:—

Year ended the 30th June	£
1946	9,258
1947	12,913
1948	19,162
1949	37,383
1950	48,544
1951	366
1952	97,806
1953	264,049
1954	267,632
1955	112,420
1956	102,074
1957	52,646
1958	75,129
1959	45,903
	£1,145,255

RAILWAY ROLLING STOCK

Orders with Tomlinson Ltd.

4. Mr. BRADY asked the Minister for Railways:

(1) When did Tomlinson Ltd. build rolling stock for the W.A. Government Railways prior to obtaining the recent order for KA wagons?

(2) What type of rolling stock was built?

(3) Has the rolling stock given entire satisfaction?

(4) What was value of the last order from Tomlinson Ltd.

(5) What was approximate value of stores purchased from the Government Railways works branch from 1945 to 1958?

Mr. COURT replied:

(1) Between 1947 and 1953.

(2) GE type 4-wheel open wagons.
BE type 4-wheel cattle wagons.

(3) Yes.

(4) £517,924 for 300 BE 4-wheel cattle wagons. Actual payment to the contractor totalled £468,159. (The difference of £49,765 represents wheels and axles supplied by the Railway Department, £47,857; inspection charges, £1,461; and incidentals, £447.)

(5) If the honourable member would like to clarify the information sought, efforts will be made to obtain it for him. Since that reply was prepared, I have received clarification from the honourable member, and will provide the answer tomorrow if it is available.

HAY STREET

Removal of Tram Lines

5. Mr. HEAL asked the Minister for Transport:

As work is now in progress removing the tram lines in Rokeby Road, Subiaco, will he give an approximate date for the removal of tram lines in Hay Street from George Street west?

Mr. PERKINS replied:

The 7th September, 1959.

VELDT GRASS

Eradication in King's Park

6. Mr. OWEN asked the Minister for Lands:

(1) Has any research or experimental work been carried out with the object of controlling or eradicating veldt grass in King's Park by—

(a) the King's Park Board;

(b) any other organisation?

(2) If so, will he inform the House what has been the nature of this research or experimental work, and what have been the results?

(3) If not, will he give consideration to having such work undertaken?

Mr. BOVELL replied:

(1) (a) Yes.

(b) The Forests Department in co-operation with the King's Park Board.

The University of Western Australia.

(2) The King's Park Board since 1938 has carried out experiments with hand weeding, rotary hoeing,

spraying, and cattle grazing. Observations have been made on the effects of shade and canopy effects.

The board has carried out correspondence with the Department of Agriculture, Pretoria, South Africa; also with Dr. J. D. Scott of C.S.I.R.O. who writes—

> I looked at the veldt grass in King's Park and had discussions with various officials of the University, the C.S.I.R.O., and the Department of Agriculture about possible methods of control. As far as I could ascertain, everything I could suggest had already been tried—without any success—so I am afraid I am not much help to you.

The board has carried out a complete and accurate survey on a 10-chain strip basis of the whole of the park, in order to assess the varying degrees of density of the veldt grass.

J. H. Harding a research officer of the Forests Department, who did much work with J. E. Watson (Superintendent-Secretary of King's Park) wrote—

> No areas appear to resist invasion unless the confusing effects of cover (unproven except in complete canopy like pine stands) would help, so that the future appears to hold little prospect of checking the invasion and every prospect of complete dominance of the open natural forest flora.

Dr. R. C. Rossiter in 1947 carried out research on germination, seed yields, and effects of grazing.

Mr. J. E. Watson, who has studied and worked on the veldt grass problem since 1938 states that the grass is in abundance in many parts of the park, and in lesser degree over the whole of the park; nothing has stopped its spread; and short of some enemy peculiar to the grass, nothing appears likely to prevent its ultimately ousting much of the native ground flora.

The Board is about to carry out an experiment using a new weed-killing spray.

(3) Answered by No. (2).

BADGINGARRA No. 1 BORE

Testing

7. Mr. LEWIS asked the Minister representing the Minister for Mines:

(1) What steps, if any, are proposed to be taken to test fully the capacity of the No. 1 bore at Badgingarra?

(2) When will such testing be done?

Mr. ROSS HUTCHINSON replied:

(1) and (2) The department has purchased testing pumps, and all Badgingarra holes will be tested on completion of local drilling programme. This will possibly be in two months' time.

NARROGIN HOSPITAL

Consideration of Tenders

8. Mr. TONKIN asked the Minister for Works:

(1) Are adjustments being made in the lowest tender submitted for the Narrogin Hospital?

(2) On what date were the tenders opened and consideration first given to them?

Mr. WILD replied:

(1) No.

(2) Tenders were opened on the 23rd June 1959 and considered on the 24th June, 1959.

UNEMPLOYMENT

Child Welfare Payments

9. Mr. TONKIN asked the Premier:

(1) Did the figures given by him on Thursday last showing the number of persons who were unemployed and who were in receipt of payments from the Child Welfare Department in 1958 include single unemployed persons in receipt of the special payment of 17s. 6d.?

(2) Were the figures for 1959, which were quoted, quite comparable, as payments to single unemployed persons had been discontinued?

Mr. BRAND replied:

(1) No.

(2) Yes, because of No. (1).

10. Mr. GRAHAM asked the Premier:

(1) In the figures quoted by him last Thursday in relation to Child Welfare payments to unemployed persons in the Perth and Fremantle areas for periods in June, July and August of 1958 and 1959, were payments to single unemployed included in the 1958 figures?

(2) If so, having regard to the cessation of such payments by his Government will he repeat the figures for both the years but excluding single unemployed?

(3) Is it a fact that if the present Government decided to abolish all payments to unemployed persons, the Perth and Fremantle totals would be nil in both instances?

(4) Would he, in such circumstances, claim that there had been an improvement in the unemployment situation?

Mr. BRAND replied:

(1) No.

(2) Answered by No. (1).

(3) Yes; but such a step is not contemplated.

(4) See answer to No. (3).

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

MR. WATTS (Stirling — Attorney-General) [4.42] in moving the second reading said: This is a Bill to amend the Child Welfare Act; and the amendments are planned to make better provision for children who require protection, control, maintenance, and reformation, in consequence of the fact that they have been charged as, or considered, neglected or destitute. I think these amendments in the Bill are in line with modern conceptions of child care and welfare.

Particular attention has been paid in the Bill to the treatment of delinquents, and I want to emphasise at this stage that the Bill is introduced substantially because it must be stressed that the Child Welfare Department should be recognised as the treatment agency. Hitherto, there has been some confusion as to the respective roles of children's courts and the Child Welfare Department in determining what treatment should be given; how it is to be given; and for what length of time the child is to remain under the jurisdiction of the department.

In order to clarify these points, it is necessary to determine the respective roles of these two entities. The Children's Court is a judicial body concerned, primarily, with the establishment or otherwise of guilt on the part of the child charged; secondly, with receiving as much information as it is possible to collect concerning such child when found guilty; and, finally, with making a decision as to the child's future treatment, and at the same time fixing a time limit during which treatment is to be carried out.

In the event of a child being committed to an institution, it becomes a ward of the Child Welfare Department. The department then assumes full responsibility for the care of the child and its management and control during the period specified in the court's order.

It is proposed to amend section 34 of the Act by deleting that portion which enables the court to commit a delinquent to an industrial school; and, in its place, to enable the court to commit the child to the care of the department for treatment. I would like to make that position perfectly plain.

At present, section 34 of the Act enables the court to commit a delinquent to an industrial school. The court does it in this case, and it is intended by this Bill that the court should, instead, commit the child to the care of the Child Welfare Department for treatment. There are very sound reasons for this proposal.

It is considered to be an essential amendment because the department has a range of treatment which it should be free to use in accordance with the needs of each individual child. The facilities available include the Child Welfare Reception Home; Tudor Lodge (a boys' hostel); the Anglican Farm School, Stoneville (an industrial school); and the Point Walter Annexe; and there are parole classes in conjunction with the Department of the Army, and classes at the Reception Home each Saturday. To add to that, in the near future the closed reformatory at Caversham will be included in this list.

With girls, the department uses the Child Welfare Reception Home; and the Home of the Good Shepherd (an industrial school); and also makes extensive use of such facilities as the Y.W.C.A., the Girls' Friendly Society Lodge, and other hostels. Therapeutic group activities are at present in operation, and this form of treatment is to be extended.

In order to permit the director of the department to use these facilities, and to have some flexibility in managing his wards in accordance with their individual needs, amendments are proposed to sections 10 and 20. One vital need for these amendments is in regard to admission to the closed reformatory at Caversham when it becomes available. This establishment will cater for 33 boys only, and I am informed it will not be possible to admit even one more. Once this institution is available, children's courts may tend to commit boys there regardless of its capacity.

It should be borne in mind that there are more children's courts than that which is presided over by the special magistrate in Perth. Such commitments can be made from many places in country areas; and if there is some control vested in the Director of the Welfare Department, by committing male delinquents to the care of the department for treatment, discipline, and training, the director will become the authority to control admissions and discharges, thus ensuring the place will not be taxed with inmates, which might otherwise be the case: at least not with inmates—because it will not hold them, I understand—but at least with children who, by a Children's Court order, are supposed to go there.

Other amendments relate to the delegation of some ministerial powers to the director; the court's powers in regard to children charged with minor offences; and maintenance procedure.

It will be seen from what I have said that the main purpose of the Bill is to enable the Child Welfare Department, as a department, and the director, as its head, to have greater control of the treatment of children who are committed to the care of the department; and to limit to some degree the power of children's courts to make such orders as they now can make, which can, or could, have the effect of undermining the treatment and discipline that the Child Welfare Department is able to provide. For these reasons, I move—

That the Bill be now read a second time.

On motion by Mr. Hawke, debate adjourned.

TRANSFER OF LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th August.

MR. NULSEN (Eyre) [4.50]: In my usual phraseology, I say that this is a little Bill; but still it is an important one. It will give to the Minister the power to destroy obsolete documents and records at the Land Titles Office, and he will be empowered to have copies of certain documents made by the photographic and photostatic methods. Such papers will first of all be thoroughly examined by the officers concerned, and then they will be handed to the Commissioner of Titles and to the registrar for perusal. I feel there is no risk of records being destroyed that would be required at any future time. The Minister will look for safety in this regard, and the destruction of these documents must have his approval. The Bill is an important one on that score.

At present, the accommodation at the Office of Titles is very inadequate. I have visited the office on many occasions, and I have felt it was hardly fair to ask the officers to work under the conditions that apply. The photographing of the records will mean that we will have an up-to-date record of any documents. At present, the public may be supplied with photographic or photostatic copies of certificates of title on the payment of a small amount. So this system of preserving records is really in operation now. If tomorrow, we had a war, or if any of the original documents went astray, we would, by means of the photographic or photostatic methods, have copies of them.

I do not see that there can be any logical objection to the Bill. We will have photographic copies of the records, and there are no truer copies than those. No-one will dispute a photograph; whereas a mistake may be made in a written copy. I feel that the old documents are better destroyed than kept. They harbour all sorts of vermin, and they take up a lot of space. In the Titles Office, there is a great accumulation of documents. If we can make small copies of the documents, we will save space, and we will still have a true record; and the copies could be enlarged at any time they were required.

I notice that the Minister for Railways, being an accountant, is interested in a proper record being kept so that if a hundred years or two hundred years hence someone wishes to look at these documents, they will be available. Perhaps the Minister himself will be reincarnated in 400 or 500 years' time and will want to look at these records. The Bill is a good one; it will be helpful to the office, and it will permit of more room being made available.

Question put and passed.

Bill read a second time.

In Committee

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

FILLED MILK BILL

In Committee

Resumed from the 18th August. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 3 had been agreed to.

Clause 4—Exemption of certain products:

Dr. HENN: There are certain manufacturers in Western Australia who produce a substance, the basis of which is dried skimmed milk powder. It is used in the manufacture of milk bread. However, when one adds dried skimmed milk powder alone to dough and cooks it in the usual manner, the resultant loaf is poor in volume and poorer in quality. That difficulty has been overcome and the percentage of dried skimmed milk has been cut down to 90 per cent., and 5 per cent. of glycerol monostearate added. When cooked, this makes an excellent milk bread with good volume.

The only difficulty about that substance is that it is difficult to dry commercially; but that difficulty has also been overcome by reducing the percentage of glycerol monostearate from 5 per cent. to 1 per cent. and adding 4 per cent. of hydrogenated stearate. The resultant mixture, when put into the dough and cooked in the usual manner, produces a most excellent milk-bread loaf of good volume and quality.

I would like to ask the Minister to give the Committee an assurance that the manufacturers of this product may continue

to make it and sell it after the Bill becomes an Act; because it might be illegal for them to manufacture and sell the product between the time the Bill becomes law and when the Minister considers the report and recommendations of the committee in respect of the product concerned.

Mr. NALDER: I can assure the honourable member that the Bill will not interfere with the manufacture of any special foods or health foods already being manufactured, or which might be manufactured in the future in this State.

Mr. TONKIN: I take it the Minister has referred to food for human consumption; but there are processed foods used for stock which come within the definition of filled milk; and unless an exemption is granted in regard to them, the manufacturers will be prosecuted for manufacturing these products. It is no use the Minister shaking his head.

Mr. NALDER: The position is catered for, because animal foods do not come within the definition of filled milk. They are covered by another Act, and therefore this measure will not interfere with their manufacture.

Mr. TONKIN: I am not satisfied with the Minister's explanation. In the Bill, the definition of filled milk reads—

> "filled milk" means any liquid or powder containing the non fat solids of milk with which is incorporated or to which is added any fat other than butter fat, whether described as filled milk or by any other name and whether or not intended as a substitute for milk or for whole milk powder.

I submit that that definition certainly includes the powders manufactured as a stock food and added to milk. It is no use the Minister saying another Act protects them; it will not, because this legislation is aimed specifically at dealing with filled milk. Despite what may be said to the contrary, certain proprietary lines being manufactured in this State today and used as stock foods will come under the Bill. I suggest that the Minister read the definition again. The lines to which I refer are not intended as substitutes for milk or milk powder, but are manufactured and sold as stock food; and they come within this definition. I want an assurance that they will be exempted under the power which the Bill contains to grant exemptions.

Mr. NALDER: I give the Deputy Leader of the Opposition that assurance. I am confident that what I have said in this regard is correct and that the Bill will not interfere with the manufacture of stock foods. I promise the honourable member that, if it can be proved otherwise, I will have the necessary amendments made when the Bill is in another place.

Clause put and passed.

Clause 5—Advisory Committee:

Mr. I. W. MANNING: This clause provides for the composition of the committee that will advise the Minister as to what lines may be manufactured and what lines should be prohibited, bearing in mind the principle of the Act. I propose that to paragraph (d) of subclause (1) there should be added the words "chosen from a panel of three names submitted by the Western Australian maufacturers of processed milk"; and at the end of paragraph (e) I think we ought to add the following words:—"Chosen from a panel of three names submitted by the Farmers' Union of W.A. Incorporated." If the Minister is agreeable, I will submit those suggestions as amendments.

Mr. NALDER: I do not object to the proposed amendments; and I understand that the manufacturers of processed milk in Western Australia would be happy to submit a panel of three names to the Minister. I suppose it would be possible for them to nominate a person from the Eastern States, but I understand they would prefer to nominate a Western Australian representative. I have no objection to the proposal that the Farmers' Union shall submit a panel of names from which a representative shall be selected, because I understand the dairy section members are all within the Farmers' Union.

Mr. GRAHAM: I have an amendment to move in line 2. I wish to move that the word "five" be struck out with a view to inserting the word "six." If this is agreed to, I shall move that a further paragraph—paragraph (f)—be added to read as follows:—

> A person who shall be deemed by the Minister to represent the consumers in this State.

It is usual on many boards, particularly those pertaining to primary products, to have one member representing the consumers. I think this is highly desirable; and, in addition, it is a plank in the platform of the Australian Labor Party.

If we look at the composition of the proposed committee we see that to a large extent it comprises persons who have a vested interest in the matter. I suppose the Department of Agriculture would be concerned with prosperous dairy farmers, and the development of their farms, irrespective of the wants of the public. Anybody's guess would be as good as mine as to the attitude of the Milk Board; but I suppose its primary concern would be to ensure that the product was produced under hygienic conditions and purveyed to the public in a similarly clean condition. No doubt the representative of the B.M.A. would be interested in seeing that the product was not detrimental to the public

health; and, as the Minister has already conceded, there is no likelihood of that occurring.

The manufacturers of processed milk would have a very definite axe to grind to ensure that no rival firms could set up and use some of the supplies that they normally draw on, in order to manufacture a commodity that could be competitive. Somewhat naturally the dairy farmers, so long as they can get as much as they possibly can for themselves, will feel that any machinery in this or any other statute is worthwhile. Therefore, it will be seen that the dice is well and truly loaded against the public; and it still will be if the representative I have suggested is appointed.

But surely the public have a point of view; and the Minister was not able to satisfy me that there would be any detriment to the health of the public if they could buy this commodity. There are many people in the lower income bracket who could conceivably receive all the nutriment they required if they could purchase the product; and it would be at a lesser cost. I think it is necessary to have a board, but the election of a consumers' representative would enable the public's point of view to be expressed.

I think that as parliamentarians we have a damned impertinence to endeavour to dictate to people that they must not purchase a certain food commodity, where it cannot be demonstrated that there is anything harmful in the purchase and consumption of it. On the contrary, I think it could be demonstrated that the food has virtues over those of whole milk. In order to give the public some opportunity of expressing their point of view, I move an amendment—

> Page 3, line 2—Delete the word "five" with a view to inserting the word "six."

Mr. NALDER: I listened with considerable interest to the points raised by the member for East Perth; but I think it is unnecessary to alter the constitution of this advisory committee because, after all, it is only an advisory committee which is to consider applications made by any individual or trading concern to manufacture some type of filled milk in a prepared form.

If an application were made on behalf of individuals who required some special health preparation, the committee could advise the Minister that, in its considered opinion, it was desirable to have the particular food manufactured. For that reason it is not necessary to have a large committee. By appointing another representative, the committee would have an equal number, and the members might not reach agreement; especially when members opposite have suggested that the chairman should have only one vote.

Mr. Graham: What would happen if one member of the committee were absent? That would bring about the same position.

Mr. NALDER: This is an advisory committee which will consider all aspects of the matter; and I can see no reason why we should increase the number of members. Similar legislation has been agreed to by all the States, some of which have a Government with a composition similar to that of the Government in this State. They have agreed that this suggestion will work. Further, this self-same legislation was suggested to the previous Government when it was in office.

Mr. J. Hegney: What viewpoint has been expressed by the dairy farmers against a representative of the consumers being appointed to the committee?

Mr. NALDER: The committee will gather all the evidence submitted by people who want to manufacture any food that could be covered by the term "filled milk." The committee could then make a recommendation to the Minister, who would decide whether the food preparation should be manufactured for sale.

Mr. Graham: You have a stacked committee.

Mr. NALDER: It is not stacked. The recommendations of all sections of the community can be considered. If the honourable member so desired, he could make a recommendation to the committee, or he could even give evidence before it. That applies to any person.

Mr. Graham: I would like a fellow consumer to be present at the discussions of the committee.

Mr. NALDER: I do not think it is necessary.

Mr. Graham: Why is it necessary for the dairy farmer to be represented?

Mr. NALDER: The honourable member could suggest many more representatives that could be appointed to the committee, and if his suggestion were agreed to, the committee would undoubtedly take a long time to reach a decision. I oppose the amendment.

Mr. HAWKE: The argument put forward by the Minister should apply to each of the representatives already suggested in the Bill. For instance, dairy farmers could appear before the advisory committee or correspond with it. So could individual manufacturers of processed milk, and so on. If the Minister's argument against putting a consumers' representative on the committee is logical, he argues the whole committee out of existence. I cannot understand the Minister's opposition to the amendment. It does not matter whether there are six members instead of five.

The other argument by the Minister—that there could be even voting with an even number of members—bears no weight, because that situation could be reached with an odd number of members. After all is said and done, it is a good thing

to have more than a bare majority on a particular recommendation. I think consumers are entitled to a representative on this committee. It is not enough for a consumer to appear before the committee.

The consumer is vital to the continued existence of the dairying industry. The most important work a consumers' representative could do, would be the work done after evidence had been taken, whether it be written or oral. The Minister should know that the committee will do most of its important work after it has heard the evidence. It is then that conclusions are formed and recommendations will be made by members of the committee. The consumers will not be adequately represented if they do not have a representative taking part in those most important proceedings.

I ask the Minister to reconsider the matter, because he would not be giving anything away by agreeing to the amendment. I think the position is that this is the first Bill the Minister has handled, and he feels that he must stick to the Bill and nothing but the Bill. However, the amendment will not impair the objective of the Bill, and I trust the Minister will accept it.

Mr. FLETCHER: I, too, feel there should be a consumers' representative, and that the committee should consist of six persons instead of five. Committees have a habit of ignoring public opinion on certain things; and the best interests of the community could be overlooked if there were not a consumers' representative on the committee. The Leader of the Opposition has mentioned that a woman could be appointed as consumers' representative. I would like to see a housewife appointed to this committee; or at least that we should have feminine representation on it.

Since this commodity can be utilised in cooking, and it is very satisfactory from the point of view of bread, it should be the prerogative of the housewife to say what should and should not be used in the diet for the welfare of the family. After all, half the population of Western Australia are women, and they should have more say on a board of this nature. I may be trespassing on the territory of the medical profession; but I believe that cholesterol is a property of the blood brought about as a result of too much animal fat, which causes hardening of the arteries, and so on.

The CHAIRMAN: Order! The honourable member will keep to the composition of the advisory committee.

Mr. FLETCHER: The consumers' representative would take into consideration the points of health mentioned. It is democratic that we should have the public represented on this committee. The State Electricity Commission has a consumers' representative and an employees' representative, and it is not necessary for the public to make further representation.

Mr. J. HEGNEY: I cannot understand the attitude of the Minister for Agriculture; because this Parliament established a precedent in appointing a consumers' representative when establishing the Milk Board. We decided that there should be producer-consumer representation, and the Minister should not depart from the principle.

The proposed amendment will not alter the structure of the Bill; and by accepting it, the Minister will be following the logical pattern set by Parliament in past years. The consumers—who, after all, are the paying public—are entitled to such representation. I support the amendment.

Mr. NALDER: I feel this committee will represent the general public. It will submit its findings to the Minister in an advisory capacity and recommend that certain things be done. The entire public will be well catered for; and I do not propose to alter my opinion.

Mr. W. HEGNEY: I would like briefly to contradict the Minister. He says the members of the committee will represent the general public. If the personnel of the committee will represent the public, why are certain categories specified? The Bill provides for a person to represent the Department of Agriculture, and one to represent the Milk Board. The Milk Board does not represent the general public. On any particular discussion the Milk Board representative would put forward the board's point of view.

Mr. Nalder: The Milk Board could have a consumers' representative.

Mr. W. HEGNEY: The Bill also provides for a person nominated by the governing body of the British Medical Association in Western Australia. If he were doing his job, the representative of that association would give us the view of the council of the association. I suggest that if there were anything of a contentious nature, he would still represent the interests of the British Medical Association.

The next representative is a person who shall be deemed by the Minister to represent the manufacturers of processed milk. Will this person represent the general public? As the Minister claims that the proposed personnel of the advisory committee will adequately represent the general public, the clause should be framed in such a way that the members of that committee shall consist of five persons to be appointed by the Minister, but it is not.

Another representative is to be a person who shall be deemed by the Minister to represent the dairy farmers. I presume the Minister will request the dairy section of the Farmers' Union to submit a

panel of three names from which to make a selection. I might ask whose interests this representative will be concerned with —that of the general public or that of the dairy farmers.

In opposing the amendment, the Minister said that if there were to be an additional appointment to the board, the difficulty of equal voting could arise with three in favour and three against. Such an eventuality is already covered by the Bill, where it is provided that a question shall be decided by the majority present. If four of the five proposed members are to be present, and a question is to be decided, two of the members could be in favour and two against. In that case the question of equal voting would arise in a committee of five members.

The Minister need have no fears about the amendment before us, because at every stage the Minister still has the authority to reject or accept a recommendation put up by the advisory committee. If the amendment is agreed to, the public will be given some representation on the board, even though the interests of the general public might be overshadowed by those represented by the other five members on the board.

Mr. GRAHAM: I appeal to the Premier in connection with this amendment. This Bill contains a principle which has obviously been approved of by the Government; that is, the principle in the clause dealing with the appointment of the advisory committee. The Opposition is not seeking to remove any of the powers of the advisory committee. It is not seeking to bring about any unbalance in the committee in suggesting the appointment of an additional member.

The idea of the amendment is to have a representative of the consumers of milk on the advisory committee. It is not unusual for Parliament to decide that the consumers should have some representation on such boards. The Bill deals with a type of foodstuff; and in the ultimate it seeks to deny to the public access to that foodstuff, which they may or may not want.

Mr. Nalder: It does nothing of the sort.

Mr. GRAHAM: It does. As the member for Mt. Lawley stated, this is only to be an advisory committee. If the amendment is agreed to, the membership of the board will be increased from five to six. If the Minister considers that the sixth member is redundant, the other five appointed by him could override any of the suggestions of that member. I am not seeking, in my amendment, to put forward a proposal that a panel of names shall be submitted from Trades Hall from which the Minister is to select the consumers' representative. That representative could be a housewife, a member of the Liberal Party, or a member of the Country Party.

I put this question to the Minister: As this amendment is only a comparatively minor one, and as the Minister has opposed the amendment on behalf of the Government, will it upset the dignity of the Government to allow the amendment to be taken on the voices and not along Party lines? I do not want it to be construed that this is an endeavour to encourage the rank and file of the Government to desert the Ministry, but I am certain that a number of the private members behind the Government feel there is considerable merit in the proposal that the people who are to be most vitally affected by this legislation should have some voice on the advisory committee. I hope that private members will be given the opportunity to vote on this amendment on non-Party lines.

Amendment (to strike out word) put and a division taken with the following result:—

Ayes—20.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Norton
Mr. Fletcher	Mr. Nulsen
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May

(Teller.)

Noes—22.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. W. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Evans	Mr. Perkins
Mr. Kelly	Dr. Henn
Mr. Moir	Mr. Guthrie

Majority against—2.

Amendment thus negatived.

Mr. GRAHAM: I move an amendment—

Page 3, line 9—Add after the figures "1946" the following words:—

and being the consumers' representative on that Board.

I think this will be a happy compromise, because it does not increase the number of persons constituting the advisory committee; neither does it alter the interests that are represented. However, it does ensure that the public will have a voice in committee deliberations. At this stage I do not think it necessary for me to say any more than I said earlier in connection with it.

I am certain, if the Minister is in an acceptable frame of mind, that this amendment can be a happy compromise between the point that he seeks to maintain and the point that I seek to establish.

Mr. NALDER: This representative could be, in the wisdom of the Milk Board, the consumers' representative on that board. Why should we dictate to the Milk Board who its representative shall be? As the clause stands, the Milk Board could nominate the consumers' representative on the board.

Mr. Oldfield: Are you not big enough to give way on one point?

Mr. NALDER: The person could be the consumers' representative on the Milk Board; and we should leave it at that.

Mr. GRAHAM: I am not content to leave it to the Milk Board to decide who shall be its representative on the advisory committee. I feel it is more appropriate for Parliament to decide the particular type of interest. I think the amendment is doubly necessary, because the Milk Board might nominate a dairy farmer who was a member of the board. Therefore, we would have a committee of five, two of whom could be dairy farmers. It does not require much imagination to realise that if one or two persons were missing from a meeting, this advisory committee would be completely and utterly in the hands of the dairy farmers.

Whilst they may be an important element, they are certainly not the be-all and end-all of everything. I should say that in the final analysis, it is the public that is entitled to the majority say, if there is to be a majority.

Mr. J. Hegney: They are opposing the principle of consumer-representation.

Mr. GRAHAM: So it would appear. I wonder what the Housewives' Association, the Country Women's Association, the Women's Auxiliary of the Liberal Party, the Band of Hope, and all the rest of them, would say about this. I think the Minister is being completely unreal and unnecessarily stubborn in connection with this matter. Does he think he will do his Government an injustice if he agrees to such a matter as this? In other words, have we reached the stage where the Minister, because he has the numbers, and irrespective of what arguments ensue or logic is produced, is not going to alter one single word or line of the Bill? If that is the case, then presumably the Minister has fallen down on his job.

Mr. Nalder: You have had some experience of that, I presume?

Mr. GRAHAM: I have had experience of making considerable concessions, which a reference to *Hansard* will reveal; and I would offer this suggestion: that in those cases there was not nearly as much merit as there is in the present proposal. This amendment has an element of fairness in it, inasmuch as everything the Minister wants is still contained in the clause, with the exception that Parliament, instead of members of the Milk Board, will ensure—amongst other things—that there will not be two dairy farmers on the committee, but that the person who is associated with the milk industry—namely, a member of the Milk Board—is one whose primary consideration is the interests of the public at large.

Apparently the Minister thinks there is something wrong, or that I have a trick up my sleeve because I seek to ensure that the representation of an interest which he has nominated in his Bill, will be responsible to the public rather than to one of the interests that have been outlined. But I repeat: he will still be a member of the Milk Board. Could anything be fairer than that? I am sure that if you, Mr. Chairman, were sitting in this Committee instead of where you are, you would think so too.

Mr. I. W. MANNING: I have no strong objection to one of the five representatives being a representative of the consumers. I appreciate the point made by the Minister that it would be most undesirable to add to the committee. I would have the strongest objection to the representative of the Milk Board being classified as the representative of the consumers, because the Milk Board's approach to the milk industry, which is a highly specialised industry, is purely one of administration. I have said here on previous occasions that the Milk Board's administration of the milk industry is one that calls for a good deal of firm-handedness; and that has been the whole approach of the board to the industry.

There have been no favours given to any particular section of the industry by the board, and no leniency shown at all. Therefore, the whole approach of the board to the milk industry has been directed towards the close and specialised administration of the whole of the liquid milk industry. Consequently, any suggestion of making the board's representative the direct representative of the consumers, would very strongly conflict with its approach to the industry.

Mr. Graham: I think you have misunderstood me. I have not said he will represent the consumers. I have said he will be the consumers' representative, who is already on the Milk Board.

Mr. I. W. MANNING: Yes; but what happens on the Milk Board is as I have outlined. We have the three representatives on the board—the chairman, the representative of the producers, and the representative of the consumers—but their whole approach, judging by their actions, has been to closely administer the industry without showing leniency towards any one section at all.

I said that I would not have any objection to one of the five being termed the representative of the consumers; and if we are going to pick one of the five who will be the most able and fair representative of the consumers, then it should be the

member of the British Medical Association, because there could be no relationship between that member and any other section of the industry, other than the consumers. Judging from what I know of the medical profession, their leniency would be towards the consumers.

Mr. Hawke: Doctors do not even drink milk.

Mr. I. W. MANNING: I would suggest that if we are going to have a consumers' representative he should be the member nominated by the British Medical Association. I oppose this amendment.

Mr. HAWKE: In order that the Minister may consider this matter further, I move—

> That progress be reported and leave asked to sit again.

Motion put and negatived.

Amendment put and negatived.

Mr. GRAHAM: I move an amendment—

> Page 3, line 12—Add after the word "Association" the words, "which person shall represent the consumers of milk."

I hope the member for Harvey spoke not only for himself, but also for others on his side of the Chamber. It is obvious he feels (a) that the number of members of the committee should not be increased beyond five—hence he voted against my first amendment; and (b) that the representative of the Milk Board on the committee should not be the consumers' representative. I can appreciate that he is looking forward to the day when there are two dairy farmers on this committee of five. He pointed out that the British Medical Association is not directly associated with the milk industry. The Committee has rejected my proposal.

Mr. Nalder: What is your proposal?

Mr. GRAHAM: I have just moved my third amendment. The representative of the British Medical Association, if the amendment is agreed to, will have an idea of what his responsibilities are as the representative of the consumers. Actually I think the majority of the representation should be consumer-representation. At all events, I trust the Committee will agree to the amendment.

Mr. NALDER: I have no objection to the amendment. I think it is the best way to achieve the desire of the hon. member, because this member of the committee will not be interested in the production of milk.

Mr. HAWKE: This is the least acceptable of the three amendments moved by the member for East Perth in an endeavour to get consumer-representation on the committee. However, I suppose we should be grateful for the fact that the implied threat from the member for Harvey, and the whispered appeal by the member for Leederville, had the effect of prevailing on the Minister to agree to give the consumers some representation on the committee.

Mr. J. HEGNEY: As the Minister said that the representative of the British Medical Association will now represent the consumers of milk, can he indicate who that member of the committee previously represented?

Mr. Watts: He was there as a medical practitioner, to guide the board in that aspect.

Mr. J. HEGNEY: The Minister has accepted the amendment, and has agreed that the British Medical Association representative should represent the consumers and not the British Medical Association.

Sitting suspended from 6.15 to 7.30 p.m.

Amendment put and passed.

Mr. I. W. MANNING: I move an amendment—

> Page 3, line 15—Insert after the word "milk" the following words:—
>
> > chosen from a panel of three names submitted by the West Australian manufacturers of processed milk.

It is necessary for the Minister to select a representative to represent the manufacturers of processed milk, and the best way to do this is for the manufacturers to provide a panel of three names from which the Minister may select one.

Mr. TONKIN: I thought the Minister would have something to say about this.

Mr. Nalder: He had something to say about it previously.

Mr. TONKIN: Then he did not say enough about it. If the Minister wants to rush into this without putting in the safeguard I am going to suggest, it is quite all right because I am easy about the matter! But what happens if the manufacturers do not submit a panel?

Mr. I. W. Manning: It could be provided for further on in the Bill.

Mr. TONKIN: How could it be when the Bill did not contemplate such an arrangement in the first place? When Bills provide for the selection of representatives from panels, invariably there is a further provision that in the event of failure by the body concerned to supply a panel of names the Minister can select the representatives himself. But there is no such proviso in the amendment moved by the member for Harvey. If the Minister agrees to this, with no saving clause, he will be in the position that he cannot make an appointment until the panel of names is submitted; and if, for some reason, these people fail to submit a panel, administration will be held up.

Sometimes disagreements occur in the selection of a panel—I had that experience myself—in which case the Minister wants to be in a position to make the selection himself.

Mr. Nalder: What would be the position if the British Medical Association did not nominate a person?

Mr. TONKIN: It has to nominate somebody.

Mr. Nalder: It is the same position in this instance.

Mr. TONKIN: No; it is not.

Sir Ross McLarty: He does not have to represent the consumers.

Mr. TONKIN: Any doctor nominated by the British Medical Association will go along as having been nominated by that body and simply say, "I am a consumer." But the proposition of the member for Harvey is different altogether. I cannot imagine the British Medical Association refraining from nominating a single person; but if it does, the Minister will simply do without the nomination.

In one of our Acts of Parliament, there is provision for a panel from the Chamber of Manufacturers and the Chamber of Commerce. It is conceivable that they could not agree on the panel; one body might want to have two and the other two, and that would make four. They could have some difficulty in arriving at a decision, and the disagreement could go on for months; and the Minister would not be able to make an appointment. I agree with the member for Harvey that it is a good thing to provide that a panel of names shall be submitted to give the Minster the opportunity of making his choice; but I do not want him to find himself in the position that he can do nothing about it if the body concerned neglects to submit a panel.

Mr. Nalder: Look at subclause (3) and you will find that by the inclusion of paragraphs (d) and (e) that position will be covered.

Mr. TONKIN: I will say as I said before —that has nothing to do with the amendment as moved. Subclause (3) deals with the refusal to nominate a person.

Mr. Watts: We haven't got this in yet. He is quite capable of amending it consequentially.

Mr. TONKIN: I am suggesting that we cannot accept it this way without making a provision that in the event of the panel not being submitted, the Minister may then proceed to make his own appointment. If that is going to be looked at and adjusted, it will be all right, because I have no objection to the panel whatsoever. However, I do not want this provision to be in the Bill and then have the Minister at the mercy of the organisation because it refuses to submit a panel.

Mr. I. W. MANNING: If the Minister is agreeable, I propose to include the reference to paragraphs (d) and (e) in subclause (3). Surely that would overcome the objection of the Deputy Leader of the Opposition.

Amendment put and passed.

Mr. I. W. MANNING: I move an amendment—

> Page 3, line 18—Add after the word "State" the words "chosen from a panel of three names submitted from the Farmers' Union of W.A. (Incorporated)"

The argument I applied to the previous amendment fits this one. The Minister should have the opportunity to choose from three persons nominated by the Farmers' Union, a person to represent the dairy farmers.

Mr. TONKIN: I ask members of the Committee to read the clause incorporating this proposed amendment. I suggest that it is being put in the wrong place because it will read that the farmers will be chosen from a panel submitted by the Farmers' Union.

Mr. Watts: The words should be inserted after the word " person" in line 16.

Mr. TONKIN: Yes; it is the person who is chosen.

Mr. WATTS: Perhaps the member for Harvey would be agreeable to transposing the words of his amendment to after the word "person", because, I think that that is the proper place for them.

Mr. I. W. MANNING: I ask for leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. I. W. MANNING: I move an amendment—

> Page 3, line 16—Insert after the word "person" the words, "chosen from a panel of three names submitted from the Farmers' Union of W.A. (Incorporated)."

Amendment put and passed.

On motions by Mr. Watts, the following further amendments were agreed to—

> Page 3, line 24—Delete the word "either" and insert the word "any."
>
> Page 3, line 25—Insert after the letter "(c)" the words "or (d) and (e)."

Mr. WATTS: I move an amendment—

> Page 3, line 27—Insert after the word "person" the words "or a panel as the case may require."

Mr. GRAHAM: I am wondering whether the Attorney-General intends to insert any further words in this subclause, because I would like to draw attention to something he may or may not have in

mind. I thought that after the word "person" we should insert the words, "or to submit a panel of names from which the Minister may select a representative"; because, as far as we know from the Attorney-General at the moment, the clause will provide that the Minister shall nominate a person or a panel to be appointed to the committee. Obviously, all the members of the panel are not to be appointed to the committee, but only one of them. It may be that the Attorney-General has that in mind, but the one sentence would cover the position.

Mr. Watts: No; but further down I intended to insert after the word "nomination" in line 29 the words "of such person or panel." I think the word "nomination" covers the position sufficiently.

Mr. GRAHAM: Except that it goes on to nominate a person or a panel to the committee. But a panel is not appointed to the committee. A person is nominated, or a panel of names submitted from which the Minister may appoint a representative for appointment to the committee. I merely seek to avoid the position where there is an obligation to appoint a panel to the committee.

Amendment put and passed.

Mr. WATTS: I move an amendment—

> Page 3, line 29—Insert after the word "nomination" the words "of such person or panel."

Having inserted these words it is obvious that the objection raised by the Deputy Leader of the Opposition has been taken notice of and apparently overcome. If there is any difficulty in drafting, it could be submitted in another place.

Amendment put and passed; the clause, as amended, agreed to.

Clause 6—Prohibition manufacturing and packing filled milk:

Mr. O'CONNOR: Realising that the dairying industry is one of the largest industries in this State; and appreciating the amount of butter and cheese it produces, quite apart from the amount of milk, I would like to know whether this legislation will become law in New Zealand. This is important because, if it does not, the New Zealand interests will be in the position of being able to skim their milk, fill it with the necessary ingredients, and then flood our market with butter and cheese at a price lower than that at which we can supply.

I believe this arrangement is operating in Holland at the moment, and that the Dutch interests skim their milk and export a great quantity or butter, while living on margarine themselves. They are thus able to supply butter and cheese at a cost which is much less than that at which we can supply them. I believe that Nestles lost a contract in Singapore because the Dutch interests could supply those commodities at a cost less than that at which Nestles could supply them.

Mr. NALDER: I understand the legislation is in vogue in New Zealand and in the United States. Whether or not a succeeding Government would alter that legislation is not for me to guess. It is part of the legislative programme in New Zealand, where filled milk is banned.

Mr. TONKIN: We have now had what I have been waiting for months to see; namely, a little independence of thought from members of the Government. The member for North Perth has had the temerity to express his own viewpoint on the Bill.

Mr. Graham: He will probably be dealt with at the next party meeting.

Mr. Brand: Do not judge others by yourselves!

Mr. TONKIN: This clause is the crux of the whole Bill. On such an important matter, the Minister is not as well informed as he ought to be. There has not been much research into this question at all. When speaking during the second reading debate, the member for Murray said there was a lot of information in relation to it. I asked the member for Murray where I might find some literature about it, but he could not help me at all. I subsequently got in touch with the Public Library; and after asking to be put in touch with anything of any value on the subject, and after a lot of research, I was given one publication. I got a considerable amount of information from it. But my experience goes to show there has not been a great deal of investigation into this subject.

The information I got came from the *Australian Journal of Dairy Technology*. It is the quarterly publication of the Australian Society of Dairy Technology. In that edition for January to March, 1959, there is an article by the Department of Primary Industry's Marketing Division, Canberra. It states that filled milk was first produced in the United States in 1918. That was quite a long time ago.

In 1920, Federal legislation was passed prohibiting interstate trade in filled milk. The legislation which was passed in some States has now been rescinded because their experience has shown that they made a mistake. Filled milk is now being produced in Illinois, Missouri, Oklahoma and Indiana. There is no prohibition against the manufacture and sale of filled milk in Canada, which has quite an extensive dairying industry. New Zealand has not prohibited completely the manufacture of filled milk; there is a manufacturer there who has a conditional license to make it.

He manufactures for export to specified destinations; and the very point raised by the member for North Perth comes up; namely, that if the dairy farmers in that

country can supplement their income by selling skimmed milk for the manufacture of filled milk, they can possibly sell their butter more cheaply than we can, and so become indirectly a threat to our industry. In the Philippines there is no restriction upon the production of filled milk, provided coconut oil is used; and there filled milk retails at half the price of fresh cows' milk. Evaporated filled milk, made from locally produced coconut oil with skimmed milk imported from the United States, finds a ready sale.

In the United Kingdom, there is no restriction upon the production or sale of filled milk. It is produced in England and Scotland; and Ireland produces a considerable quantity and sells it in England. They do not appear to regard it as a serious threat to their dairying industry. Filled milk is manufactured and sold in Indonesia, Mexico, Lebanon, and India.

It is significant that when the Government experts met in Rome in 1958 and adopted a draft code of principles, which included provision with regard to filled milk, the United Kingdom, the U.S.A., and New Zealand expressed reservations on that section of the code dealing with filled milk.

In view of the practice in the United Kingdom; in view of the fact that some States in the U.S.A., which first of all adopted the same course of action that we are now asked to adopt, subsequently repealed the legislation—

Mr. Nalder: Do they sell filled milk in the U.S.A., or is it exported?

Mr. TONKIN: It is exported.

Mr. Nalder: They do not sell it on the local market in competition with local production?

Mr. TONKIN: It is exported. There is in existence Federal legislation which prevents the interstate trading in filled milk. The point remains that the United Kingdom, the U.S.A., and New Zealand expressed reservations on the draft dairy code as it affects filled milk, thus showing that this subject is, to a considerable extent, exercising the minds of the experts in those countries. I shall quote from the official publication to which I made earlier reference; that is, the Australian Journal of Dairy Technology. The following is stated:—

> A meeting of governmental experts on the use of designations, definitions and standards for milk and milk products was held in Rome from 8th to 13th September, 1958.
>
> The meeting did not make any recommendations but approved that F.A.O. circulate to Governments the Draft Code of Principles on the use of designations, definitions and standards for milk and milk products, together with relevant documents.

The Draft Code of Principles states that its purpose is to protect the consumer of milk products and to assist the dairy industry on both the national and international levels by—

> (a) ensuring the precise use of the term "milk" and of the terms used for the different milk products.
>
> (b) avoiding confusion arising from the mixing of milk and/or milk products with non-milk fats and/or non-milk proteins.
>
> (c) prohibiting the use of misleading names for products which are not milk or milk products and which might be confused with milk or milk products, and
>
> (d) establishing definitions and designations; minimum standards of composition; standard methods of sampling and analysis for milk and milk products.

The Code of Principles goes on to define milk, milk products, composite products and other products (which includes filled milk).

Under the Code of Principles, "other products" shall not be described either directly or by implication by words sounding like or appearing like those used in connection with milk and milk products, or with any other dairy term likely to lead consumers to believe that they are dairy products.

In advertising and labelling the same principles shall apply, whether the products are imported, exported, produced or sold on the home market

. . . . .

Finally, it is stated that:—

> This Code of Principles is not intended to affect the adoption and use of more rigorous requirements or standards under domestic legislation.

U.K., the U.S.A. and New Zealand have expressed reservations on that section of the Draft Code of Principles covering, inter alia, filled milk.

It has been shown that filled milk can be used in areas where the climate is extreme. The article which I have just quoted, mentions that some filled milk was placed on top of a boiler for six months, yet it was in perfect condition when subsequently retrieved. It strikes me that in some parts of Western Australia, where it is now impossible to obtain fresh milk, a ready market might be found for filled milk. This milk could satisfy the wants of the people in such areas.

As the Government is attempting to open up the Kimberleys and to induce settlement, filled milk could be used satisfactorily there. To introduce legislation like this, with a complete prohibition against the manufacture and sale of filled milk, is to act against the interests of the dairy farmers. The member for Harvey interjected when I was speaking during the second reading and said that every drop of skimmed milk is used for feeding animals on the farm. He does not know very much about the subject.

Mr. I. W. Manning: Every drop is used.

Mr. TONKIN: I have here an article which shows that one dairy farmer uses hundreds of gallons of skimmed milk to top dress his pasture.

Mr. I. W. Manning: That is using it.

Mr. TONKIN: Therefore every drop does not go towards feeding farm animals. I quote an interesting article relating to this subject. It is as follows:—

> Milk and Manure Top Dressing
>
> New Zealand Farmer's Important Discovery
>
> I started fermenting my cowyard and shed washings with skim milk pumped into a 3,000 gallon concrete cistern. I was warned by neighbours and others that if I used this for top-dressing it might coarsen the grass and largely eliminate the clover from my pasture.
>
> It did neither. On the contrary, on one paddock which had a heavy growth of twitch and has been top-dressed with nothing but milk and washings for three years there is now an increasing growth of clover, timothy and ryegrass. The twitch is dying out and the other grasses are replacing it.

It might suit the member for Harvey better if he were to read more widely about the dairy-farming industry to ascertain the possibilities of extending the industry, instead of stating matters which are not facts, and restricting the industry in the way which this legislation purports to do.

Mr. I. W. Manning: We are discussing the industry in this State.

Mr. TONKIN: I suggest we should broaden our minds a little, and not assume that because somebody proposes to use a product which comes from the cow, it will be a threat to the dairying industry.

Mr. Bovell: Why has every State in the Commonwealth passed the legislation?

Mr. TONKIN: I answer that by asking: Why has the United States repealed legislation which it previously passed?

Mr. Bovell: We are not in the United States. We are in Australia.

Mr. TONKIN: It might be better for us if the Minister was in the U.S.A. In my view, there has not been sufficient inquiry into the dairying industry or into other industries. The proper step to take is to limit the operation of the legislation so that, in due course, it will come before Parliament again. In the light of our experience, and the experience in the other States, we could, at some future date, give further consideration to this question. It is perfectly obvious that in permitting the sale of filled milk—and large quantities are actually sold—some countries are taking advantage of a market which undoubtedly exists. If there is this threat to the dairying industry, it is strange that there has been no necessity for similar legislation to be passed in the United Kingdom or New Zealand. New Zealand is extensively a dairying country, yet it permits the manufacture of filled milk for export.

I think we might very well do the same thing. If our farmers are concerned that the sale of filled milk in Western Australia will reduce the market for the sale of wholemilk, what is wrong with giving permission for filled milk to be sold in those parts of Australia where wholemilk cannot be sold today, and in those parts outside of Australia where a ready market exists?

Mr. Bovell: The Australian Agricultural Council thinks differently.

Mr. TONKIN: If that were permitted, it would be an additional avenue of profit for the dairy farmer; because we should not lose sight of the fact that filled milk cannot be manufactured unless the basic product first comes from the cow.

The CHAIRMAN: Order! The honourable member's time has expired.

Mr. BICKERTON: I have listened with considerable interest to this debate and to the remarks of the Minister, particularly when replying to the second reading. He has not convinced me that filled milk would not be an important commodity for my electorate in the North-West. In those remote areas we have no opportunity whatsoever of obtaining wholemilk unless it be air-freighted. Air-freight of 1s. 10d. per lb. puts it right out of the question. The only other way to obtain fresh milk would be in the form of freezer milk brought by the State ships, and this would only supply certain coastal towns where refrigeration was available.

Mr. Nalder: What have the consumers done in the past?

Mr. BICKERTON: If they are precluded from supplies of fresh milk, it is necessary for the local inhabitants to rely on powdered milk. I asked the Minister, during his second reading speech, about the keeping qualities of the two milks—that is, powdered milk made with a butterfat content and the filled milk which, I understand, has vegetable fats to bring it up to the same quality as butterfat milk.

The Minister appeared to be a little vague about my question. I have gathered from the Deputy Leader of the Opposition that the keeping qualities of the two milks are considerably different. He mentioned an instance where filled milk remained in a good state of preservation for six months under extremely hot conditions. That is not the case with the powdered milk we receive in the North-West. Once a tin is opened, unless the lid is kept on tightly; or unless the milk is kept in a screw-top jar, it will go sour within a couple of days. However, it does not go off as quickly as wholemilk. If condensed milk is left in the extreme heat of the summer it will sour in a day. I know that from experience.

In most cases, natives are able to feed their children without relying on powdered milk; but in the other cases, if the manufacture of filled milk is prohibited, these people may be prevented from obtaining a commodity which would be invaluable to them.

Mr. Nalder: It seems strange that there has been no demand in any part of Australia for filled milk.

Mr. BICKERTON: This commodity would probably be useful in our outback and would serve the population very well. Wholemilk cannot be got there; and powdered milk, under certain conditions, does not stand up to the rigors of that climate.

Mr. NORTON: In my speech on the second reading, I said I could not understand why we should neglect an opportunity to develop another industry within the dairying industry, whether the commodity was sold in this State or not. In that speech I also suggested there was no reason why if the keeping qualities of filled milk are as good as I am led to believe, it should not be marketed in the North-West.

No objection has been raised during this debate, through the Press or any other medium, in regard to the sale and manufacture of margarine in this country. Surely that product is a bigger threat to the dairying industry than is filled milk! Margarine has proved its value in the hot climates.

There is a big demand for margarine, and people are looking for it in the hotter climates because it is not affected by heat. When this Bill came before the House, I, like the member for Melville, went to some trouble seeking information regarding filled milk. During my inquiries I got in touch with the C.S.I.R.O. to see whether that organisation could give me some information, but it was apologetically said to me that very little was obtainable on the subject. Now that I have raised the matter, that organisation will write to the Eastern States to get what information it can.

I was informed of the various fats which could be used in the manufacture of filled milk, and was also told that some trouble was experienced in America in the early stages when filled milk was manufactured.

Mr. GRAHAM: We are considering the operative clause of the legislation; and, if it is agreed to, no person will be able to manufacture or pack filled milk in the State of Western Australia.

The next clause is equally bad in that it is an offence to sell filled milk. I am absolutely surprised that a Liberal-Country Party Government whose members allegedly believe in free enterprise and the right of the individual to make his own decisions, provided they are not anti-social, should be submitting legislation along these lines.

As I said earlier, when TV comes to Western Australia, it will surely be a threat to the theatres, purveyors of periodicals and other reading matter, and so on. One would not anticipate that a rational body of men would introduce legislation for the purpose of banning TV in order to protect certain interests that are already established. When I spoke earlier on this matter it was with a certain measure of timidity, because I was unaware of certain facts in connection with this product. But I have learned since that there is nothing injurious to health in filled milk, and that its nutritive value is—or if we cared to make it by law, would be—equal to that of wholemilk; that it is capable of keeping much better than wholemilk; and that it is exceedingly likely it could be available to the public at a lower price.

If we do not introduce negative legislation of this type, there will be an opportunity for another industry to be established in our State which will not only supply the people of Western Australia—if they care to buy the product; and surely they are entitled to make the choice for themselves!—but also manufacture for export to our neighbours to the immediate North.

This legislation is designed to prevent private enterprise establishing an industry to its own advantage and to the advantage of the State. It is legislation, too, to prevent anyone from purchasing a commodity of his own choice, and in connection with which no-one has suggested for one moment that it is habit-forming or injurious in any sense whatever.

Is it that the dairy-farmers are a pressure group that has been able to exercise some undue influence not only upon this Government, but also upon Ministers of all States assembled round the conference table at an Agricultural Council meeting?

Mr. Nalder: It was passed by their Parliaments!

Mr. GRAHAM: Yes; it was passed by their Parliaments. If the Minister for Agriculture would like me to quote to him

some examples of legislation passed in other parts of the Commonwealth that I would like to see passed here I will do so; but I do not think he would appreciate it.

In respect of this matter, we are in the position of being unable to make up our own minds. If we have any confidence in the future of Western Australia, then surely we believe that the population will increase, and in several years' time there will be 50,000 more souls than there are today. If those people, making their own choice, decided that they wanted filled milk, then surely every one of the gallons of milk that would be consumed by those 50,000 people would be drawn from the cow. In other words, there would be no less milk to supply the people. The only difference would be that the milk, after having been drawn from the cow, would have certain fats extracted—and I have statistics to show how much we need butter in Western Australia—and then those fats would be made up by the milk being impregnated with other fats in the factory.

Mr. Bovell: Why, when you were in power, did you not develop the dairying industry so that more butter would be produced?

Mr. GRAHAM: That opens up a very interesting thought, but I do not think it is appropriate to this particular clause.

The CHAIRMAN: Neither do I.

Mr. GRAHAM: If I, as an individual, consume 100 gallons of milk per annum, does it matter to the dairying industry whether that is wholemilk in the ordinary sense or whether it is wholemilk received from the cow and treated before it passes to me? It is still 100 gallons. And the fat extracted would be available to manufacture butter in respect of which we imported more than 2½ million pounds for the year 1955-56, the latest figures available to me.

Mr. Owen: Where would we get the oil or fat to add to the skimmed milk?

Mr. GRAHAM:: A lot of it could be got from Carnarvon.

Mr. Owen: At present we are importing butter; we would, with filled milk, be importing the alternative fats. What would be the difference?

Mr. GRAHAM: That is a matter of economics. It is a matter for the branch which deals with imports and exports to decide whether we are exporting or importing too much.

Mr. Owen: You are talking about importing butter. We would be importing the alternative fats. What is the difference?

Mr. GRAHAM: The member for Darling Range asks what the difference is. I put it to him: "What is the difference?" Therefore why not leave it to the choice of the individual as to whether he wants filled milk or wholemilk instead of this Parliament, by a slender majority, compelling everyone in Western Australia to buy wholemilk whether they like it or not, and whether they are allergic to it or not—and some people are. If it would be harmful to the individual, certainly prohibit its manufacture!

If we permit the manufacture of filled milk, is it likely that every consumer of milk in Western Australia will, overnight, turn his back on the dairyman, as we know him, and decide to change to filled milk? Most improbable! Fantastic! And, I repeat, it is the free enterprise Government which is seeking to do this.

Mr. Heal: Shame on it!

Mr. GRAHAM: It is quite a laudable object, perhaps, to protect an existing industry.

Mr. J. Hegney: Country Party pressure!

Mr. GRAHAM: But I have yet to be convinced that the industry is threatened, and that this would not prove of some advantage to it. It would certainly not be a disadvantage, especially if we had regard for sales overseas. And how silly can we get if, by hook or by crook—by placing a complete ban and heavy penalties on the production of a certain commodity—we are going to defend an existing industry. As I have said, if parliamentarians of the day had been of the same mind as some of them apparently are today, there would have been a ban on the manufacture of motor vehicles because of the threat to the saddler, the blacksmith, and so on.

But nobody would think of doing anything like that. Therefore, why should we now seek to do something which affronts all the high principles for which the parties opposite are alleged to stand? If all the money in this industry were going to be lost through the manufacture of filled milk, we could treat the present position as a state of emergency and take emergency action to control it; but that is not the case. Perhaps, as in the case of margarine, there should be a limitation on the amount of filled milk produced; but to place a complete ban on it is something so fantastic that I am certain that only in this State, with a Liberal-Country Party Government at the helm, would it be suggested.

Mr. TONKIN: The Minister should give serious consideration to the points raised by the member for Gascoyne and the member for Pilbara. If we now see a way of providing for the needs of people in areas where the climate is difficult, we should make that provision, if we can do so without harming an existing industry. How would it seriously affect the dairying industry in this State if we permitted the manufacture of filled milk for sale in the northern areas of Western Australia

where wholemilk is not sold today? If we permitted its sale in those areas, we would be helping the dairying industry.

The member for Pilbara was most interested in the keeping qualities of filled milk as compared with those of ordinary unsweetened milk or powdered milk. Portion of an article in this journal of technology, dealing with the point in regard to processing, states—

> The normal process is for the vegetable fat to be hydrogenated so that its melting point is lowered to a level consistent with the requirements of the product. The process also tends to remove any odours associated with the fat. The fat, after the addition of fat soluble vitamins, is mixed with skimmed milk powder and water and the mixture is homogenised at pasteurising temperature, and is then quickly cooled and canned. A concentrated filled milk may be made as above without the addition of water. This is in the form of a solid block which then requires reconstitution by the addition of water, pasteurisation and homogenisation.

A Press report has been seen to the effect that a test block of the solid filled milk had been reconstituted successfully after being kept for six months on top of a boiler at the New Zealand factory where it was produced. That is very important, because New Zealand is a dairying country with greater dairy production than that of the whole of Western Australia.

Mr. Bovell: Because it is greatly developed. Ours is an under-developed industry.

Mr. TONKIN: If New Zealand felt that the manufacture of filled milk would damage its dairying industry, it would take action to prohibit the production of this commodity; but, instead, New Zealand permits its production and sale to specified destinations. We could permit its manufacture for sale in areas where it is impossible to sell wholemilk today; as well as in places like the Philippines.

The member for Darling Range said we would have to import some of the ingredients of the filled milk; but if we exported this commodity we would be creating a credit in places like the Philippines; and in that way we might possibly be able to purchase from them things which, because of the balance of trade, they now find it difficult to sell to us. This subject needs a great deal more research and inquiry than it has been given to date.

All that has happened is that a number of Ministers in the various States have been pushed along by dairying interests which fear, without real reason, that filled milk is a threat to their industry.

Mr. Nalder: When you were in Government your Minister was a party to the decision of the Agricultural Council.

Mr. TONKIN: It is not as the Minister states.

Mr. Nalder: Then the minutes must have been incorrectly reported.

Mr. TONKIN: I have seen the reference to what the Minister from Western Australian did. He agreed, with reservations, and did not commit his State.

Mr. Nalder: Your Minister agreed. Deny that!

Mr. TONKIN: I say that the Minister from Western Australia agreed with reservations.

Mr. Nalder: He agreed.

Mr. TONKIN: I will not permit the Minister to say that the Minister of the Hawke Government agreed to this, because he did nothing of the kind.

The CHAIRMAN: Order! I suggest that we proceed with clause 6.

Mr. TONKIN: I think you will agree, Mr. Chairman, that I am entitled to put the Minister's statement right; as otherwise it will appear uncorrected. It is on record that the Minister from Western Australia said that he would refer the matter back to his Government for further consideration. That is relevant to the point whether it is desirable completely to prohibit the production and sale of filled milk in this State, when other countries see fit to provide for its manufacture and sale.

If we were wide awake for business, we would do the same thing. What possible argument can be advanced against permitting the manufacture of filled milk for sale in the Kimberleys? The member for Pilbara clearly demonstrated the great difficulty which exists in his territory to ensure an adequate supply of milk. There is an undoubted market—true, it is a smallish one—so why should not the people there be allowed to obtain the product if such a product can be manufactured? Why should we dictate to them and say, "You cannot have wholemilk and you cannot have filled milk either?"

It would not be any threat to the dairying industry to do that. It would mean an additional avenue to the dairy farmer for the sale of his skimmed milk, and the resultant product could be sold on a market where it could not interfere with wholemilk sales in Western Australia. There is the additional point that anyone establishing an industry here would possibly be able to supply a market overseas and so develop a valuable trade for Western Australia. But if we are going to follow the course that we must block this and we must block that, what hope have we of developing this State? We have to take a much broader view than that.

The CHAIRMAN: The honourable member's time has expired.

Mr. TONKIN: I move an amendment—

Page 4—Delete subclause (1) in lines 19 and 20.

Amendment put and negatived.

Mr. BICKERTON: I move an amendment—

Page 4, line 20—Add after the word "milk" the following words:—

> except for use or sale above the twenty-sixth parallel within Western Australia.

I dealt with this matter earlier. I believe filled milk would be a useful commodity in the North-West. We hope to establish industries in the North, one of which will be the growing of cotton and peanuts, from which oil can be extracted to fill milk. Also, whale oil can be used for this purpose.

Powdered fullcream milk does not keep very well in a hot climate, and people in the North should be given an opportunity of being able to purchase filled milk, which keeps very much longer. Also the manufacture of filled milk would create an industry in Western Australia, small though it might be. I doubt whether the outback areas of this State were considered by the national conference when the question of filled milk was discussed. States like Tasmania, Victoria, and New South Wales have no areas such as our North-West. Half of this State is without a fresh milk supply. When a suitable alternative can be provided for powdered milk, why should not opportunity be given to supply it?

Mr. NORTON: I support the amendment; and I am sure that if the member for Murchison were in his seat, he would like to see the amendment extended to cover other outback areas that he represents. I was surprised at an interjection made by the member for Darling Range when reference was made to supplying filled milk in the North-West. He said, "Where would we get the fats from?" Members on both sides have been stressing the need for money to be spent on development in the Ord River area, and two of the crops to be grown there are safflower and cotton. The oils extracted from these two plants are used in the manufacture of filled milk. Furthermore, several Country Party members represent areas in which flax is grown, and linseed is another substance used in the manufacture of filled milk.

The supply of filled milk will be of great benefit to people in the hot, tropical areas, because powdered milk does not keep very well in a hot climate. For those reasons I support the amendment.

Mr. BOVELL: The Deputy Leader of the Opposition referred to the attitude of the previous Government in this matter, and to the second reading speech of the member for Merredin-Yilgarn when speaking to the debate on the Bill which was introduced by the Minister for Agriculture. I wish to quote what the member for Merredin-Yilgarn said at page 905 of *Hansard* of the 11th August, 1959. It reads as follows:—

> Commonwealth representatives and State representatives of the dairying industry—

The CHAIRMAN: Order! The question is that these words be inserted at this stage.

Mr. BOVELL: I am going to prove why they should not be inserted.

The CHAIRMAN: The Minister may proceed.

Mr. BOVELL: To continue with the quotation—

> —have discussed this matter very fully. There is a fund of information available which to my mind—

that is, the mind of the member for Merredin-Yilgarn, who was the Minister for Agriculture in the Hawke Government—

> —brought forth a convincing reason why we should pass this restrictive legislation.

Mr. Hawke: Read on!

Mr. BOVELL: I have quoted what the honourable member said.

Mr. Hawke: That is very misleading. That is an old debating trick and it has whiskers on it.

Mr. BOVELL: That is what he said.

Mr. GRAHAM: Referring first of all to the utterances made by the Minister for Lands, it is quite true that he gave a wrong impression by quoting only a small portion of what the member for Merredin-Yilgarn said.

Mr. Bovell: That is what the member for Merredin-Yilgarn said.

Mr. Hawke: He said a lot more than that.

Mr. GRAHAM: The Government has been insistent, for which reason the words, "No person shall manufacture or pack filled milk," remain in the Bill. The member for Pilbara is endeavouring to save something from the shipwreck; and I think he has made a case out for portion of the State. However, I consider he has expressed himself in a double negative fashion.

Mr. Court: A double negative makes a positive.

Mr. GRAHAM: Yes, but it also imposes a limitation which neither he nor anybody else would want if they agreed with his hypothesis. I ask the honourable member to withdraw his amendment; and, in order to attain his objective, I suggest that after the word "milk" in line 20, the words "for use or sale below the 26th parallel of Western Australia" be added. That would

enable this commodity to be manufactured and used north of the 26th parallel, and would also permit it to be sold in other parts of the State.

If I understand the amendment before the Chair, it will allow filled milk to be sold only in that portion of the State north of the 26th parallel. If people in Indonesia wish to purchase it, why should they not be given the opportunity to do so? However, that will not be possible if the amendment is agreed to.

Mr. Bickerton: The other amendment would apparently prevent someone in Western Australia from having it.

Mr. GRAHAM: I agree; but I distinctly heard the voice of the member for Pilbara supporting the deletion of the first two lines so that it would be possible for filled milk to be manufactured and sold to the people of Western Australia. Having failed in that attempt, I am prepared to support the member for Pilbara in his efforts to allow at least some portion of Western Australia—a most deserving portion—to have milk as cheaply as possible. If there were an industry of a reasonable size supplying filled milk to the North-West and also the islands to the north of this State, the commodity could probably be manufactured fairly cheaply. I think it would be better to have my wording rather than the wording of the amendment moved by the member for Pilbara, which suggests a double negative.

Mr. TONKIN: In quoting from *Hansard* the Minister for Lands thought he had proved my statement wrong. In order that he will not labour under that impression for very long, I propose to disclose the source of my information in regard to the statement I made. I quote again from the *Australian Journal of Dairy Technology* which is the official quarterly publication of the Australian Society of Dairy Technology. This article on filled milk was written by the Department of Primary Industry, Marketing Division, Canberra. Therefore, it is completely official and authentic. This is the statement relating to the attitude of the various States—

> Australia: Legislation has been passed in Victoria, Queensland and South Australia prohibiting the manufacture and sale of filled milk. It has been announced in New South Wales and Tasmania that similar action will be taken there. The W.A. Minister for Agriculture has stated that legislation in his State was already restrictive in relation to filled milk and the question will be closely studied in the light of developments from legislation in other States.

Does that indicate that the Minister committed his State? So who was right?

Sir Ross McLarty: He stated there was no alternative but to pass this legislation.

Mr. TONKIN: I am quoting what was published in this journal on the attitude of the various States; and it must be remembered that the man who wrote this article was not a Party politician.

Sir Ross McLarty: I am only stating what the member for Merredin-Yilgarn said in his second reading speech.

Mr. TONKIN: This publication is supposed to inform correctly the people who read it as to the facts; and the facts as stated here are that—

> The W.A. Minister for Agriculture has stated that legislation in his State was already restrictive in relation to filled milk and the question will be closely studied in the light of developments from legislation in other States.

Mr. Bovell: What date was that?

Mr. TONKIN: I am glad the Minister asked that question.

The CHAIRMAN: Order!

Mr. TONKIN: I will answer the question, and then we must proceed with the amendment.

The CHAIRMAN: Very well. The honourable member may answer the question.

Mr. TONKIN: It is the March, 1959, issue, which was before the present Government took office; so it could not refer to the present Minister.

The CHAIRMAN: The Deputy Leader of the Opposition will proceed with the amendment as to whether the proposed words are to be inserted.

Mr. TONKIN: Your orders might be obeyed more neatly, Mr. Chairman, if you looked at the honourable member you are calling to order. What you are doing is calling the Minister for Lands to order and looking at me.

The CHAIRMAN: Order! I gave the Deputy Leader of the Opposition the opportunity to reply to the interjection; but he must now keep his comments to the question before the Chair, which is to insert certain words.

Mr. TONKIN: What is the point in that? Because I did not say anything when you, Sir, called order. You called order because of the interjection of the Minister for Lands.

The CHAIRMAN: I called order because the Minister interjected.

Mr. TONKIN: Exactly! That was not an offence of mine. I merely wanted to know why you looked at me when you called order.

The CHAIRMAN: I was not looking at you, actually.

Mr. TONKIN: I think I am entitled to time off. Having debunked what the Minister for Lands said concerning the attitude of the Western Australian Minister,

it can no longer be argued that because a previous Government gave an undertaking we should accept it. The amendment moved by the member for Pilbara cannot do any harm to the dairying industry in Western Australia; on the contrary, it could assist it materially. At the same time, it could make available to a section of this State which we are seriously attempting to develop, a product which till now it could not satisfactorily obtain. If we have the interests of all parts of the State at heart, we should go out of our way to alter a set of circumstances which have been unsatisfactory in the past; but which, if altered, would put on the market a new product.

Filled milk has been produced in the United States since 1918 without threat to the dairying industry. The Minister's interjection earlier lends point to that view, because he said there has been no demand for it so far. If there has been no demand, what is the concern about this restrictive legislation? Is somebody threatening to produce this commodity? What would be wrong in permitting its production and sale to an area where wholemilk cannot be sold? It would be different if wholemilk were going to be put off the market altogether.

This, however, is to supply a market unsupplied today where people are living under conditions in which this type of milk might be a godsend to them. Who are we to deny them this product? We discharge our obligation to the dairying industry if we provide adequate safeguards against anything that might be disadvantageous. We are now obliged to provide a blanket prohibition, and at the same time deny a section of the State the opportunity of getting a good product. I support the amendment.

Mr. W. HEGNEY: Knowing a good deal of the disabilities of the people of the North-West, through my association with them, I appreciate the enthusiasm of the member for Pilbara in trying to have this amendment carried. I agree with the member for East Perth that we should restrict, or prevent as it were, the export of this commodity; but if the Committee endorses the amendment of the member for Pilbara it will be an indication to the Government that a further modification might be necessary in addition to that outlined by the member for Pilbara. I understand that legislation has not yet been finalised in Tasmania.

Mr. Nalder: It may have been by now.

Mr. W. HEGNEY: Let us assume that the legislation in South Australia, Victoria, and Queensland, is identical with this legislation, and that Tasmania makes some modification. Suppose the Tasmanian Parliament does not pass the legislation. How then would the section of the Commonwealth Constitution apply in regard to the import of the commodity from Tasmania to Victoria? I mention that to indicate that there is no obligation on this Parliament to accept this legislation *in toto*. Surely a modification of this nature will not injure the dairying industry of this State!

I would like to hear the Minister for Industrial Development on this clause. He holds the dual portfolio of Industrial Development and the North-West, and in recent months he has not been hesitant in outlining what the Government proposes to do for the North-West. This could be a small indication of the Government's sympathy and practical understanding of North-West problems. The Minister for Agriculture asked what the people of the North-West have done up to date?

Mr. Nalder: I said there was no demand up to date.

Mr. W. HEGNEY: That is no argument. If there is no demand, what is the concern of the Government? There would be no threat to the dairying industry if there has been no demand. Why should people be denied this commodity? It would be like banning television because wireless has been in vogue for a number of years. The whole thing is ridiculous. The Minister should accept this amendment.

I would like to hear the Minister for Industrial Development say a few words on this, because if a representative of a company manufacturing filled milk came to this State and approached the Minister for Industrial Development—who is also the Minister for the North-West—and asked for a license to manufacture this commodity, he would have to say, "You cannot establish an industry here, despite the fact that as a Government we believe in private enterprise. I hope the Minister will agree to the amendment to enable any company desiring to establish itself here, to manufacture filled milk with some restrictions.

Mr. NALDER: I oppose the amendment. The member for Pilbara stated that nothing had been done to give consideration to the needs of the North, and that further investigation was required.

Mr. Bickerton: In my opinion very little consideration has been given to this matter.

Mr. NALDER: I shall quote what the Leader of the Opposition in the Queensland Parliament had to say when he was speaking on the second reading of the Filled Milk Bill. The conditions in the North of Queensland are just as severe as those in our North-West.

Mr. Bickerton: They may be inland, but not in the coastal area of Queensland.

Mr. NALDER: In many parts of Queensland the conditions are similar to those in our North-West.

Mr. Bickerton: The dairying industry in Queensland is established much further north than the dairying industry in this State.

Mr. NALDER: This was what the Leader of the Opposition in Queensland said no more than six to seven months ago—

> The Minister may feel a little more relieved because we propose to accord the Bill our support, particularly as to date there has been no commercial development in this field in Australia, and therefore we would not be interfering with those who think they are entitled to take advantage of the application of science to industry, if that term can be used on this occasion.

That was stated by Mr. Duggan, representing Toowoomba. I say that the conditions in Queensland are similar in some ways to the conditions in the North-West of this State. If an industry were already established in this State, and if there were a demand for filled milk, we would have to give some consideration to the matter; but up to the moment that has not been the position.

Mr. W. Hegney: Are you afraid of a demand being created?

Mr. NALDER: The Leader of the Opposition mentioned a short while ago that the Minister for Agriculture in the previous Government did not in any way commit that Government at the meetings of the Agricultural Council, in regard to this legislation. He qualified his remarks by saying, "with some reservation." I want to inform members what the previous Minister for Agriculture said on the 28th January, 1959. This is what is reported—

> The Hon. L. F. Kelly, Minister for Lands, wrote to the Secretary of the Processed Milk Association, Melbourne, saying "The Government supports the necessity of protecting the Australian dairying industry by preventing the manufacture and sale of filled milk."

What I did say in reply to an interjection by the Deputy Leader of the Opposition was that the previous Minister for Agriculture supported the proposal at the Agricultural Council meetings. I did not give any information which was not correct.

Mr. TONKIN: I suggest the Minister should write to the Commonwealth Department informing the department that it is giving misleading information in regard to the position in Western Australia, as borne out by the statement in the journal which stated that the Minister said that this position would be studied. That does not appear to be correct, because the Minister has a letter indicating the contrary to be the case.

Mr. Nalder: That is so.

Mr. TONKIN: The Minister should adopt my suggestion.

Mr. Nalder: The honourable member could do that, because he gave the information.

Mr. TONKIN: As the Commonwealth Government is of the same political complexion as his own Government, he would have far more influence than I. Furthermore, he is in possession of the correspondence, which I have not seen. What I read out was from the official publication written by an officer in the Commonwealth Department. Until that statement is proved to be incorrect, I am entitled to assume it is correct.

The Minister attempted to show that the conditions in Western Australia were comparable with those in Queensland. That is not the case. On the Atherton Tableland in Queensland dairying is carried on well up towards the tropics. In this State dairying is not carried on near the tropics, so the people in the North who are in need of wholemilk cannot obtain it.

Mr. Nalder: What about the people around Mt. Isa in Queensland? Are the conditions there not comparable to the conditions in inland centres of Western Australia?

Mr. TONKIN: No, because the dairying areas are much further north in Queensland than are the dairying areas in this State. There is a difference of hundreds of miles in latitude. The two situations are not comparable. In my view the member for Pilbara presented a very strong case to prove that different action should be taken in this State.

Mr. Hawke: The Minister did not give one reason why that should not be done.

Mr. TONKIN: There is an obligation on the Minister to show that the amendment can be detrimental to the dairying industry, because in the final analysis this legislation has been introduced in the various States for the preservation of the dairying industry and for no other purpose.

If it can be shown that a departure from the accepted principle will in no way affect the dairying industry seriously, but on the contrary may assist it and provide a much-needed product in parts of Western Australia where wholemilk is not readily available, then there is a strong case for this State to take action dissimilar to that taken in the other States. I suggest we are not obliged to follow in every detail the legislation which has been passed in the other States. I support the amendment.

Mr. BICKERTON: When moving the amendment, I stated that I did not consider due consideration had been given to the North-West at the time of drafting

this Bill. The Minister, in reply, to prove that that was not correct, quoted the Leader of the Opposition in the Queensland Parliament, Mr. Duggan, who lives at Toowoomba, as saying that he would support the legislation in Queensland. I do not think the Minister knew that when he was drawing up this Bill; and surely it would not be an argument against the people of the North-West having supplies of filled milk.

I gathered from the reply of the Minister that further words would be a waste of time. However, I appeal to him, even at this late stage, to do something about making amends for mistakes that are obvious in the Bill. I do not imagine that the North-West was considered one iota when the Bill was drafted. I am not arguing against the Government wanting to protect the dairying industry, because in many ways I can see the benefit of doing that.

But I do not consider that there will be any detrimental effect on the dairying industry if vegetable fat is added to skimmed milk for use in areas where whole milk is unobtainable or where dried milk is not 100 per cent. satisfactory. If filled milk were made available in those parts there would be an increased use of skimmed milk so far as this State is concerned.

Mr. O'CONNOR: Several members of the Opposition have indicated that wholemilk cannot be obtained in the North. I would like to point out that in recent months wholemilk has been supplied in the North; and as far away as Singapore.

Mr. Bickerton: Coastal towns.

Mr. O'CONNOR: The milk is frozen and shipped in cartons to towns along the coast. I believe that a fortnight's supply at a time is being forwarded to Darwin; and provided it is stored under proper conditions, it will keep up to six months.

Mr. FLETCHER: The preponderance of the population of Western Australia is in the South simply because the standard of living is better and because supplies of fresh milk are available. The nutritive qualities of filled milk are in the vicinity of those of pure milk, which makes filled milk an absolute must for children in the North-West. Filled milk could become an essential part of the diet of the children in the North as well as of the parents. It could also prove to be an added incentive for people to go to the North.

In view of the potential development of the North, I suggest that the Minister for the North-West should support the amendment on the ground which I have mentioned. It may be, as was said by the member for North Perth, that milk is carried to Darwin; but that town has refrigeration, which is lacking in the remote areas. I am surprised that the members opposite, who represent dairying constituencies, do not want to expand the industry.

Mr. Nalder: What about members from dairying areas on your side of the House?

Mr. Bovell: They have been singularly silent.

Mr. FLETCHER: I should think that members opposite would support an increase in both primary and secondary industries. If there is greater production in the dairying industry, there is a possibility of creating secondary industry for the purpose of producing raw materials; and that is something that both sides of the House should support. Even if the industry were initially produced on a restricted basis in a pilot plant, I am certain it would expand. I am sure there are firms in the Eastern States which could set up a subsidiary plant here. If members opposite want to create an incentive in this State, they should attract industries from the Eastern States. If the industry were started on a small basis, it could later expand and so create a greater demand for the by-product of skimmed milk for the purpose of making filled milk.

The fact that Queensland has not been sufficiently far-sighted to establish this industry is no argument why we should not do so in Western Australia. It would appear to me that members of Parliament in Queensland are not as well informed as the member for Pilbara and other members on this side of the House.

Mr. W. HEGNEY: First of all, the member for North Perth stated that because of refrigeration it was possible to send milk to Darwin. That is not denied; but there are other places in the North-West, besides the coastal towns; and there are places where it is not possible to use refrigeration. Why should there be any concern about the possibility of the dairying industry being undermined if Parliament allows, in a restricted way, the manufacture and sale of this commodity north of the 26th parallel? An element of competition could be introduced. The amendment is not seeking to apply this particular clause to any area below the 26th parallel. I am rather disappointed to think that a clause of this nature has been introduced. I do not know whether the Minister for Industrial Development agrees with this particular restriction.

As a comparison, we had from the Minister for Industrial Development quite an amount of opposition in regard to what is now called the Monopolies and Restrictive Trade Practices Control Act. We are undermining the industry of the State and are driving private enterprise away. If this can be quoted in other States and other countries it is certainly not going to do Western Australia any good. I think we are entitled to know the views of the Minister for Industrial Development and the North-West. I can see the Minister for Lands is wanting to say something. I would ask him to wait until I have finished.

Mr. Bovell: I am waiting.

The CHAIRMAN: Order!

Mr. W. HEGNEY: I am always anxious to hear the Minister for Lands; but I am more anxious just now to hear the Minister for Industrial Development and the North-West, because this clause must be of concern to him. If he has to advise potential manufacturers that they cannot participate in the manufacture of filled milk in this State, then I do not think it is going to do the State much good; and I think the Minister for Industrial Development and the North-West might oblige us by giving us his views.

Mr. Hawke: He is not game.

Mr. BOVELL: We have just heard a dissertation from the member for Mt. Hawthorn, who used to be the member for Pilbara. The Deputy Leader of the Opposition has already told us the filled milk industry has been operating in America since 1918; and I want to know how often the present member for Mt. Hawthorn, when he was the member for Pilbara, advocated the supply of filled milk for the people of the North-West. How often have we heard the members for Gascoyne, Kimberley, and Pilbara in the last few years advocating filled milk?

Mr. Hawke: What has that got to do with it?

Mr. BOVELL: The Opposition is trying to make political capital out of something that is designed to protect the dairying industry. The member for Merredin-Yilgarn has made the position quite clear. I have quoted something which he said earlier; and the Leader of the Opposition asked me to read further. I would like to do so, with your permission, Mr. Chairman.

The CHAIRMAN: As long as it has relation to this amendment.

Mr. BOVELL: He said, "Although we have no alternative but to pass this legislation, I would like to know what the ultimate solution of the problem will be". He said that we had no alternative but to pass this legislation.

Mr. Hawke: Read on!

Mr. BOVELL: As for the assertions of the present member for Mt. Hawthorn, he never opened his mouth about filled milk for the North.

Mr. OWEN: I can understand the concern of the member for Pilbara about the conditions under which people live in the North-West and the Kimberleys, but I do not think we can dismiss this matter so lightly. I think we all appreciate the fact that in the climate up there things do not keep as well as here. That applies to every article of food. Special precautions have to be taken because meat cannot be left in a safe—nor can vegetables—and be expected to be in good condition for more than a few hours. But that is not the point I want to make.

Mr. Bickerton: There is no alternative to meat. We have not a filled meat Bill, have we?

Mr. OWEN: It would be the beginning of the industry as far as the control of filled milk is concerned. It is proposed to limit the sale to the North; but once that were done, control would be lost. There would be nothing to stop someone from bringing it back here to wreck the industry.

Quite a lot has been said about establishing an industry which would build up our dairying industry. The Deputy Leader of the Opposition commented a lot on that aspect; but I remind the House that if this measure is not passed, similar legislation which is already in existence in some of the other States will fall through. The legislation has to be uniform over the whole of the Commonwealth, because there is no control over interstate traffic. If the Bill is not passed, before long the legislation in the Eastern States will be rescinded, and Western Australia will then be at the mercy of those bigger States where the dairying industry is much larger than it is here.

I venture to say that there would be very little chance of starting up a filled milk industry merely to supply the North-West; but if it became an open go over the whole of the Commonwealth, then the industry would start up possibly in Victoria and New South Wales; and Western Australia would be deluged with the filled milk, which would quickly kill our dairying industry. Therefore, I hope the Committee will think about the matter from that angle and oppose the proposed amendment.

Mr. J. HEGNEY: I cannot follow the reasoning of the previous speaker. He stated that if all other States dropped this legislation, and assuming we gave an exemption to that portion of the State beyond the 26th parallel, then they would possibly start an industry there and flood the whole of this State. I cannot follow that. If this legislation is passed in the other five States, they will not have power to manufacture. This legislation states that no person shall manufacture or pack filled milk. If that applies, it will be absolutely impossible to manufacture it; and, therefore, it could not be sent to Western Australia.

All this proposition seeks, so far as the North-West portion is concerned, is that people shall have the right to acquire filled milk if it is processed and manufactured.

We are all anxious to protect the dairying industry; and we know the Commonwealth pays a substantial subsidy to the milk producers of Australia; but this

matter deals with a difficult portion of the State. I understand it is suggested that a department of the North-West be constituted to deal with matters primarily concerning the North-West. Here we have an opportunity to help people in that part of the State, by allowing them to use filled milk if they so desire. Powdered milk deteriorates even in the metropolitan area; and filled milk would be of advantage to people north of the 26th parallel. The member for Darling Range is technically qualified to speak on this subject and has had departmental experience; but he was at his worst tonight, as his reasoning was illogical. I could not follow the trend of his remarks.

Mr. OWEN: My argument is that if we allow the manufacture of filled milk for the North-West, its manufacture cannot be policed and it will find its way on to the market throughout the State. Should that occur, the other States will follow suit and we will be a sitting shot for Eastern States manufacturers.

Amendment put and a division taken with the following result:—

Ayes—18.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Lawrence
Mr. Fletcher	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
	(Teller.)

Noes—21.

Mr. Bovell	Mr. Nalder
Mr. Brand	Mr. Nimmo
Mr. Burt	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. W. A. Manning	Mr. I. W. Manning
Sir Ross McLarty	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Moir	Mr. Mann
Mr. Evans	Mr. Hutchinson
Mr. Kelly	Mr. Guthrie
Mr. Toms	Mr. Cornell

Majority against—3.

Amendment thus negatived.

Clause put and passed.

Clause 7—Prohibition of the sale of filled milk:

Mr. GRAHAM: Would the Minister consider reducing the penalty for the first offence from £200 to £100? Many people, among them possibly a number of New Australians, might offend unwittingly in this regard.

Mr. NALDER: I have no objection to the honourable member's suggestion. We felt that a severe penalty would discourage people from dabbling in the sale or manufacture of filled milk; but I would agree to such an amendment.

Mr. GRAHAM: I move an amendment—

Page 4, line 30—Delete the word "two" and substitute the word "one."

Amendment put and passed; the clause, as amended, agreed to.

Clause 8 put and passed.

Clause 9—Powers of inspectors:

Mr. O'CONNOR: I move an amendment—

Page 5, line 15—Delete the words "without payment."

In my opinion the person from whom the milk is taken is entitled to be paid. If an inspector goes into a shop and takes filled milk without payment, the person from whom the milk is taken is not guilty of an offence, because he has not sold the milk. Under the Health Act, an inspector can go into a shop and buy milk, and if it is substandard the person selling it can be prosecuted. If the clause is allowed to stand as it is at present worded, an inspector could take a sample of filled milk from a shop and, as soon as he had left, the shopkeeper could tip the rest of the filled milk down the drain. I think the amendment is necessary to make the legislation workable.

Mr. NALDER: I do not think the amendment will achieve the honourable member's objective. An inspector may inspect premises where he has reason to believe that filled milk is being stored or manufactured. In such cases he would not be able to buy the milk. The same thing would apply with a carrier carting filled milk. An inspector would not be able to buy a sample from him.

Mr. O'Connor: He could still take samples; the amendment would not affect that.

Mr. NALDER: I am of the opinion that the Bill would be better left as it is at present worded. Inspectors appointed under various Acts of Parliament are not now required to pay for any samples which they may take. Other States have approved of this provision; and I think it would be preferable to leave the Bill as it stands.

Mr. J. HEGNEY: I see no reason why the words should not be struck out. So long as an inspector can take samples, that is all that is required. I think the member for North Perth is on the right track, and we should agree to the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 10 put and passed.

Clause 11—Purchaser of filled milk to supply information:

Mr. LEWIS: Clauses 6 and 7 prohibit the manufacture and sale of filled milk; and clause 11 is designed to help police its

sale. The words "person who when so required," leave no loophole for any excuse; and a person must on demand disclose the name and address of a vendor.

Let us take the case of a busy housewife who could be approached by a salesman to buy filled milk. In order to get rid of him she might buy filled milk, and she would not inquire the name and address of the person concerned. Later on she could be approached by an inspector; and because she would not be able to supply the name and address, she would be guilty of an offence against the Act.

As regards the large vendor, the Bill, in other parts, provides for access to his books and accounts; and any purchaser of milk on a large scale would no doubt be able to find some evidence in those records. However, I am more concerned about the housewife. Therefore, I move an amendment—

> Page 6, line 14—Insert after the word "address" the words "if known to him."

Mr. NALDER: This amendment is unnecessary. However, I have no objection to it if there is any doubt in the minds of the honourable member or the Committee.

Mr. GRAHAM: I would just like to know whether the words are being inserted in the right place.

Mr. Watts: I would like to have them inserted after the word "vendor".

Mr. GRAHAM: Perhaps the member for Moore could withdraw his amendment.

Mr. LEWIS: I bow to more expert opinion and I ask for leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. LEWIS: I move an amendment—

> Page 6, line 15—Insert after the word "vendor" the words "if known to him".

Mr. ROWBERRY: This amendment will completely emasculate the clause. All a person has to do when asked for the vendor's name and address is to say that he does not know; and of what use would the clause be then?

Mr. LEWIS: I maintain that if the amendment is not passed, there will be no let-out for the housewife. It is to protect her from committing an offence that I have moved to insert the words "if known to him." I do not think the clause is designed to catch the housewife, but the large purchaser. It would be no excuse for any person merely to say, "I do not know."

Amendment put and passed.

Mr. W. HEGNEY: I propose to move that the whole clause be deleted.

Mr. Bovell: You don't move for its deletion, but just oppose it. You know that as well as I do.

Mr. W. HEGNEY: When I say that I will move for the deletion of the whole clause, the Chairman knows that I oppose it. This clause is unnecessary. Whoever drafted this legislation is over-anxious to prevent even a semblance of an industry being established. The clauses already dealt with refer to a penalty of £100 for the first offence, and £300 for the second one. The member for Moore has said that an innocent housewife could be charged under the provisions of the Bill if she did not supply the name and address of the vendor. That is going too far.

Any person who intends to establish a factory must register it with the Factories and Shops Department; and the Government of the day could, very quickly, find out whether a person was manufacturing a prohibited commodity. There is no proviso except the one in clause 11. A person who does not give the name and address of the vendor when required so to do commits an offence. Also, a person who, quite innocently, gives a false name and address, or a misleading name and address, commits an offence. What is the penalty against a person who buys the smallest unit of filled milk; but who, when accosted by an inspector, cannot give the name and address of the vendor, or who supplies a name and address of the vendor which is considered by the inspector to be false, and that person is found to be guilty of an offence against the Act? The penalty for such an offence is £100. I think that is vicious.

Mr. Watts: That is only a maximum.

Mr. W. HEGNEY: I can see the pattern that runs through this legislation.

Mr. Watts: It is the pattern in all legislation. There is always a maximum penalty, and you put a good many in the Bills that you introduced.

Mr. W. HEGNEY: The penalties to which the Attorney-General refers were put into Bills dealing with human welfare, not with a commodity like filled milk. To my way of thinking the pattern is such that the administrators of this legislation would press for the highest penalty. That is why the words £200 for the first offence and £300 for the second offence are unwarranted. The manufacturing side is controlled by the Factories and Shops Department. The member for Darling Range may suggest that the commodity could come from another State.

Mr. Owen: What about illicit whisky stills?

Mr. W. HEGNEY: That is illicit, but still good as far as I know. The point is that if section 92 applies, and there is prohibitive legislation in all the other States, somebody will receive a certain amount of filled milk here, and the administration

would have ways and means of finding out. As the member for Moore says, a salesman may arrive and present himself at the front door, and a transaction could take place. The definition of sale includes everything; there is no let-out. The purchaser of the smallest unit would be subject to severe penalties; and that is unnecessary.

It would put an innocent purchaser and citizen of the community who might purchase this commodity, in the position of a pimp. We should not stand for that. There are enough penalties for the person who manufactures and for the person who takes the risk of selling. We could wait 12 months; and if the Minister were able to demonstrate to Parliament, as a result of his experience in the meantime, that it was necessary to tighten up the legislation, then we could have another look at it. The provision is vicious and unwarranted and I hope the Committee will agree to its deletion.

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

Ayes—20.

Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Nalder
Mr. Burt	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. W. A. Manning	Mr. I. W. Manning
	(Teller.)

Noes—19.

Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Norton
Mr. Fletcher	Mr. Nulsen
Mr. Graham	Mr. Oldfield
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Jamieson	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Moir
Mr. Hutchinson	Mr. Evans
Mr. Guthrie	Mr. Kelly
Mr. Cornell	Mr. Toms

Majority for—1.

Clause, as amended, thus passed.

Clause 12 put and passed.

Clause 13—Offences:

Mr. GRAHAM: I trust the Minister will be as reasonable in respect of this clause as he was in respect of the earlier one in the matter of penalties. I feel the member for Mt. Hawthorn made a point concerning the severity of the penalty. If a person fails to supply the name and address of somebody else, he will be liable to a penalty of £100.

I have referred to several statutes and find the invariable practice has been a penalty of £20 for refusing to supply one's own name and address. In this case, if a person refuses to pimp or inform on somebody else and supply the name and address, a penalty of £100 is provided. It is reasonable that when a properly appointed officer asks a person for his name and address, and he is refused that information, there should be a penalty; and £20 would probably fit the bill. I move an amendment—

> Page 7, line 30—Delete the words "one hundred" and substitute the word "twenty."

There may be room for argument whether a person should be compelled to give the name and address of someone else. That is apparently the wish of this Committee, as it has agreed to clause 11. I ask the Minister to agree to a maximum penalty of £20 in the clause under discussion.

I can recall one statute—the State Transport Co-ordination Act—under which any person refusing to give his name and address to a properly appointed officer is guilty of an offence, and the penalty is £20. Why should we, in this Bill, go to extremes, when Parliament in 1933 passed that legislation, and in all the subsequent years has renewed it? In view of the Minister's attitude that £100 should be the penalty for a person who manufactures or sells filled milk, the penalty for failing to supply the name and address merits considerably less.

Mr. NALDER: I oppose the amendment. A person who willingly misleads an inspector by giving a false name and address knows very well that he is liable to some fine. The case mentioned by the honourable member, when he stated that under the Transport Co-ordination Act any person giving a wrong name and address to an inspector is liable to a fine of £20, is a little different. We have already discussed the penalty for manufacturing and selling a product which is prohibited. A person who knowingly gives false information—

Mr. W. Hegney: It does not say that. You used the word "knowingly." A person might be committing that offence innocently.

Mr. NALDER: The penalty is quite reasonable, and it is the maximum. If a case is brought before the court, and it is proved that the offence does not warrant the maximum penalty, I presume the court will impose a fine less than the maximum penalty. In most cases that would be the position. If the magistrate considered an offence to be less grave, the offender might be fined £5 to £10. There is no necessity to alter the maximum provided in the clause.

Mr. GRAHAM: I am certain the opposition of the Minister does not arise from his own thoughts. It is possible that he has adopted this attitude as a result of some prompting. If the Minister in the first instance had opposed my earlier proposition, he would be consistent at this

stage in opposing my amendment which is before the Chair. The offence of refusing to give the name and address is less grave than the greater offence of manufacturing or selling filled milk. There cannot be any degree in the offence of refusing to supply the name and address of a person; the offender has either failed to supply the name and address, or failed to give a reasonable answer.

Invariably it is the practice of courts to impose one-fifth of the maximum penalty for the first offence; and if the clause is agreed to, any person who refuses to give the name and address of a person will be liable to a penalty of £20. Yet in respect of so many other statutes, when a person refuses to give his own name and address—of which he has certain knowledge, whereas there is an element of doubt in respect of the clause before us—the penalty for the first offence is one-fifth of £20. The penalty in this clause is out of all proportion to that in similar legislation.

If the Minister is not agreeable to the maximum being fixed at £20—my only reason for selecting that figure is that it is contained in many other statutes—he might be prepared to reduce the £100 to some lower figure. He might be agreeable to reducing it to £30 or £40.

Amendment put and negatived.

Clause put and passed.

Clause 14 put and passed.

New Clause 15:

Mr. GRAHAM: I move—

That the following be inserted to stand as clause 15:—

> The provisions of this Act shall continue in force until the thirty-first day of December, one thousand nine hundred and sixty and no longer.

I do not want to go over the ground I stated earlier; but this Bill contains an important principle, or contravenes a most important principle. It interferes with the right of a manufacturer to establish a certain type of business; and with the right of people to trade in a certain commodity which does no harm to anybody; and it also makes it impossible for me, or anybody else who so desires, to purchase a perfectly nutritious substance or foodstuff which may be suited to my particular palate.

Mr. Bovell: Like you stopped anybody purchasing foodstuffs after certain hours. The principle is no different.

Mr. GRAHAM: If that would satisfy the Minister for Lands, perhaps we could make this prohibition apply to certain hours only. I am making the assertion that this Bill does contain restrictions which violate important principles. Such being the case, surely it is not sufficient to place it on the statute book to remain there perhaps for all time. I think it is so important that at frequent intervals, not only the Government, but the Parliament of the day, should review the situation.

In his second reading speech the member for Merredin-Yilgarn stated that this Bill should be regarded more or less as a temporary protective measure, and he gave reasons for that statement. Further on in his second reading speech he said—

> . . . we find restrictive legislation coming before Parliament from time to time. Such legislation gets the industry nowhere. I believe that the Bill before this House should have a limited life; it should not go on *ad infinitum*.

Perhaps I should have waited for the Minister for Lands to quote those statements in his support of the move I am making at the present time. As pointed out by the member for Merredin-Yilgarn, this measure will not save the dairying industry. As he said, the trouble is not at the distribution end, but at the production end. Who knows, as a consequence of the inquiry which is in progress at the present moment, that some formula or scheme may not be evolved that will result in the solution of many of the problems confronting those engaged in the dairying industry?

Mr. Bovell: Let's hope that it does.

Mr. GRAHAM: Let us hope that any industry that is in the doldrums can be set on its feet without detriment to the public at large. Western Australia does not exist for the dairying industry; the dairying industry exists for Western Australia.

Mr. Bovell: It is a vital part of Western Australia's economy.

Mr. GRAHAM: Yes; but there are a lot of vital parts of Western Australia's economy. Up to a point, perhaps, I could say that this Bill breaches some of the charter of the United Nations in the matter of basic freedoms. Therefore, is it unreasonable to ask that this matter should come before Parliament to be reviewed periodically and as frequently as possible?

I can outline many pieces of legislation that contain a similar provision to that which I have outlined. Over many years, the Lotteries (Control) Act was on an annual basis, and every year fresh legislation was required to give it an extended life. Price control and rent control were other measures in a similar category. That was emergency legislation arising out of the war, but it was in existence for a period of some 15 years. This legislation is designed to protect the dairying industry, and the circumstances could alter. As a matter of fact, the legislation is premature; because there is not, to my knowledge, any threat

to the dairying industry. Nobody is contemplating establishing an industry for the purpose of producing filled milk.

Mr. Bickerton: It only protects a section of the dairying industry—the wholemilk section.

Mr. GRAHAM: From time to time we should have a second look at this matter; and if Parliament agreed, it could be extended for another couple of years. Whilst I have mentioned the 31st December, 1960, I want to be realistic, and would not object to a period of three years. To be perfectly frank, I cannot visualise any basic change in circumstances in such a short period as 12 months. The reason for seeking to make the legislation expire and come up for review in 12 months' time is that I am following the pattern which has been adopted on many occasions by this Parliament since I have been a member.

I hope the Minister does not see in this proposal an attempt to defeat the measure; because so long as the majority of members of both Houses agree to the necessity for it, so long will the legislation continue in operation. As I said, when speaking on the second reading, if this Bill passes in its present form, once it is on the statute book it will become well-nigh impossible to repeal it. The fact that some people for the time being think the production of this foodstuff might interfere with a section of the dairying industry, is not a sound basis for the legislation to become permanent.

I have invited the Minister for Industrial Development to express himself upon this measure. I have told him that whether he expressed himself in favour of it or against it, I would put gold embroidery around his statement, because it would be an anachronism in either case, and something worthy of quote on future occasions that I need not mention. I am certain this legislation runs completely across his concept of what should be the procedure in a democratic government.

I do not want it misunderstood that the Minister said anything like that to me; but that is my conception of his view of the Bill. If, on the other hand, he expressed himself in support of the measure, I suggest he would have many thousands of words to eat because of what he has said in this Chamber. However, the Minister for Industrial Development remains silent for obvious reasons. I would like him to express himself on this occasion. He gives no sign of responding.

Mr. Court: One Minister at a time is enough.

Mr. Brand: He is busy looking at the Railway report.

Mr. GRAHAM: When we were in the Ministry, we often thought that one or two, or perhaps a half a dozen, speakers from the Opposition would be all right; but included in them inevitably was the then member for Nedlands. I think it is of some concern to us that the Minister for Industrial Development is allowing this Bill to pass without any comment from him as to what effect and implications it might have on the future industrial development of this country.

If someone came along with £1,000,000 next week and desired to establish an industry in Western Australia manufacturing filled milk for the purpose of supplying Indonesia, India, China, the Philippines, and other places, I wonder what would be the attitude of the Minister for Industrial Development. I venture to suggest that if my amendment is passed, he would be very pleased that someone had put a brake on the legislation and given it a short life.

If the amendment is not passed, then the Minister for Industrial Development will have no course open to him other than to wave ta-ta to the person who comes here with money to invest to produce a local commodity for the purpose of feeding hungry people overseas. I hope the Committee will agree with me in this matter.

Mr. NALDER: I do not intend to suggest to the Committee that it support this amendment. There is overwhelming evidence that this legislation is required.

Mr. Oldfield: Where is the evidence?

Mr. NALDER: Has the honourable member been asleep?

The CHAIRMAN: Order! The Minister will address the Chair.

Mr. NALDER: Yes, Mr. Chairman. The evidence which proves that this legislation is required has been backed up by the dairying industry in Western Australia.

Mr. Graham: Naturally!

Mr. NALDER: We hope this legislation will assist that industry. The matter has been discussed fully; and I repeat that all the States agreed at the Agricultural Council meeting, where the subject was discussed and debated at length, that it is necessary; and, with the exception of Tasmania, all the Parliaments of Australia have passed similar Bills, and there is no restriction as to how long this regulation will remain law. If it is found necessary to delete it from the statute books, I presume that evidence will be submitted as to how it can be done. If the dairying industry feels that it can improve the sale of its products, I have no doubt that the requirements of the industry will be met by the Parliaments of Australia. Therefore, it is not my intention to support this amendment, and I hope the Committee will not agree to it.

Mr. NORTON: I am going to support the amendment, and I cannot understand why the Minister is so adamant in opposing it. I cannot understand why he would not accept perhaps three years as the life of the Bill. Why should the State not be allowed

to establish this other industry? There is no reason why the manufacture of filled milk should not be allowed, with the proviso that it is for export only.

What is going to happen to our residues? Very few people would realise that for the year ended June, 1958, this State imported 13,620,541 lb. of dairy products. This was made up of preserved milk—condensed, dehydrated, and so on—6,614,701 lb.; butter, 2,417,512 lb.; cheese, 2,915,188 lb.; and invalid foods and other milk products, consisting mostly of milk, 1,673,140 lb.

If we have a look at the butter and cheese imports alone, we will find that there are over 5,000,000 lb. of imports; and if we are going to produce that quantity here to make up our leeway, we are going to have to get rid of a lot of skimmed milk. Of course, the member for Harvey will tell us that it is used in the feeding of stock; but if we could utilise it in another industry, and feed the stock on something else, we would be doing the State a good turn. I would appeal to the Committee to accept this amendment to put a limitation on the life of this Bill.

Mr. W. HEGNEY: I am going to support the amendment. The member for East Perth instanced cases when this Parliament placed a time limit on measures such as the price-control legislation and the rent-control legislation. There have been a large number of measures on which it was thought fit to place a time limit to enable the legislation to be reviewed in the light of changed circumstances.

This is panic legislation. If no time limit is placed on the measure and approaches are subsequently made to the Government —later this year or perhaps next year— for the establishment of a filled milk industry in Western Australia, such approaches will be made to the Premier or the Minister for Industrial Development; and one or both of them will have to explain what the law in this State is in this regard, and indicate that in 1959 an Act was passed entirely prohibiting the manufacture of filled milk in Western Australia. That would embarrass the Premier and the Minister for Industrial Development, and, to a lesser extent, other members of Cabinet; as this is said to be a free-enterprise Government which does not believe in any restriction on private enterprise.

If this measure were agreed to without a time limit and the Government changed its mind on account of some approach made, perhaps in 1961, for the establishment of this industry, it would have, possibly, to call Parliament together and endeavour to repeal or modify the legislation. If the Minister for Agriculture had the vision, or was prompted by the Leader of the Government, to accept the amendment, the Government would not be placed in a false position should any approach be made to it later; it could point out that the legislation was to operate for a stated period only, after which it would come up for review by Parliament. The Government would be well advised to accept this amendment or, at all events, some limitation on the life of the legislation. I hope the Committee will agree to the amendment.

Mr. GRAHAM: I am at a loss to understand the attitude of the Government towards the amendment. If, as the Minister suggests, there are compelling and overwhelming arguments in favour of the measure, surely in future, if the same arguments obtain, Parliament will have no hesitation in agreeing to continue the legislation! However, we have not had evidence of any such powerful arguments in support of the Bill. When we were dealing with legislation in regard to wheat, notwithstanding the fact that every other State in the Commonwealth had agreed to identical and parallel legislation, those opposed to the Labour Government of that day insisted on writing into that measure all sorts of provisions contrary to what had been done in other parts of Australia.

Therefore the Minister's argument that similar action has been taken in all the other States except Tasmania, and that we should, therefore, pass the measure without a time limit, does not hold water. The Attorney-General suggested that if skimmed milk went into a filled milk industry instead of to the pigs, we might be short of bacon; but we know the story of recent months in connection with beef. If it was to the advantage of the pig-raisers to sell their product in some other market, they would do so without any consideration for the people of Western Australia. This measure does not guarantee that any particular foodstuff will be provided for the people of this State.

The Bill is designed to assist a section of the community only; and the public at large can go hang. Surely we should examine this legislation further from time to time! If there are arguments in favour of this measure, sufficiently compelling to obtain the support of the majority of members in both Houses of Parliament in this year 1959, and if those arguments are equally compelling in subsequent years, Parliament will continue the legislation!

In view of the attitude of the Minister, I sense something sinister in regard to this Bill. If the measure has a limited life, it must come back to Parliament periodically —whether annually, triennially or at some other period—for further consideration; and it will require the consent of both Houses of Parliament before being renewed; and the Government of the day will have some say in connection with it. But if we make this a permanent piece of legislation, it will depend on the Legislative Council, which is not responsible to the people of Western Australia. If my new clause is not agreed to, this pernicious

piece of legislation, contravening all decent principles of democracy, can only be removed from the statute book by the Legislative Council, and not by the duly elected Government.

If, at the next election, Labour is returned to office with 40 seats to 10, and the repeal of this legislation is the first plank in the platform submitted to the public, the Legislative Council could still say "No," as it has done on so many occasions. Its members could put their thumbs to their noses at the people of Western Australia, because they would know perfectly well—and they rest secure in the knowledge—that the public of Western Australia would not have the votes to deal with them. There is a sufficient number of loyal Party-ridden adherents who will turn out on the day—and it does not need many of them in order to obtain a majority vote in a particular province—

The CHAIRMAN: I hope the honourable member is going to get back to the amendment.

Mr. GRAHAM: Naturally. If we agree to this Bill without my proposed new clause, the Government of Western Australia will be placed completely in the hands of the Legislative Council. It is a shocking state of affairs for two Parties, one of which has the word "Liberal" in its title, and the other which has the word "Democratic" in its title, to do such a thing.

The CHAIRMAN: Order! The honourable member must keep to the proposed new clause.

Mr. GRAHAM: That is precisely what I am doing.

Mr. Brand: You are doing nothing of the sort; you are talking of the Legislative Council.

Mr. GRAHAM: Apparently what I have said has not permeated the skull of the Premier. If we pass legislation in the form in which it has been agreed to up to date, it can only cease to be the law of the land with the consent of the Legislative Council. But if the new clause is agreed to, the Government of the day, or the majority of members of this the popular Chamber, will be the determining factor. I will be interested to see how many liberal—with a small "l"—and how many democratic—with a small "d"—members there are on the other side.

New clause put and a division taken with the following result:—

Ayes—19.

Mr. Andrew	Mr. Lawrence
Mr. Bickerton	Mr. Norton
Mr. Fletcher	Mr. Nulsen
Mr. Graham	Mr. Oldfield
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Jamieson	*(Teller.)*

Noes—20.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Mr. Nalder
Mr. Burt	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Lewis	Mr. Wild
Mr. Mann	Mr. I. W. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Brady	Sir Ross McLarty
Mr. Evans	Mr. Hutchinson
Mr. Kelly	Mr. Guthrie
Mr. Moir	Mr. Cornell

Majority against—1.

New clause thus negatived.

Title put and passed.

Bill reported with amendments.

FATAL ACCIDENTS BILL

Second Reading

Debate resumed from the 18th August.

MR. NULSEN (Eyre) [11.9]: This is not a contentious Bill, but a commendable one; and it should not take us long to get through it. The Attorney-General gave us a fair and clear exposition of the Bill for which he should be commended. The dependants of those people who are fatally injured are entitled to full compensation. In my opinion the Lord Campbell Act did not go far enough. In the past Western Australia has lagged behind other States in this respect, but this measure will bring Western Australian legislation into line with that which has been on the statute books of other States for the last few years.

It was the ex-Chief Justice (Sir John Dwyer) who brought this matter to the notice of the Crown Law Department many years ago; and at the time I considered that some action should be taken following his representations. I am therefore glad the Attorney-General has now brought down a Bill to enable compensation to be assessed on a proper basis for the dependants of a deceased person; that is, when such deceased person has been the victim of an accident. The provisions of the Bill that bring the wrongdoer into line should have been introduced many years ago, because in the past that party enjoyed the benefit that accrued if the person who had been fatally injured had taken out a life insurance policy, or had contributed to superannuation benefits, friendly society benefits, union benefits, etc.

The interpretations in this Bill are rather broad. For the benefit of those members who were not in the House when the Attorney-General explained the purpose of the Bill, I would point out that they are as follows:—

> "child" includes, subject to subsection (2) of this section, son, daughter, grandson, granddaughter, step son and step daughter;

"court" means the court by which any action brought under this Act is tried and includes a court comprising a judge and jury;

"parent" includes father, mother, grandfather, grandmother, step father and step mother.

For the purposes of this Act, a person shall be deemed to be the parent or child of a deceased person notwithstanding that he was only related to him illegitimately or in consequence of adoption; and accordingly in deducing any relationship which under this Act is included within the meaning of the expression "parent" and "child," any illegitimate person and any adopted person shall be treated as being or as having been the legitimate offspring of his mother and reputed father, or as the case may be, of his adopters.

Those interpretations include many that were not included in the Lord Campbell Act which, as I said before, did not go far enough. Provision is also made in the Bill for payment of medical and funeral expenses. One of the important clauses in the Bill is that, in assessing damages in any action, any sum that is paid or payable on the death of the deceased person under any life insurance contract, superannuation, provident or life fund or scheme, or any benefit from a friendly society, benefit society or trade union, should not be taken into account; nor should any sum that is paid or payable by way of pension under the Repatriation Act, the Social Services Consolidation Act, the Coal Mine Workers (Pensions) Act, the Mine Workers' Relief Act, or any other Act that provides for the payment of pensions to widows.

The Bill, therefore, makes fair provision for the dependants of a person who has been fatally injured by the action of a negligent person; because he must be held responsible for the payment of full compensation irrespective of any other benefits the dependants may receive. No-one can take exception to the Bill because it seeks to do the right thing by the dependants of a person who is killed in an accident. I have compared the measure with the parent Act, and I notice that the Attorney-General has made provision for the court to grant an extension of time. That is an excellent move.

I have also read the amendment placed on the notice paper by the member for Subiaco. It will not affect the principle of the Bill, but I cannot see any relationship between the Bill and the amendment. However, I will leave that problem in the hands of the Attorney-General who is in charge of the measure. It could be that I have not understood the true intent of the amendment. The Bill represents an effort to ensure that the careless or negligent wrongdoer does not escape his obligations in regard to the payment of compensation. Nevertheless, the Bill will ensure that the wrongdoer receives justice, because he will appear before the court and the jury, and his actions will be treated on their merits.

If he has really done wrong through carelessness or negligence, then he must suffer the full consequences. Provision is also made so that if the person concerned died in the meantime, then his estate would be responsible to the person to whom he had done wrong. It also refers to families, so that if there is a fatal accident, the family concerned will get the benefit of the allocations made by the court. These allocations will be made by the court and not by anyone else. I commend the Bill to the House.

MR. GUTHRIE (Subiaco) [11.21]: Like the member for Eyre, I support the Bill and commend it to the House. I think it is a long overdue amendment. This legislation was originally passed in England in 1846. It was adopted here in 1849, and was once amended in 1900 since being on the statute book here. That is a span of 110 years. As has been said, we have lagged behind the rest of the world. I think members should understand that common law never made any provision for compensation of this nature. It was foreign to the common law; and the entire rights of a dependant—whether a widow, widower, child or whatever it may be—of a person who has been killed by the negligence of another, arise entirely out of the statute. The rights of dependants are covered within the four corners of the statute. That is because common law would not recognise any liability for negligence to a person to whom the wrongdoer did not owe a duty—the wrongdoer owed a duty to the person he killed, but not to his dependants. Consequently Lord Campbell's Act was introduced to overcome that difficulty.

The Bill does bring into it a major alteration which, at first glance, I was a bit doubtful about; but on reflection, I realise it is quite sound and quite fair, inasmuch as the courts, in the past, have deducted from or set against, the compensation they awarded to dependants, any benefits that flowed to the dependants by reason of the death of the deceased; and they have taken into account social services, pensions, and the like.

The entire damages awarded under this measure are awarded by a cold hard assessment of financial loss; and consequently we take the debits of what the family has lost and set them against any credits which have arisen. In the case of assurance policies, the High Court has produced a formula of determining which

it calls the value of the accelerated payment. If a man dies young, practically all the assurance moneys will be deducted from his widow's damages; whereas if he lives to near the allotted span, only a small proportion will be so deducted. In each case the amount of compensation payable is calculated by various methods.

But the Bill gives only compensation to a family which has suffered purely a financial loss in its income. I think we must look at it in the main as a benefit to widows. The benefit does cover widowers, I know, but there are not many cases of men who can claim they are dependent on their wives. In most cases the dependants are widows, with or without children, who have sustained a loss in the family support by reason of the death of the breadwinner.

Damages are assessed on a pecuniary basis. There is nothing given at all to the widow for her mental and emotional upset at the loss of her husband. There is no provision at all for that. No provision is made for a widow who has suffered no financial loss of support—whose only loss is the grief she suffers at the loss of her husband. Back in 1940, South Australia saw fit to pioneer the way in regard to that particular problem and introduced into its Wrongs Act—which incorporates the provisions of our Fatal Accidents Act—what are known as the solatium provisions, which allow the courts to assess to the widow something for her emotional upset.

Mr. Graham: How do you measure grief in terms of pounds, shillings and pence ?

Mr. GUTHRIE: No more easily than one does in the case of the loss of an arm or the loss of a leg. The same difficulty arises in assessing damages in a libel action—an action purely to remedy injury to the person's reputation. There is no cold, hard, assessable way one can ever measure anything of that nature.

But we should not forget that in every accident case where a man is injured, the court has to assess the pain and suffering and what it is worth. It must have regard for the pain and mental suffering he may undergo; and for the most part I must say it is guess or by gum !

But in South Australia, the Government has seen fit to put these limits on these solatium benefits. I would like to take an example of a man going to work at nine o'clock in the morning. The wife says goodbye to him when he leaves; and at four o'clock in the afternoon she is notified he was killed in a road accident that day. That is a tremendous shock to give a young widow with three or four children. For that shock and upset she is to be given no compensation at all under the present Bill, nor has she been provided with compensation in any previous legislation in this State.

I feel such a provision should commend itself to the House, as it has done to the South Australian Legislature. I am reliably informed from contacts I have made in South Australia that it is considered the section has worked well there; it produced a result that has been generally to the benefit of the people who suffered these losses. But I will not take up the time of the House at any great length to discuss that point now, because the matter will come up again in the Committee stage.

So far as the time limit of the provision is concerned, that has been one of the great difficulties in the legislation. At the present time the statutory action has a limit of 12 months; it is rigid. There is no method of overcoming it, and great difficulties arise in the case of air accidents. The legislation covers more than motor accidents—the dependants of any person who dies by negligence have a claim under statute. In so far as air accidents are concerned, many months may elapse before there is any evidence at all; sometimes it is almost a physical impossibility to get the facts and determine who is due to be sued for the damages within the present 12-month period. I can well remember the case of the Dove aeroplane that crashed at Kalgoorlie, where there was considerable doubt as to whether the air line operators were liable; whether the manufacturers of the plane were liable; or whether the manufacturers of the main spar were in fact liable. If anybody had had a claim for damages, he could not have completed the investigation and determined the correct person to sue within the 12-month period.

If, by any chance, he sued the wrong person, it is reasonable to assume that by the time he found that out, the whole year would have elapsed, and he would not have a chance to have a second bite at the cherry. I commend to the House the amendments which appear on the notice paper in the name of the Attorney-General. I support the second reading.

MR. GRAHAM (East Perth) [11.31]: Somewhat naturally, I am not opposed to the Bill, but I want to make several observations on it. This is like meeting an old friend; because the first Bill I handled for the Opposition was one couched in almost identical terms, in 1947. It was a measure introduced by Sir Ross McDonald. It proceeded a certain way through the Committee stage; but for some unaccountable reason, the measure was dropped.

In the Bill before us there are some points upon which I have certain doubts. It is not a move, as was suggested by the member for Subiaco, to bring about the care and consideration of the dependants of people who suffer death as a result of negligence of someone else. The Bill applies only to certain types of dependants.

I recall in 1947 moving to delete certain specified persons and inserting the following words to apply to persons in respect of whom some compensation would be payable:—

> Any person who at the time of the death of the deceased person was being financially maintained, either wholly or in part, by such deceased person.

There are some persons who come under the definition of "parent" and "child" in the Bill before us; but if a person is assuming financial responsibility for an aunt, a nephew, or some such relative, why should the other individuals—whether or not related, or being the stepson—as laid down in the Bill be denied? If there is merit in the principle contained in the Bill—and no doubt there is—then there is also merit in regarding relatives—other than a wife, child, or those enumerated in the Bill—as being dependent upon a person for whose death I might be responsible as a result of negligence. Under the Bill, such a relative who has been receiving aid from the deceased person will be left without the proverbial feather to fly with. That is wrong in principle.

I trust the Attorney-General will inform me why there is to be a limitation. If the compensation is £1,000, what does it matter whether the responsible person pays that sum to the child of the deceased, or some other relative distantly connected to him? It is still £1,000 going from the responsible person's pocket into someone else's pocket. That is one matter upon which I have some doubt. Perhaps this and the next point I am about to raise can be resolved in a few words by the Attorney-General.

Unlike the Workers' Compensation Act and some other statutes, there is no financial limitation under this Bill, and the damages against a wrongdoer could range from a few pounds to an unlimited sum. That appears to me to be contrary to the general practice—not that that necessarily makes this principle wrong.

The whole point—and this amuses me, if one can be amused by fatal accidents—is that luck plays a large part in fatal accidents. If, as a motorist, I were to kill a person who had no child or relative dependent upon him, then presumably there could be no claim for damages; but if the same action on my part was responsible for the death of a very wealthy person, who was making substantial contributions to quite a number of persons coming within the definitions of the Bill, then I could be responsible for an unlimited number of pounds.

My observation is that a person who is inclined to be negligent should discriminate against those for whose death he is responsible by ensuring, firstly, that the latter are not persons of any financial consequence; and, secondly, that those persons are not responsible for maintaining the class of people set out in the Bill.

Mr. O'Connor: We may be able to get them to carry placards.

Mr. GRAHAM: There should be some way of labelling them so that people will know in what they are likely to be involved. I would be pleased if the Attorney-General would make a comment, however brief, on the points I have raised. At the moment it is my disposition to move for the broader interpretation I have outlined; and which, had the Bill reached that stage, I would have moved in 1947; because I have not yet heard any satisfactory explanation or reason why persons, irrespective of blood relationship, who suffer a loss should not be the recipients of some damages to make up for the loss they sustained as a result of the death of their relatives in fatal accidents.

MR. WATTS (Stirling—Attorney-General—in reply) [11.39]: In a very few words I thank the member for Eyre and the member for Subiaco for the references they made to this measure. I assure the member for Subiaco that I shall certainly give careful consideration to the amendments he has placed on the notice paper.

In regard to the remarks of the member for East Perth, firstly concerning outside persons who might come under a general heading, because they have been affected in the way of maintenance paid by the deceased, I might state that the intent and purpose of this legislation is to compensate the families of persons killed in accidents. In consequence, the limitations which have been imposed result from the fact that the persons concerned come within the definition of a family.

In the 1947 legislation which was proposed, I could understand the feeling which I think the member for East Perth then had and which he has to some degree repeated this evening; because, under that Bill, an ex-nuptial or illegitimate child was excluded. Nor was any provision made in regard to adopted children such as there is in this Bill, and which I endeavoured to explain at the second reading.

The honourable member also made reference to the fact that there is no limitation imposed by this legislation on the amount of damages that can be awarded. Perhaps I should use the word "compensation" so that it will be better understood. It is the general practice not to have any limitation. If one looks through all the statutes which are on all fours with this Bill or even closely resemble it, one will find no limitation in any of them. It is a matter which is entirely for the court to decide, and must be on the opinion or calculation—or whatever one might call it—of the losses suffered by the parties concerned.

Mr. Graham: There has been a different thought with workers' compensation.

Mr. WATTS: That is quite a different matter. That compensation is limited to accidents which arise from or in the course of employment and has been treated quite differently.

Mr. Graham: The poor old wife is just as much a widow.

Mr. WATTS: Admittedly; but there we have quite a different system in existence. The honourable member asked me, in fact, whether the general practice was to have any limitation of amount; and I am telling him in regard to this particular type of legislation, which is in existence in so many places, that no limitations have been provided. The honourable member also made reference to the case of an extremely wealthy person who died, and asked what would be the effect in that case.

I would suggest that in that case the compensation the widow might be expected to recover would be small; because in normal circumstances maintenance would be established by her husband's will if he were very wealthy. As I say, this legislation is of more benefit to the dependants of a person who was killed, and was a person who was not wealthy. It is far more beneficial to the person on a wage, salary, or comparatively low income; because, as the member for Subiaco said, if I remember rightly, the younger the widow might be, then the greater the claim there must be if the breadwinner is to be replaced by any measure of compensation.

Mr. Graham: The whole thing depends on the ability of the wrongdoer to pay, doesn't it?

Mr. WATTS: Do not forget that in these days there are many avenues where that payment can be obtained. We have third-party, comprehensive insurance and such things in regard to vehicle accidents. Admittedly, there are other cases where what the honourable member says is proven fact, but often provision is made completely outside the affected parties.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7—Restriction of number of actions and time of commencement:

Mr. WATTS: I move an amendment—

Page 5, line 5—Add after the clause designation, "7", the subclause designation, "(1)."

Amendment put and passed.

Mr. WATTS: I move an amendment—

Page 5, line 10—Add after the word "arose" the following new subclause to stand as subclause (2):—

(2) (a) This subsection applies to every action under this Act to which section six of the Crown Suits Act, 1947, section forty-seven A of the Limitation Act, 1935, or section ten of this Act, does not apply.

(b) A person may consent in writing to the bringing of an action against him at any time before the expiration of six years from the date of the death of the person in respect of whose death the cause of action arose.

(c) Notwithstanding the foregoing provisions of this section, application may be made to the Court for leave to bring an action at any time before the expiration of six years from the date of the death of the person in respect of whose death the cause of action arose.

(d) When the Court considers that the delay in bringing the action was occasioned by mistake or by any other reasonable cause or that the prospective defendant is not materially prejudiced in his defence or otherwise by the delay, the Court may, if it thinks it is just to do so, grant leave to bring the action subject to such conditions as it thinks it is just to impose.

(e) Before an application is made under the provisions of paragraph (c) of this subsection, the party intending to make the application shall give notice in writing of the proposed application and the grounds on which it is to be made to the prospective defendant, at least fourteen days before the application is made.

This amendment is intended to overcome the difficulty that arises because there is a limitation of 12 months within which time an action must be brought under the existing law. It should be quite clear from this amendment that a person may consent in writing to an action being brought against him before the expiration of six years; or, alternatively, application may be made to the court to bring an action before the expiration of six years.

There is a subsidiary power where the court may, if it thinks it is just to do so, grant leave to bring the action subject to such conditions as it thinks it is just to impose. There is provision also for notice of intention to apply for an extension of time to be given to the other party.

The whole purpose of this proposition is to overcome the limitation of 12 months which to this time has been imposed.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 8 to 11 put and passed.

New Clause 6:

Mr. GUTHRIE: I move—

Page 3—Insert after clause 5 the following to stand as clause 6:—

> 6. (1) Whenever the death of an infant is caused by a wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the infant to maintain an action and recover damages in respect thereof, the person who would have been liable if death had not ensued, shall, notwithstanding the death of the infant and although it was caused under such circumstances as amount in law to felony, be liable to pay to the surviving parents or parent of the child such sum, not exceeding three hundred pounds in the aggregate, as the court thinks just by way of solatium for the suffering caused to the parents or parent by the death of the child.
>
> (2) Where both parents bring an action to recover any sum of money payable under this section, the amount recovered after deducting the costs not recovered from the defendant, shall be divided between the parents in such shares as the court directs.
>
> (3) Where both parents survive the child and either of them does not join in bringing an action under this section, the other may bring an action for such amount as he claims to be due to him or her.

This particular clause deals only with the case of what is known as solatium to parents for the loss of an infant child. I would point out that where a child of, say, 16 or 17 years is killed by the negligence of some other person, there is no recompense to the parents who have had the problem of rearing that child and who have had the financial responsibility of it. In 99 cases out of 100 the parents can make no claim for damages for the grief and suffering which is thrust upon them by the sudden loss of a child.

The purpose of this new clause is to give the court power to award a sum which it thinks fit, not exceeding an amount of £300. I have inserted that sum to keep the clause identical with the provision in the South Australian Act. As I mentioned earlier, that Act has been in force and was accepted by that Parliament without opposition. I am informed that it has worked quite satisfactorily there, and is some compensation to parents who lose a child under such circumstances. I commend the new clause to the Committee and trust it will be accepted.

Mr. WATTS: I do not desire that this clause should be accepted by the Committee. I will deal with the general principles of this clause, which I think equally apply to the others which appear on the notice paper. It seems to me that the whole purpose of this measure—and those that have preceded it too—is to compensate the relatives for the actual loss they have sustained because of the absence of the maintenance they have been accustomed to receive or expect from the deceased person killed by the negligence of another.

This proposes to bring into the Act something which has no relationship to that whatever. As I think the member for Eyre mentioned when he was addressing himself to the second reading, he did not see clearly the relation of this amendment to the Bill; and, as I say, I think that is a cogent statement to the extent that the Bill has relationship to an endeavour to assess the loss by the absence of the person who is the breadwinner or maintainer; whereas this proposal intends to fix an arbitrary sum for the grief and suffering that has been caused, in this particular case, by the loss of a child.

I do not think that we can reasonably assess that loss in monetary value. Certainly there is far less chance of fairly assessing it in this instance than in the case of somebody who is actually assisting in the maintenance or well-being of another, as in the relationship of a parent and a child, and a husband and wife. I would also say that the general policy of the law is against the payment of solatium. It has to be, in general, a determination based on the same foundation as to what damages shall be paid. I would go further and say I think that of the Australian States, South Australia is the only one that has adopted the principle which the member for Subiaco desires to place in the Bill.

Secondly, I again reiterate that I do not think that this amendment should be included in the Bill; but I would like members to understand that this measure—so far as I am concerned—is not a Party one, and I shall not lose any sleep if any member on my side of the Chamber cares to support the member for Subiaco. I am just stating as plainly as I can that I do not think the amendment has a proper

relationship to the principles intended in this Bill, and the proposal in general is contrary to the policy of the law.

I would say, lastly, that it is not incorporated in the law in any other State, except South Australia; and I do not think that that is a strong enough argument to induce us to accept it in Western Australia at this stage. It has already been agreed by those who have referred to this Bill that it is a considerable advancement on the present position. I think we ought to be satisfied with that.

Mr. GUTHRIE: The reason why these clauses have been proposed is the fact that it is only in an action under this statute that there can be any such suit submitted at all; because, as I said earlier in the course of the second reading, the right to sue arises by statute, and it is not a normal common law remedy. As this is the statute that gives people the right to sue for damages for negligence, it is the only measure in which it could find its place. It is intended, as has been said by the High Court when it considered the South Australian statute, as compensation, not for pecuniary loss but for mental suffering; and that is its main purpose.

I have had to deal with many widows who suffered no pecuniary loss at all. On more than one occasion I have had to say to them, "I am sorry, you cannot recover anything." They say to me, "Can a man kill my husband and I get nothing for it?"; and I have had to say on many occasions, "I am not here to make the law but to interpret the law. If you do not like it you had better see a member of Parliament." As I am now a member of Parliament, I cannot continue to give that answer. I have discussed this proposal with other members of my profession, and with one man in particular who appears in these cases more than any other person in Perth. He has personally advocated it to the Law Society, and he agrees with me that it is a necessary amendment. It was commended to the South Australian Legislature by one of the judges of the Supreme Court of South Australia and the amendments were actually prepared by a judge of that court. I feel it would be a gracious action on the part of this Chamber to give people, who have their breadwinner or child taken from them, some form of compensation which they would not otherwise have.

New clause put and negatived.

Mr. GUTHRIE: In view of the decision of the Committee, I will not move the next amendment.

Schedule and Title put and passed.

Bill reported with amendments.

House adjourned at 12.3 a.m. (Wednesday).

Legislative Assembly

Wednesday, the 26th August, 1959

CONTENTS

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

QUESTIONS ON NOTICE

BLACK ROCKS DEEP-WATER PORT

Initial Recommendation

1. Mr. HAWKE asked the Minister for Works:

   (1) Will he give the names of the members of the Kimberley Development Committee who first