

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**FRIDAY, 14 OCTOBER 1938**

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naturally mentally handicapped and whose mental deficiency cannot be cured by medical treatment. We have to accept the liability for such persons and make some attempt to care for them or train them for occupations for which their mental incapacity may suit them. Those persons who were born with normal mentality but have suffered some injury or illness that has resulted in damage of their mentality are those we class as mentally sick. In the past it has been the practice to refer to them as insane, but we proposed to wipe the word "insanity" in reference to mental sickness completely out of the Act and place mental illness on the same plane in the minds of the people as physical illness, in order to make them realise that a mental illness may be treated successfully if attended to promptly, like other forms of bodily illnesses.

In the past we have been handicapped in dealing with mental sickness by the fact that people do not call attention to it in its early stages as they would to physical illness. They postpone the expense and inconvenience in the hope that the patient will get better. Many persons apparently think there is something to be ashamed of in mental infirmity, often subconsciously, perhaps, and endeavour to conceal mental sickness in a family as far as possible. The result is that the medical staff of my department are greatly handicapped because they do not have an opportunity of treating the mentally sick in the earlier stages of the affliction.

A mental hygiene conference was held in Paris last year, and the Commonwealth Government were invited to send a representative. An officer of the department, Dr. Stafford, who was then in charge of the Ipswich Mental Hospital, went to Paris and attended that conference as the official Australian representative, and there came in contact with the leading specialists of Europe and America in this branch of medicine, and was able to make himself acquainted with the latest developments in the world for the treatment of mentally sick persons. Dr. Stafford stayed eight weeks in America and altogether 13 weeks in Great Britain and on the Continent. He returned to Brisbane at the end of last year.

**Mr. Moore:** What happens to those persons who eventually prove to be incurable?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** We shall still have to assume the responsibility for them the same as we have for those persons who suffer from incurable consumption.

**Mr. Moore:** Do they have to remain?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** Yes, we have to care for them until they are cured, and if they are not cured we have to care for them.

**Mr. Moore:** They do not go to another institution.

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** No. The institutions remain the same. Mainly, the principles of the Act remain the same inasmuch as we

## FRIDAY, 14 OCTOBER, 1938.

Mr. SPEAKER (Hon. G. Pollock, Gregory) took the chair at 10.30 a.m.

### MENTAL HYGIENE BILL.

#### INITIATION IN COMMITTEE.

(Mr. Gladson, Ipswich, one of the panel of Temporary Chairmen, in the chair.)

**The SECRETARY FOR HEALTH AND HOME AFFAIRS** (Hon. E. M. Hanlon, Ithaca) (10.34 a.m.): I move—

“That it is desirable that a Bill be introduced to consolidate and amend the law relating to the care, treatment, and control of mentally sick persons.”

This is a Bill designed to improve the care and treatment of persons who are suffering from any form of mental illness.

We do not in this Bill purport to deal with the type of patient who is known as mentally deficient, for we propose at a later stage to introduce a Bill dealing with the treatment of persons who are merely mentally deficient. This Bill deals with those persons who suffer from some form of mental illness or infirmity that might possibly yield to treatment and be cured. The others are persons who are

have the responsibility for the care of these persons.

**Mr. Moore:** I thought that this was perhaps some sort of an intermediate institution.

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** No. The present Sub-Department of Insanity is being reorganised and we are removing the words "lunatic," "insanity," "insane," and "asylum," and all similar words from the Act and propose to refer to them now as cases of mental sickness. An institution, instead of being called an asylum, is referred to as a mental hospital, and the sub-department, instead of being the Sub-Department of Insanity, will now be known as the Sub-Department of Mental Hygiene.

One departure from the existing practice is that we propose to make provision for private patients. Quite a number of the patients who are treated in our institutions are members of families that could well afford to pay for private treatment if they had the opportunity. We propose to make provision for private accommodation. Relatives can make arrangements for their own nurses if they wish, and their own doctor can act as consultant with the medical staff of the Sub-Department of Mental Hygiene.

We also take complete control of all private mental institutions. These will be subject to the same rigid inspection and control of the Director-General of Health and Medical Services as the State institutions.

**Mr. Maher:** Are there any private mental institutions?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** There is one in Queensland now. There is provision for them, but up to the present the control has not been regarded as satisfactory because there was no right of entry, and there was no compulsory notification of mental disease.

The result of Dr. Stafford's investigations of treatment will enable us to plan a better medical service and to investigate the history of each patient in an endeavour to see if there is something that might have caused his or her condition and it is possible to rectify. Actually, while the institutions will be the same institutions, the Bill does not set out the mental treatment that should be received—it is proposed to improve the mental service vastly by installing modern X-ray equipment and so on.

That briefly, is an outline of what is proposed in the Bill.

**Mr. MAHER** (West Moreton) (10.42 a.m.): I have no doubt that the Minister has been actuated by the very best motives in introducing this Bill, but all the same I do not know whether he is going to achieve much by changing the name from "insanity" to "mental hygiene." A rose by any other name would smell just as sweet, and I suppose a thorn by any other name would leave just as deep a prick in the flesh. It does not matter what name is bestowed on these things, it is the condition that counts.

At the present time there is a difference in the minds of people, certainly, in that we refer to some as insane as compared with others who are merely suffering from a nervous disorder. There is a clear line of demarcation between those classes who are suffering from nervous disorders and the imbecile, the idiotic, or the insane. If we reverse that order of things and establish a mental hospital and a system of mental hygiene I do not see how what the Minister aims at is achieved. People suffering from neurasthenia, hallucinations, or mild manias are really only suffering from nervous disorders and probably could be cured. They are to be ranked with the insane, the idiot and the imbecile as mentally sick.

I state only my own view of the matter, but looking at it by and large, I feel that I should prefer conditions to remain as they are. After all, under the stress and strain of modern life, a great number of persons in the community suffer from some form of nervous disorder. These would be horrified to think they were being classified under the heading of mentally sick, with people who are idiots.

**The Secretary for Health and Home Affairs:** To-day they are classified as insane and supervised as such.

**Mr. MAHER:** There is a very distinct line between insane persons and those suffering from nervous disorders. The hurry-scurry of life under modern conditions, economic fear, the general unsettlement caused by war, the hectic life of great cities, all help to produce a condition bordering on nervous disorder. Persons whose minds become temporarily unbalanced or suffer some derangement of their mental power may in certain circumstances have to undergo treatment, with every prospect of a complete cure, but the Minister proposes to group those who suffer from the mildest form of mental derangement with those who suffer from the worst form of insanity.

That does not seem right. The Minister, in spite of his good motives, may after all not achieve anything, and, indeed, may make it more difficult for people who suffer in that way.

After all, it has been often very truly said that genius is akin to madness, that there is a very narrow border between those who possess very great mental powers and those who suffer from some form of mental derangement. When we look at world affairs we are inclined to wonder if there are not a great many people outside the walls of the institutions we are talking about who ought to be inside, there is so much that appears to be illogical and unreasonable and even absolutely mad in the world.

**The Secretary for Health and Home Affairs** interjected.

**Mr. MAHER:** I know that Henry Lawson said—

"Am I sane in a world that is mad;  
Or mad in a world that is sane?"

We all ask ourselves that question at times. There are many persons who suffer from

nervous disorders attributable to varying causes. In the Middle Ages no provision was made for such persons, and they simply had to wander about from pillar to post. Those who could afford to care for them sent them to the monasteries to have them cared for there.

**The Secretary for Health and Home Affairs:** At one time they were supposed to be possessors of evil spirits.

**Mr. MAHER:** They were believed to be possessed of demons, such were the superstitions of the time.

**The Secretary for Health and Home Affairs:** There is a good deal of that still, too.

**Mr. MAHER:** A good deal of superstition is still current, but it is not as bad as in former ages. In later days much more has been done to care for persons in this unfortunate condition.

The Minister is animated by a very noble motive in introducing a Bill to ease the burdens on families whose relatives are afflicted with insanity and to remove the stigma that attaches to these unfortunate persons. It is unfortunate that they should be so afflicted, but I cannot see why the illness should be regarded as a stigma.

But in trying to do good for this section of the community, who after all are a very small minority, I am afraid that the Minister is going to group under the one heading of 'mentally sick' a great body of persons who under our modern conditions of life are affected with some sort of nervous disorder, and on the superficial reference by the Minister to this aspect of the matter I pause for a moment or two in my consideration of the Bill. Of course, we shall support any Bill designed to help or improve the conditions of the unfortunate section of the community who have become mentally afflicted through shock, or because of unfavourable environment or heredity.

The provision for private accommodation in a mental hospital seems to be a move in the right direction. Some people who can afford it may like to have a special nurse or some other more specialised form of help for their relatives and friends in a public institution, and the intention of the Minister in that direction is welcome. I presume that the idea is to satisfy the demand that might exist for a private mental hospital. Some people may not like their relatives to go to a public institution, but the proposal to have facilities in public institutions where people who can afford to have it may engage a private nurse or attendant seems to be a step in the right direction.

**The Secretary for Health and Home Affairs:** It will relieve us of the cost, too.

**Mr. MAHER:** Yes, it will relieve the State of the cost to that extent, and after all the cost associated with the maintenance of a mental hospital is very great. Unfortunately, there does not appear to be any lessening of the number who come forward from year to year for treatment at these institutions, and

the general desire of the Minister is to improve the medical services and thereby ameliorate the condition of these unfortunate persons. That is extremely desirable.

I am sure that the visit of Dr. Stafford to Europe will prove of very great value. There he was able to come in contact with other medical men who have had a wide experience in similar institutions in older countries, and the knowledge that he gained will be of untold benefit to him and, through him, to the mentally sick in Queensland. So far as I can see the Bill appears to be a move in the direction of improving the conditions of this unfortunate section of people.

**Mr. DUGGAN (Toowoomba) (10.54 a.m.):** I commend the Minister for introducing the Bill, which I believe to be a very important one. I propose to have something to say during the second-reading stage, and so my comments on this occasion will be very brief.

The Minister has explained that one of the objects of the Bill is to alter terms that have been used in the past. For instance, wherever the word "insane" appears in the present law it will be altered to "mentally sick."

The Leader of the Opposition claims that it would be well to leave the position as it is at present and thinks the new term does not sufficiently cover all those inmates kept in mental institutions throughout the State. He must remember that conditions have greatly changed during recent years.

It will be recollected that when the Estimates of the Sub-Department of Insanity were being discussed in 1936 I drew attention to the need for taking advantage of Dr. Ellerton's retirement to appoint a psychiatrist to act as Medical Superintendent of the Hospitals for the Insane. Apparently insufficient qualified men were offering at the time and the next best thing was to select the most promising medical officer and send him on a trip overseas for the purpose of inquiring into the latest methods adopted in the treatment of the mentally ill. I hope to have the opportunity during the week-end of reading Dr. Stafford's report. I know from a conversation I have had with him that it will be very instructive and helpful.

I commend the Minister for introducing this Bill because the mentally sick are a group of people who appear to be forgotten by the majority in the community. Within my electorate we have a large mental institution with about 1,500 patients. To me one of the most pitiful sights to be seen on a visit to that institution is that of relatives visiting the inmates. It is a heart-rending spectacle to see a mother who has been stricken with this particular disease being divorced from her family and placed in such unpleasant surroundings as a mental institution.

It is gratifying to know that steps are now being taken to improve the conditions in these mental institutions. Occupational groups are being formed. Farming activities are being extended in the institution in my electorate.

Generally, everything is being done that will take away the drabness of these asylums.

The term mentally sick is by no means a new term. No country in the world that tackles this problem seriously allows the term "insane" to appear in any of its Acts, or administrative communications. The term "mentally unsound" or "unsound mind" is used instead of the term "insane." Perhaps it means the same but, as the Minister has said, it is desirable that people should take advantage of early treatment under this legislation, and the use of the term "insane" sometimes prevents them from doing so. I know people on the Darling Downs who prefer to keep relatives at home—and it is a very great trouble to do that—in preference to sending them to a mental institution. By providing proper accommodation at these institutions and altering the terms used in speaking and writing about them we shall induce more to take advantage in their early stages of the treatment provided by the State for these diseases.

The Leader of the Opposition pointed out that some of these patients are idiots, people who will never recover, but the proportion of recoveries to the total number of inmates in these institutions is very gratifying indeed. I warmly commend the Minister for his interest in this particular matter.

Last year I endeavoured to get from the Parliamentary Library some text-book that would help me in presenting a case on the Estimates for that year. To my astonishment the only book in the library dealing with this question was dated 1848. Since then the librarian has been kind enough to get more recent books. It is interesting to follow the more recent methods of treatment throughout the world, particularly in America. There it is mandatory for the head of every such mental institution to be a psychiatrist. I hope in time that Queensland will have a qualified psychiatrist at all our institutions.

I commend the Minister for introducing this measure and hope when it comes before the House that I shall have the opportunity of speaking to it in detail.

**Mr. YEATES** (East Toowoomba) (11 a.m.): I approach this matter with dignity. I want to compliment the Government on introducing this Bill. I do not care what Government introduces such a Bill—such a measure has nothing to do with party politics. I, too, will enlarge upon my views on the second reading stage.

I understand the Minister has had the benefit of the advice of Sir Raphael Cilento. The Bill deals with a matter of grave importance to the community. Believing that prevention is better than cure, I urge a thorough investigation into the causes of lunacy. If that was done I feel confident that 25 per cent. of the trouble could be prevented. I intend to carry out further investigations in regard to this matter, and I shall be aided in my endeavours by my three sons who are medical practitioners. I am also acquainted with some medical men who have had considerable experience in charge of mental hospitals.

I think it is a very wise and humane thing to change the term "insane" to "mentally sick." Insanity is a source of great worry to the relatives of the afflicted person, and its occurrence often diminishes their opportunities of marrying.

There are several other Acts of Parliament that have a bearing on this matter, and some of them appear to be loosely administered, but we can deal with them at a later stage.

I feel sure the Minister will view this matter from a purely humanitarian point of view and accept amendments that may improve the Bill. Judging by the remarks of the Minister when introducing this measure, I think it will be a good one. The conditions of poverty that many mothers of children live under in the cities and the added strain of caring for sick children often have a deleterious effect on them mentally. Insanity has afflicted people of all ages who live under nerve-wracking conditions.

It is of the greatest importance that proper advice on sex and biology should be given to children when they are leaving school, say, from 14 to 18 years of age or up to 21. No advice is given on these things. They are sent out into the world with the caution to be careful when crossing the streets and to avoid storms when coming home from school. The advice of Sir Raphael Cilento would be of great value on that phase of the question. The Minister should invite suggestions from ministers of religion and the medical profession, and a booklet of advice could be printed. That has been my considered opinion for many years. I spoke of this on the platform when dabbling in politics, and that was some time before I contested any seat.

I was returned to Parliament by the people, and intend to give the best service of which I am capable for the next nine years. This matter should be seriously considered by every hon. member, and I compliment the hon. member for Toowoomba on his interest in the matter.

**Mr. NIMMO** (Oxley) (11.6 a.m.): I was very disappointed by the remarks of the hon. gentleman when introducing this Bill. I thought that it would be a Bill relating to the care, treatment, and control of mentally sick persons and that it was the intention to establish an intermediate institution, independent of the existing institutions, to which the mentally sick could be sent. This Bill appears to be nothing but a playing with words, and the implication that the Government were going to do something proves to be merely propaganda. Why are the present institutions not proceeding with the business of curing these sick persons? There is no need to have a new Bill introduced to enable them to write a certificate that a person is mentally deficient or in a home for mentally defectives or hospital. This will not preclude people from knowing that a relative or friend of a certain person has been sent to Goodna. That stigma will still exist. An intermediate institution should be provided to which such persons could be sent before finally being put in the various institutions already established,

where the great number of patients are incurable. I admit that there are sometimes persons cured, but the number is not great.

**The Secretary for Health and Home Affairs:** Do you not know that quite a large number are discharged as cured?

**Mr. NIMMO:** Yes, but such persons should never have been put in institutions of that kind. There are women who at a certain period in their life suffer from mental derangement. These are sent off to Goodna, where they are probably cured in eight or nine months, and then they return to their homes. If the Government had seriously intended doing something of benefit under this Bill they should provide an intermediate institution to which such persons as these could be sent.

What will this Bill do to improve the existing conditions? It provides that a certificate shall be issued that they were only in a home for mental defectives. But that is not going to get us anywhere, and will not do away with the stigma that they were in such an institution.

**The Secretary for Health and Home Affairs:** You have no reason to say a thing like that.

**Mr. NIMMO:** There is no reason to say it, but the Minister is bringing down a Bill which I say is only a playing with words and is additional propaganda for the Labour Party.

Moreover, there is likely to be a large influx of patients into these institutions, because there is to be a widening of the scope of admission.

**Mr. Duggan:** Is that not desirable if they are suffering from mental disease?

**Mr. NIMMO:** It is desirable that there should be an intermediate institution. People should not be sent to a hospital for mental defectives until it is proved that they are incurable.

**Mr. Duggan:** They are segregated now.

**Mr. NIMMO:** Is it not a stigma on a family to have a relative in the Willowburn Mental Hospital?

**Mr. Duggan:** No. Do not be silly.

**The Secretary for Health and Home Affairs:** You have the idea that we are trying to avoid—that there is something to be ashamed of in being mentally ill.

**Mr. NIMMO:** But the Bill is not going to cure that.

**The Secretary for Health and Home Affairs:** We are going to try.

**Mr. NIMMO:** The only method of preventing any stigma is to have the patient placed in some hospital where there are no insane patients and where they can get treatment.

We need to find out what is the cause of many of these mental conditions. To-day, conditions are very strenuous and the present Government are making them more so. The

treatment of our unemployed to-day has a very damaging effect upon their mental health. As a matter of fact, nothing is so damaging to a man's state of mind as unsuccessful attempts made day after day to get work. He is knocked off his balance altogether eventually. The treatment that these people are receiving is not conducive to a healthy mental condition.

Is the Minister who is proposing to introduce this Bill doing anything at all to improve the conditions of these people? We have only to take his "Golden Casket" advertisements throughout the State to realise that he is doing the reverse. By these advertisements he is luring people who are suffering from malnutrition, people who should have more food, into buying shilling shares in "Golden Casket" tickets instead of spending that money on food. All this money is being taken away from these people as a result of his advertisements that, "You may win next time." I am informed by the "Golden Casket" agents that the majority of the people who are rushing to buy these shilling share tickets are comparatively poor. The Minister is the one man who should make a definite attempt to allow this money to remain with those people. He should not be advertising the "Golden Casket" by means of pictures of relief workers with statements underneath them, such as, "Relief Worker wins this money. It made his home happy."

**The TEMPORARY CHAIRMAN:** Order! The Minister in introducing this Bill did not raise the question of the "Golden Casket" nor is there anything contained in it dealing with the "Golden Casket."

**Mr. NIMMO:** But I am raising it. I am pointing out that the "Golden Casket" has a tendency to put people into these institutions. There is no doubt that malnutrition is the cause of a great deal of the mental affliction that exists to-day. Malnutrition is one of our greatest problems to-day, and no man in Queensland can say that many of our people are receiving decent treatment.

I am sorry that the Government have not seen fit to go the whole hog and provide for the establishment of intermediate institutions in which those persons who perhaps can be cured may be treated, instead of having to go into asylums for the insane.

**The Secretary for Health and Home Affairs:** This Bill enables us to establish any institution we like.

**Mr. NIMMO:** The Minister did not tell us that in his introductory speech. All he told us was that the Bill was going to provide that when a person was discharged, instead of saying on the certificate that he or she had been an inmate of an asylum, it would say that they were in something else.

My grouch this morning is that the Government have not gone far enough. During my parliamentary career, I have had numbers of persons coming to me with very pathetic cases, and I am sure that hon. members opposite have had the same experience.

I have had one case brought to me of a child seven or eight years of age, and there was no place in which to treat that child except Goodna, amongst the grown-up mental cases.

**The Secretary for Health and Home Affairs:** That is wrong.

**Mr. NIMMO:** Then, where are they placed to-day?

**The Secretary for Health and Home Affairs:** We put them in the children's wards. We established only a few years ago a special children's section, with playgrounds, sand pits and everything else.

**Mr. NIMMO:** They are put in Goodna and they are associating with the other patients up there, and they are not given that care that should be given to a child of five or six years of age.

**The Secretary for Health and Home Affairs:** If you are game to take the risk I suggest that you visit the institution and see just how it is conducted.

**Mr. NIMMO:** I have visited the institution frequently. It used to be in my electorate until it was transferred into that of the hon. member for Bremer. The fact remains that while I was visiting there I saw cases that I am satisfied should never have gone into that institution.

**The Treasurer:** You are not the only visitor to that place who has had hallucinations.

**Mr. NIMMO:** It is now in the Treasurer's electorate, and I know that he was very anxious that it should be put into his electorate. Probably he may have anticipated the need to get treatment there later. But we must get away from that.

I am appealing to the Minister to go further in this matter. If the Bill is business and not propaganda, then let us provide a home where these people who are really not insane but only mentally deficient can go and be cured, so that they may go home to their friends without the stigma that would attach to them if they had been in a mental asylum.

**Mr. MOORE (Aubigny) (11.16 a.m.):** I do not know how far this Bill goes, but I was hoping that it would provide for that class of persons we often read about—concerning whom a judge sometimes remarks that they are mentally sick, but he has no place to send them to.

**The Secretary for Health and Home Affairs:** We are dealing with that in the next Bill, a Mentally Deficients Bill.

**Mr. MOORE:** They are not bad enough to go to an asylum and they have to go to gaol. I am glad to hear that something may be done. It seems a pity that a person who is not a criminal should have to go to gaol because there is no suitable place to which he can be sent.

I remember the late hon. member for Wynnum in this Chamber made some very startling disclosures in regard to mental sickness and heredity and advocated reforms similar to

those that are instituted in other countries, whereby the continued extension of these buildings may be obviated. The Minister has said that they want to learn the family history as far as they can, and to trace the influences that have brought about the mental sickness. I trust that is not going to be the end. The tracing of the cause and studying the heredity of the patient is only the beginning. A conclusion can then be reached as to what ought to be done to remedy the position.

**The Secretary for Health and Home Affairs:** You must have some knowledge of the influences before you can take any further steps.

**Mr. MOORE:** Probably the hon. gentleman has read a very interesting book written by Dr. Nye and Dr. Bostock, who go into the question of the continued increase in numbers of the mentally deficient, and the need for some action. If action is not taken, what will happen to a nation, particularly a young nation like this, if it is necessary to provide a continually increasing number of institutions for the mentally sick? This is something that is creating interest and demanding action not only in Queensland, but all over the world.

I am very glad to hear that the Minister intends to bring in another Bill that will recognise the existence of an intermediate stage between what we call an asylum and the hospital ward. It is certainly necessary that we should have some intermediate institution to which persons thus affected can be sent. Particularly is that need felt in regard to the younger members of the community. There are many cases of mental deficiency in children where help could be given if they could go to some proper institution. There are places in Brisbane, but children from other parts of the State would have to come here and find board if they wanted treatment.

**The Secretary for Health and Home Affairs:** The greatest trouble you have is to estimate the size of the job. It is hard to get information.

**Mr. MOORE:** I quite realise that even when institutions are established there will be a large number of persons who still will not make use of them for members of their family who are mentally deficient, preferring to keep them at home until, for example, the mother dies, when they become the care of the State.

**The Secretary for Health and Home Affairs:** They are then too old for us to do anything with them.

**Mr. MOORE:** That is so. At an earlier age they could have been taught to occupy themselves instead of merely leading an aimless existence.

The real value of this work will be revealed if the Minister will follow the investigations he makes to their logical conclusion—that is, if after discovering the cause of the illness he endeavours as far as possible to remedy it and so prevents its extension. It might mean segregation and it might mean sterilisation. At any rate, something will have to

be done in the comparatively near future because it is appalling to think that in a country like this many persons who, perhaps, should be sent to intermediate institutions are being sent to what are now called asylums. I am sure that the Minister realises the importance of discovering the causes of this affliction so as to prevent the serious increase that is taking place.

**Mr. JESSON** (Kennedy) (11.22 a.m.): This Bill is another step in the Government's humanitarian policy to help the sick and afflicted. It takes my mind back to the time when I was first elected as member for the Kennedy electorate. I then made it my business to visit the various institutions under the control of the Government, and included amongst them was the Goodna Asylum. At that time the Government had begun their important building programme, and alterations were being made at the institution. I visited it later on, and was surprised to see the transformation, the new buildings, the improved layout, and the cheerful gardens. I was given some of the vegetables grown by the inmates of the institution, and generally I was surprised at all that was being done there.

The most astonishing feature of the debate on this Bill was the statement by the hon. member for Oxley that the "Golden Casket" was responsible for the presence of many persons in our mental institutions. I venture the opinion that more become insane through operating on the Stock Exchange than by taking tickets in the "Golden Casket," as the hon. member alleged. The hon. member said that he had visited the Goodna Mental Hospital, but perhaps he was not aware that the building scheme was carried out with the aid of money from the funds of the "Golden Casket."

**The Treasurer:** Oh, no, not the mental asylum.

**Mr. JESSON:** Was it not?

**The Treasurer:** Oh, no.

**Mr. JESSON:** Then I was wrong there. I thought that that was where the funds came from. However, the money was provided by this Government. A splendid job has been done, and in the short space of four years a remarkable change has come over the place.

Of course, the speech by the hon. member for Oxley was the usual diatribe that we get from him, and I cannot understand any hon. member's condemning anything to help the sick or mentally afflicted people.

One very desirable feature of the Bill is that it proposes to give the Government control over private mental hospitals. I am satisfied that when this Bill becomes law and the officers of the department are empowered to enter these private mental hospitals and investigate the cases there much good will be done. I have no desire at this stage to say anything more about these private institutions, but it is my firm belief that all the mentally sick should be under the supervision of the Government, for more reasons than

one. That will be brought about with the introduction of this Bill.

It was very gratifying to hear the Opposition wholeheartedly supporting this Bill. I am quite satisfied it will enable the medical profession to make a contribution along the right lines to the prevention and treatment of nervous disorders. It is an unpleasant stigma on anybody that he should be placed in an asylum because of insanity, when the sickness might merely be some mental disorder that can be rectified by proper treatment in a short time. The number of persons who enter mental asylums and are discharged cured is remarkably large. There is a continual flow in and out of such institutions. Years ago the fact that one had been in such an institution was treated more or less as a joke. School children joked about this boy's father or mother as having been in Goodna or been a lunatic. That was merely because the proper institution was not then available for treatment, so that such patients could take their place in society again.

The Bill follows the right lines, and proves that the Minister and the Government have the care of these sick people at heart and are endeavouring to help them by removing from them the stigma that at present rests on them.

**Mr. MORRIS** (Kelvin Grove) (11.27 a.m.): I was not present in the Chamber when the Minister explained the principles of the Bill, but from inquiries I have made this appears to be legislation along the right lines. I should like to ask the Minister how this Bill affects border-line cases.

**The Secretary for Health and Home Affairs:** This Bill will not deal with border-line cases. A separate measure will be introduced dealing with them—that is, persons who are not certifiably insane but are unable to accept responsibility for their own actions.

**Mr. MORRIS:** That is all I desire to know. This legislation is along the right lines, and will have the support of all right-thinking people in the community. The Minister is to be commended for having introduced this legislation.

**Mr. TAYLOR** (Enoggera) (11.28 a.m.): The Government, in bringing down this measure, are making progress along lines the community would have them follow. We are getting away from the hard old days, and from the times when a person who was mentally sick had his condition attributed to demons introduced by the witch doctor or medicine man. We are living in modern times, but unfortunately modern conditions create worse forms of mental sickness than those of the bad old days. Those of us who think, and do a little studying, realise that the conditions under the capitalistic system to-day produce more cases of nervous disorder and mental sickness than previously existed. The Great War of 1914-18 had much to do with the increase in mental sickness during the last 20 years.

The hon. member for Aubigny made reference to Drs. Nye and Bostock and the book

they have published. They were reviewing the last 25 or 30 years, and naturally we have to deal with the results of the last war.

Many men returned from the war mentally impaired; others who were suffering from shell-shock later on married and reproduced their kind and some increase in mental illness has resulted.

But apart from the devastating effects of war and all its horrors, we live under a vicious social system in which the law of the survival of the fittest holds sway more than ever before; the law of the jungle applies under the capitalistic system to a greater extent than under any other system in the world's history and the result is a continual increase in the number of mental cases that the Government have to care for.

By introducing this Bill the Minister seeks to broaden the scope of the Act, and that will enable the medical men who have made a special study of mental hygiene to deal more efficiently with the cases that come under their care. They will be able to apply their science more accurately and thus diminish the increase in the incidence of this affliction.

It is time the medical profession and the Governments concerned with the care and health of the people gave more consideration to the arresting of diseases, particularly mental diseases, than in the past. I think the Bill will broaden operations in that direction. For those reasons I believe it to be one that will do much good.

**Mr. MASSEY (Toowong)** (11.32 a.m.): I wish to support the Bill because I think it is a step in the right direction. The changing of the name "lunatic asylum" is a proper step to take. After all, there is bodily sickness and there is mental sickness, and that is the only difference. I am of opinion there should be an intermediate institution.

The hon. member for Enoggera has told us that the cause of much of the mental trouble that exists amongst us is the capitalistic system, but I suggest to the hon. member that many mental illnesses of women are the fault of their husbands, and not the capitalistic system. We know that very often when women reach the age of the change of life they have to go to asylums, but they should not go to lunatic asylums, because most of such illnesses are only temporary mental illnesses.

I cannot say whether I agree with the whole of the Bill until I see it, but apparently it is a good one.

**The SECRETARY FOR HEALTH AND HOME AFFAIRS** (Hon. E. M. Hanlon, Ithaca) (11.33 a.m.): Notwithstanding the contention of the Leader of the Opposition—and I am pleased to see that the same opinion is not held by other members of his party—terminology is important. There is something so definite and final about the word "insane" or "mad" or "lunatic" that its use has created in the minds of the people the feeling that the illness is incurable and nothing can be done about it.

**Mr. Maher:** You do not refer to our asylums to-day as lunatic asylums.

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** That is the terminology under the present Act. The head of the department is the "Inspector of Insanity," and the department is termed "the Sub-Department for the Insane," and the hospitals are "Hospitals for the Insane."

**Mr. Maher:** I thought we had dispensed with the word "lunatic."

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** No, but I am dispensing with it now.

Terminology, I repeat, is important. The same difficulty appears in the public mind about the word "paralysis." Hon. members know how the public mind accepted the word "paralysis" as being definite and final, and believed therefore that nothing could be done about it. Hon. members know the effect of the big drive that was made to have treatment for paralysed people in Queensland in the last two years and how the medical profession and the hospitals have endeavoured to keep up the treatment of a person suffering from some injury to the nerves that has left a limb immobile.

In the past few years the outlook on paralysis has improved amazingly. It has been shown to the people that paralysis can be cured, or alleviated if not totally cured. But when people had the feeling that nothing could be done about a person suffering from paralysis the tendency for them was to do nothing about it.

The same thing now applies to the words "insane," "mad," and "lunatic," which, to the general public imply something definite that makes the position hopeless. As hon. members have pointed out, it is customary the world over for unthinking people to use the fact that a person has been in an asylum as something of a slur and to throw it up at them. There is an inherent streak of cruelty in human nature that makes certain persons, probably thinking that they are joking, throw up at a person the fact that he has been an inmate of such an institution. We should try to create the right outlook in the public mind and endeavour to instill the feeling that there is nothing to be ashamed of in having been in a mental institution.

After a very bad confinement a woman may be a complete wreck physically. Nobody seems to be ashamed about that. Sympathy and the best medical attention are given her, but if after a confinement a nervous disorder ensues, the nervous system is wrecked and the woman is mentally sick, why on earth should people be ashamed of it? Why should the family and relatives be ashamed and endeavour to conceal the fact? Why do they conceal it and keep her hidden from medical attention as long as they can?

It is well known that a family with a member showing signs of nervous disorder will try to conceal, and shepherd the patient and postpone getting medical advice as long as possible. The hon. member for Aubigny

pointed out they try to conceal them, so that they get beyond control and so become a danger to themselves or the public. They then hand them over to the department, which is unable to do anything for them, because it was not allowed to treat them in time. That is the tragedy of the present outlook. Cases of nervous disorder are not brought under notice and given attention at the earliest possible moment.

The alteration of the status of asylums to mental hospitals is not the whole of the work. In the course of time every hospital in the State will be linked up in this work. There is a department of modern psychiatry at the Brisbane Hospital, and in course of time such departments will be established in the large hospitals of the State. The provisions of the Bill will enable us to take control of such a ward in a public hospital.

**Mr. Morris:** Have you not a neurasthenic block at the General Hospital?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** Yes, but we must go much further than that. Hon. members may have noticed that there is a large area of ground vacant, which was resumed, adjacent to the Women's Hospital. The idea was to erect thereon a psychiatry section for the inmates of that institution. After childbirth some women need continuous care. It is not a hospital bed or daily medical and nursing attention that some need until quite well again, but something quite different, and a psychiatry department should be associated with that institution to care for those mothers who have not recovered their mental poise after confinement. We can undoubtedly prevent much wastage that occurs in the community to-day because of lack of such care.

In Australia we are actually out of date in mental hygiene. One of the causes is the fact, first of all, that mental hygiene is the least attractive section of medicine. It is the most difficult to grapple with. Students and medical men who attempt to specialise in it are grappling with something difficult and something that they cannot grasp and put on an operating table and cut to pieces. Consequently, there is no branch of medicine that has been so neglected as mental hygiene.

It is obvious that a man would sooner deal with something real, something that he can see, feel, and hold instead of with a nervous disorder or mental disease. There are very few medical men who specialise in nervous disorders and mental diseases.

At one time, years ago, we were in the same position as we are in to-day in that we were hopelessly out of touch with modern developments in mental hygiene in other parts of the world. It is obvious that countries with the greater populations and consequently wider fields for scientific research make far more rapid progress than we can hope to do with our small population. At that time a new inspector of insanity was brought to Queensland from England. That was Dr. Ellerton, who has retired recently from the control of the department. He

came out armed with all the latest knowledge from the Old Country then, but that was 30 odd years ago, and we have never made contact with Europe in these matters since, until we sent Dr. Stafford over quite recently.

I maintain that it is necessary for the Director of Mental Hygiene to visit Europe and America at least once every five years in order to keep in constant touch with the latest developments. We must not wait until Dr. Stafford dies or retires until we endeavour to take another step forward; we should keep in touch with all the developments that are taking place in mental hygiene in Europe and other countries.

This is the last of the sub-departments that I have attempted to reorganise. I left it until the last because it was the most difficult to reorganise. It is one that I could not deal with readily, one I understood less about and in which I understood less of what was necessary. It is left until last, also, because I have been conscious of the limitations the ordinary man has in grappling with such a difficult task as anything connected with mental hygiene.

On this occasion, instead of bringing a new director from Europe or America to take charge of our institutions, we decided that it would be better to send an Australian to learn the scientific side of this work over there, so that when he came back he would combine his technical knowledge with an Australian outlook on social services. That is far better than getting a man who has been reared under a different social order in another country and who, although he may have been trained in the latest developments in mental hygiene, would have to be educated into the outlook of the people of this country on social services.

I say emphatically that if the Sub-Department of Mental Hygiene is going to make the progress that it should, it must keep in contact with developments of other countries in the world at regular intervals so that the service here can be kept up to date. When one comes to a complete reorganisation of such a service, one finds that it is a tremendous question, but if one keeps up to date as the years go by then the task is not nearly so difficult.

**Mr. MORRIS** (Kelvin Grove) (11.43 a.m.): I should like to ask the Minister if there is not a psychiatrist attached to the present post-natal section of the department.

**The SECRETARY FOR HEALTH AND HOME AFFAIRS** (Hon. E. M. Hanlon, Ithaca) (11.44 a.m.): There is, but we have not yet reached the stage where we can do all that is required in this direction. By our system of compulsory notification of births we have established a system under which, after every confinement within a certain radius of a baby clinic, the department is able to make contact with the mother and give her such advice as we may be able to offer as to the care of herself and her child. We try to encourage her to be a regular visitor to the baby clinic, and so on.

We have established ante-natal clinics at various centres throughout the State at which the expectant mother may receive advice and help, and even medical care. She may go there regularly so that the nurses and the doctors may make regular medical examinations of her in order that the medical men and the nurses who are going to attend her at her confinement may know what problems they may have to contend with. To be forewarned is to be forearmed, and this applies more in medicine than in any other branch of science or service. To know in advance that some problem may be expected renders it quite simple for the nurse or the doctor to effect a safe delivery. It is when they are caught without any knowledge of some septic or other condition that the mother may be in that difficulties are experienced.

There is a tremendous difficulty in getting the co-operation and assistance of the people we are trying to serve. Hon. members will remember, when the baby clinic service was first started, before I was in Parliament at all, there was a campaign of professional men against it. It was something new; it disturbed the old ideas and consequently there was a campaign against having anything to do with a baby clinic. Then you had the outlook of the people themselves who said, "What do I want to go to a baby clinic for with my baby? My mother had 11 children and only five of them died. She can tell me all I want to know." Nowadays more and more of the mothers are going to these clinics.

To get them to go to an ante-natal clinic was harder still. A woman in early pregnancy should have medical examination and advice if she is going to do justice to herself and to her child. It was difficult to get them to have anything to do with it. They did not like to go to an ante-natal clinic and disclose their pregnancy early in its course. It is only in recent years that we are getting the public into the right frame of mind, which brings mothers more into co-operation with the department, enabling the department to do the work for which it was created.

Motion (Mr. Hanlon) agreed to.

Resolution reported.

#### FIRST READING.

Bill presented and, on motion of Mr. Hanlon, read a first time.

### VAGRANTS, GAMING, AND OTHER OFFENCES ACTS AMENDMENT BILL.

#### INITIATION IN COMMITTEE.

(Mr. Gledson, Ipswich, one of the panel of Temporary Chairmen, in the chair.)

**THE SECRETARY FOR HEALTH AND HOME AFFAIRS** (Hon. E. M. Hanlon, Ithaca) (11.50 a.m.): I move—

"That it is desirable that a Bill be introduced to amend the Vagrants, Gaming, and Other Offences Acts, 1931 to 1936, in certain particulars."

The Bill provides for four amendments of the principal Act. The first is an amendment of the definition of "obscene" in relation to obscene literature. Hon. members will remember that recently the Federal Government took action to ban the importation of certain obscene publications into the Commonwealth but that ban will be rendered useless if such publications can be printed within the Commonwealth. Therefore, all the States have agreed to adopt a uniform definition of "obscene." The definition is not going to make for a kind of puritanical censorship over the literature of this country, but the success of the definition will depend entirely upon the magistrate or the judiciary.

It is proposed, without limiting the generality of the term "obscene," to define it as—

"Matter which unduly emphasises sex or crime or is calculated to encourage depravity."

It is impossible to lay down in a Bill what "encourages depravity" or constitutes "an obscene publication." Consequently, the matter must be left to the interpretation of the magistrate dealing with the offence.

As I have said, the success of that section will depend upon the magistrate. Of course, a magistrate in one State may have one view of whether a publication emphasises sex or crime or is calculated to encourage depravity, while a magistrate in another State may have a different view. However, the nearest that we can get to success is to adopt a uniform definition suggested by the Commonwealth Government and leave it at that.

I think hon. members will agree that there is a good deal of undesirable literature in circulation. I think hon. members will also agree that certain persons with a warped outlook would ban a great deal of valuable and quite good, clean literature if we adopted their views on the subject of obscenity. However, we have taken as broad a view as possible in dealing with these publications, at the same time making every effort to keep out obscene publications that are nasty and valueless, and perhaps encourage crime or depravity. We have endeavoured to keep them out of the reach of our young children.

The next amendment deals with unlawful printed matter. The section is being amended to provide that the police shall seize unlawful printed matter after they have exercised their power to search a place in which unlawful printed matter may exist. The present section gives the police the power to search a place for unlawful printed matter, and to proceed against the printer or the publisher of it, but they had no power to take and destroy the printed matter that was discovered. This amendment will remedy that omission in the existing Act.

The third amendment gives the police power to enter premises where it is suspected fruit machines or similar mechanical contrivances are in existence and seize them. Under the existing section fruit machines and other gambling machines are banned in public places. In the past it was thought that the police had power to seize these machines, but

on one occasion when a number of these machines were seized in Toowoomba the court ruled that it had to have evidence that gambling was taking place on these machines before a prosecution could succeed, and the machines could be seized. The result was that the police were ordered to hand back a number of machines that they had seized to the person who owned them. However, by means of engaging agents to play on the machines in public places the police have been able to keep them out of all hotels and places where the public have the right of admission.

It was not thought desirable then to adopt some method to deal with their existence in clubs. However, very few such machines existed in clubs until comparatively recently. During recent years the growth of the number of these machines in clubs has been amazing, because of the revenue derived from them. The machines are so set that they take a tremendous proportion of the money placed in them in profits. For some queer reason or other a large number of persons become fascinated with these machines and play and play on them to their hearts' content. Personally, I should say that the people who put their money into fruit machines are fit subjects for the Bill we have just disposed of. Still, they do play them and so make away with their money. The growth of the profits make the machine a dangerous thing to have in existence. The Government do not desire to give the police authority to enter private premises, but the growth of fruit machines in private places has made it necessary to amend the law to give the police power to deal with the matter.

**Mr. Russell:** Will this Bill apply to machines other than fruit machines?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** Yes, all gambling machines?

**Mr. Russell:** Poker machines?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** Yes, all forms of gambling machines. If it did not the owners could simply change the lemons, or oranges and strawberries to pumpkins and vegetables and thus defeat the law. This Bill will apply to fruit machines, or gambling machines—any form of slot machines.

**Mr. Maher:** Will this deal with clubs, too?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** Yes. At present there is no way by which the police can deal with such machines operating in clubs or private premises. The police kept a close supervision of hotels and machines that were operated in any hotel were promptly seized. In one place where the police seized a machine it was found to be owned by the policeman in the district. Fruit machines have now disappeared from all premises where the police have access and are only operated in those premises where the police have not the right of access.

Another clause and an important one, and one which hon. members should give a good

deal of consideration to, is that which deals with the noise nuisance. This has largely developed since the introduction of radios. They have been installed in various shops, chiefly for the purpose of advertising goods and calling the public off the streets into the shops. This form of noise is becoming a bugbear in most cities. The people cannot walk through the streets without having their ears violated by the noise that goes on from loud speakers. As one passes down the street one can hear a salesman 100 yards away inviting you to come in to buy his pork sausages. It was difficult to work at my office in the Treasury owing to the noise of a loud speaker.

**Mr. Moore:** Selling Casket tickets.

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** Selling sausages, Casket tickets or anything at all.

Hon. members know the difficulty in dealing with this matter. At the present time local authority ordinances attempt to deal with it. Evidently local authority inspectors are not very anxious to suppress the nuisance. They can only proceed on summons. Power is given in this Bill for the police to get a warning notice from a magistrate that the owners of these loud speakers must close them down, or moderate the tone so as not to be a nuisance to neighbours or people on the street. Failing obedience to that order the police are authorised to seize the loud speaker and take proceedings.

**Mr. Nicklin:** Have you included roosters?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** No, the definition of mechanical devices does not include roosters.

**Mr. Gair:** Does it cover bagpipes?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** I think "mechanical devices" covers them.

**Mr. Maher:** At one time you defined "marsupial" as including a hawk.

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** Oh yes, and a rabbit was declared a weed, was it not? (Laughter.)

**Mr. Yeates:** What about motor-cycles without silencers?

**The SECRETARY FOR HEALTH AND HOME AFFAIRS:** They may be mechanical devices, but not the kind we are dealing with.

I think the amendments will increase the power of the police to protect the people and give them service.

**Mr. MAHER** (West Moreton (12.1 p.m.): The Bill seems to be a highly desirable one. There is no doubt that from time to time during recent years the Commonwealth has been flooded with a rather doubtful type of publication containing literature that although not actually obscene was at least of a very suggestive nature; and I think it is in the best interests of morality generally that

joint action should be taken by the Commonwealth and the States to ban the entry of any obscene literature into this country. There is no shortage of good clean literature produced in this country and overseas. There is room for a general uplift in the community in that respect, and that may be brought about by a move to encourage our people, both young and old, to read worthy books, thus improving their minds and widening their general knowledge. The Bill proposes to define the term "obscene" and to give a wider power to magistrates dealing with such cases, both moves in the right direction.

The granting of power to the police to seize or destroy any printed matter that is held to be undesirable is also obviously necessary. The Minister pointed out that under the Bill the police will have power to enter and search any place and proceed against anybody who is handling unlawful printed matter. The Bill also provides that the police should have power to destroy such unlawful printed matter, which is obviously necessary.

The Bill also extends the right of the police to enter premises where gambling machines are located. It will come as a shock to patrons of clubs where fruit and poker gambling machines have been in existence to find that they will have to be dispensed with. Previously I was under the impression that clubs were exempted from the ban on gambling machines, because they are in places where people with common interests assemble quietly. It may be reasonably argued that the men assembled together in that way should not be subject to the same restriction, but all the same speculating money in a machine that, to use the expressive term of the Minister, is "set against the player" is a foolish pastime.

There are more profitable ways in which club members can get value for their money than this, and as fruit and poker machines and similar mechanical gambling devices have been banned in hotels and other places, it seems to be quite right that the prohibition should apply all round.

The Minister made reference to a more recent development of modern conditions—the treatment of noise, including the blaring of the loud speaker. It is time something was done in that direction. It is bad enough for passers by to have to put up with the blaring of the loud speaker operated by some fellow with a raucous voice inside a shop proclaiming the virtue of his wares, but how much more objectionable must it be to the occupiers of the adjacent premises? This is an excellent move and even though power is already vested in the local authority inspectors to take action, they have been singularly ineffective. The nuisance continues. This measure will give power to the police to warn persons who offend in this way to discontinue the loud speaker or moderate its tone.

I do not know how far this provision will affect the candidates at parliamentary elections. No doubt there are members of the community who think the loud speaker operated by a candidate, particularly when

silencing an interjector, is a source of irritation. Unless we are careful we may find ourselves under the ban.

**The Secretary for Health and Home Affairs:** There is a clause that provides that between certain hours when a noise is found to be disturbing a sleeper it must be cut down.

**Mr. MAHER:** In that case a political candidate must make his speech before the hour prescribed. I am certain that my powerful voice would disturb a sleeper, especially when I try to paint a picture not favourable to the Government's legislation and the conditions imposed by the present Government.

**The Secretary for Health and Home Affairs:** The people will not mind that.

**Mr. MAHER:** The Bill appears to me to cater for recent developments and to make conditions more desirable.

**Mr. POWER (Baroona) (12.9 p.m.):** This Bill will serve a very good purpose so far as the State is concerned. I am particularly interested in the section of the measure that deals with noises. The Minister has pointed out that the local authorities have certain powers under which they can take action, and for the benefit of the Committee, I read an ordinance of the Brisbane City Council to show that that is an absolute farce. That local authority has no power to take action unless a complaint is made by certain persons. Section 6 of the Ordinances of the Brisbane City Council provides—

"The council may institute proceedings for a breach of this Part which constitutes a public nuisance, upon receiving a written recommendation from its medical officer of health, or written complaints of such alleged breach from ten persons who reside in or occupy or are employed in different buildings near to the source of such alleged nuisance. For the purpose of this provision a building divided into flats is one building."

For a considerable time complaints have been received of the noise of loud speakers in certain shops that have gramophones playing from time to time.

On more than one occasion council inspectors have asked the owners to tone down these noises after complaints had been received. In some instances the requests have been complied with, but in others they have not. The position has been difficult for the council in that, although some persons are prepared to complain to the council about these noises, they are not prepared to take part in any prosecution. This provision will give the council a better opportunity of eliminating some of these nuisances, and I am sure that from this point of view alone the Bill will be the means of giving a great deal of satisfaction to the people of Brisbane.

Then, too, in many a butcher's shop in town we see a man standing in the centre of the window talking into a microphone all the while. There is no outlet from the window

for the impure air that he exhales, and this must contaminate to some extent the food the people of Brisbane are expected to consume. If these instruments are prohibited only for that reason a certain amount of good will be done.

I am pleased, too, that it is provided that a policeman must first give warning before taking action. After having given the warning, if no attempt is made to comply with his request, the policeman must apply for a warrant and take whatever action is necessary. I feel sure that the people of Brisbane in general will agree that this provision is in their interests.

There are certain persons in Brisbane who have depraved minds and who endeavour to sell indecent literature. Such offences are difficult to detect and the offenders extremely hard to catch. This Bill enables the necessary action to be taken in connection with these offences, and I welcome it for that reason, too.

**Mr. MORRIS** (Kelvin Grove) (12.12 p.m.): I do not desire to criticise the Bill unduly, although I think that the proposed amendments are belated. They could have been introduced many years ago by this Government, and, in fact, by the present Minister. However, we cannot cavil at their being introduced now, because they are of great value to the community.

I believe that we should have a clear definition of obscene literature. The only thing that perturbs me is who is going to say what is or is not obscene literature. It is all right after the police have taken action, because then the magistrate decides the question, but who is going to tell the policeman that it is obscene? Is it proposed to leave that to his discretion?

**The Secretary for Health and Home Affairs:** The police can take action upon a complaint of any kind.

**Mr. MORRIS:** There will be no expert to make this decision?

**The Secretary for Health and Home Affairs:** No. Any person aggrieved can make a complaint to the police of any breach of the law at all.

**Mr. MORRIS:** I think that the point should be investigated, because if there is no expert to give a decision a good deal of time will be wasted at court. It is probable that someone will get the idea that something is obscene literature, and when the case comes before the magistrate it may be thrown out.

**The Secretary for Health and Home Affairs:** The same thing applies to an expert. The magistrate might not agree with his decision.

**Mr. MORRIS:** But still it would be better. It is far better to have a medical man diagnose an illness than an unskilled quack.

**The Secretary for Health and Home Affairs:** Our experience of censorship has not been a happy one, and we do not want to repeat it.

**Mr. MORRIS:** The Bill deals, too, with unlawful printed matter. I think that there would have been a great deal less exposure at the recent election—

**The TEMPORARY CHAIRMAN:** Order! The hon. member will not be in order in speaking along those lines.

**Mr. MORRIS:** As far as I am concerned, I should have liked to have seen this provision in operation prior to the last election. Then there would have been no occasion for any grumbling.

I hope that the provision giving the police power to seize machines will be carried out to the letter. I do not know whether the Minister brought this Bill down under pressure or not, but I admire him for including it in this Bill, because I know that he is going to be subjected to a great deal of abuse for having done so.

I have been tackled on the subject and asked how I stand on it, and I have definitely said that I approve of the measure. At a club that I have patronised I have seen men spending 3s. or 4s., and even £3 or £4, in an endeavour to win money, but usually they come away with a little more wisdom than cash.

**Mr. Maher:** Poorer and sadder!

**Mr. MORRIS:** That is so. The Minister said that if they continued much longer, they would cause many of those people to be incarcerated in a mental institution. They should be, if they are not.

I should certainly like to see some of the noise about the city eliminated. I am wondering how some of these evangelists that go round with loud speakers on cars will fare.

**Mr. Power:** What are they?

**Mr. MORRIS:** Judge Rutherford's followers, for example, have been going round with a car with a loud speaker on it, and they speak from inside the car.

**The Secretary for Health and Home Affairs:** I thought that was confined to commercial work. I have seen cars going round the country towns advertising goods and shows and other things.

**Mr. MORRIS:** This does actually happen.

**The Secretary for Health and Home Affairs:** It does not matter who breaks the law.

**Mr. MORRIS:** Men who work in the city for any length of time often wonder why they suffer from headaches. It can be easily understood when we realise the number of microphones used in shops. It is intensive competition under the economic situation that forces them to blare out from their loud speakers that their meat is cheaper than the other man's next door. Legislation along the right lines in this matter has my wholehearted support.

I hope we have heard the last about fruit machines. I do not like to tell anybody about who is using fruit machines at the present

time, but there is a residential in a street which was recently changed into a terrace where I know perfectly well are fruit machines, and I trust they will come under the ban the same as others.

**Mr. YEATES** (East Toowoomba) (12.18 p.m.): I must admit that I do not know what a fruit machine is. (Laughter.) The ignorance may be accidental. I am a man of the world and knock about hotels and all over the place.

**The Secretary for Health and Home Affairs:** It is a machine you put a coin in to get a bag of bananas out.

**Mr. YEATES:** I am going to find out. I believe that this—(Interruption).

**Mr. Jesson** interjected.

**Mr. YEATES:** I am sorry I interrupted the hon. member for Kennedy (Laughter.) I believe that this Bill, following the last one, will do some good. It is early yet to say, but when we see the Bill we shall know better. According to hon. members who know about the fruit machines, it seems to me it must be a good thing to get rid of them. I should like to know what I am talking about, so I shall go and look for one to-day after the House adjourns.

**Mr. Riordan:** I will go with you. (Laughter.)

**Mr. YEATES:** The loud speakers are a nuisance at times. I happened to be a member of the city council at Toowoomba, and we used to talk about noises. I brought the subject up time and again and we just talked it out. Nobody seemed to be game to do anything. Whether the council has the power or not is hard to say. I have discussed the matter with the Toowoomba city clerk, and he has looked into it, and although there appears to be power to do this, and power to do that, there is generally a "but" here and a dash there, and nothing is done. (Laughter.) I hope the Minister will confer enough power on the police to deal with this matter without being influenced by the personal interest of any member of a local authority. The person who owned the machine creating the noise might be a customer of an alderman or vice versa.

**The Secretary for Health and Home Affairs:** Don't say that!

**Mr. YEATES:** It is perfectly true. Perhaps the aldermen are thinking about the ballot-box next March and so decide, "We had better leave it alone." It should be the duty of the police to deal with these matters, and I should like them to deal with them everywhere—at Windorah, Charleville, Brisbane—treat everyone alike.

Now, about motor cycles! I have mentioned this matter on three previous occasions. I have raised it at the Toowoomba City Council, but apparently nothing can be done. The Toowoomba police do not appear to be able to do anything.

**The Treasurer:** You do not seem to have much influence.

**Mr. YEATES:** Perhaps not, but the fault lies with the deficiency in the law. The inspector of police at Toowoomba is one of the best, but he does not seem to have enough power. I hope that the Minister will give him enough in this Bill. There always appear to be some young fellows, from 17 to 23 years of age, whose one aim in life is to ride a motor cycle. Later on, they become sick of it and give it up, but there is always a fresh crop. They ride about without any silencers, making a shocking noise. It should not be allowed.

**Mr. Massey:** The police have power to deal with noisy motor cycles.

**Mr. YEATES:** Then I should like the Minister to see that the law is enforced. I am not sure whether they have the power.

**Mr. Maher:** Deal with bicycles without lights while you are on the job.

**Mr. YEATES:** Hon. members appear to be indulging in a conversation, and I find it difficult to make myself heard.

**The TEMPORARY CHAIRMAN:** Order! Not only is it difficult for the hon. member to make himself heard in the Chamber, but it is extremely difficult for "Hansard" to report his speech correctly while this cross-firing is going on. I appeal to hon. members to allow the hon. member for East Toowoomba to make his speech without interruption, and to give "Hansard" a reasonable opportunity of reporting it correctly.

**Honourable Members:** Hear, hear!

**Mr. YEATES:** Mr. Gledson—

**Mr. Maher:** Motor cycles. (Laughter.)

**Mr. YEATES:** I have dealt with motor cycles. I now want to offer some comment in connection with the failure of some truck drivers to affix width lights—I believe that is the correct term—to their vehicles. I have been in touch with the Main Roads Commission on this matter, and I am not quite sure whether it comes under the jurisdiction of the Minister for Transport or some other Minister. However, if it is a transport problem then I hope the Government will insist that width lights be affixed to every vehicle 6 feet 9 inches or more in width.

I endorse all that the Minister has said about obscene literature, but I am also thinking over the remarks of the hon. member for Kelvin Grove. Where are we going to draw the line? I know that it is a difficult matter, but I also know that the Minister will do his best about it.

**Mr. Jesson:** Are you concerned about the Toowoomba "Chronicle"?

**Mr. YEATES:** It is the best penny daily in Australia. I shall deal further with the subject on the second reading of the Bill.

Motion (Mr. Hanlon) agreed to.

Resolution reported.

FIRST READING.

Bill presented and, on motion of Mr. Hanlon, read a first time.

NURSES AND MASSEURS REGISTRATION ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

(Mr. Gledson, Ipswich, one of the panel of Temporary Chairmen, in the chair.)

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca) (12.27 p.m.): I move—

“That it is desirable that a Bill be introduced to amend The Nurses and Massuers Registration Acts, 1928 to 1933, in a certain particular.”

This amendment has been introduced at the request of the Australian Trained Nurses' Association. It merely protects the rights of nurses to wear what is generally known as the nurse's cap. It prevents an unqualified person from wearing that head-dress now worn by the nursing profession—the cap and the veil hanging down.

**Mr. Power:** Will it prevent any person from holding herself out as a nurse if she is not qualified?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: No. The law does that already. The practice has grown up in recent years in all sorts of shops, professional rooms, including doctors' and dentists' rooms, and institutions where assistance is given to the people to dress their female assistants in nurse's uniform and cap, thus creating the impression among persons visiting those rooms or shops that a qualified nurse is in attendance. This Bill will provide that the cap and veil ordinarily worn by a nurse shall not be worn by anyone but a registered nurse. The exception is that this Bill will in no way interfere with the rights of members of religious orders.

Motion agreed to.

Resolution reported.

FIRST READING.

Bill presented and, on motion of Mr. Hanlon, read a first time.

DAIRY PRODUCE ACTS AMENDMENT BILL.

COMMITTEE.

(Mr. Gledson, Ipswich, one of the panel of Temporary Chairmen, in the chair.)

Clauses 1 to 3, both inclusive, as read, agreed to.

Clause 4—Amendment of section 6; Registration of Premises—

**Mr. MAHER** (West Moreton) (12.32 p.m.): This clause relates to the registration of premises. A section of the principal Act is being repealed and provisions are being inserted, including a provision that a fine not exceeding £50 may be imposed on any person who contravenes or fails to comply with any provision of the section. That seems to be an extraordinarily heavy fine to inflict on

anybody who contravenes the prescribed conditions in connection with the registration of premises. A list of the conditions is set out in the amending clause, and I do not think there is anything in them of such an important nature that a breach warrants a fine of £50. Therefore, I move the following amendment:—

“On page 3, line 50, omit the word—  
‘fifty’  
and insert in lieu thereof the word—  
‘twenty’.”

A maximum fine of £20 would be more reasonable.

I have carefully looked through the possible contraventions of this class, both in respect of the principal Act and also the amending provisions, and I cannot see anything there that would warrant the imposition of a fine of £50. I think a maximum of £20 would meet all requirements. There is nothing to be gained by fines of excessive severity. It is possible that a police magistrate who may be dealing with one of these breaches of the Act may be inexperienced in matters connected with dairying and the manufacture of butter. In coming to a decision he would be guided by the amount that Parliament had prescribed as the maximum penalty. If we insist on a penalty of £50 a magistrate dealing with an offender against the Act would incline to the imposition of a heavier fine than would be imposed if Parliament fixed the maximum at £20. Therefore, in the amendment to section 6 of the principal Act and in clause 4 of this Bill a maximum penalty of £20 would be ample, and I therefore have very much pleasure in moving the amendment.

**Mr. MOORE** (Aubigny) (12.37 p.m.): Many other Acts of Parliament in Queensland provide that information regarding registration and all that sort of thing shall be given to the Government, but the penalties imposed for infringements are in every case very much smaller than those that may be imposed on the dairy farmer under the provisions of the principal Act and this Bill.

The Bill before the Committee imposes extraordinary penalties on dairy farmers. I really do not understand the motive of the Minister in providing for these penalties. One would imagine the average dairy farmers or butter factory proprietors were criminals who were out to take down the people of Queensland, or to rob them in some way or other. The most insensate penalties are imposed for minor offences, which in other industries would be looked upon as minor offences.

I do not know whether the Minister realises it, but in the dairying industry to-day there is a feeling of terrorism. People approach me with their complaints, but say, “For God's sake don't use my name. If I get a Minister or inspector up here I am done.” Nobody wants that sort of thing in the dairying industry. There should be co-operation between the department, the inspectors, and the dairy farmers. The dairy farmer is supposed to know every Act of Parliament and regulation, and if he infringes the law he

is liable to a penalty that is out of all proportion to the offence committed.

The Minister knows perfectly well that I am against the voluminous regulations he has issued in an endeavour to compel the farmer to do just what he or his inspectors think should be done. The farmer should be allowed to carry on his own business very much in his own way. If he infringes the law in any particular, such as by committing a breach of health regulations, or does a wrong to the community, he should pay the penalty, but this idea of interfering with and regulating everybody's business by Act of Parliament and regulation is entirely wrong. Through the Dairy Produce Act and the large book of regulations relating to the dairying industry runs the principle of the endeavour to manage the business of somebody else.

To me it is extraordinary how the point of view of a man alters as his position in life alters. As an individual he wants to carry on his private business in his own way, and to be left alone as much as possible, but as soon as he acquires a position of authority, as when he becomes a Minister of the Crown, his attitude alters. When he becomes a factory director apparently his endeavour is to see to it that he has as little competition as possible.

The industry cannot expect to prosper if the individual is to be hampered by regulations and interference by inspectors. It is ever so much easier to manage someone else's business than it is to look after one's own. We cannot hope to make men successful by regulation and continual interference. The success that has been achieved by those engaged in dairy farming has not been brought about in that way. It has been the result of a realisation of the benefits of herd testing, of good bulls and good fodder. To expect the dairy farmer to know all these harassing regulations and to be able to keep within the law is to expect too much.

Only the other day I received a letter from the local producers' association and the progress association of a very big district in my electorate asking me to tell them whether the dairying regulations that were introduced the year before last were in force. The dairy farmers in that district were being harassed by an inspector and they understood that these regulations were not to be enforced unduly. I told them that they were enforceable as soon as the Act had received the Royal Assent, as soon as it was gazetted, but the way in which the regulations were administered all depended upon the instructions given to the inspector or the reasonableness of the inspector.

Under the provisions of this Bill a man might infringe the regulations quite innocently and yet be subjected to very drastic penalties. I do not say that the penalty provided is the minimum. I admit that the Bill says "not more than fifty pounds," or "not more than one hundred pounds," as the case may be, but let us take the penalty that is provided in the Act itself. It says—

"When any person ceases to use any registered premises as a dairy produce pre-

mises he shall so notify in writing to the Under Secretary in the manner prescribed, and thereupon the registration of such premises shall be transferred or cancelled. If such person fails to so notify he shall be liable to a penalty not exceeding one pound."

The Act recognises that some of these offences are more or less trivial. This Bill provides—

"Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable to a penalty of not more than fifty pounds. . . ."

Is it reasonable that a penalty of £50 should be imposed upon people who are carrying on a primary industry under very difficult conditions?

No doubt the magistrate will be guided by the Act. If he sees that the penalty to be imposed is to be not more than £1 he will treat the offence as a minor matter, but when he sees that it is to be not more than £50, or not more than £100, as the case may be, then he thinks, "This is regarded as a serious offence, and consequently I am expected to inflict a fine that is in conformity with the provisions of the Act."

It seems to me that we have gone to extremes throughout this Bill and have singled out one section of the community, whereas in circumstances that would create far more danger other Acts dealing with other sections of the community provide for much smaller fines than these. In the present Dairy Produce Acts in one or two cases a fine of £50 or £100 is specified, and in every unspecified instance the limit is £30. In almost every instance in this Bill excessive penalties are provided. Certainly, they are maximum penalties, but I take it that when set out that a penalty shall be not more than £100, you more or less give an instruction to the police magistrate or justice.

**The Premier:** The justice would be guided by the nature of the offence. Some offences are venial and some mortal, you know.

**Mr. MOORE:** I suppose the hon. gentleman knows what is in the Act?

**The Premier:** I am listening to your argument. You are moving for £20 instead of £50.

**Mr. MOORE:** When a maximum penalty is set out the magistrate or justice will take that as a guide. If a Bill provided for a penalty not exceeding £1, he would look upon the offence as a minor one and fix his fine accordingly, but if he saw that the penalty was "not more than £50," he would think that the offence must be regarded by the department as a major one and consequently would assess the fine in proportion.

It seems to me that when we are dealing with an area as large as Queensland and a large number of persons carrying on an industry under difficult conditions, to expect them to know every word of an Act and every regulation and to place excessive penalties on

them for any infringement is wholly unpractical.

No one will deny the enthusiasm of the Minister, but his enthusiasm may run away with him. No matter how efficient his work may be or how good his intention, it still must be recognised that the Crown runs no risk and suffers no loss and inconvenience. It is the people in the industries concerned who suffer from the penalties, and I think that for that reason the Minister would be well advised to review the maximum penalties and place them on a reasonable basis, recognising on the one hand the difficulty that constantly confronts the men in the industry, and on the other the venial nature of the offence. These penalties put the dairy farmer in the position of a criminal instead of a person carrying on an industry in the face of climatic and many other difficulties.

In this Bill it is made to appear that the dairy farmer is deliberately going to do something to injure not only himself but his fellow workers as well. The principle is entirely wrong. We should not endeavour to create that impression in a Bill that is introduced supposedly for the betterment of the dairying industry.

**Mr. YEATES** (East Toowoomba) (12.51 p.m.): I support the amendment and warmly endorse all that the hon. member for Aubigny has said. I know that magistrates are guided in their decisions by the maximum fine that is prescribed. I heard a magistrate, who is now in Brisbane, but at one time was in Toowoomba, say, "Evidently the Legislature regards this offence as a serious one because it has fixed a maximum penalty of so much."

Dairymen have bad times and they have good times, but more often bad times. I have seen them working on their places early in the morning and late at night, often with lamps in the yard. I have helped them, I have seen these things, and I know what they have to do. The Minister is an intelligent man, as I have said before. He takes a keen interest in his work, and I am surprised that he should allow the Parliamentary Draftsman to put in these maximum fines. I do not say that it is the draftsman's fault. Many amendments have been foreshadowed and as time is getting on—and it costs money—I suggest that the Leader of the Opposition join the Minister at the table of the Chamber, and that each go half way to meet the other. Then we shall get on nicely.

**THE SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (12.53 p.m.): I am afraid that the hon. member for Aubigny, the Leader of the Opposition, and perhaps the hon. member for East Toowoomba have not read the clauses in relation to penalties, and certainly have not assessed the magnitude of the offence that it is sought to guard against.

One would glean the impression from hon. members opposite that the Bill was aimed at the dairy farmers. What does it deal with? Does it not deal with dairy premises? What are dairy premises? I believe that the punishment should fit the crime, and it is

possible that this class of offence may become very grave indeed. Do hon. members opposite realise that butter is probably more susceptible to contamination than any other article of food, with perhaps the exception of milk? The prevention of the contamination of milk is very closely associated with the proper use of dairy premises, and the improper use of dairy premises can make a very material contribution to the contamination of an essential article of food. I hear hon. members opposite talking about an exclusive market for butter in opposition to margarine, but when the necessary steps are contemplated to ensure the public that they shall be adequately protected and that their health shall be preserved, and that they shall not be compelled to buy a substance that might have a very adverse effect on their health, then hon. members opposite lose sight of the relationship of proper treatment and storage to public health. They say that a person should be permitted to commit a breach affecting public health and get away with it with a fine of £20. As a matter of fact, £50 is a very insignificant sum. It is an inconsiderable sum considered in relation to the harm one man might do by infringing the requirements of this section. I do not propose to accept the amendment.

**Mr. MOORE** (Aubigny) (12.55 p.m.): I desire to call the Minister's attention to the definition of "dairy produce premises" as set out in the Act. It is—

"A cold store, dairy, depot, factory, milk shop, and any place where dairy produce is deposited, treated, dealt with, or sold";

That is a very wide definition.

**The Secretary for Agriculture and Stock:** You know what this is aimed at as well as I do.

**Mr. MOORE:** This Chamber has to put up with the statement, "You know what this is aimed at as well as I do," notwithstanding that this clause will apply to any dairy. It is evident that this amendment is aimed at a particular individual or factory, but in its operation it will cover all. That is the position. We must recognise that this clause will not apply to the particular individual or dairy factory which the Minister has in mind, it applies to the whole of Queensland, which is a very different thing.

The Minister knows perfectly well that he cannot administer this measure all over the State; that he must delegate his powers to all sorts of officials. He must accept the responsibility for the acts of those officials to whom he delegates those powers. Some of them may be competent; some of them may be incompetent; some of them may look at matters from an entirely different viewpoint to others. When the Minister has a principle operating for the whole of Queensland, with a drastic penalty attached, he says when it is questioned, "You know what this is aimed at as well as I do." That is not the point. It is not stated whether, when the object of the clause is achieved, and the person aimed at is corrected, this clause will be repealed

or not. It will be on the statute-book and will apply all over Queensland. The principle is wrong. We should not introduce an Act of Parliament delegating very wide powers to officials over the length and breadth of Queensland in order that the Minister shall have the opportunity of having a drastic penalty imposed on some individual.

This drastic penalty appears not only in this clause, but all through the Bill, and will apply to persons carrying on an entirely legitimate business and doing no harm to the industry or public health. They will be penalised and suffer because the Minister has introduced this clause in order to gain his ends against some particular individual or factory. That is not right in view of the definitions in the original Act. If a penalty is to be aimed at a particular person or factory, then the Minister should narrow his interpretation clause and not leave it so wide that every one engaged in the dairy business, who perhaps has not had an opportunity of studying this Bill will be liable to a £50 fine, when it is not intended to apply to him.

**Mr. MACDONALD (Stanley) (2 p.m.):** Prior to hearing the debate on this clause this morning I thought that the figure of £50 in the penalty clause must have been due to a clerical error. I have always believed that the Secretary for Agriculture and Stock had a very intimate knowledge of this industry and also of the financial status of those engaged in it. Apparently that belief was not well founded.

As a man who has been actively engaged in dairying for many years I know only too well of the tragedy of the past few years, a period during which many hard-working farmers were brought to the verge of ruin through no fault of their own. I do not think there is any member of the producing community who has more taxation to bear than the primary producer, especially the dairyman. For the last few years the dairyman has experienced a market of very low prices, he has had to contend with droughts and floods, and in my own area there are many men who for many years will have to hand over the best part of their cream cheque to liquidate their indebtedness for drought-relief fodder. Not only that, but whether they made a profit, or whether because of falling markets or adverse seasons they fail to do so, they have to meet the hospitals tax and the unemployment relief tax—and they do not know yet how much longer they will have to pay the latter. They have had to pay enormous prices for fodder in drought times, and some farmers had to let their stock die because they could not afford to buy feed for them, and others had to seek ration relief; and before this was granted to them they had to sign a form to the effect that as times improved they would liquidate their indebtedness. Why should they be singled out for this treatment? The unemployed relief worker receives Christmas cheer, but the destitute farmer has to commit himself to a repayment of the money advanced to him by way of ration relief.

**Mr. Duggan:** The farmer has more property than the relief worker.

**Mr. MACDONALD:** That is why the Government tax him.

**Mr. Duggan:** You were referring to the unemployed relief worker getting Christmas cheer.

**The TEMPORARY CHAIRMAN:** Order! The hon. member must connect his remarks with the amendment.

**Mr. MACDONALD:** I submit that what I am saying is very pertinent to the amendment. I wish to point out that it would be absolutely impossible, on account of their financial position, for these farmers to meet a penalty of this nature. What would the average monthly cheque of the average dairy farmer amount to? He has just experienced a severe winter, and now a Bill is introduced that includes his dairy house in the clause requiring registration of dairy premises. If I demolished my dairy house or it was demolished by an act of God, and I built a new one and it was not immediately registered an officious official could come along and, perhaps because of some grievance he had against me, he could prosecute me and I should be liable to pay a penalty of £50.

**The Secretary for Agriculture and Stock:** No.

**Mr. MACDONALD:** That is so according to the wording of the Bill.

**The Secretary for Agriculture and Stock:** No.

**Mr. MACDONALD:** In those circumstances I should be liable to a fine up to £50.

**The Secretary for Agriculture and Stock:** No.

**Mr. MACDONALD:** The main object of a penal clause is that it shall act as a deterrent; it should not be used for the purpose of making capital out of a man or ruining a man. The object is to prevent him from committing the offence. There are many fellows in my community who may inadvertently infringe this clause, and then what would happen? They would be brought before a magistrate who, not feeling very well that morning, might inflict the maximum penalty. I make an emphatic protest against the imposition of such a heavy penalty.

**The SECRETARY FOR AGRICULTURE AND STOCK (Hon. F. W. Bulcock, Barcoo) (2.5 p.m.):** It becomes more and more obvious that hon. members have not given any consideration to the clause under discussion.

**Mr. Walker:** We know about the fines part of it.

**The SECRETARY FOR AGRICULTURE AND STOCK:** They do know about the fines part of it, but I am afraid certain hon. members opposite fail to perceive the underlying principle.

Let us see what the clause provides. In the first place it provides that all dairy

produce premises shall be registered, and the new subclause provides—

“Every owner of dairy produce premises shall register and at all times keep registered under this Act in his own name his dairy produce premises.”

For what purposes do we require registration? Registration is as old as the Dairy Produce Act itself, and this dates back over very many years. No challenge has ever been made to registration. Everybody is aware that registration is imposed to improve the production of dairy produce. It is highly important inasmuch as many factors of cleanliness, hygiene and dietary significance enter into it. Therefore, we say as in all our previous Acts that dairy produce premises shall be registered.

Then we say they shall not be used until they are registered. Of course, registration is imposed in order that an inspection may be made so that it can be seen that the producer conforms to reasonably desirable established practices in the industry. If the factory or the premises are not registered then is there not a very grave possibility that such practices will be adopted as will contaminate the foodstuffs prepared there, and be prejudicial to public health?

Unregistered premises are not controlled, and everybody knows the need for controlling the production of dairy produce.

We then prohibit the manufacture of processing of dairy produce at a factory by any person not registered as the owner. Is it not very obvious that the principal safeguard that the public have in relation to the adoption of desirable hygienic practices is closely regulated by the registration of the premises concerned? If there was no registration the public would have no guarantee that adequate policing was being performed. The very solvency of the dairying industry to-day depends on getting the greatest possible volume on the domestic market. The best customers that the industry has are the Australian customers. They are infinitely our best customers to-day, and is it not obvious that in order to expand this trade the consuming public, who are the industry's best and most loyal customers, should have some assurance that reasonable sanitation and hygiene are practised in the manufacture and production of dairy produce?

We prohibit, amongst other things, the use of a factory for the manufacture of processing of dairy produce by any person unless such factory is registered at the time in his name as owner. Obviously, that is a necessary precaution.

We prohibit the registered owner of a factory from allowing any other person to use such factory for the manufacture or processing of dairy produce. In other words, we do not allow a man to absolve himself from responsibility by allowing another person to use his plant.

Then we prohibit the registered owner from parting with possession of the factory without the consent of the magistrate. Those are the

things that this clause does. Is there anything wrong with all these things?

The whole thing revolves round a basic principle. What is to prevent a man from registering? He registers to-day. There are obviously certain reasons why the registration of dairy factories and premises should be closely policed. Not registering a factory implies that all sorts of sinister practices are going on, not only behind the back of the department and the Department of Public Health, but also behind the back of the industry's customers, who are entitled to some guarantee that reasonable rules of sanitation and hygiene are observed.

The hon. member for Aubigny endeavoured to draw a red herring across the trail by suggesting that there should be some graduation. I do not believe that our magistrates are morons. I do not believe they are incapable of giving a decision on the facts of the case. I have every confidence in the integrity of the Queensland magistrates, and I think that outside of this Chamber every hon. member of this Assembly shares that view.

Let us assume that a magistrate is fining the owner of certain premises. If he is a producer—which is an entirely unlikely contingency—obviously, that fact would have a distinct bearing to the quantum of the fine, but if it is a factory that continues to process without registration, supervision, and control, then it is obvious that £50 is by no means too great a penalty to inflict upon that person or company, because it might possibly be a menace to public health. The magistrate would probably fine a dairyman £1. He might even convict and discharge him without penalty.

It is the bigger factor that has to be taken into consideration in this question. I certainly have enough faith in the integrity of our magistrates to know that this section will be administered properly.

**Mr. DANIEL (Keppel)** (2.12 p.m.): The Minister has made a great song about the need for certain penalties under regulations to prevent improper practices in the dairying industry. He points out that the public should be safeguarded against impure foods. We do not dispute that, but let us take the Health Act as an example. Under that Act the maximum penalty provided for the adulteration of foodstuffs is £20. In this Bill the Minister proposes to impose a penalty of £50.

**The Secretary for Agriculture and Stock:** There is a very material difference between adulteration of food and the contamination of food.

**Mr. Daniel:** What rot! It is the same thing.

For the Minister to indicate what the magistrate will do in the matter of inflicting penalties is also a lot of eyewash. The Minister is giving the magistrate power to impose fines up to £50.

**The Secretary for Agriculture and Stock:** And I hope that in some instances the magistrate will exercise that power.

**Mr. DANIEL:** Why inflict such a penalty upon the dairymen and not upon the other producers of foodstuffs? That is what I am protesting against. It is altogether wrong that one section of the community should be singled out and victimised by the imposition of a penalty that is two and a-half times greater than that imposed upon other sections of the community for similar offences. Why should it be £50 when it was only £1 previously?

**Mr. Walsh:** It was £30 under the regulations.

**Mr. DANIEL:** It was £1. The hon. member has not read the Act. This year it is proposed to make it £50. The Minister is not consistent. There is a fine of £20 for the man who adulterates food, and now it is proposed to impose a fine of £50 for the contamination or adulteration of foodstuffs under this Act.

**The SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (2.14 p.m.): I cannot allow the statement made by the hon. member for Keppel to go unnoticed. I am amazed to discover that the hon. member does not appreciate the difference between the adulteration of food and the contamination of food. The adulteration of food consists, most frequently, in adding commodities of a lesser value and charging the public the rate for the genuine article.

When we come to contamination we open up an altogether different phase of the matter. Contamination invariably means microbiological contamination. The hon. member surely knows—and if he does not, it is my duty to tell him—that milk and butter are the most dangerous vehicles for the dissemination of disease. Both milk and butter absorb anything with which they come in contact, as blotting paper absorbs ink. The hon. member must not forget that a number of organisms known as the coli organisms, the filth organisms—of which the typhoid bacillus is one—find a very satisfactory habitat in milk. Those organisms are distributed by filthy milk and filthy butter.

Surely the hon. member for Keppel can see the material difference between adulteration on the one hand and contamination on the other, which may be the contamination of organisms capable of producing scarlet fever, typhoid, cholera, and some of the most sinister diseases that we know? I am sorry to have to give him some instruction in elementary biology, but I hope he will appreciate the difference between the two things.

**Mr. COLLINS** (Cook) (2.16 p.m.): I am surprised to hear criticisms from hon. members opposite of the fines proposed in this Bill. Again I feel sure, as the Minister points out, that they are not speaking with a full knowledge of the requirements of the dairymen at the present time. As a party they claim they represent the dairymen, but they seem to overlook the fact that the dairy regulations of this State are bound up with those of two other States that are contribut-

ing very largely to the welfare of dairymen in Queensland.

Unless we, as a Government, see that the butter we produce is of a quality equal to that of the butter of the other States, is it reasonable for us to expect that those States will complacently allow inferior butter from Queensland to be sold at a first-class price under high protection? Such a proposition is altogether unreasonable.

Much of the legislation governing the dairy industry has been passed at the request of the men concerned in the industry and their motive has been to get a better price. Unless we are jealous of the quality of our butter, is it not obvious that the protection that the industry enjoys must be lost? Is it not very obvious that unless we have power to control persons who may refuse to comply with the regulations, and who may prefer to pay fines rather than comply with them—

**Mr. Brand:** How many farmers do you know who would do that?

**Mr. COLLINS:** It applies not only to farmers, but to manufacturers as well. We cannot allow them to destroy the whole of the organisation, and hon. members who are criticising the Bill are doing a grave injustice to the people they are supposed to represent.

**Mr. Macdonald:** The farmers built up the organisation.

**Mr. COLLINS:** It is interesting to notice that two hon. members on the other side of the Chamber who are very high up in the butter world and play an important part in the organisation of the industry in Queensland, are not standing up with their colleagues and condemning these fines. It is obvious that they know the position in the dairying industry, and I feel sure that other hon. members opposite also recognise that what this Government are doing is in the interests of the industry.

I give my wholehearted support to the Bill. We know that the fine set out is a maximum and not a minimum. If justice means anything, the right thing will be done. If the offence is a grave one the maximum fine will be imposed, and if it is a minor one the penalty will be made to suit it in each case with due consideration to the circumstances.

These regulations have been framed for the protection of the dairy farmers who, I am certain, wholeheartedly approve of them. Is it not in the best interests of everybody that an adequate fine should be prescribed to prevent an unscrupulous man from doing things that may do untold damage to such an important industry? I have much pleasure in supporting the clause.

**Mr. DART** (Wynnum) (2.21 p.m.): I support the amendment. I am astounded to think that such a heavy maximum fine should be set out in a Bill introduced by a Minister in control of a department that should work in the closest harmony with the people engaged in this industry. This Bill will tend to

antagonise them. The Minister knows perfectly well that dairy farmers are often called upon to work under arduous conditions, and he also knows that means are available to the department to test milk from any dairy farm. The farms are registered and samples may be taken at any time of the day or night for examination by his officers.

This Bill is to get at somebody, perhaps, who is not keeping up to the mark in the way that he should. The dairies are registered and the Minister has power to deal with a dairyman who is not producing milk and butter of the proper quality. As to talk about contamination and other matters relating to cleanliness—well, I know perfectly well that it is not the object of the Bill at all. It is admitted that he wants to get at somebody, perhaps the owners of factories, and inflict some very heavy fine.

**The SECRETARY FOR AGRICULTURE AND STOCK:** Mr. Gledson, I rise to a point of order. I cannot allow the hon. member for Wynnum to put words in my mouth. I ask you to request the hon. member to withdraw the suggestion that I am trying to get at someone.

**Mr. Brand:** You said so.

**Mr. Moore:** You said so.

**The SECRETARY FOR AGRICULTURE AND STOCK:** I did not say any such thing.

**The TEMPORARY CHAIRMAN:** Order! I ask the hon. member for Wynnum to withdraw the statement that the Minister was getting at somebody.

**Mr. DART:** I will withdraw. I understood the hon. gentleman to tell the hon. member for Aubigny that he knew whom he was getting at.

**The Secretary for Agriculture and Stock:** No.

**Mr. DART:** If he did not make that statement—

**The Secretary for Agriculture and Stock:** I said, "You know the purposes of the Bill."

**Mr. Moore:** Oh, no!

**Mr. DART:** We do not need a lecture on hygiene and the evils of contamination. We know that milk and other foods are susceptible to contamination if the premises are not kept in a clean condition, and it is a reflection on the people engaged in the industry to suggest that they are guilty of these improper practices. It is wrong for the Minister to lead us to believe in Parliament that the business is not conducted as cleanly as it should be. There should be the utmost co-operation between the department and the dairymen, so that they may be confident that the department is working in their best interests. How can they develop that confidence when they know that they are liable to a maximum fine of £50, and how will they be able to co-operate fully with the department if they believe that that is the opinion the department holds of them?

The Minister should accept the amendment, because it will be in the best interests of the department, and, in fact, in the best interests of all concerned. Such a high maximum fine as he proposes forces the public to believe that those engaged in the dairying industry are not operating in the best interests of the industry.

**Mr. NIMMO (Oxley)** (2.25 p.m.): I have carefully analysed this Bill. As far as I can see this a very important clause. It gives altogether too much power to the Minister. I believe the hon. gentleman would administer this Bill quite satisfactorily. I do not believe he would do the things it empowers him to do. For instance, if I were running a dairy or factory, it is in his absolute discretion to say, "You will have to shut those premises up; I will not allow you to register."

**Mr. Walsh:** It may be necessary in the interests of public health for the Minister to have that power.

**Mr. NIMMO:** It should not be within the power of any Minister to say autocratically, "I don't like Walsh; he is running a dairy at Mirani and he must shut it up." We may get a Minister who may be a vindictive fellow.

**The Secretary for Agriculture and Stock:** You are on the wrong clause. You are discussing clause 5.

**Mr. NIMMO:** Clause 4 says—

"No person shall—

(a) Use or suffer to be used any premises as dairy produce premises unless such premises are at the time registered under this Act;"

The Minister has absolute power under that clause to grant or refuse registration of dairy produce premises.

**Mr. Walsh:** You cannot use a motor car unless it is registered.

**Mr. Collins:** Nor can you run a hotel unless you first obtain a license.

**Mr. NIMMO:** An intending licensee can apply to the Licensing Commission for a license. He has power of appeal also. There is no power of appeal here. The Minister has autocratic power to say whether he shall grant registration or close the premises up.

**Mr. Collins:** He is the court.

**Mr. NIMMO:** A decision very damaging to the community may be given under this clause.

The high maximum penalty of £50 is altogether absurd. I congratulate the Minister, moreover, on not fixing a minimum fine in the Bill. That fact is to his credit. Some of the measures that have been passed by this Chamber and the regulations issued thereunder contain minimum penalties not in keeping with British justice. The Minister in this clause has given a little latitude, but he is virtually giving the magistrate an instruction that he desires a fine imposed up to £50. The hon. gentleman says that the magistrate can impose a fine as low as £1, but

why does he provide an additional penalty of £5 for each and every day during which the offence is continued? This fine can be imposed on a struggling farmer. It is too dangerous a power to insert in a measure of this kind. The Minister should concede the Opposition's requests. A maximum fine of £10 would be ample, particularly as the Minister is given discretionary power to refuse registration altogether.

I am only drawing attention to the very drastic powers which the Minister is taking unto himself. It is not for the good of Queensland. Some practice may be in existence of which we know nothing. If so, the Minister should put his cards on the table and let the Committee examine them.

**Mr. WALSH (Mirani) (2.29 p.m.):** I cannot understand the attitude of the Opposition on this clause. I cannot believe that hon. members representing dairy districts believe in some of the remarks that have been made. If I recollect aright the hon. member for Murrumba last session pointed out that drastic diseases need drastic remedies.

**Mr. Nicklin:** This penalty does not apply to diseases; it applies to premises.

**Mr. WALSH:** I am merely giving the Committee an illustration. The hon. member had in mind that if there was one dairyman or fruitgrower in the industry governed by a statute that drastic power was required in the interests of the industry as a whole to prevent him doing anything inimical to it. After all, this is not a matter of an individual dairyman or a single factory.

The hon. member for Fassifern and the hon. member for Albert appreciate what the Minister has done, and is trying to do to uplift the quality of butter in the State. I can only relate some of my own experience in connection with the consumption of butter, and in that respect I assure hon. members that if everybody ate as much butter as I do there would be no reason to complain about the small consumption of butter. I have had several experiences when travelling through different parts of the State. I put up at one place for a fortnight at one time, and for seven out of the 14 days I could not eat the butter that was placed on the table. You cannot tell me that is in the interests of dairymen. The production of that uncatable butter by one grower has a bad effect on the income of dairymen generally in the final analysis.

**Mr. Clayton:** Was that in your electorate?

**Mr. WALSH:** No, but it may have been in the hon. member's area.

After all, the important thing to be considered is the welfare of the industry generally. If my memory serves me rightly, some years ago a proposal was put forward by Sir Earle Page, the Leader of the Federal Country Party, a man who is actively associated with the dairying industry, that an excise duty should be placed on all butter produced throughout Australia for the pur-

pose of paying a bounty on choice butter production.

**The Secretary for Agriculture and Stock:** That is true.

**Mr. WALSH:** It is true; the obvious reason being that largely owing to the introduction of regulations governing the industry, New South Wales had a particularly large percentage of choice butter. It is pleasing to note that as a result of many regulations and the activities of the Minister and his department there has been a substantial increase in the percentage of choice butter manufactured in this State. I fail to see how the imposition of a maximum penalty of £50 has any bearing on the arguments put forward by hon. members opposite. After all, it must be left to the Minister and his officers to administer the Act in the common-sense way. If hon. members opposite could cite any case under the Dairy Produce Acts in which a farmer had been unduly penalised there might be some weight behind their arguments, but can they do it?

**Mr. Moore:** Yes, we can give you plenty.

**Mr. WALSH:** They may be able to quote a case where a man was fined 10s. or £1. The magistrate will have power to impose a maximum penalty of £50, according to the nature of the offence. What is wrong with that? After all, he is the person—not hon. members—who will have to impose the penalty. Our duty is to provide the necessary machinery to guide the magistrate in coming to a decision. If, on the facts placed before him, the magistrate feels justified in imposing a penalty of £50, I, in common with the Minister, hope that he will do so. It is not the individual that we have to consider.

It is no use hon. members endeavouring to persuade the Committee that there are not some men in the industry who should be compelled to measure up to a certain standard of cleanliness. That is absolutely essential in the best interests of the industry. That sort of talk by hon. members opposite is all "hoocy." I have travelled round country districts as well as hon. members opposite and, having a pair of eyes, I can see what is going on. It is not in the best interests of the industry that hon. members opposite should get up and endeavour to convey the impression to the people, or to those hon. members of the Committee who may not be intimately associated with the farming industry, that everything is all right with our butter industry, because it is not. When I had occasion to make that remark some two years ago it was said that I was out of step with everybody else; nevertheless, I am convinced I was right. I believe now that what I said then was the truth, and I therefore believe there is need for further control of the industry in this respect.

**The SECRETARY FOR AGRICULTURE AND STOCK (Hon. F. W. Bulcock, Barcoo) (2.35 p.m.):** I wish to take the opportunity of correcting the hon. member for Keppel. He made a statement that the maximum fine of £20 was provided for the

adulteration of foodstuffs. Do I quote the hon. member correctly?

**Mr. Daniel:** Yes.

**The SECRETARY FOR AGRICULTURE AND STOCK:** The hon. member only quoted one part of the section. In addition to the fine there is a penalty of 12 months' imprisonment with hard labour.

Amendment (Mr. Maher) negatived.

Clause 4, as read, agreed to.

Clause 5—New section 6A; Power of Minister with respect to registrations and licenses—

**Mr. MAHER** (West Moreton) (2.36 p.m.): I move the following amendment:—

“On page 4, after line 27, insert the following proviso:—

‘provided that the Minister shall not refuse to grant a renewal of, or revoke or cancel any such registration or license without the approval of the Governor in Council.’”

There are tremendous powers contained in clause 5 of the Bill, under which certain things may be done at the whim of the Minister. The object of the amendment is to control any Minister who might act in an irresponsible way at some future date. It would be advisable for the Governor in Council to be the final arbiter in the matter.

**The SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (2.37 p.m.): I propose to accept this amendment. Not only does it extend personal protection to myself, which I think is desirable, but it brings this legislation into conformity with that in relation to other industries of a similar nature on every statute-book in the Commonwealth. The licensing clauses of the Dried Fruits Export Control Act provide that this power should be exercised by the Governor in Council, and most other legislative measures that I know of having a section similar to this make a like provision.

Amendment (Mr. Maher) agreed to.

Clause 5, as amended, agreed to.

Clause 6—Amendment of section 10; Condemnation—as read, agreed to.

Clause 7—Amendment of section 12; Owner to give notice of disease—

**Mr. DANIEL** (Keppel) (2.39 p.m.): I move the following amendment:—

“On page 5, line 7, omit the word—  
‘fifty’

and insert in lieu thereof the word—  
‘twenty.’”

This clause deals with the notification of disease. When a dairyman has a diseased animal or a diseased employee on the dairy he has to notify the inspector and Under Secretary. The penalty is altogether too severe. It would appear that the Minister

has set out in this Bill to impose penalties that were not provided for in previous Dairy Produce Acts. On reference to other statutes I find that failure to notify an infectious disease involves a penalty not exceeding £5. Yet, if the poor old dairy farmer omits to notify an inspector, it is proposed to impose a penalty ranging up to £50. I think the Minister should accept this amendment, especially when one considers that the penalty for failure to notify the occurrence of infectious diseases in human beings is only £5.

**The SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (2.40 p.m.): The moving of this amendment discloses a cold, callous disregard for the public interest. I wonder if the hon. member knows what section 12 of the principal Act means? I wonder if he has studied it?

**Mr. Daniel:** Certainly I have.

**The SECRETARY FOR AGRICULTURE AND STOCK:** If the hon. member has studied section 12 of the principal Act, then his action in moving that the prescribed penalty be reduced becomes the more astounding, and the less to be excused.

For the edification of the Committee, I should like to state the requirements of section 12. This is a disease section. It was inserted in the Act for the definite purpose of protecting the public from infection, and if the hon. member for Keppel assesses the value of the human life that may be prejudiced at £20, then I am exceedingly sorry for his outlook.

Let us look at the implications of section 12. It provides—

“Every owner of a dairy when disease appears in any stock at the dairy, and every owner of any dairy produce premises or conveyance when any person is found thereon to be affected with disease or may reasonably be suspected to be infected with disease shall forthwith after discovering the fact give notice thereof to the nearest inspector or to the Under Secretary.

“The owner of the dairy shall also forthwith draft out and continue to keep separate all such diseased stock from the stock not suffering from disease, and shall not mix the dairy produce obtained from such stock with other dairy produce, or sell or use, or cause to be sold or used, the same in any way for the food of man or of any animal.

“The owner of the dairy produce premises or conveyance shall also, as far as practicable, isolate and keep isolated all persons so affected with disease or reasonably suspected to be infected with disease.”

In effect, that means that that section is incorporated in the principal Act for the definite purpose of protecting the public against the distribution of disease. It deals with both the human and the beast.

Let us look at the question from the human point of view. There are certain diseases

that can be conveyed through milk from one person to another.

**Mr. Daniel:** We do not dispute that.

**The SECRETARY FOR AGRICULTURE AND STOCK:** Then the hon. member assesses the value of human life at £20. Why, venereal disease can be transmitted through the agency of milk.

**Mr. Moore:** The penalty for the non-notification of that is £5.

**The SECRETARY FOR AGRICULTURE AND STOCK:** Venereal disease is capable of being conveyed from one person to another by the agency of milk, as can typhoid, diphtheria, and scarlet fever.

Then, with relation to diseases in stock, we have mammitis, mastitis, tuberculosis, contagious abortion, and half a dozen other diseases, all of which can have a very serious influence on the wellbeing and health of the individual.

If hon. members are going to argue that the transgressor should be fined only £20 for such a very grave dereliction, and such a startling display of anti-social conduct, I can only say that I am very sorry indeed for the outlook of hon. members opposite. I do not propose to accept the amendment.

**Mr. MOORE (Aubigny) (2.45 p.m.):** Did you ever hear such absolute nonsense from the Minister? If he had a couple of years' experience as a dairy farmer he would never talk that sort of rot.

**The Secretary for Agriculture and Stock:** I have.

**Mr. MOORE:** Then he must have gained an entirely different outlook since he became Secretary for Agriculture and Stock. Fancy anyone's saying you have to segregate for mammitis and give notice to the Under Secretary! The hon. gentleman surely cannot know the prevalence of mammitis. There may be no sign of it one night and it appears in the herd the next morning and the dairyman treats it.

**The Secretary for Agriculture and Stock:** We say that the milk from that diseased animal shall not be sold.

**Mr. MOORE:** The Minister does not. He says that if the farmer does not notify the Under Secretary or the Minister he is liable to a penalty of £50. That is the stupidity of the thing. There are ordinary and common dairy diseases every year. Some of them may be deleterious, but how is the Minister going to police it? He knows the prevalence of mammitis in Queensland, and he knows perfectly well that this Act is broken every day. Does he mean to tell me that under these sections of the principal Act if a farmer finds mammitis he notifies the Minister?

**The Secretary for Agriculture and Stock:** Is mammitis the only disease?

**Mr. MOORE:** It is one.

**The Secretary for Agriculture and Stock:** A minor disease.

**Mr. MOORE:** There is nothing to say that it is a minor disease. The Bill says that if a person does not notify when he finds mammitis he is liable to a penalty of £50.

**Mr. Walsh:** Why not consider it from the broader point of view?

**Mr. MOORE:** That is what I object to in it. The Bill takes the minor offences and deals with them as though they were major offences, inflicting a heavy penalty on the dairy farmer for a disregard of his lesser responsibilities. The dairy farmer is singled out as though he were a criminal.

**Mr. Walsh:** On your evidence that is not being done.

**Mr. MOORE:** I will guarantee that there is not a single dairyman in the electorate of the hon. member for Mirani who gives notice. I guarantee, too, that if a dairyman in his electorate was fined £50 for not notifying the Under Secretary or the Minister of mammitis, he would be the first one in to the Minister's office to protest.

**Mr. Walsh:** I would not uphold any man who breaks the law. (Laughter.)

**Mr. MOORE:** I do not wonder the hon. member blushes!

**Mr. Walsh:** Why quibble about the clause anyhow, if it is not being put into operation?

**Mr. MOORE:** Because it could be. That is the whole trouble. Tremendous penalties are set out but not put into operation, but at any time they could be put into operation. That is the point I was trying to make on the previous clause. The Minister does not administer the Act, he delegates the authorities in the various centres.

**The Secretary for Agriculture and Stock:** No prosecutions take place except with the consent of the Minister.

**Mr. MOORE:** The Minister can hardly let an inspector down in regard to a prosecution, when the inspector is carrying out his duty.

**Mr. Brand:** He would if there were a few votes attached to it.

**Mr. MOORE:** I think it is very wrong.

**The Secretary for Agriculture and Stock:** That is false, untrue, and contemptible.

**Mr. MOORE:** The simplest of ordinary dairy diseases come within this clause.

**The Secretary for Agriculture and Stock:** A schedule of diseases is attached.

**Mr. MOORE:** It is made the same as if a man had scarlet fever or typhoid fever or venereal disease when he is milking the cow. A person who milks a cow with mammitis who does not notify the Minister or the Under Secretary is made just as subject to a fine of £50 as if he were committing one of those major offences.

**The Secretary for Agriculture and Stock:** They invariably do notify, because they want treatment.

**Mr. MOORE:** That is nonsense. I know the dairying industry. I know all the trouble about mammitis and about the remedies. There is the swabbing remedy, the use of soap and hot water. It all depends on how long the beast has been afflicted. Sometimes it is possible to cure it in a day and sometimes it takes six months. It depends on how quickly the trouble is noticed. It may be cured by vaccine injections.

**The Secretary for Agriculture and Stock:** Hamilton's?

**Mr. MOORE:** Hamilton's are quite satisfactory in some cases. I have known them to give complete immunity for 12 months.

**The Secretary for Agriculture and Stock:** The efficiency of Hamilton's vaccine cannot be questioned, but certain other Hamilton preparations—

**Mr. MOORE:** I am not dealing with them at all.

**The Secretary for Agriculture and Stock:** Our biggest business at the Yeerongpilly Animal Health Station is probably the supplying of herd vaccines.

**Mr. MOORE:** The hon. gentleman must know that this part of the Act is not strictly observed, yet he is prepared to continue a provision that renders a farmer liable to a maximum penalty of £50. That sort of thing makes people afraid and worries them. If they are liable to heavy maximum penalties like that they hide the trouble rather than admit it. I have had experience of these troubles. I know that when pleuro broke out in my district many years ago, where previously there had not been pleuro, a week elapsed before we knew that it actually was pleuro. We were liable to a penalty for failing to segregate the affected cattle.

It is all very well to prescribe heavy penalties, but the matter is a difficult one when it comes to administering the Act. I try to look at these things from the point of view of the people engaged in dairying. I happen to own a factory, but that has nothing to do with it. My sympathy always is with the man who milks the cow. I know that he has often no opportunity to become aware of all the provisions of the Act and the regulations and whether he is subject to a penalty for certain things. He is a very busy man, and I do not want to see him victimised and liable to a heavy maximum penalty in circumstances that do not justify it. That is why I am of the opinion that these maximum penalties should not be so high.

Amendment (Mr. Daniel) negatived.

Clause 7, as read, agreed to.

Clause 8—New section 12A; Inspection and testing of stock—

**Mr. WALKER (Cooroora) (2.53 p.m.):** This is a long clause consisting of three pages of the Bill, but our main objection is that a dairy farmer may be called upon to destroy 50 per cent. of his herd without the payment of compensation. It appears to me

that we have no alternative but to oppose the whole clause. That would seriously mar the efficacy of the Bill, but if the Minister assured me that the Bill would not become operative for a month or two after it was passed and that, in the meantime, regulations would be framed to provide for the payment of reasonable compensation or some such reasonable payment, I should be prepared to accept it and say no more.

Under this clause the officers of the department are given far-reaching powers. They may enter a dairy farm at any time of the day or night and instruct the dairy farmer to herd his cows into a paddock whether it is convenient for him or not. The dairy farmer could be called upon to drive in his quiet cows and his wild heifers, thereby creating considerable disturbance on the farm, just to satisfy an inspector. After all, only a small number of the cattle may be affected.

**The Secretary for Agriculture and Stock:** Only veterinary officers can exercise that power.

**Mr. WALKER:** Veterinary officers, or officers authorised by the Minister. It does not matter whether that power is exercised by a veterinary officer or anyone else, the disturbance of stock will be the same. I am appealing for fair play to the man who may be unfortunate enough to have disease in his herd. The Minister has given us to understand that in one instance 45 per cent. of a herd was condemned. I gave an illustration where 26 out of 57 cattle in a herd were condemned. The gross returns of the average dairyman are less than the basic wage. How can any dairyman under such circumstances meet the cost of buying a new herd? If a dairyman is compelled to start off afresh, he must work on economical lines, that is, he must be able immediately to run enough cattle to obtain the greatest possible return from his land. He must therefore be in a position to buy new cattle.

It is purely a question of equity. The more prosperous dairymen realise the difficulties of the smaller man, and I am sure that the Minister will find that the majority of the 28,000 dairymen in this State would favour a scheme similar to the one I am advancing. If the Minister will not make provision for full compensation of the value of the cattle destroyed, will he make the amount one-half?

**The Secretary for Agriculture and Stock:** For the satisfaction of the hon. member, let me tell him that I am arranging to meet the dairy industry on this question in the near future.

**Opposition Members:** Hear, hear!

**Mr. WALKER:** That is a very fine announcement. The Minister could have made that announcement on the second reading.

**The Secretary for Agriculture and Stock:** I said so on the second reading.

**Mr. WALKER:** Can I take this to mean that the proposal of the Opposition will be accepted by the Minister? If so, I am prepared to sit down and let the clause go

through without further debate. If not, we must continue the debate to force the Minister and others to realise that we are fighting for a fair thing. Take the average man engaging in dairying for the first time: he goes to the saleyard to buy cows and may be unfortunate enough to buy some and subsequently discover that 10 or 20 per cent. are suffering from tuberculosis.

**The Secretary for Agriculture and Stock:** That is so.

**Mr. WALKER:** What earthly hope has that man got of getting redress?

**The Secretary for Agriculture and Stock:** He is not obliged to keep those cattle if they disclose any disease within three months from the date of purchase.

**Mr. WALKER:** I realise the law on the subject. The law regarding tuberculosis is one that I induced Mr. Scriven, former Under Secretary, to put into operation years ago. The vendor is only compelled to refund the purchase price of such cattle if the purchaser discovers they are infected with tuberculosis within two months of purchase.

**The Secretary for Agriculture and Stock:** The purchaser has that protection.

**Mr. WALKER:** Tuberculosis may be present in a dairy herd for years without any outward signs, and unless the disease is discovered in the cattle within two months of purchase no redress is possible.

We are fighting for a fair deal for the small man. The dairy industry is only in its pioneering stages in so far as the number of dairymen and the quality of product are concerned. A great number of men now dairying only began in the last two or three years. Is the Minister going to give them a knock of this description? None of them could afford to lose five cows out of a herd of 25, and that would be quite common according to the figures given this Chamber by the Minister.

This is a serious matter. I am not looking at it from an electioneering point of view, but simply from the point of view of a fair deal for the dairymen. I am living amongst dairymen and I was chairman of a butter factory for 25 years and I know the conditions under which they worked and the amount they earned. During one year the average return for dairymen supplying the factory I was associated with worked out at £102 a supplier. That discloses a lamentable state of affairs. I realise that prices have improved since that time and things are much better now, but how can dairymen be expected to carry out the principles enunciated by hon. members opposite if they are subjected to clauses such as this.

The hon. member for Mirani spoke about the need for better quality, and the Minister's continually urging the need for the production of high-quality bacon and so on in order that we may compete successfully on the English market. How can hon. members opposite expect the dairyman to improve his position if they insist on putting a noose

round his neck? A clause like this will give the dairymen as hard a knock as they received when redwater afflicted our herds. I recollect the time 30 years ago when redwater afflicted 100 per cent. of some herds. Many of the farmers never recovered from their losses.

It must also be remembered that if the dairyman gets a new sire it takes about three years to find out what the progeny are like, and if they are not satisfactory the farmer is thrown back about eight years as far as improving his herd is concerned.

Let us consider what would be done if there was an outbreak of rinderpest. The Minister would immediately quarantine the herd in the interests of the whole community. There should be compensation, as there is in Western Australia and other States. The loss caused by its ravages should be borne by the whole of Australia.

**The Secretary for Agriculture and Stock:** The Commonwealth found the major portion of the money for the compensation in regard to the rinderpest outbreak.

**Mr. WALKER:** A widespread outbreak of that disease in Australia may almost totally destroy the industry. If the foot and mouth disease broke out in the city of Brisbane, the area would be quarantined and means would be adopted to combat the disease. The dairymen would not be able to bear the burden and legislation would be brought down to provide funds to help them.

I appeal to the fair sense of the Minister to give protection to the owners of herds, some of which may be found to be suffering from tuberculosis. I ask the Minister to leave this clause in abeyance or make a promise that he will give the protection that we ask for. If he can give us that assurance he will lift a weight from the minds of many people who expect that the Bill will be passed in the form in which it has been presented to the House.

**Mr. MULLER (Fassifern) (3.4 p.m.):** I support the remarks made by the hon. member for Cooroora on this clause. I appreciate the fact that the Minister is making every endeavour to build up our dairy herds, but to attempt to do so on the lines of the clause would be very unfair. The efforts that have been made during the last two years have brought about a great improvement in the quality of our herds. I was speaking to a man a few days ago who has closely watched the improvement in the health of pigs during the last two years.

**The Secretary for Agriculture and Stock:** That was brought about by doing away with compensation.

**Mr. MULLER:** What has actually been done towards improving the health of our dairy herd has already been reflected in the improved quality of our produce. The intention of the Minister is to test cattle for tuberculosis, and to have those beasts found to be suffering from it slaughtered, but it would be almost an impossibility to do this on a wholesale scale. Some fund should be

created from which the owner of the stock could be compensated to the extent of at least 50 per cent. of his loss.

**Mr. Walsh:** What would you say should be the basis?

**Mr. MULLER:** There is no provision for it in the Bill.

**Mr. Walsh:** I am searching for information.

**Mr. MULLER:** I will tell the hon. member if he will wait just a moment. I do not suggest that the owner is entitled to full compensation, but there should be some form of part compensation. After all, in a great many instances the owner of this stock is not responsible for the diseases in his stock. An inspector may enter upon a property, test the stock, and the result of such test may be that 80 or 90 per cent. of the stock must be slaughtered. The Minister himself has told us of an instance in which 55 per cent. of the cattle re-acted to the test. If that is so the consequences to the stockowner are serious. It would be unfair, and also unwise to make him carry the whole burden.

It is important that our herds should be tested, and that perhaps is our greatest point when advertising the sale of our product. A few days ago I drew attention to the fact that the strongest argument used against their competitors by milk suppliers in the city of Melbourne was that they sold milk from herds that had been tested for tuberculosis. Using this point, they increase their business.

I do not want the Bill to go through in its present form. I believe that the Minister, the Chief Inspector of Stock, or any other person, would not go out and penalise a stockowner to the extent that it is possible under this Bill.

Let me draw attention to a clause in another disease control Bill, which was before this Committee quite recently. It made provision for compensation to be paid to the owners of diseased cane. Section 23 (31) of the Sugar Experiment Stations Acts and Other Acts Amendment Bill reads—

“Provided that in any case where any sugar-cane within a cane-disease infested area (not being diseased sugar-cane under and within the meaning of section thirteen, section fourteen, section fifteen, section eighteen, or section twenty-three of this Act, or sugar-cane which is destroyed in the course of dealing with any land under section twenty-seven of this Act) is destroyed by or under the direction of the Minister or of an inspector, the Cane Disease Control Board may pay from its funds to the owner of such sugar-cane such compensation as is adjudged reasonable by the Advisory Board, or, if the owner of such sugar-cane is aggrieved by the decision of the Advisory Board and appeals to the Minister to have the matter referred to an assessor, by an assessor to be chosen by the Minister, and the decision of the assessor shall be final.”

**Mr. Walsh:** Who finds the money?

**Mr. MULLER:** I am not suggesting that the sugar industry find the money for compensation in the dairying industry. Not for one moment do I suggest that. The industry should make some contribution, the Government should make some contribution, and the owner should make some contribution. In that way an equitable basis may be arrived at, but to destroy all of one man's stock would be quite unfair, and I believe that any Minister or any Inspector of Stock would refrain from doing it.

There is no more important clause in the Bill than this. It is a problem we shall have to face sooner or later. We are endeavouring to sell our produce, and we must be able to tell the people of Australia and the world that we are producing butter of a very high quality indeed. Should it become known that our cattle are unhealthy no consumer would want to buy our produce. What would be the position if consumers in the other parts of the world refused to take Queensland produce because our stock was not tested for tuberculosis? That would be a great obstacle to overcome. There must be a protection to the dairy farmer himself.

During the second reading the Minister interjected on two or three occasions, “What is the value of diseased beef?” The reply must be “Very little.” It would be in the dairyman's own interest to have his herd cleaned up without risking the spread of the disease. Something has to be done, but we cannot expect the dairymen to bear the whole of the burden. We all know that dairymen are struggling to-day, and that they cannot afford to destroy 70 per cent. of their herds. They are well aware of the fact that a diseased beast is worth very little, but the position is that they have not the funds with which to buy new stock. The Minister should complete this clause. To my way of thinking he is doing only half the job when he proposes to send out inspectors to test herds without providing for compensation for losses that might be suffered through the destruction of diseased beasts.

**Mr. WALSH (Mirani) (3.11 p.m.):** Whilst the hon. member for Fassifern was speaking I endeavoured to elicit from him some information that might be a guide to hon. members on this side of the Committee as to what is really desired by the industry. I sympathise with the man who is faced with the position that was outlined by those hon. members who have spoken, but we have to recognise that there is some obligation on those engaged in the industry to suggest some remedy. It is not reasonable for the men who are actively associated with the management of the industry to throw the whole of the responsibility in these matters on the department. On the one hand they suggest that there is too much interference by the department, and on the other they say that the department should do certain things for them.

The hon. member for Isis knows as well as I do that the Minister recently introduced a Bill to provide for the constitution of certain boards in the sugar industry. Those boards

have power to strike a levy on sugar-cane for the purpose of paying compensation to growers who may be ordered to plough out diseased stools. That industry is not asking the Government to find the money.

I do not suggest that the same principle should be applied to the dairying industry—different factors may be operating there—but at least hon. members opposite should make some suggestion to the Minister that would give him a lead.

During the drought that occurred some years ago the Minister did his level best to get the graziers to come to some decision for the establishment of a fund to help those who might suffer during drought periods. He could not even get the graziers themselves to agree to the basis on which levies should be made.

There is much to be said in favour of some of the statements made by hon. members opposite, and I know that the Minister is prepared to do something by way of compensating those dairymen who are called upon to destroy their herds because of infection, but I put it to hon. members opposite again that at least they have an organisation and ample machinery for suggesting some scheme, just as the sugar industry did. I repeat that I do not say that the dairying industry should bear the whole of the burden. My own personal view is that there are different factors operating there, and they are entitled to some consideration from the Government so far as compensation is concerned, but, nevertheless, I think it is only right that the Minister should be given some help to give him a lead.

**Mr. BRAND** (Isis) (3.14 p.m.): The hon. member for Mirani has just delivered a speech from the Government side of the Committee that would indicate that there is a feeling in the minds of hon. members on both sides of the Chamber that some provision should be made in this Bill for carrying out the suggestion made by the Opposition. I respectfully suggest to the Minister that as everybody seems to agree that we should do something to eradicate tuberculosis from our herds, with the object of being able to say that we are producing butter from disease-free cows, he should adjourn the consideration of the Bill and bring it down again next week with some provision along the lines that have been suggested for compensating dairymen for losses sustained through the destruction of diseased cattle.

**Mr. Walsh:** The Minister has already indicated that he is prepared to meet the industry in conference about it.

**Mr. BRAND:** Does the hon. member for Mirani not think that the matter is serious enough to be dealt with in this Committee?

**Mr. Walsh:** I think it is up to the organisation to take the lead somehow.

**Mr. BRAND:** To tell us what to do, and we shall do it. We are sent here to do something. If the hon. member for Mirani is of

the same opinion as he was a while ago when he said that he was favourable to the principles enunciated by hon. members on this side and agreed that something should be done, why should it not be done? I believe it would be in the interests of the industry if the Government were bold enough to do something.

After all, the dairying industry is a big industry and would readily agree to measures that would purge our herds of disease. I believe that the Government ought to do something in an endeavour to find a way of compensation. The Commonwealth Government came to the assistance of the industry in Western Australia, and surely the Government could help the industry here! The hon. member for Fassifern told the Minister that he felt that the industry and the Government and the stockowners should do something in the matter.

I hope that before this clause is carried in this Committee the Minister will give us some intimation that something real will be done to accomplish the purpose for which the Bill has been brought down.

**Mr. MAHER** (West Moreton) (3.17 p.m.): I understood the Minister to say at one stage of the debate that he is prepared to convene a conference of representatives of the dairying industry to discuss this important problem of compensation for cattle that are tubercular and are condemned. Did I understand him correctly?

**The Secretary for Agriculture and Stock:** Yes.

**Mr. MAHER:** Is there anything concrete that the hon. gentleman had in mind with regard to carrying out that intention within a reasonable period?

**The Secretary for Agriculture and Stock:** I have obtained reports on all compensation systems in all parts of the world. The late Mr. Graham spent the last six months of his active life in devising a scheme and examining various schemes. The whole of these things are tabulated, and I desire to discuss the matter with the dairying industry as the next step.

**Mr. MAHER:** In some other States of Australia provision is made for compensation in similar circumstances. I intended to divide the Committee on the clause as a protest against the omission of a plan of compensation, but if I had the definite assurance of the Minister that he realises the importance of the matter and that he proposes to call the dairying industry together to see if ways and means can be found of establishing a compensation fund and to discuss the whole matter in all its aspects, I am content to let it go at that.

**The Secretary for Agriculture and Stock:** I give you that assurance.

Clause 8, as read, agreed to.

Clauses 9 to 11, both inclusive, as read, agreed to.

Clause 12—Amendment of section 15; Storage—

**Mr. MOORE** (Aubigny) 3.19 p.m.): I had an amendment to move but you have informed the Committee, Mr. Temporary Chairman, that a motion for an amendment to the principal Act would be out of order, so it is no use my moving it. Every individual in his own home would come under the penalty clause here. I am objecting to that. We have stringent penalties laid down, but because they have not been in force it is said that it is all right.

**The Secretary for Agriculture and Stock:** It has been in the Act for 18 years.

**Mr. MOORE:** I know that. But does the Minister approve of a system of allowing people to break the law continually without taking any action?

**The Secretary for Agriculture and Stock:** I definitely do not. I believe that the law should be observed.

**Mr. MOORE:** I think it is a mistake to frame a law if it is not to be carried out.

**The Secretary for Agriculture and Stock:** Neither you nor I ever contemplated putting that into operation before.

**Mr. MOORE:** The Act provides that a dairyman shall keep his milk or cream away from contaminating smells, and that he must not store it in a certain room in his house. The Minister knows that he cannot impose those provisions.

**The Secretary for Agriculture and Stock:** The hon. gentleman is straining at a gnat.

**Mr. MOORE:** It is a mistake to retain that provision in the Act.

Clause 12, as read, agreed to.

Clause 13—Amendment of section 16; Notice of diversion of supply from factory—

**Mr. MULLER** (Fassifern) (3.22 p.m.): I move the following amendment—

“On page 8, line 37, after the word—  
‘section’

insert the words—

‘and fails within seven days thereafter to notify the Minister of such delivery.’”

The new subsection would then read—

“Any owner of a factory who takes delivery of any milk or cream which has been diverted to his factory from any other factory contrary to subsection three of this section, and fails within seven days thereafter to notify the Minister of such delivery shall be guilty of an offence and liable to a penalty of not more than one hundred pounds.”

There are many reasons why a factory manager may accept cream rather than have it dumped. For instance, in times of flood the carrier may not be able to reach the factory to which the cream is destined, and

it would be unwise to provide that the factory manager must not accept that cream.

Again, the motor vehicle may break down. Where cream is conveyed by rail it may be impossible to get the cream to its proper factory in time of strike. The amendment permits of the exercise of a certain amount of discretionary power, and I cannot see that there should be any real objection to the amendment, which puts the manager under an obligation to notify the department within seven days of the taking of such delivery as is contemplated.

The amendment is intended to cover special cases, and will not interfere in any way with the present regulations dealing with the transport of cream. In addition, it will have the effect of preventing some carters from picking the eyes out of the cream-carting trade. I know of instances where a carter has been licensed to cart cream over a certain run, and someone else has come along, picked out a few suppliers, delivered their cream to another factory and almost ruined the licensed carter. I think those circumstances are enough to induce the Minister to accept the amendment.

If the factory manager notifies the department of his acceptance of the cream within seven days, and he is notified by the department that the acceptance of this cream must be discontinued, the manager can then decline to take it, but it would be unwise to subject him to a maximum penalty of £100 if he accepts delivery in a single instance in special circumstances. The factory manager may not be cognisant of the Act, and may not know that he is taking the risk.

**Mr. Moore:** The unfortunate producer also may not be aware.

**Mr. MULLER:** He will be liable to a penalty of not more than £100. The same applies to the owner of the cream. He may not be aware that he cannot supply another factory. It would be unfair to impose a penalty of that magnitude on him for the first offence. It would not unnecessarily defeat the intention of the Bill if the amendment was accepted. In that event the Minister could deal with a factory manager or owner if he continued to flout the law after seven days. This would be meeting the factory manager in the spirit of sweet reasonableness and giving him an opportunity to play the game.

**The SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (3.27 p.m.): The amendment has two material objections.

Firstly, it would completely nullify the provisions of the principal Act, which takes into account the diversion of the supply or part of the cream supply owing to stress of weather or circumstances beyond the control of the supplier.

**Mr. Moore:** How is the factory manager to know?

**The SECRETARY FOR AGRICULTURE AND STOCK:** That provision is contained in the principal Act. Therefore, most of the

arguments of the hon. member for Fassifern are completely nullified. Look at the amendment itself. Under the principal Act and under this clause the real offence is the diversion of the supply. If I were to accept the amendment it would convert the offence into something else. Diverting supply would cease to be an offence and not advising of that diversion would be substituted for it. It would materially alter the whole intention and complexion of the clause. I am sure that the hon. member has no desire to do that.

I can assure the hon. member that we have been very patient in the organisation of cream supplies. There have been very few prosecutions. As a matter of fact, there have been very few prosecutions under the whole Act. My friend, the hon. member for Wynnum, continually talks about the spirit of sweet reasonableness and co-operation. May I tell him that for every ten complaints that come to me at least nine are disposed of in the spirit of sweet reasonableness that he advocates. I very frequently write to a supplier and suggest in the most friendly terms that it would be wise for him to comply with the law.

**Mr. NICKLIN (Murrumba) (3.29 p.m.):** I regret that the Minister cannot see his way clear to accept the amendment. I believe it would assist in the smooth working of this legislation.

**The Secretary for Agriculture and Stock:** Do you not see it entirely alters the offence?

**Mr. NICKLIN:** I fail to see that. The purpose of the Act is to deal with trafficking in cream. It is essential that it should be stopped, but the clause as it reads at present places all the onus on the factory manager. There may be a variety of circumstances causing a supplier to divert his cream from one factory to another. It may be ignorance of the law, or a man may buy a farm situated between two factories and may not know what factory the farm is allotted to. Through ignorance he may send it to another factory. If the clause goes through in its present form the manager would have no option but to reject the cream. The amendment moved by the hon. member for Fassifern will protect the factory manager and save the producer from loss through his lack of knowledge of the Act.

**Mr. MULLER (Fassifern) (3.31 p.m.):** I have no desire to nullify the principle of the Act.

**The Secretary for Agriculture and Stock:** Your amendment alters the offence; it entirely shifts the ground of the offence.

**Mr. MULLER:** My interpretation of the principal Act is different from the interpretation of the Minister. The Act reads—

“No person shall divert his supply or portion of his supply of milk from one factory to another unless he shall have first given to the owner of the factory from which his supply or portion of his supply of milk is being diverted twenty-eight days’ notice on the form prescribed of his inten-

tion to so divert his supply or portion of his supply, as the case may be:

“Provided that no person shall be guilty of an offence against this section if he satisfies the court that the diversion of his supply or portion of his supply was owing to stress of weather or other circumstances beyond his control.”

The person prosecuted would have to prove his innocence to the court, which is a highly undesirable provision. After all, he could not make a permanent habit of this. My amendment provides for exceptional cases, which I think will arise from time to time.

**The Secretary for Agriculture and Stock:** They are provided for and guarded against in the principal Act.

**Mr. MULLER:** I cannot find where they are provided for in the principal Act. As far as I can ascertain, it only provides for floods. There may be many things that may happen. It is very difficult to foresee what may happen in the future. I think this is a very important point. It cannot be a permanent arrangement, because the supplier cannot transfer his supplies without giving 28 days’ notice.

The amendment seeks to remove the doubt as to what the position of the factory manager would be if he took the cream on one occasion. I cannot see how the industry could suffer if the factory manager took the cream for a week, because if he failed after seven days to notify the Minister he would be liable. I should like the Minister to accept this amendment, which would not impose any hardship on the industry.

**Mr. MOORE (Aubigny) (3.34 p.m.):** The Minister must realise that all dairymen are not au fait with the Act. Supposing the ordinary dairy farmer says, “I am going to change,” and he sends his cream in to a factory; if the factory is liable to £100 penalty for accepting it, it will send it back or dump it. Why should the unfortunate fellow suffer through his ignorance? The only suggestion the amendment makes is to allow the factory to take it in those circumstances. I cannot see that a manager would be justified in risking a penalty of £100 by taking the cream.

Look at it from the point of view of the man who becomes dissatisfied; he does not know he has to give 28 days’ notice, and he sends his cream into the factory. Under the clause, the factory manager would be liable to a fine of £100 for accepting it. The cream could not be sent back to the owner, and it would be dumped. Surely the farmer has some rights, and this amendment seeks to give him that consideration which he is surely entitled to by allowing the factory to take it. The factory cannot go on taking it, because it has to notify the Minister of the position. The amendment does not destroy the main part of the Act at all, but it is a reasonable proposal that will save a supplier from loss that he would otherwise suffer through his ignorance of the law. I suppose every man is presumed to know the law, but most of us know nothing about it

at all, and this applies to a man who through inadvertence or lack of knowledge sends his cream to another factory than the one to which he is allotted.

I can see no objection to the amendment. It does not affect the Bill in any way, but it certainly gives the farmer a chance. Surely the Minister does not want an unfortunate fellow living out in a country district to suffer the loss of two or three days' milking rather than that the factory manager should run a risk. The factory manager will not run the risk if he has to pay a penalty of £100, but if he knows he can if he gives notice it will be a very different thing.

**The Secretary for Agriculture and Stock:** It is exceedingly difficult to draw the line of demarcation.

**Mr. MOORE:** The original Act already provides for the prosecution of the man who does not give 28 days' notice. Now the Minister is making provision for the prosecution and the imposition of a fine on the factory manager who takes the cream. Surely the hon. gentleman has no desire to impose a double penalty for the same offence. The remedy is already there. The manager has to notify the department and if he does not give 28 days' notice there is the right to prosecute. Now, the Minister wants the right to prosecute also the manager who takes the cream.

It is all very well for the Minister to say that it rests with the department whether a prosecution is launched, but what happens to a factory manager when suddenly he finds an extra can of cream has come in from a dairyman who is not one of his suppliers? What will the manager do? Will he accept the cream and run the risk of a penalty of £100 or will he refuse to accept the risk?

**Mr. Jesson:** You are always on the side of the wrongdoer.

**Mr. MOORE:** I am not. I am looking at it from my knowledge of the position. One can hardly call a man a wrongdoer who sends a can of cream to a factory of which he was not previously a supplier. The hon. member does not prevent a man who wants to sell his labour from leaving one employer and going to another. The workman has not to give his employer 28 days' notice. The employer who accepts his services is not subject to a penalty of £100 for doing so. But because it is a dairy farmer who wants to sell his labour in the form of a can of cream to another factory and the factory manager accepts it and pays him the price of his labour he is to be subjected to a penalty of £100. That is wrong.

**The SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Bareoo) (3.38 p.m.): The principal Act provides that a man shall not divert his supplies unless there is substantial reason. Normal circumstances would not warrant any change of factory unless the law had been complied with.

**Mr. Moore:** It does apply, because he wants to sell his cream somewhere else.

**The SECRETARY FOR AGRICULTURE AND STOCK:** If he desires to send his cream somewhere else under normal circumstances, the law provides that such cream shall be diverted only after 28 days' notice has been given.

Ordinarily, why does a supplier send his cream to another factory. So far as I can ascertain there are two reasons. Either he is dissatisfied with the grade or with the weight.

Of course, we are thinking more particularly of the quality of the product, and the whole of our field organisation depends on being able to trace the man who is producing cream of poor quality. The supplier, when he becomes dissatisfied with the grading, wants to change.

At 3.40 p.m.,

**Mr. KING** (Maree), one of the panel of Temporary Chairmen, relieved **Mr. Gledson** in the chair.

**The SECRETARY FOR AGRICULTURE AND STOCK:** This man, becoming dissatisfied at being classed as a second-class producer, decides that he will go to another factory. We all know that factories do try to get each other's suppliers. I think that that is one of the most unfortunate circumstances of the dairying industry. In my opinion co-operation is co-operation in name only with many of the factories, and I believe that a whirlwind will be reaped some day as a consequence of this insensate action on the part of many co-operative associations in stealing each other's suppliers.

**Mr. Moore:** Why do they do that?

**The SECRETARY FOR AGRICULTURE AND STOCK:** God only knows, because in the final analysis one factory is as good as another.

**Mr. Moore:** If they can get a bigger supply they reduce their overhead costs.

**The SECRETARY FOR AGRICULTURE AND STOCK:** That raises a further question. A factory has to be started. It represents capital investment, which as a general rule is owned—unfortunately, I think—by the dairymen suppliers. Suppose any considerable part of that supply is diverted unexpectedly. The factory has to keep a staff of employees, and in many instances has also to earn interest on the capital invested. If a considerable volume of migration from one factory to another takes place, then obviously the factory from which the migration takes place cannot—

**Mr. Moore:** But there would not be migration unless there was a reason for it.

**The SECRETARY FOR AGRICULTURE AND STOCK:** Take a case that is in operation at present, and for which there is no apparent reason. There are two neighbouring factories. One plays the game. It realises that it is not wise to go out and canvas suppliers. The neighbouring factory, however, takes advantage of the decency, shall I say, of its neighbour and it goes right into the

territory of the factory which is not canvassing for suppliers and endeavours to get suppliers away from factory No. 1. Anybody can see that that is a bad principle.

The person I am interested in, however, is the person who says, "I am getting second grade at Grantham, so I am going up to the Farmers." When he goes to the Farmers' he is in another district under the supervision of another inspector. Had he remained at Grantham our inspector would have been notified of the receipt of low-grade cream, and it would have then been his prime duty to go out to that producer's place.

We are not materially interested in the man who is producing choice cream. During the last couple of years my officers have been concentrating on the producer of low-grade cream. We deliberately inserted that 28 days' clause because we had found from experience that during those 28 days we can nearly always discover the source of contamination and we can prove to the farmer that the factory is not de-grading cream, but that it is doing the fair thing. We can also correct the trouble and we have lifted second grade to choice grade very frequently. Then the farmer not only thanks the department but remains at the factory at which he was in the first place.

It is an irrefutable fact that the sooner cream is processed and the shorter the period that it is carried the better it is for the industry. Anybody who has had any experience of the industry knows that.

This 28 days' notice I discussed quite recently at the last meeting of factory managers. They came to a resolution urging that it be enforced, because they realised the merits and advantages of the system. It has made some contribution to the elevation of quality, which has become conspicuous in recent times.

The Act has been in operation for some time, and together with the regulations has been administered with every consideration. I repeat that to accept the amendment moved by the hon. member for Fassifern would entirely alter the complexion of the offence. We laymen may not appreciate that perhaps.

**Mr. Moore:** The unfortunate supplier will appreciate it.

**THE SECRETARY FOR AGRICULTURE AND STOCK:** I am not prepared to alter the basis of the provision. The real offence is diversion. To accept the amendment would make the real offence failure to notify. I feel sure that is not what the hon. member for Fassifern desires. I do not propose to accept the amendment.

**Mr. MULLER (Fassifern) (3.45 p.m.):** In order that the Minister may see my reason for the amendment I will give him a case in point. I have in my mind factory "A" and factory "B." There is a supplier in a district closer to factory "A," but supplying factory "B" because of a good rail service. Something happens, and the rail service is not running, and, for convenience' sake, he sends

that cream to factory "A." The factory manager refuses to take the cream. The Minister might regard this as an exaggeration, but I do not want to mention factory names. The factory manager says that if he takes the risk he might suffer a penalty of £100.

**The Secretary for Agriculture and Stock:** If he could not get transport to factory "B."

**Mr. MULLER:** The dairy I have in mind is 35 miles from factory "B" and 10 miles from factory "A." There is no rail service and no decent road service to factory "A," but he would endeavour to get it to factory "A" rather than have it carried right to factory "B." The factory manager might say, "I might be able to defend myself in a court, but, after all, this is only a can of cream and I am not prepared to take the risk."

**The Secretary for Agriculture and Stock:** You are quoting exceptional circumstances.

**Mr. MULLER:** The setting actually exists for this to take place, and I am not saying that the Minister would not find a number of instances somewhat similar. In the one I have in mind the factories are associated, but if they were separate organisations the supplier would meet that difficulty.

I still fail to see how my amendment would be nullifying the principles of the Act. It would be giving the factory manager certain discretionary powers, and he would be prevented from repeating the offence, but it would give him, in exceptional circumstances, the right to treat the cream.

**Question—**That the words proposed to be inserted in clause 13 (Mr. Muller's amendment) be so inserted—put; and the Committee divided—

#### AYES, 15.

Mr. Brand	Mr. Nicklin
" Clayton	" Russell
" Dart	" Walker
" Deacon	" Yeates
" Macdonald	
" Maher	<i>Tellers:</i>
" Massey	" Daniel
" Moore	" Nimmo
" Muller	

#### NOES, 28.

Mr. Bedford	Mr. Jesson
" Brown	" Keogh
" Bulcock	" Mann
" Clark	" Marriott
" Collins	" Pease
" Conroy	" Riordan
" Cooper	" Smith
" Farrell	" Taylor
" Foley	" Walsh
" Gair	" Williams, H.
" Gledson	" Williams, T. L.
" Hanlon	
" Hayes	<i>Tellers:</i>
" Hilton	" Brassington
" Hislop	" Power

#### PAIRS.

AYES.	NOES.
Mr. Plunkett	Mr. Larcombe
" Edwards	" Dash

Resolved in the negative.

**Mr. NICKLIN** (Murrumba): I move the following amendment:—

“On page 8, line 38, omit the words—  
‘one hundred’

and insert in lieu thereof the word—  
‘fifty.’”

The object of the amendment is to reduce the penalty to be imposed on factory managers for a breach of this clause. The Minister has said that he appreciates the co-operation of factory managers in carrying out the Act, but the inclusion of a provision for a maximum penalty of £100 indicates that he does not think much of their co-operation. The maximum penalty provided is a very severe one and is not warranted. A penalty of £50 would be ample for a breach of this clause. The hon. member for Keppel pointed out earlier in the debate that in imposing a fine for an offence a magistrate is guided by the maximum penalty prescribed by the Legislature. When he looks at the statute and discovers that a penalty of not more than £100 must be imposed, he naturally will impose a heavier penalty than if the maximum was a smaller amount.

**The Secretary for Agriculture and Stock:** If I tell you you have talked me into it—

**Mr. NICKLIN:** Then I will sit down.

**THE SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (3.55 p.m.): I will accept the amendment.

Amendment (Mr. Nicklin) agreed to.

**Mr. MOORE** (Aubigny) (3.56 p.m.): I move the following amendment:—

“On page 8, after line 38, add the following proviso—

‘Provided that nothing in this section shall be construed to mean or require that any notice shall be given of the intention of a person supplying milk to a cheese factory to divert the cream obtainable from his milk supply to a butter factory.’”

This amendment has nothing whatever to do with quality or profit. The Minister knows that the supplier to a cheese factory feeds his calves on whey. If it is properly sterilised and quite fresh, calves can be reared on it in the same way as on skimmed milk. A man may have an outbreak of a mild disease in his calves and rather than sacrifice them may separate his milk and send the cream to the factory, feeding his calves on the separated milk until they are all right. It is no use giving 28 days' notice of his diversion of the supply of milk. If he must vary the feeding of his calves, he must do so at once. It should be entirely within the discretion of the farmer as to whether he shall separate his milk and send it to a butter factory, or send it to a cheese factory. The principal Act says—

“No person shall divert his supply or portion of his supply of cream from one factory to another unless he shall have first given to the owner of the factory from

which his supply or portion of his supply of cream is being diverted twenty-eight days' notice.”

It does not say any milk factory.

**The Secretary for Agriculture and Stock:** In the principal Act there is a governing section.

**Mr. MOORE:** I do not see it.

**The Secretary for Agriculture and Stock:** Page 9, clause 16 (3).

**Mr. MOORE:** Yes—

“No person shall divert his supply or portion of his supply of milk from one factory to another.”

**The Secretary for Agriculture and Stock:** The next paragraph—

“No person supplying milk to a cheese factory . . .”

**Mr. MOORE:**—

“. . . shall divert the cream obtainable from his milk supply or any portion thereof to a butter factory unless his dairy premises comply with the requirements of this Act for the purpose of supplying cream.”

**The Secretary for Agriculture and Stock:** That is the only qualification required.

**Mr. MOORE:** That is very doubtful. It says—

“No person shall divert his supply or portion of his supply of milk from one factory to another . . .”

I am very doubtful about that. Suppose he does send his cream to a butter factory, and the manager finds himself liable to a fine of £50 for accepting it! It may be all right, but it is very doubtful. The Minister may think that my point is provided for, but I know that on two occasions when a man diverted his supply of cream, because he wanted to get skimmed milk, he was warned to send in the requisite 28 days' notice. Whether any action was taken after the notification I do not know. This is not a question of contravening the principal Act.

**The Secretary for Agriculture and Stock:** There should not be any hard and fast rule in it.

**Mr. MOORE:** I am afraid that is a very roundabout way of doing it. The person who supplies the milk factory has to have his dairy registered the same as if he were supplying to a butter factory. I cannot see anything in this to cover the case of a man who suddenly supplies because the following paragraph says no person shall divert a portion of his supply. That appears to me to cover the whole principle. If a person is not allowed to divert and the factory manager is not allowed to accept it unless it conforms to the Dairy Act requirements, then by the time that question is decided the man's cream will have been sent back. I wish it to be definite that a man can do this under certain circumstances.

**The SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (4.1 p.m.): While I can appreciate the case made out by the hon. member for Aubigny, I rather think the contingencies he outlined are amply provided for in the principal Act. The section I drew the hon. gentleman's attention to defines the conditions under which a transfer from a cheese factory may be made.

**Mr. Moore:** It does not say 28 days' notice.

**The SECRETARY FOR AGRICULTURE AND STOCK:** There is no mention of it. We have always construed this section as being the only governing section. The Parliamentary Draftsman is of the opinion this is the governing section, therefore, the amendment moved by the hon. member for Aubigny is entirely redundant; there is no need for it, as the whole thing is safeguarded. However, as a matter of practice I have no intention of making any alteration in the existing arrangement, and the section under which we have worked is the section I have quoted to the hon. gentleman.

Amendment (Mr. Moore) negatived.

Clause 13, as amended, agreed to.

Clause 14—Repeal of and new section 16B; Notification of cream routes—

**Mr. WALKER** (Coorooora) (4.3 p.m.): I move the following amendment:—

“On page 9, line 44, omit the word—  
‘fifty’

and insert in lieu thereof the word—  
‘twenty.’”

The clause provides an extremely severe penalty. I am very much opposed to a clause that imposes such an enormous fine. As I pointed out during the second reading, it means that any person, not necessarily a licensed driver of a company. The proposed new subsection reads—

“Every person who—

(i.) Picks up cream at any place on or adjacent to a notified cream route; or

(ii.) Conveys to a factory or to a loading point upon a State railway or tramway approved by the Minister cream picked up at any place on or adjacent to a notified cream route,

shall, unless he holds a subsisting license to so pick up such cream at such place and to convey same to such factory or loading point, be guilty of an offence and liable to a penalty of not more than £50.”

I understand the objective of the Minister is to endeavour to get smooth running on cream routes and if the roads in the country were like Queen street and the bridges like the Story Bridge, absolutely proof against flood waters, I could quite understand that the clause would work smoothly, but in practice the clause will not give the smooth working that the hon. gentleman desires. The conditions existing in the bush, the absence of

telephones in the case of breakdowns, misunderstandings, and so forth between one driver and another have to be taken into account. Of course the hon. gentleman may say that there will be only one driver, but I know of several routes on which there are two drivers belonging to two different companies. It may happen that owing to a misunderstanding one driver may pick up another's cream, or a breakdown may occur to a truck and, if another person picks up a can of cream to help the driver he is liable to a penalty of £50. The amount is altogether out of proportion to the offence. A certain amount of fear exists to the extent that some of the cream will be left behind.

Let me illustrate: Johnson's cream was left on the road because the cream van has had a breakdown, and passing in my motor car I pick it up and take it along. I am liable to a penalty of £50. I quite understand that the Minister is seeking to stop abuses and the sneaking of cream by one driver from another, but the penalty is out of all proportion to the offence.

And now let me make a few comparisons with regard to the penalties inflicted for various offences. An Australian Workers' Union organiser in Mackay ran over a man and broke his leg. He was fined £5. That is a more serious offence than the one provided for in this clause. A man taking part in an illegal strike is fined £10. Will anyone say that a man taking part in an illegal strike is not causing more damage in a community than a man who accidentally picks up another's cream? But that is the law as it stands to-day. Then there is the question of an income tax officer breaking his oath of office and giving particulars of an individual's salary. He is liable to a fine up to £100, but consider the seriousness of this? Why, there is no comparison.

The imposition of heavy fines will get the Minister nowhere, but it will create a certain fear in the minds of the country people. Probably they have it already. It will not bring about the smooth working that the hon. gentleman would like to see. Yesterday we gave the Minister great credit for the work he has done, but we should instill enthusiasm and confidence into the dairy farmer in order that he can carry on his business without fear. At the present time there are many things pointing to danger in the regulations concerning his industry, that cannot be put into practice and are beyond his control. I cannot, of course, refer to them now. My point is that a feeling of fear is being instilled into the minds of these people, and this is not in the best interests of the industry.

**The SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (4.10 p.m.): I cannot understand why the hon. member for Coorooora is always on the side of the malefactor.

Everybody knows there has been considerable difficulty in regard to cream transport. The Crown issues a certificate to a driver permitting him to pick up cream on a certain

route, and it is obviously the obligation of the Crown to protect the man holding the license for that route against any person who wishes to "horn in" on that route.

Mr. Walker interjected.

The SECRETARY FOR AGRICULTURE AND STOCK: No. The only way in which we can avoid that would be by zoning, and I do not know how far the industry will come with me in that direction.

Mr. Macdonald: We do not want that.

The SECRETARY FOR AGRICULTURE AND STOCK: It is serious to find a carrier "horning in" on another. It has led to all sorts of discontent. It leads to all sorts of misunderstanding, and it makes the application of the Act and regulations exceedingly difficult. The person who "horns in" does so with malice.

Mr. Moore: He might be a neighbour.

The SECRETARY FOR AGRICULTURE AND STOCK: If he is a neighbour then we take no notice of it. This is aimed at the commercial carrier.

Mr. Moore: The commercial carrier would not be running there without a license.

The SECRETARY FOR AGRICULTURE AND STOCK: The hon. gentleman would be surprised at the number of people who have attempted to run without licenses, and he would be surprised also if he knew of some of the difficulties that we have in persuading them that they are breaking the law.

Persons competent to tender advice on this matter have strongly urged me to include this provision. I think the penalty for deliberate intrusion is not too great, and I do not propose to accept the amendment.

Mr. MACDONALD (Stanley) (4.12 p.m.): I should like some information from the Minister. I am engaged in dairying in an area that enjoys the highest rainfall in southern Queensland. The annual average is about 78 inches. In some years it has held the record for the world. Periodically we are cut off from the railway for two or three days at a time. We cannot get our cream to the railway. The carrier cannot cross the creek. It is impossible for him to come along and get all the cream. The only other way of getting out that we have is by going on a different route altogether. Is the man who collects the cream to be penalised for doing so? The Minister has power to impose that penalty under this Bill.

The SECRETARY FOR AGRICULTURE AND STOCK (Hon. F. W. Bulcock, Barcoo) (4.13 p.m.): That would constitute a diversion of supply through circumstances over which the supplier had no control. That position is taken care of in the principal Act, which provides that the diversion of supply owing to flood would not be a misdemeanour.

Mr. MACDONALD (Stanley) (4.14 p.m.): Another aspect of the matter is this: the carrier cannot collect all of the cream. We hire a man to collect our cream, take it down

to one side of the creek and put it across on a flying-fox. The cream then travels over the ordinary route. It is not diverted, but the man who takes it to the creek is liable to a fine of £50 for helping us out.

The Secretary for Agriculture and Stock: That is a circumstance over which you have no control.

Mr. MACDONALD: But the trouble is that he is liable to a penalty. I think that the Minister should show a much keener appreciation of the disabilities that we have to suffer by reducing this penalty to £20.

The SECRETARY FOR AGRICULTURE AND STOCK (Hon. F. W. Bulcock, Barcoo) (4.15 p.m.): In the case mentioned by the hon. member for Stanley there would be no penalty because the provision in the principal Act discloses that no offence has been committed. Anybody would be stupid who regarded the circumstances outlined by the hon. member as constituting an offence. I can assure the hon. member that under the circumstances he has outlined he is perfectly safe in doing what he has mentioned.

Mr. DEACON (Cunningham) (4.16 p.m.): Sometimes a carrier who holds a license may not be satisfactory, and the farmer may wish to choose someone else.

Mr. JESSON: You are making all sorts of excuses for nothing.

Mr. DEACON: Of course, the hon. member was never a dairy farmer, and does not understand the subject. Why should the farmer be forced to support a carrier who is not giving him good service? Some carriers do not do the job properly.

The Secretary for Agriculture and Stock: They are entirely under the control of the factory.

Mr. DEACON: He has a license to run and the factory could not take the cream from anybody else, unless his license was cancelled.

The Secretary for Agriculture and Stock: The factory could recommend that the license be withdrawn.

Mr. DEACON: That is so, but they would not do that at the instance of one man. Why should a farmer be forced to support someone if he does not choose to? Why should a farmer not be able to carry it himself if the carrier does not give him satisfaction? The Minister is compelling people under this Bill to do something they would not be compelled to do in other industries. The Minister is going too far in imposing such a heavy penalty.

The SECRETARY FOR AGRICULTURE AND STOCK (Hon. F. W. Bulcock, Barcoo) (4.17 p.m.): Obviously, the hon. member who has spoken has not read the Act. A person can take his own cream and deliver it to the factory. The hon. member's speech would suggest that he is under the impression that he could not do that.

No carrier is licensed until the factory makes a recommendation that he be licensed,

and the factory may also make a recommendation that his certificate be cancelled. The whole matter of transport is therefore vested in the factory. My department is the issuing authority for licenses, but the carrier is entirely under the control of the factory, and contracts to do certain things in terms of his agreement with the factory.

The suggestion which the hon. member makes by inference that we should return to the old days of indiscriminate competition along our highways does not commend itself to the dairy industry. The tendency in the industry is to tighten up transport regulations rather than to relax them.

Question—That the word proposed to be omitted from clause 14 (Mr. Walker's amendment) stand part of the clause—put; and the Committee divided:—

## AYES, 28.

Mr. Bedford	Mr. Jesson
„ Brassington	„ Keogh
„ Brown	„ Mann
„ Bulcock	„ Marriott
„ Clark	„ Pease
„ Collins	„ Power
„ Conroy	„ Riordan
„ Cooper	„ Smith
„ Farrell	„ Taylor
„ Foley	„ Walsh
„ Gair	„ Williams, T. L.
„ Gledson	
„ Hanlon	<i>Tellers:</i>
„ Hilton	„ Hayes
„ Hislop	„ Williams, H.

## NOES, 14.

Mr. Brand	Mr. Nicklin
„ Daniel	„ Nimmo
„ Dart	„ Russell
„ Deacon	„ Yeates
„ Macdonald	
„ Maher	<i>Tellers:</i>
„ Massey	„ Clayton
„ Moore	„ Muller

## PAIRS.

AYES.	NOES.
Mr. Larcombe	Mr. Plunkett
„ Dash	„ Edwards

Resolved in the affirmative.

Clause 14, as read, agreed to.

Clause 15—Amendment of section 17; Grading cream—

Mr. NICKLIN (Murrumba) (4.23 p.m.): I move the following amendment:—

“On page 11, line 7, omit the word—  
‘fifty’  
and insert in lieu thereof the word—  
‘twenty.’”

The Minister showed his appreciation of the co-operation of the factory managers by accepting an amendment to reduce the maximum penalty provided in clause 13 from £100 to £50, and perhaps he will be prepared to express his appreciation further by accepting this amendment to reduce the maximum penalty in this clause.

Section 17, which this clause seeks to amend, deals with the grading of cream, and here too I think it will be admitted by the Minister that the factory managers have co-operated with him in carrying out the

regulations dealing with this subject, to such an extent that the quality of the cream has reached a very high standard. It is the earnest desire of the factory managers that that high standard should be maintained, but I doubt very much whether a maximum penalty of £50 will encourage them to continue the good work that they have done in the past in connection with the manufacture of butter. It makes any person charged with a contravention of the grading regulations a criminal. I hope the Minister will see his way clear to accept the amendment for a reduction of the penalty, as it would be a nice gesture to the factory managers.

The SECRETARY FOR AGRICULTURE AND STOCK (Hon. F. W. Bulcock, Bareoo) (4.25 p.m.): I cannot for the life of me understand why the Opposition desire to protect the person who engages in unscrupulous and wrong practices. Section 17 of the principal Act lays down a certain code in respect of the conduct of a grader. After all, the grading of cream is a very important thing in the industry, and the penalty we are seeking to impose is a penalty for false grading. The hon. member for Murrumba desires to reduce that penalty from £50 to £20.

Quite frankly, we should give the producer all the protection that we can. This is an instance where we can afford him a measure of protection, and in view of the whole position he is entitled to that protection we are prescribing. I do not propose to accept the amendment.

Amendment (Mr. Nicklin) negatived.

Clause 15, as read, agreed to.

Clause 16—Amendment of section 18; Sales, &c., of unsound produce—

Mr. MOORE (Aubigny) (4.27 p.m.): The Minister should give the Committee his reasons for this amendment of the Act.

It reads—

“(a) Paragraph (iii.) of the said section is hereby amended by repealing therein all words from and including the words ‘or that has calved’ to and including the word ‘normal’ at the end thereof and by inserting the words ‘or that has been drawn from a cow at any time during the period of fifteen days next preceding or the period of ten days next succeeding parturition.’”

The principal Act says—

“Any abnormal milk, or any milk or the cream from any milk which has been drawn from a cow that is known or suspected by such person or by an inspector to be diseased, or that has been isolated in pursuance of this Act, or that has calved within seven clear days before the day on which the milk was drawn from her, or such longer period as may intervene before the milk becomes normal;”

That was perfectly satisfactory. Surely to goodness that is clear enough—seven days or such longer period as may have intervened

before the milk becomes normal! What is the use of substituting "10 days" when the Minister knows that often it takes longer than 10 days before it becomes normal.

The **SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (4.29 p.m.): There is a reason for this amendment. We are an exporting State. We export a great deal of dairy produce under Commonwealth regulations. The Commonwealth authorities prohibit the export of any butter that does not conform with their requirements. The Commonwealth Act prescribes what we are endeavouring to make provision for. This amendment simply seeks to bring the State Act into line with the Commonwealth Act in order that we shall comply with export standards.

Clause 16, as read, agreed to.

Clauses 17 to 22, both inclusive, as read, agreed to.

Clause 23—Amendment of section 32; Regulations—

Mr. **RUSSELL** (Hamilton) (4.30 p.m.): I have threatened an amendment on this clause.

The Secretary for Agriculture and Stock: Not a threat, a promise.

Mr. **RUSSELL**: Both a threat and a promise. I move the following amendment:—

"On page 14, lines 11 and 12, omit the words—

'and shall not be questioned in any proceedings whatsoever.'"

I shall not go over the ground that I have covered on previous occasions when we have been considering similar clauses. I think the honours are with me.

The Secretary for Agriculture and Stock: And I think they are with me, so we are both satisfied.

Mr. **RUSSELL**: This Bill contains very far-reaching clauses that place a great deal of despotic power in the hands of the Minister, and that is all the more reason why regulations should be questioned in a court of law if a dissatisfied citizen desires to do so. These regulations have the force of law.

This practice has been going on for years and similar clauses have not been questioned till lately. I think we all feel sorry that this practice was not stopped years ago.

Briefly stated, my contentions are these: we should be satisfied to make the Act binding, but regulations should not be treated as if they were part and parcel of the Act, and not subject to question in the courts of law. We have had legal opinion on the matter. I know the Minister contends that the Governor in Council should have the power to pass whatever regulations he desires, and once they are gazetted they should form part of the Act, and should not be questioned. I think it is a very dangerous practice to supplement the enormous powers already possessed

by the Minister, particularly in an Act like this under which a great number of regulations will be framed, and one that ought to be stopped.

Mr. **YEATES** (East Toowoomba) (4.33 p.m.): Although the Premier delivered an eloquent address the other day on regulations, he did not convince me that my opinion was not the correct one. I hope the Minister will agree to the amendment.

The **SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (4.34 p.m.): Quite obviously the hon. member for Hamilton intends to pursue a vendetta in relation to this clause or similar clauses contained in any Bill that is brought before the Committee. The hon. member has given his reasons for moving the amendment, and I have given my reasons for refusing to accept the amendment that the hon. gentleman so persistently proposes to move. I do not wish to rob the hon. gentleman of the pleasure he gets in submitting this perpetual amendment, and I feel quite sure the hon. gentleman does not want to rob me of the pleasure I get and the consciousness of right-doing when I say I regret that I cannot accept the amendment.

At 4.35 p.m.,

Mr. **GLEDSON** (Ipswich) resumed the chair.

Question—That the words proposed to be omitted from clause 23 (Mr. Russell's amendment) stand part of the clause—put; and the Committee divided—

AYES, 27.

Mr. Bedford	Mr. King
„ Brassington	„ Mann
„ Bulcock	„ O'Keefe
„ Clark	„ Pease
„ Collins	„ Power
„ Conroy	„ Riordan
„ Cooper	„ Taylor
„ Foley	„ Walsh
„ Gair	„ Williams, H.
„ Hanlon	„ Williams, T. L.
„ Hayes	
„ Hilton	Tellers:
„ Hislop	„ Brown
„ Jesson	„ Marriott
„ Keogh	

NOES, 12.

Mr. Clayton	Mr. Russell
„ Dart	„ Walker
„ Deacon	„ Yeates
„ Maher	
„ Moore	Tellers:
„ Nicklin	„ Daniel
„ Nimmo	„ Massey

PAIRS.

AYES.	NOES.
Mr. Larcombe	Mr. Plunkett
„ Dash	„ Edwards

Resolved in the affirmative.

Clause 23, as read, agreed to.

Clause 24—New section 33A; Power of Supreme Court—as read, agreed to.

Clause 25—Repeal of and new section 34; Evidence—

**Mr. MOORE** (Aubigny) (4.41 p.m.): I move the following amendment—

“On page 15, lines 28 to 31, omit the words—

‘shall be evidence of the matter averred, and shall, in the absence of evidence in rebuttal thereof beyond reasonable doubt, be conclusive evidence of the facts so averred’

and insert in lieu thereof the words—

‘shall be prima facie evidence of the matter averred.’”

There are two tremendously drastic clauses in this Bill. The first is clause 5, which gives the Minister power to refuse any person registration or a license to carry on a dairy premises, without giving any reason for his refusal. This clause provides—

“The averment of the prosecutor or plaintiff contained in the information, plaint, complaint, writ of summons, summons, declaration, or claim—

shall be evidence of the matter averred, and shall, in the absence of evidence in rebuttal thereof beyond reasonable doubt, be conclusive evidence of the facts so averred.”

This is introducing an entirely new principle. The basic principle of British law has always been that a person is innocent until he is proved to be guilty. In this instance the complainant or the prosecutor need not go into the witness-box, nor is he obliged to call witnesses. The defendant, on the other hand, has to prove beyond a reasonable doubt that he is innocent. This principle is entirely wrong.

This provision, when taken into consideration with clause 5, gives the Minister tremendous powers. He has power to refuse registration or a license under the conditions set out, and he need not give any reason for his refusal. A man might have his savings invested in a dairy premises and the Minister can refuse him a license or registration without telling him why. He is not obliged even to say that the premises are not up to standard, or are detrimental to health. For no reason at all he can refuse a license.

**The Secretary for Agriculture and Stock:** Not the Minister; the Governor in Council.

**Mr. MOORE:** It is the same thing. We want to protect the Minister. I do not think that it is right for any man to be in a position to say that another shall not conduct his business, without giving any reason for that decision. The dairyman has no right of appeal, and under this provision he must be declared guilty unless he can prove beyond a reasonable doubt that he is innocent. He is not even given the opportunity of cross-examining witnesses for the plaintiff.

We have been criticising dictators and Fascism, but no commissar in Russia has greater power than that which it is proposed to vest in the Minister under this Bill. Here, a

British subject is to be considered guilty on the mere averment of the complainant. The complainant has not to go into the box, nor is he obliged to call witnesses. All he has to do is to make the averment and the defendant is guilty, unless he can prove that he is innocent. That is not right in principle. Every British subject is entitled to a reasonable and a fair trial. He is entitled to make the complainant give his evidence in the witness-box and to produce his witnesses. Here he is denied that right. He is not even given the opportunity of cross-examining, and he has no right of appeal. He can go into the witness-box himself, he can produce witnesses, but unless he can prove beyond a reasonable doubt that he is innocent, he is deemed to be guilty. That is wrong in principle, and I move as an amendment the substitution of a provision that is usually found in Acts of Parliament, and gives an opportunity for justice and fair play to prevail.

**The SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (4.46 p.m.): I was rather surprised to hear the hon. member for Aubigny say that

this was introducing an entirely new principle in legislative practice. That, of course, is not in accordance with fact. This is a clause that has recurred for a number of years in various Bills that have been brought before this Chamber. I rather think that the hon. gentleman will remember clearly Acts passed when he was Premier and will not be surprised if I point out to him that when he was possessed of the full knowledge of all the circumstances of the case, he found it necessary, either personally or through his Ministers, to identify himself and his Government with clauses precisely the same as that to which he is objecting now.

Take, for example, The State Transport Co-ordination Act of 1931, by which the liberty of the subject was materially restricted in certain directions, and very wide powers were taken by the Government. I am offering no comment on the powers that the Government of that day sought to take, but that Act went further than this Bill inasmuch as a section is contained in it that provides that the offence shall be deemed to be proved in the absence of proof to the contrary. There is no suggestion of reasonable doubt or reasonable conviction.

**Mr. Moore:** He has to go into the box and submit himself to cross-examination.

**The SECRETARY FOR AGRICULTURE AND STOCK:** Then, again, take The Criminal Code (Prohibition of Secret Commissions) and Further Amendment Act of 1931. Exactly the same principle was involved in that. Section 13 contains these words—

“ . . . the burden of proving that such valuable consideration was not received, solicited, given, or offered in contravention of any of the provisions of this Chapter shall be on the accused.”

**Mr. Moore:** He had to go into the box and prove it.

**THE SECRETARY FOR AGRICULTURE AND STOCK:** The hon. gentleman will seek to justify a thing when he does it, and will condemn it when we do it.

Under The Vagrants, Gaming, and Other Offences Act of 1931, in proceedings against any person accused of being a vagrant on the ground that he has no visible lawful means of support or that he has insufficient lawful means of support, proof that he possesses money or property shall not be a defence unless it is also proved by the defendant that such money or property was lawfully obtained by him.

There, again, we have a clause that says—

“ . . . unless such person is able to satisfy the court that any or either of the acts herein mentioned were effected without his authority, direction, or connivance, be liable to a penalty . . . ”

There is no material difference in what is proposed in this clause and what it has been the practice for a number of years to enact in order to meet certain circumstances.

The hon. gentleman has said that this introduces a new principle, but I do not think it does. I read somewhere that it was an outrage on our English conception of liberty. Halsbury, whom I am informed is one of the chief custodians of the constitutional liberty of the subject, has this to say—

“It is now and has long been an accepted principle of British statute and case (court) law that ‘where the truth of a party’s allegation lies peculiarly within the knowledge of his opponent the burden of disproving it lies upon the latter.’”

He also states the same principle in these words—

“In considering the amount of evidence necessary to shift the burden of proof, the court has regard to the opportunities of knowledge with respect to the fact to be proved which may be possessed by the parties respectively.”

The above quotations are taken from Halsbury’s Laws of England. If we examine the clause that is what it really means.

Let us examine the clause in its real context, in relation to its real meaning. That is a fair way to approach this thing. A perusal of the clause shows that paragraph (a) relates to formal matters such as proof of appointment of inspectors, and also of a particular place or district. There is no departure here from the recognised statutory principles. We may aver an officer is an officer in the Fassifern district, the Boonah district, or the Toowoomba district, as the case may be.

As to paragraphs (b) to (f), these are matters peculiarly in the knowledge of the defendant, hence the reason for applying the above-stated general principle to him. In the extensive operations of the law relating to the administration of the Dairy Produce Acts, it is impossible, having in view the wide ramifications of the industry, to police the operations of every individual engaged in the

industry. I think that hon. members will admit that.

The mere enactment that the averment shall be prima facie evidence of the matter averred, especially in regard to those cases where matters are peculiarly in the knowledge of the defendant, would not shift the burden of proof to enable the Act to be adequately policed.

This Parliament has also established the principle that the contrary must be proved beyond reasonable doubt in the Diseases in Plants Acts, the Banana Industry Protection Act, and the Act relating to drought relief for farmers. Parliament was then of opinion that for the protection of such industries a clause such as this was essential.

Therefore, when such an important industry as the dairy industry is concerned it is reasonable also that ample powers be given by the Legislature to the Government to enable it to police the Act in the interests of the industry, and also as a protection to those who uniformly obey the law.

I think it is an important principle to protect the people in this country who obey the law against the people who do not. The earning capacity of the dairying industry can be considerably jeopardised by people who do not obey the law. Hon. members should let that fact sink in—that the person who does not obey the law, and as a consequence produces low-grade butter, not only reduces his own earning capacity, but also reduces the earning capacity of everybody in the industry.

Everybody knows that the dead weight of low-grade dairy produce can considerably reduce the average price and the quality price of dairy produce. Perhaps the best lesson that we have in that regard is the continual creeping up of the high price levels attained by other countries in recent times, and as a consequence the general elevation of our own dairy qualities. If a person is to be allowed to continue to act in an anti-industrial sense, he prejudices the wellbeing of the industry, as a whole. Obviously, he should not be allowed to do so.

It is true that in order adequately to police the statutes certain powers are necessary, and if we attempted to do it other than in the way set out here it would mean a considerable expansion of the staff in my office. For instance, on certain occasions, and in certain circumstances it would be necessary for us to trace the movement of the butter from the factory until it reaches the wholesale distributor. I maintain that that would not be possible, that it would be beyond the capacity of the industry, and certainly beyond the needs of the industry, if by the adoption of another system the industry can be adequately protected, the wrongdoer dealt with, and protection given to the person who does the right thing.

Our dairying industry is a very big industry. It is an industry that requires very careful nursing. All those associated with the overseas negotiations know how delicate

those negotiations may become from time to time.

Although under normal practices I would not suggest any departure from ordinary legislation I feel that this clause is entirely justified as well as fortified by eminent constitutional and other authorities. The hon. member for Aubigny, as ex-Premier, furnished me with a precedent, and I have that other justification, that this is a job that must be done, and should be done in the most effective, most just, and at the same time in the least expensive manner possible.

**Mr. MOORE (Aubigny) (4.56 p.m.):** I did not provide the Minister with an example to justify this clause. In the citations by the Minister of simple averments evidence had to be given and the complainant was liable to cross-examination. In this the evidence is the mere averment itself. No-one has to go into the box and submit to cross-examination. As the Minister says, we might have to trace butter from the factory to the consumer.

**The Secretary for Agriculture and Stock:** No-one escapes from examination under this clause.

**Mr. MOORE:** He does. The complainant merely makes an averment, he does not go into the box, and until conclusive doubt is proved it must be regarded as evidence of the offence. No one goes into the box. The official merely makes an averment in the plaint. This is a totally different thing from the cases cited by the Minister. This clause conceals a tremendous principle. It means that the man who has the averment made against him has no opportunity of cross-examination. The averment is there; he must go into the box and prove it is not so.

**The Secretary for Agriculture and Stock:** Whose opinion would you accept—the opinion of the Crown Law Office and the Parliamentary Draftsman, or the opinion that has been cited?

**Mr. MOORE:** The whole basis of the clause is cheapness—how to get a conviction without having the necessary evidence to support it. After an averment is made the person charged must prove it to be unsound beyond reasonable doubt. It is a tremendous power to take. Supposing the Minister made an averment that I milked a cow less than 10 days after it calved, what earthly hope have I of proving beyond reasonable doubt that I did not?

**The Secretary for Agriculture and Stock:** Of course you have.

**Mr. MOORE:** The Minister makes the averment that I did. He gets no-one to go into the box to say why, or how he can prove it.

**The Premier:** He has to go into the box to make the statement.

**Mr. MOORE:** No, he sets that out in his claim. The clause says—

“The averment of the prosecution or plaintiff contained in the information, plaint, complaint, writ of summons, summons, declaration, or claim—”

**The Premier:** The defendant can claim the right to cross-examine on the averment.

**Mr. MOORE:** I do not think the defendant can. All he can do is to prove beyond reasonable doubt that he was not guilty.

**The Premier:** No, he can cross-examine.

**Mr. Maher:** It does not say so.

**Mr. MOORE:** I do not think so.

**The Premier:** It is the common practice.

**Mr. MOORE:** This clause definitely sets out the method of the proceedings, that—

“The averment of the prosecutor or plaintiff in the information, plaint, &c., shall be evidence of the matter averred, and in the absence of evidence in rebuttal thereof beyond reasonable doubt, be conclusive evidence of the facts averred.”

This is a far more drastic clause than anything the Minister has read out. There the official had to give evidence, but it is not so in this clause. You set out your averment in the claim and the defendant has to prove beyond reasonable doubt, which is a very difficult thing for him to do.

**The Premier:** He can be examined on that.

**Mr. MOORE:** I do not think so. Reading the Bill, I do not see that there is any opportunity for the complainant to be examined at all, but it means the defendant is the one who has to prove his innocence beyond reasonable doubt. He has no reason given to him, but there is an averment setting out that he has done something wrong.

It is a very drastic provision. Even the Minister says it is going to be difficult and expensive, and he would have to have hundreds of officers to police the Act, but in this case the defendant is going to be placed in a doubly difficult position. The Minister finds it difficult to police the Act and he places the onus of proof on the defendant. He must show beyond a reasonable doubt that he did not do it. That is a pretty difficult thing for the defendant to do. It is a very unusual provision and different from the usual practice. I do not think it is quite fair to anybody. Every man has the right to defend himself against a charge.

**The PREMIER (Hon. W. Forgan Smith, Mackay) (5.2 p.m.):** This is a very important clause and a very essential clause without which the Government would not be able to attain their purpose. Let us keep in mind that the purpose of the Bill is to implement an undertaking between this Government, the Commonwealth of Australia, and the three other important dairying States of the Commonwealth. The clause, I admit candidly, is an extraordinary clause, but it is a clause dealing with an extraordinary position.

My reason for intervening into this debate is that I had an opportunity to look at this clause before the Bill was approved by Cabinet, and before it was brought to Parliament. In fact, I read every Bill that is

brought to Parliament, before I ask the Governor for a message. The Deputy Leader of the Opposition and his colleagues know full well that this Bill is introduced to deal with an extraordinary situation; they also know that it is essential for the welfare of the persons engaged in the dairying industry that this Bill should be passed. It deals, I repeat, with an extraordinary set of circumstances and only an extraordinary provision can effectively cope with that extraordinary set of circumstances.

But even then the clause does not convey the meaning that the hon. member for Aubigny sought to give it. The hon. gentleman moved for the omission of lines 28 to 31, both inclusive, and the insertion in lieu thereof of the words "shall be prima facie evidence of the matter averred." Just let us take for a moment the contrary to the argument he was using and assume that this amendment was accepted by Parliament and consider the situation that it would create. The hon. member for Aubigny complains that the averment is being accepted as evidence. Very well. But suppose we alter that and put in the word "prima facie." We then get the position that a simple denial could wipe aside the averment.

**Mr. Moore:** No.

**The PREMIER:** Yes, that is exactly what it means. Supposing an officer of a department makes an averment and it is to be regarded as only prima facie evidence, it means that the defendant merely needs to deny the charge for the matter to be dropped, unless, of course, distinct evidence is available to refute the denial. The hon. member for Aubigny, in his attempt to get rid of one difficulty, is creating another of equal dimension.

**Mr. Moore:** I do not think so.

**The PREMIER:** A simple denial of prima facie evidence is sufficient to dispose of it.

Then let me take the clause immediately following. The construction the hon. member for Aubigny put on it is not the true one. It reads—

"Judicial notice shall be taken of the signature of every person authorised to give an order or certificate under or for the purposes of this Act, and any order or certificate purporting to be signed by any such person shall be admissible in evidence and shall be evidence of the matter set out therein and shall, in the absence of evidence in rebuttal thereof beyond reasonable doubt, be conclusive evidence of the facts so set out therein."

Hon. members should note the words—

"in the absence of evidence in rebuttal thereof beyond reasonable doubt."

That is the significant part of that clause to take into account.

One immediately has this situation developing in a court: where an averment is put in, it is accepted as evidence. Averment sets out

certain facts. The words I have quoted indicate very clearly that the person who makes the averment can be cross-examined on the averment and that it has to be established, and defendant can call other evidence in rebuttal thereof beyond reasonable doubt, Hon. members will observe that this is the sequence of events; a person makes an averment, he can be cross-examined and examined on the averment he has made, and defendant is also entitled to call other evidence in rebuttal. That is obviously the legal position.

**Mr. Moore:** The defendant calls evidence in rebuttal.

**The PREMIER:** He is the person to call evidence in rebuttal, but the hon. gentleman said he was unable so to do.

**Mr. Moore:** No.

**The PREMIER:** The hon. gentleman said he was not entitled so to do.

**Mr. Moore:** No.

**The PREMIER:** If there is anything at all in the hon. gentleman's statement, that is what is meant.

**Mr. Moore:** No.

**The PREMIER:** The hon. gentleman said that the prosecutor did not go into the witness box at all; he need not be cross-examined on the matter at all, and yet we find in the sub-clause immediately following the one from which the hon. gentleman desires to make this deletion, the right of the defendant is preserved in the terms quoted by the Secretary for Agriculture and Stock.

**Mr. Russell:** Can he cross-examine the plaintiff?

**The PREMIER:** Of course, he can. The Crown Law Office and the Parliamentary Draftsman advise me to that effect. It was on the Cabinet's being satisfied of that fact that we agreed to insert this clause. I do not quite like a clause of this kind any more than any other person, but hon. members must realise that we are dealing with an extraordinary position and having regard to that position we are entitled to make it effective.

If we accepted the amendment we should not be implementing the agreement between the Commonwealth and the three most important States in Australia and we should be letting down the dairying industry that we have been endeavouring to build up, more or less successfully, for years. We might as well delete the clause altogether as weaken it in this respect. To weaken it in this respect would mean that any person seeking to evade the provisions of this Bill would merely need to make a denial of the averment and it would be extremely difficult indeed to deal with the position.

That is the position in its entirety as I understand it. The fears expressed by the hon. member for Aubigny are groundless. I have the best legal authority available for the view that I have just expressed.

**Mr. DEACON** (Cunningham) (5.11 p.m.): The position as stated by the Premier is not in agreement with that put forward by the Minister in charge of the Bill. It is quite clear that the onus of proof is placed on the defendant. The inspector or anybody else concerned can make a charge, and his averment is accepted as absolute proof that the charge is correct. The onus of proving absolutely that he is innocent is placed upon the defendant. That is contrary to any principle of law that we have had put before us up to now.

Cream may be bad, and all that the inspector or the factory has to do is single out someone, say that the cream was sour, and that the person singled out was guilty of having sent in bad cream. The onus of proving that he did not send it in is then cast upon the defendant. How is he going to prove that? He is found guilty first, and then has to prove that he is not guilty. The cream has been out of his hands for some time. Of course, he can say that when he delivered it to the carter the cream was good, but that is not proof.

Suppose that a serious assault was committed upon somebody in George street, and a policeman was looking for the culprit. Under a provision such as this he could go along to the Secretary for Agriculture and Stock, accuse him of having committed the assault, and the onus of proving that he was not there would then be placed upon the Minister. The onus of proof is on the person charged. That is contrary to all sense of British justice. The Government single out the dairy farmer and put him in a position that no other citizen is put into. He is guilty on the mere word of somebody who is looking for an offender, who can pick out anybody and say, "That is the guilty man."

Apparently the Government have agreed that this should be contained in the Bill. It was not explained to us by the Secretary for Agriculture and Stock, but the Premier has told us that we have to accept that or we cannot have the Bill at all.

**Mr. Power:** Your interpretation is as clear as mud.

**Mr. DEACON:** The Premier's interpretation was quite clear. I am surprised that the hon. member should find fault with it. The Bill also is clear. The onus of proving himself not guilty is put on the person charged. Why should a Government inspector have a right to pick out any farmer and to say that he is guilty without giving him any proof beyond his saying so? The Treasurer seemed disgusted with it, because I saw him start. It is no wonder. Such a principle should not be embodied in the Bill.

**Mr. RUSSELL** (Hamilton) (5.19 p.m.): I am glad to learn from the Premier that he is not at all enamoured of this clause. I take it that what he says is that even if the averment is lodged by the complainant the defendant has the right to cross-examine the complainant in the box.

**The Secretary for Agriculture and Stock:** That is quite true.

**Mr. Maker:** I do not think he has.

**Mr. RUSSELL:** I want to be clear about it. It seemed that the mere lodging of the averment stated the plaintiff's case and that there was no chance for the defendant to challenge the averment or the person who made it. If, on the other hand, the defendant has the opportunity of cross-examining the plaintiff, or challenging the averment, we are satisfied.

**The SECRETARY FOR AGRICULTURE AND STOCK** (Hon. F. W. Bulcock, Barcoo) (5.20 p.m.): It is true that the Crown Law Office and the Parliamentary Draftsman both emphasised the fact that there can be cross-examination on the averment. The averment deals only with the fundamentals of the case.

Much ado has been made about nothing in regard to this clause. What are the things that the averment deals with? First, if the butter was manufactured at Toowoomba, "Toowoomba" is the averment in regard to the place. Then you have an averment that dairy produce was at any time stated bartered, exchanged, supplied for profit, and so forth. The next averment may be that any dairy produce premises were or were not at any material time registered under this Bill. We aver that they were or they were not, as the case may be. We may also aver that any dairy produce was at any time stated manufactured or processed by any person. We aver that Smith at such and such a place manufactured certain butter at a certain time. It will be competent to cross-examine on that. The averments are the fundamentals upon which the case is based. They are not the case itself, and the basis of the averment is set out in the Bill. Those are only the fundamentals.

**Mr. Moore:** They are the case until they are rebutted.

**The SECRETARY FOR AGRICULTURE AND STOCK:** They may be rebutted in cross-examination. I want to reiterate that—that cross-examination is provided for in the opinion of those persons who are competent to advise us. Everybody knows that in order to make an Act effective sometimes we have to adopt desperate remedies. I make no secret of the fact that we have consulted counsel about this clause. Every possible avenue has been explored, and I tell the Committee that this Bill has been drafted for some time and was drafted at the urgent request of responsible sections in the dairying industry.

Here is a job that has to be done in the interests of the industry itself. Legal opinion is that there is no other way that we can accomplish the things that are so obviously necessary. Should we set up obstacles that may prove to be insurmountable and so invalidate any action that we may take, or should we come to the rescue of the dairy farmer in view of certain circumstances that have arisen? I recognise that the dairying

industry, as a whole, is greater than the individual in it. We must preserve this great industry. That is the real basis of the method that is being adopted. It is the only practical method, and I feel quite sure that hon. members opposite are not going to cavil at that protection, realising that it is the only method, that cross-examination is possible, that there is no endeavour and no desire to subvert the ends of justice—merely an honest endeavour to protect the law-abiding citizen from the less law-abiding citizen.

Amendment (Mr. Moore) negatived.

Clause 25, as read, agreed to.

Clauses 26 to 28, both inclusive, as read, agreed to.

Bill reported, with amendments.

The House adjourned at 5.26 p.m.

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