HOUSE OF ASSEMBLY.

Tuesday, November 20, 1951.

The SPEAKER (Hon. Sir Robert Nicholls) took the Chair at 2 p.m. and read prayers.

MANNUM COUNTRY LANDS WATER SUPPLY.

The SPEAKER laid on the table the report of the Public Works Standing Committee on the Mannum country lands water supply, together with minutes of evidence.

Report ordered to be printed.

OIL REFINERY SITE.

Mr. O'HALLORAN—This morning's *Advertiser* states that the Western Australian Minister of Works has expressed high hopes that the proposed oil refinery to be erected in Australia by the Anglo-Iranian Oil Company will be erected in Western Australia. Personally, I think some of the Spencer Gulf ports in South Australia would offer excellent sites, and the establishment of the industry there would assist in the decentralization of population in this State. In the absence of the Premier, can the Acting Leader of the House say whether inquiries have been made by the company in South Australia as to the possibility of suitable sites, or, alternatively, has the Government done anything to acquaint the company with the possible advantages of sites which might be investigated in South Australia?

The Hon. C. S. HINCKS—I do not know whether any negotiations have taken place between the Premier and the company concerned, but I entirely agree with the Leader of the Opposition that Spencer Gulf, particularly from the defence point of view, would be the ideal position, as I doubt whether there is any other waterway which has such natural protection as Spencer Gulf. I will take up the question with the Premier on his return tomorrow and get a reply.

PRICE OF BREAD.

Mr. PATTINSON—I have been informed that several applications have been made to the Prices Commissioner by the Master Bakers Association for another increase in the price of bread and that there is on the agenda for today's meeting of the association a proposal that no bread shall be baked tomorrow unless a price increase be granted. As this proposal, if carried, will adversely affect the general public which is not a party to the dispute, I ask the Acting Leader of the House whether he could have urgent inquiries made as to what stage negotiations have reached and whether my information is correct?

The Hon. C. S. HINCKS—I have no knowledge of the proceedings referred to, but I will have urgent investigations made.

BUTTER PRICES.

Mr. FRANK WALSH—When the price of butter to the consumer was increased early in September it was indicated that the major portion of that increase would go to the dairyman or producer, the balance going to cover certain small charges. Can the Acting Leader of the House say when the dairymen or producers can expect to receive their share of that increase, for as late as the last week-end I was informed by a dairyman that they had not received any increase in the price of their commodity, although the public were paying the increased price?

The Hon. C. S. HINCKS—I understand that machinery is in motion with a view to allocating that increase to different parts of the service. I will get a report for the honourable member.

CORNSACK SUPPLIES.

Mr. GOLDNEY—Some little time ago quantities of cornsacks were sent into the country on the basis of two-thirds of the orders received because, I understand, full shipments had not arrived. Can the Minister of Agriculture say whether further shipments have arrived so that there will be sufficient cornsacks to meet the needs of the coming harvest?

The Hon. Sir GEORGE JENKINS—The Australian Wheat Board reports:—

We can inform you that there are ample supplies of cornsacks in South Australia for the coming harvest of both wheat and barley.

POLICE UNIFORMS.

Mr. LAWN—Has the Acting Leader of the House a reply to my recent question regarding the allowance to police officers to cover the cost of their uniforms?

The Hon. C. S. HINCKS—The Government has received a report from the Public Service Commissioner regarding the suggestion to increase the allowance for uniforms of police officers, or to supply same to those officers who would prefer receiving equipment. The Commissioner recommends that the £30 per annum allowance granted as from July 1, 1951, be not increased and that as a temporary measure to assist those new entrants to the police force on and from November 1, 1950, who may not have the necessary funds to purchase both

uniforms in their first 12 months' service, an additional £30 be paid when the constable is required to purchase his khaki summer uniform. Approval has been given to that recommendation. The Government does not favour paying some officers and supplying others with uniforms.

SOLDIER SETTLEMENT.

Mr. MACGILLVIRAY—Has the Minister of Irrigation the promised report following on the dispatch of a circular letter to all ex-servicemen applicants for land?

The Hon. C. S. HINCKS—I have a report in regard to the circular dispatched to irrigation and dry lands applicants. It can be taken as almost final, although there will naturally be a few late responses coming in. In regard to dry lands 1,616 circulars were sent out and 875 replied that they still desired holdings; 143 replied that they definitely do not require holdings; 94 letters were returned unclaimed; and 504 persons have not replied. It was stated in our circular letter that if no reply was received the department would take it that the applicant was no longer interested. In regard to irrigation blocks, 393 persons were circularized, including 90 deferred for further experience. Two hundred and fourteen have stated that they still desire holdings; 42 have stated definitely that they do not require holdings; 19 letters have been returned unclaimed; and 118 persons have not replied. I previously stated a lower number than 393 for irrigation blocks, but since then we have sent out a similar circular to applicants who are doing a trainee course. These men are included in the figures I have just given.

POTATO SUPPLIES.

Mr. FLETCHER—A letter I have received from the South-Eastern Potato Growers' Association states:—

In response to your letter of November 8, 1951, we set out below the figures which support this association's concern which was expressed in our letter of October 13, 1951:—

	Net Price, Mt. Gambier. £ s. d.
6/6/49—Potatoes forwarded to New South Wales .	18 4 6
3/6/49—Potatoes forwarded to Adelaide	14 0 9
–/8/50—Potatoes forwarded to New South Wales ..	20 0 0
–/8/50—Potatoes forwarded to Adelaide	18 15 0

In August, 1950, we wired to the South Australian Potato Board as follows:—"Price rise inadequate."

	Net Price, Mt. Gambier. £ s. d.
14/5/51—Potatoes forwared to New South Wales ..	29 15 0
26/4/51—Potatoes forwarded to Adelaide	23 8 0

Also on 14/5/51 a price of £31 per ton net, Mount Gambier, was obtained from New South Wales, although this was not a Sydney parity.

	Net Price, Mt. Gambier. £ s. d.
18/6/51—Potatoes forwarded to New South Wales ..	29 15 0
18/6/51—Potatoes forwarded to Adelaide	28 11 9

The loyalty of growers to the South Australian Potato Board during the first year or so prevented the sale of potatoes outside South Australia. However, the continuation of a lower price in South Australia has allowed buyers from the eastern States to obtain from this district potatoes which are urgently needed in this State. Again we urge that this matter be given urgent consideration and action.

Will there be closer co-operation in the future in the fixing of potato prices in the various States so that Adelaide in particular, and South Australia in general, will not be denied potatoes grown in this State and exported, thereby forcing our people to pay higher prices for imported potatoes?

The Hon. C. S. HINCKS—I will take up the question with the Premier on his return.

TREATMENT OF POLIOMYELITIS PATIENTS.

Mr. QUIRKE—I have sought an investigation into the treatment of poliomyelitis patients at the Infectious Diseases Hospital. An investigation is now taking place. I have no complaints against the officers making it because they are courteous and highly skilled investigators, but why is it being made by the Criminal Investigation Branch of the Police Force?

The Hon. C. S. HINCKS—I cannot give the honourable member the information he desires offhand, but I will bring the matter under the notice of the Premier on his return.

HELMSDALE WATER SUPPLY.

Mr. PATTINSON—Last year I made representations to the Minister of Works about the inadequate water supply at Helmsdale, near Glenelg, and the Minister informed me that it was the intention of the department to construct a new water main there as soon as practicable. I have since received numerous complaints from residents, the last being by letter last week. It states, *inter alia*:—

I am writing you on behalf of neighbours and myself with reference to the water supply

in my street. For years the position has gradually become worse, and unless something is done the position this summer will be intolerable. The pressure is bad enough during the week, but at the week-end it is terrible. Sink water heaters have to be turned off all the week-end, buckets of water placed near the lavatory because the water is too tired to climb into the cistern. Showers are out of the question until about 10 p.m., and if we try to keep a garden it means we have to use the hose very late at night. Should a fire occur the fire brigade would be useless unless they brought water with them.

Despite his trials and tribulations my correspondent retains his sense of humour, for his concluding paragraph states:—

At first glance this letter may appear to be somewhat in the nature of a complaint—which is exactly what it is.

Will it be possible for the department to do something for these people during the coming summer?

The Hon. M. McINTOSH—The honourable member's correspondent certainly has a sense of humour, but his statements are more picturesque than accurate. If his water supply is so bad he must be in a particularly bad pocket. It is certainly correct that many people have to put up with low water pressures, but some people are without a water supply at all. However, 95 per cent of the people of South Australia have a supply. There is nothing in Australia and perhaps in the world to compare with South Australia's water system. In this State, with a population of between 600,000 and 700,000, over £30,000,000 has been spent on water supplies. Bad cases make poor laws, but in reply to the question I point out that consumption has increased enormously this summer in the locality mentioned. The policy of concentrating available labour and materials on new mains in areas without a supply has been generally followed for some time and only in a few cases, where the need was very urgent for fire protection of industry or for expanded industrial use, have enlargements been made in the last year or so. The department is still very short of labour and in view of the above policy the approved enlargements at Helmsdale have not been carried out. The trunk main from Darlington to Outer Harbour, which feeds the Helmsdale area, is more heavily overloaded than ever before, and the very low pressure being experienced along it this summer has made the position at Helmsdale worse than in past years. However, the approved enlargements still cannot be carried out without taking men from the gangs laying new mains to new homes which have no supply at all. The Engineer for Water Supply arranged to inspect the conditions along the Darlington-Outer Harbour trunk main, and to examine the conditions in Dunbar Terrace and adjoining streets in Helmsdale. The replacement with larger pipes of old mains in Helmsdale was approved in April, 1950, and this work will be carried out as soon as it can be done without interfering with the progress of mains necessary to provide a supply to new houses. It is known that the conditions are not entirely satisfactory, and for this reason the Helmsdale work will be given a high priority as soon as resources of manpower and materials can be made available for the replacement of inadequate mains. In Sydney and Brisbane, where there were floods last year, immediate restrictions have had to be imposed on the use of water because the demands on the mains have outgrown the supply. If we could get more men and materials we would do the work at Helmsdale more quickly.

WORKMEN'S COMPENSATION ACT.

Mr. O'HALLORAN—The Workmen's Compensation Act was last reprinted in 1947 and since then some substantial amendments have been made to it, particularly this session. The Act is of great importance to a large number of people, who in turn seek the advice of union officials. If the Act could be made available in a concise form, instead of the amendments having to be adapted to the parent Act, it would facilitate decisions on workmen's compensation questions. Will the Acting Leader of the House take up the matter of reprinting the Act and, if that is agreed to, will he see that it is done as soon as possible?

The Hon. C. S. HINCKS—Yes.

SPECIAL BUILDING PERMITS.

Mr. LAWN (on notice)—

1. Is it the intention of the Treasurer to give the names of persons who, together with the Chief Mechanical Engineer of the South Australian Railways, have each been issued with a permit to build "a house larger than is usually allowed under a permit"?

2. What was the reason in each case for such permits?

3. Who issued the permits and under what section of the Building Materials Act were they issued?

4. What was the total area of each house?

5. What was the cost allowed by the permit and the actual cost, when completed, in each case?

6. Where is each house located?

7. What controlled materials were used in each house?

The Hon. C. S. Hincks for the Hon. T. PLAYFORD—The replies are:—

1. Record not kept. Detailed information could be given only after perusing approximately 80,000 files. The number of applicants allowed extra area is very small.

2. The successful applicant's special need, *e.g.*, (1) a medical practitioner requiring a surgery and waiting room. Mr. Pollnitz suggests—(2) A clergyman with a parish requiring a study or interviewing room. (3) An important executive requiring a home office. (Only three such cases are known).

3. An authorized officer. Section 10.

4. If extra area is permitted, the allowance is as follows:—(1) 300 sq. ft. for a medical practitioner requiring a surgery and waiting room. (2) 150 sq. ft. for a home office or clergyman's study.

5, 6, and 7. Information not available without a long search, *vide* answer to question 1.

WATERSIDE WORKERS.

Mr. TAPPING (on notice)—

1. Has the Treasurer's attention been drawn to an advertisement in the *News* of November 12, 1951, from the Australian Stevedoring Industry Board, Port Adelaide, calling for waterside workers for employment on the Port Adelaide waterfront?

2. Is the advertisement a departure from existing method of providing for the Waterside Workers Federation to enrol new members for waterside employment?

3. Is it the intention of the Treasurer to ascertain from the Prime Minister whether such action could tend to create industrial unrest?

The Hon. C. S. Hincks for the Hon. T. PLAYFORD—The replies are:—

1. Yes.
2. Yes.
3. No.

EMERGENCY HOMES.

Mr. TAPPING (on notice)—

1. Is the Treasurer aware that over 7,000 applications have been lodged for emergency homes?

2. Is it his intention to state the number of emergency homes which the Housing Trust plans to erect so that applicants and intending applicants will be cognizant of the difficult situation confronting them?

The Hon. C. S. Hincks for the Hon. T. PLAYFORD—The replies are:—

1. So far 7,763 applications for emergency dwellings have been received. Of these 1,354 applicants have been housed in emergency dwellings and 378 in permanent houses of the South Australia Housing Trust; 73 applicants who have been housed have since vacated and 294 applications have been withdrawn by the applicants. The total applications in hand is thus 5,664. This total includes many applicants who have solved their housing problems, but who have not advised the trust accordingly.

2. The programme authorized by the Government is as follows:—2,000 houses in the metropolitan area; 24 at Port Augusta; 400 for occupation by employees of the Engineering and Water Supply Department; and 179 for occupation by employees of the South Australian Harbors Board, a total of 2,603.

NORTHERN SUBURBS HIGH SCHOOL.

Mr. WHITTLE (on notice)—

1. Does the Government propose to build a primary school at Gepps Cross on the 20-acre block purchased in 1946 for a northern suburbs high school?

2. If so, what is the reason for the change-over?

3. Is alternative land of similar area being acquired for the high school?

4. If so, where?

5. Does the Department of Works consider the high school is urgently needed to provide for the great increase in population in this locality?

The Hon. M. McINTOSH—The replies are:—

1. The Government does propose to build a primary school at Gepps Cross on the site purchased some years ago for a northern suburbs high school.

2. It was decided to do this because it was considered that the need for a primary school in this area was more urgent than the need for a secondary school, and also because it was considered that the location was more suitable for a majority of the children who would use this school.

3 and 4. An alternative site of comparable size is being sought for a high school.

5. It is considered that it will be necessary to open a high school to serve the secondary needs of this area in 1953.

NORTHERN RESERVOIR STORAGES.

Mr. O'HALLORAN (on notice)—

1. What was the maximum quantity of water stored in each of the following reservoirs during 1951:—(*a*) Terowie; (*b*) Yongala; (*c*) Peterborough?

2. What quantity of water is stored in each of these reservoirs at present?

The Hon. M. McINTOSH—The replies are:—

1. (*a*) Terowie, 7,600,000 gallons; (*b*) Yongala, 57,000,000 gallons; (*c*) Peterborough, 2,000,000 gallons.

2. (*a*) Terowie, 1,300,000 gallons; (*b*) Yongala, 14,600,000 gallons; (*c*) Peterborough, 1,300,000 gallons.

PETERBOROUGH SEWERAGE.

Mr. O'HALLORAN (on notice)—

1. What progress has been made in the investigation of the proposed sewerage scheme for Peterborough?

2. Is the Minister of Works able to indicate when a proposal will be ready for submission to the local government authority?

The Hon. M. McINTOSH—Following completion of the survey and contour plans, a preliminary design is nearing completion and an inspection by the department's engineers will be made within the next three weeks to check the design and make any modifications necessary to conform to local conditions, after which the plan will be completed. It is expected that details will be available for submission to the local governing authority early in the new year.

ARTS AND CRAFTS TEACHERS' SALARIES.

Mr. O'HALLORAN (on notice)—

1. Has any consideration been given to a salary award for arts and crafts teachers?

2. When will a determination of salaries for arts and crafts teachers commensurate with the new certificates be announced?

3. Will this salary determination be retrospective to January 1, 1951?

4. Why has the delay in making this determination occurred?

The Hon. C. S. Hincks for the Hon. T. PLAYFORD—The replies are:—

1. Yes.

2. This is a matter for the Teachers Salaries Board, but it is understood that this board has this matter under consideration.

3. This is a matter for the Teachers Salaries Board.

4. The amendments to the regulations were gazetted on November 8, 1951, and it is considered that no unnecessary delay has occurred.

DRIVING TESTS FOR AGED PERSONS.

Mr. Heaslip for Mr. CLARKE (on notice)—

1. How many persons over 70 years of age were required to pass practical tests this year before their motor driving licences were renewed?

2. Were any of such persons refused a renewal of their licence as a result of such tests?

The Hon. C. S. Hincks for the Hon. T. PLAYFORD—The replies are:—

1. 3,740.

2. One (1) person was refused a licence, and eight hundred and ninety-eight (898) were issued with licences restricted as to the areas in which, or the hours during which, the licence is operative.

INDUSTRIAL CODE AMENDMENT BILL (No. 3).

Returned from the Legislative Council without amendment.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL.

Read a third time and passed.

MAREEBA BABIES HOSPITAL LEASE BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1288.)

Mr. O'HALLORAN (Frome—Leader of the Opposition)—Every honourable member will deplore the necessity for the Bill, the introduction of which is due to the serious outbreak of poliomyelitis in South Australia which began three or four years ago and has not appreciably abated. The accommodation available for the after-care of its unfortunate victims has become severely taxed. I want to disabuse the mind of any hypercritical person of any suspicion that any criticism of this Bill that I shall offer is due to any lack of sympathy which I or members of my Party have for the victims. Honourable members know that we have on a number of occasions pressed for two things—more adequate scientific investigation into the cause, treatment, and possible prevention of this disease and more adequate provisions for the after-care of the sufferers. No charge of lack of sympathy can therefore be levelled against us.

The Hon. S. W. Jeffries—I do not think it ever has.

Mr. O'HALLORAN—I am not suggesting that, but sometimes it is necessary to state one's position clearly in advance lest people without Christian charity should construe constructive criticism of a measure as an attack on the underlying principles which it was designed to serve. I am not completely satisfied, from the Minister's second reading speech, that the Bill is at all necessary. As I understand the position, the Mareeba Babies Hospital is owned and controlled by the Government, I assume through the Hospitals Board. As present the admission of patients is limited to children up to two years of age. Surely if the Government owns the institution it has the right to determine the conditions under which patients shall be admitted. I assume the Government determined the age limit for admission to Mareeba, otherwise that limitation would not have been imposed. I suggest it would have been a simpler and better method if, without going to the trouble of passing this Bill, we had raised the age limit so that children of any age suffering from poliomyelitis might receive treatment in Mareeba.

Mr. Whittle—Wasn't Mareeba Hospital originally established by an outside body?

Mr. O'HALLORAN—Probably, but apparently it has come under the ownership and control of the Government. I have not had an opportunity to go sufficiently into the history of the institution to ascertain the exact position.

Mr. Shannon—How would you describe the Adelaide Children's Hospital?

Mr. O'HALLORAN—That is a private institution. I should think the Government has the power, without amending the law, to amend the rules of admission to Mareeba. According to the Minister's second reading speech, the hospital has accommodation for 65. Does this mean that it can treat 65 children simultaneously? For the sake of argument I will assume that it can. The highest daily average for one month last year was 39. This figure does not represent the highest number of patients on any given day; in fact, on certain days the hospital must have been almost full, because after all 39 out of 65 is a fairly high ratio spread over a month. How many additional patients can be expected to remain in the hospital for some considerable time, as I assume some unfortunate victims of poliomyelitis will have to? How many patients can be accommodated there? Another point to be considered is that the Mareeba hospital was established for a particular purpose, namely, to treat very young children suffering from various ailments.

The Hon. S. W. Jeffries—It was a babies' hospital.

Mr. O'HALLORAN—Yes, and the whole building, equipment, and staff were established in order to give expert treatment to babies under two years of age. Mareeba has been in existence for a number of years, having been established at a time when the population of this State and the birth rate *pro rata* to the population were not as great as they are today. Therefore, I assume that if the accommodation at Mareeba were required—and I think it was—when it was first established, surely it is required at least as much today when the additional population and increased birth rate are considered.

The Hon. S. W. Jeffries—Torrens House has been opened.

Mr. O'HALLORAN—Yes, and that has probably affected the position, but I do not know how much. I assume Torrens House would not have been opened unless there had been some demand which Mareeba could not satisfy. I am concerned as to whether, in order to meet this temporary difficulty of treating poliomyelitis victims, we shall not inflict an injustice in the form of inadequate facilities for the treatment of those whom Mareeba was primarily intended to serve. I understand it is to be placed under the control of the Adelaide Children's Hospital. Mareeba is a Government hospital and the Adelaide Children's Hospital is a private institution, which I believe is very excellently run—so excellently that this Parliament has, at the instance of the Government, made it substantial subsidies in recent years for building and maintenance purposes. According to the Bill, however, we are to give a lease of an institution which is under the control of the Government to another institution subject to private control. The means test applies at the Adelaide Children's Hospital, I believe with the worthy object of assuring that the children of parents who can afford to pay for private hospital treatment of their sick children are not allowed to obtain accommodation at the Children's Hospital to the detriment of other children; but with regard to the after-care of poliomyelitis victims it is not so much a matter of means as of facilities for treatment. I assume that the primary purpose of this Bill is to make available those facilities for treatment. We have not been told whether a means test is to be applied at Mareeba when taken over by the

Children's Hospital. How much of the Government subsidy of £110,000 made to the Children's Hospital this year for maintenance purposes was made in connection with this treatment, particularly the after-care of poliomyelitis patients? Who will run the Mareeba Babies Hospital under the new set-up? Is it to be turned over entirely to the Children's Hospital? There is nothing in the Bill to indicate the true position. Clause 3 states:—

The Minister of Health may grant to the Adelaide Children's Hospital Incorporated a lease of all or any part of the Mareeba Babies Hospital.

Assuming a lease of half of the hospital were granted, how would the institution be controlled? Would the control of the whole hospital then be vested in the Adelaide Children's Hospital, or would there be divided control? I presume that at present there is a medical superintendent and some form of Government control at Mareeba which, if we retain part of the institution, may have to be continued. On the other hand, if full control is to be vested in the Adelaide Children's Hospital the Government will lose control of an institution which has been ably managed for many years and which the Government should continue to control in the interests of the type of patient for which it was originally established.

The problem of attention to poliomyelitis convalescents has been with us long enough to merit a better solution than that embodied in the Bill. It is over three years since this dread disease assumed epidemic proportions in South Australia. It has not abated, and during that time the Government should have found a more acceptable solution than this. This is another instance of a Minister bringing down legislation and making a second reading speech with the absolute minimum of detail. There may be a complete reply to some of the points I have raised this afternoon, but if more information had been given by the Minister the House would have been in a better position to consider the measure. Instead of handing the Mareeba Babies Hospital over to the Adelaide Children's Hospital, we might have considered the advisability of the Government's taking over the Adelaide Children's Hospital and providing assistance to sick children as it now provides attention for sick adults at the Royal Adelaide Hospital. Although I am not satisfied on some points, for the sake of the assistance it may give in the after-care of poliomyelitis patients, I will not oppose the second reading.

Mr. SHANNON (Onkaparinga)—A committee of inquiry, on which I had the honour to serve, made a thorough examination of the management of the Adelaide Children's Hospital and decided it would be unwise to make any change in the present set-up. Many philanthropic people are interested in the hospital, some being members of the board, and many others being contributors and fund-raisers to help maintain this worthy institution. It was thought by the committee that as long as there was such a strong body of voluntary helpers it would be unwise to tinker with the form of management.

Mr. Christian—What amounts have they raised?

Mr. SHANNON—I cannot remember, but they are considerable.

The SPEAKER—In his concluding remarks the Leader of the Opposition referred to the control of the Adelaide Children's Hospital. If the member for Onkaparinga bases his speech on that matter and other members follow it up, there may ensue a debate having little to do with the making available of Mareeba Babies Hospital for poliomyelitis cases. The honourable member may reply to the remarks of the Leader of the Opposition, but I hope he will not make a speech on the matter mentioned.

Mr. SHANNON—That is an important aspect of the Bill, and, although we may be getting outside the ambit of the measure, it is vitally concerned with the control of the Adelaide Children's Hospital. It proposes to bring within the control of that hospital the management of the Mareeba Babies Hospital.

Mr. O'Halloran—In part, if not entirely.

Mr. SHANNON—Entirely.

The Hon. S. W. Jeffries—The Adelaide Children's Hospital will lease the premises, but not necessarily take over the control.

Mr. SHANNON—There are about 50 persons on its large board of management. That might appear unwieldy, and members might not expect to find close attention to detail.

Mr. Whittle—The hospital has an inner executive.

Mr. SHANNON—That is the point. The system works admirably and that executive does an excellent job. I have no objection to the Children's Hospital accepting additional responsibilities in the sphere of child health. Its long history in the treatment of children indicates that it will do this job well. Accommodation at the Mareeba Hospital and Torrens House is insufficient. Mareeba deals with

nutritional upsets in children up to two years of age. It has frequently saved the lives of infants in their first year. It has done a remarkable job. Torrens House is slightly broader in its ambit. A child can go there without having any nutritional difficulty. It may be that the mother has some trouble in handling it.

The Hon. S. W. Jeffries—The mother can go there as well.

Mr. SHANNON—Yes. Torrens House deals with what may be called a family trouble, where the child is difficult to handle. There is a mental approach as between mother and child. The matter of learning the correct diet for a young baby is one of common sense and experience by the mother. When the advice of the medical man is not followed there may be a serious set-back to the child in its early life. For many years Mareeba has been a place where mothers could be sure of getting the assistance needed. It has done a better job in saving lives than any other State institution. Statistics show that the vulnerable year in the life of a human being is the first year, and that is where Mareeba has done such fine work. If the passage of this Bill means the exclusion of Mareeba from the treatment of infants it will be a short-sighted policy to adopt. This outbreak of poliomyelitis is no longer an epidemic. It is endemic, and we may have it with us until there are successful investigations into the cause and treatment of the disease. A separate institution should be set aside for the caring of poliomyelitis patients following the danger period.

Mr. Stephens—What about a convalescent home?

Mr. SHANNON—That would not be enough, because physiotherapy treatment is needed in the after-care of poliomyelitis patients. The Government should not use the facilities now available for the treatment of infants in order to relieve the pressure now experienced in finding accommodation for the after-care of poliomyelitis patients. I hope the Government does not take my remarks too much to heart, but it should not forget that it has an important function to fulfil in looking after the health of infants in their first year. Public buildings have to be erected for schools and other purposes, and there should be a separate institution as I have suggested. I do not agree that the treatment of poliomyelitis patients is a passing phase, but, as the Government seems to think it is, and if it is not prepared to build a separate institution, it should purchase a large private house for the purpose. In country towns hospital facilities have been made available in private houses.

Mr. Stephens—Will the Bill involve the Children's Hospital in more expense?

Mr. SHANNON—I do not know, but it is obvious from the support the Government has given to that hospital in the past that if there is any additional expense it will be met by the Government. I am afraid that the passing of his Bill may mean the loss of an institution which has been very beneficial in the treatment of infants.

Mr. QUIRKE (Stanley)—I support the Bill, but not without some criticism. It has become necessary because of procrastination in the handling of the endemic poliomyelitis disease. We propose to take accommodation from one institution which cares for babies and make it available for poliomyelitis patients. Poliomyelitis is striking South Australia with such force that it is no longer possible to meet the onslaught with palliatives such as are provided in the Bill. I would be prepared to take the most essential building materials away from housing and use them to provide accommodation for these patients. Nothing else would be adequate to meet the position. We compulsorily send the patients to an institution—I have no disagreement with that—and then the whole responsibility of treating the disease falls on the State. The present set-up is wrong and it is time that the Government stood up to its responsibilities in this matter, and, whether it is supplies of bricks, timber, galvanized iron or cement, if necessary they should be taken away from housing and used to provide accommodation for poliomyelitis patients. Not until that is done shall we have proper facilities to handle the problem. Because sufficient facilities are not available at the moment we have placed before us this ridiculously small measure, the object of which is to take accommodation away from infants so that the patients of this dread disease can be treated.

In the circumstances this expediency will have to be adopted and I have to support it, but I ask the Government to seriously consider the position. It is no use thinking that a cure for the disease will be found tomorrow, and that therefore it is not necessary to do anything. It is no use adopting the attitude, "Millions of dollars are being spent in America to ascertain the cause and the best treatment of the disease, so why should we spend any money here? Let them first find out over there and let them, through their generosity, transfer

the remedy to us.'' That is precisely the principle on which we are operating today. We spend £10,000 in trying to combat the disease and then some people ask, ''Why spend more when they are spending millions in America?'' That does not cut any ice with me. We have the poliomyelitis patients here—not in America—and therefore it is our job to look after them. If it entails using essential building materials, then for heaven's sake let us use them and not try to meet the position by a Bill of this kind—which is only a half-hearted attempt to do something and in doing it takes 50 per cent of the accommodation away from another essential service. In making that statement, I, like Mr. Shannon, do not think for one moment that any notice will be taken of it.

Mr. HUTCHENS (Hindmarsh)—I oppose the Bill and in doing so agree with many of the remarks made this afternoon. It is not clear whether it is intended that Mareeba Babies Hospital shall be taken over by the Adelaide Children's Hospital in part or wholly. I believe that the old motto, ''When in doubt say 'No' '' is a good one and I propose to follow it on this occasion. To the best of my knowledge the Mareeba Babies Hospital has been in existence for more than 30 years, and statistics reveal that the metropolitan population has in that time increased by about 170,000, so if the hospital was necessary to serve the young of the State 30 years ago, there is at least an equal need for it today. The hospital has done a great work in caring for the very young. The figures given in the Minister's second reading speech indicated that at the moment valuable accommodation is available at the hospital, but who would prophesy that similar conditions will prevail in the years to come? To ask the House to vote for the Bill in view of the brief and inadequate explanation given by the Minister is expecting too much. Any thinking person must agree that the occurrence of poliomyelitis is of a pormanent nature and such a serious disease demands that we should do something permanent to effect a cure. To dabble in such proposals as are embodied in the Bill is almost ridiculous; there is the danger of a detrimental effect on our very young children. Although I appreciate the good work done by the Adelaide Children's Hospital and the generosity of those people who have supported it, I urge members to oppose the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—''Power to grant lease.''

Mr. O'HALLORAN (Leader of the Opposition)—I do not intend to move an amendment, but suggest that in any lease granted a definite time limit be inserted so that when other accommodation has been provided for the after-care of poliomyelitis patients, or when the epidemic proportions of the disease have passed, the Babies Hospital may revert to the purpose for which it was intended.

The Hon. C. S. HINCKS (Minister of Lands)—I agree with the honourable member's suggestion and believe that subclause (2) makes the position very clear in that it provides—

> Any such lease shall be for such term and shall reserve such rent (if any) and contain such terms, conditions and provisos as are agreed between the parties.

Something to that effect no doubt will be part of the agreement and, knowing the great benefit that Mareeba Babies Hospital is to the community, I expect it to revert to its original use at the first opportunity.

Clause passed.

Remaining clause and title passed. Bill read a third time and passed.

WRONGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1290.)

Mr. FRANK WALSH (Goodwood)—I support the second reading. This Bill is primarily of interest to lawyers, and it is gratifying to learn that the Law Society of Australia and the Australian Law Council desire it and also that the Law Council appointed a committee with such high legal qualifications to prepare it. Mr. Ross, K.C., should be commended for his work in that direction. I agree with the sentiments expressed by the Minister in his second reading speech. His statement that the Bill will not affect workmen's compensation clears up any doubts on that subject. Another class of case which may be taken into consideration in assessing damages and one in which it is most difficult to prove is where members of Parliament have taken actions against the press for certain libel. Whilst members have certain privileges in debate, the press generally usurps its freedom of the press.

Mr. PATTINSON (Glenelg)—When introducing this Bill the Minister stated that it was primarily of interest to lawyers. I dis-

agree with that statement. It deals mainly with proposed new rules of law which will apply where damage has been caused by negligence or other actionable civil wrong. It is, or at least it should be, universally acknowledged that lawyers comprise the most law-abiding and prudent section of the community. Therefore the effects of this new law will affect them less than any other members of the public. It will be of only academic interest to lawyers, whereas its practical effects will be felt by the rest of the public. Lawyers will merely have the unenviable and unprofitable task of endeavouring to apportion the liability and the resultant damage according to the degree in which each of the negligent parties is found to lie in fault.

This Bill seeks to amend the law dealing with contributory negligence and to bring it substantially in line with the law operating in Great Britain, in most of the countries of Europe and Asia, and in many of the States of America and Provinces of Canada. For all practical purposes the law in South Australia concerning contributory negligence has remained unchanged for over a century. It is based on old English common law decisions of the early nineteenth century. One of such cases concerns a man riding a horse and colliding with an obstruction wrongly placed by another man across one of the main roads of Kent. Another case concerns a man driving two horses in a waggon at a smartish pace along a road in England and colliding with a hobbled donkey which had been turned out to graze. Life has become a little more complicated and has developed a faster tempo since those spacious days. The advent of the motor car in particular has brought an infinite variety of new problems affecting the law of negligence and contributory negligence that did not apply in the old horse and buggy or horse and waggon days.

Yet curiously enough the law still discusses these new problems in the archaic language of a bygone age. Yesterday one of the members of another place where this Bill was passed last week asked me the meaning of a *joint tort feasor*. I said that it literally meant one of two or more persons who had jointly or collectively done wrong. He then asked why the Bill did not contain that meaning. I replied that my definition was of too general a character and that in law the words had a more restricted meaning. He said that I should look up the correct definition and explain it to this House. Therefore in my office this morning I consulted Halsbury's *Laws of England*, Stroud's *Judicial Dictionary*, Roland Burrow's *Words and Phrases Judicially Noted*, Holmes' *The Common Law*, Charlesworth's *Negligence*, Leonard Bingham's *Motor Claims' Cases* and other textbooks on collision cases. All of them glibly refer to *tort feasors* and *joint tort feasors*, but none of them actually or specifically define these words. In the circumstances I can readily appreciate the viewpoint of the average layman who complains that in the second half of the twentieth century in both judicial decisions and Acts of Parliament the law still speaks on occasions in an archaic mumbo-jumbo language which few people understand and yet it still majestically proclaims that ignorance of the law by no means excuses.

The various legal textbooks also give somewhat different or differing definitions of *tort*. But perhaps the clearest definition is that the common law recognizes that, in addition to the duty of every citizen to obey the law, a duty is owed by every citizen to each one of his fellow citizens with whom he is brought into relationship so to exercise his own rights and perform his own duties, that he will not without legal excuse injure the legal rights of others. Every citizen whose legal rights are violated without legal excuse has a right of action against the person who violates them whether loss results from such violation or not. A person who commits such an act or breach of duty which is legally wrong as regards some other person is called a *tort feasor* and his misdoing is a tortious act. An action founded on tort is usually in substance for some act of negligence or breach of duty falling short of a crime or misdemeanour.

Negligence may be said to consist of a failure to exercise due care in a case in which a duty to take care exists. For example, there is a duty on the driver of a motor car to observe ordinary care or skill towards persons using the highway whom he could reasonably foresee as likely to be affected by his actions or conduct. This is a general duty imposed upon him by the common law quite apart from the specific duties imposed upon him by statute, for example, by the Road Traffic Act or by the Criminal Law Consolidation Act. Questions of negligence and contributory negligence are questions of fact to be decided by the court in accordance with the general rules of the common law where the statute law has not intervened and imposed specific rules or sanctions. The common law rules of contributory negligence have been described as follows:—

1. A, without fault of his own, is injured by the negligence of B. Then B is liable to A.

2. A, by his own fault, is injured by B, without fault of B. Then B is not liable to A.

3. A is injured by B. by the fault more or less of both combined. Then the following further distinctions have to be made:—

(*a*) If, notwithstanding B's negligence, A, with reasonable care could have avoided the injury, he cannot sue B.

(*b*) If, notwithstanding A's negligence, B with reasonable care could have avoided injuring A, then A can sue B.

(*c*) If there has been as much want of reasonable care on A's part as on B's part or, in other words, if the proximate cause of the injury is the want of reasonable care on both sides, A cannot sue B. In such a case A cannot with truth say that he has been injured by B's negligence. He can only with truth say that he has been injured by his own carelessness and B's negligence, and the two combined give no cause of action at common law.

It will be seen, therefore, that if the fault of each party contributed to an accident neither party could recover from the other (however little the one and however greatly the other was to blame) for the damage which was done, provided always that there was negligence on the part of both which to some appreciable extent could be said to be a cause of that damage.

But from time to time it has been asked, "Why in the case of collisions by motor vehicles on land cannot the damages be apportioned between the parties as they can be in the cases of collisions by ships at sea under the Maritime Conventions Act?" In 1937 the British Law Revision Committee was requested by the Lord High Chancellor to consider and report whether, and if so, in what respect the doctrine of contributory negligence required modification. The committee recommended that in cases where damage has been caused by the fault of two or more persons the tribunal trying the case shall apportion the liability in the degree in which each party is found to be in fault. In 1945 legislation was passed in England on the lines of the committee's report. This Bill copies the English Act with such modifications as are considered necessary to make it consistent with local Acts of Parliament.

Subclause (3) of clause 4 is the crux of the Bill. It provides that where a person suffers damage as a result partly of his own fault and partly of the fault of any other person, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damage recoverable shall be reduced to such extent as the Court thinks just and equitable having regard to the claimant's share in the responsibility for the damage. This legislation is long overdue and constitutes a highly desirable amendment of the law which will give substantial justice in a large number of cases. I support the second reading.

Mr. TEUSNER (Angas)—I compliment the member for Glenelg on his explicit statement of the law in this regard. The Bill applies what is known as the Admiralty Law with regard to the awarding of damages in collision cases. Under Admiralty jurisdiction the court in assessing damages in actions coming before it dealing with the collision of ships at sea applies the principle that the damage awarded shall be in proportion to the degree of negligence on either side. This Bill applies a similar principle. In the past it was impossible for the court to award any damages to a person who was guilty of contributory negligence as in, for example, a road accident. The person taking action was only able to recover full damages or none at all, depending on whether or not he was guilty of any negligence. We should not perpetuate a legal anachronism. Several years ago Parliament debated a Bill dealing with the doctrine of common employment. Until it was enacted it was impossible for an employee to recover damages in respect of an injury suffered by him as the result of negligence on the part of a fellow-employee. In such a case a man can now recover appropriate damages, whether his fellow-employee had been negligent or not. The doctrine of common employment was thrown on the scrap heap and that legal anachronism was rectified.

The Bill should be supported by all members because it has been drafted as a result of the experience of other countries. In 1937 the then Lord Chancellor of Great Britain was responsible for an investigation by the English Law Reform Committee into the question of contributory negligence. The committee consisted of 15 brilliant legal men, some of whom were members of the House of Lords, and they recommended that the rules adopted by the Admiralty Court in the apportioning of damages should be followed in the other courts. They also considered that the principle of the apportionment of damages applied by the Admiralty Court was fairer than that awarded under the common law applicable at the time. As mentioned by the member for Glenelg, the recommendations of that important committee

were given effect in England in 1945 by the passing of the Law Reform (Contributory Negligence) Act. This Bill should be supported, secondly, because similar legislation was passed in Western Australia in 1947. No doubt the measure was fully considered by the Western Australian Government before being introduced. Thirdly, the Minister of Works, in his second reading speech, said that there was a Bill before the Victorian Parliament on the same subject, and I have no doubt it will be passed. Fourthly, many Canadian Provinces have similar legislation. Fifthly, the Law Society of South Australia and the Australian Law Council have recommended that legislation similar to that operating in Great Britain should be introduced and passed by all Australian States. In 1950 the Australian Law Council appointed a committee of three eminent lawyers, one of whom was Mr. Bruce Ross, K.C., to investigate the position. The committee recommended that the English Act should be adopted with such modifications as were necessary in the various States of Australia. Finally, the Government has had the advice of Mr. Ross and the Crown Solicitor, so we have a Bill which should meet all requirements and which has been drafted as the result of the experience of other countries, particularly Great Britain. I whole-heartedly support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

HOSPITALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1293.)

Mr. FRANK WALSH (Goodwood)—The chief purpose of this Bill seems to be to consolidate certain sections of the Hospitals Act and the Road Traffic Act, with the object of benefiting the Government by about £25,000 a year. The great number of fast-moving vehicles on the roads, especially as the roads are not being widened and many of them have inadequate footpaths, will result in many accidents, placing further strain on hospital accommodation. If the sum of £25,000 were earmarked for the purpose it would greatly assist in building a suitable hospital for the treatment of persons injured in road accidents. Clause 3 amends certain sections of the Hospitals Act and requires the Commissioner of Police to furnish reports to the Director-General of Hospitals, but what will happen when an injured person is admitted to a private hospital? Will the hospital have to inform the Commissioner of Police of the accident and then await reports to be submitted to the Director-General? Another provision states that a hospital, whether Government or private, may give notice to the insurer that a person has received treatment. Many injured people must remain in hospital for a lengthy period, but paragraph (4) of proposed new section 53 limits the amount to be paid by the insurer to £100 for treatment as an in-patient and £25 for treatment as an out-patient. I hope the Minister will give more information about this provision, as it was not adequately explained in his second reading speech. Paragraph (5) limits the total liability, if the person has received treatment at more than one hospital to £125, but paragraph (4) stipulates a total payment of £100. Why is the amount limited? In view of present costs of hospital accommodation that amount would soon be exhausted. Can any portion of the £25,000 be used for the building of a hospital to cater for road accident patients? I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Re-enactment of Part VI. of Hospitals Act."

The Hon. C. S. HINCKS—I move to insert the following new subsection (4a) in new section 54—

(4a) If the person who has died or been bodily injured has received treatment at more than one hospital, and the total amount of the claims of those hospitals in respect of treatment afforded to that person exceeds one hundred and twenty-five pounds, the sum of one hundred and twenty-five pounds shall be divisible between the hospitals in proportion to the claims of the hospitals.

This amendment is in the nature of a drafting amendment. New section 53 provides, in effect, that an insurer is to meet a hospital claim of up to £125 and subsection (5) of new section 53 provides that where two or more hospitals have claims in respect of the same patient, and the total of those claims exceeds £125, the sum of £125 is to be divided among the hospitals in proportion to their claims. New section 54 provides for the recovery of hospital expenses from other than insurers and is intended to cover a case where the person liable is not covered by insurance. This section also provides that the liability to a hospital is not to

exceed £125. However, no provision is made in this new section to cover the case where two or more hospitals have claims which in total amount to more than £125. Obviously, provision similar to that made by subsection (5) of new section 53 should be made to provide for such a case and this is done by the amendment which inserts in new section 54 a subsection identical with subsection (5) of new section 53.

Mr. FRANK WALSH—If a person is admitted to a private hospital as the result of a road accident will that hospital have to notify the Commissioner of Police of the accident? If not, what procedure will be followed so that the Commissioner of Police can inform the Director-General of the accident?

The Hon. C. S. HINCKS—In his second reading speech the Premier said that clause 3 repeals Part VI. of the Hospitals Act and enacts new provisions in its stead, and that the provisions will apply both to Government and private hospitals.

Mr. WHITTLE—I can see no difference between the amendment and sub-section (5) of new section 53.

Mr. SHANNON—The amendment repeats the provision in new section 53 in relation to payments by the insurer to various hospitals which have dealt with the one patient. I think it is a desirable amendment.

New subsection inserted; clause as amended passed.

Remaining clause (clause 4) and title passed. Bill read a third time and passed.

CATTLE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1294.)

Mr. O'HALLORAN (Frome—Leader of the Opposition)—The Bill proposes a simple amendment and is comparable to much of the legislation passed during the present session, being designed to adjust the laws of our State to conform to upward changes in values which have taken place in recent years, particularly during the past 12 months. It is provided that the maximum compensation paid for cattle which have been condemned shall be increased from £30 a head to £60. I see no objection to that because the law provides that market values shall in all cases prevail. In any event, the fund is not a charge on the taxpayer or the resources of the State, but is contributed to by persons who sell cattle in the various markets of the State. I believe the stamp duty levied to provide the finances of the fund is three farthings in the pound. It is a form of self-insurance under which all owners make a contribution, and the fund is used to compensate owners whose stock may be condemned, thus resulting in a loss. I understand that at June 30 the balance in the fund amounted to £48,098. It is obvious that while the present high values for cattle prevail the fund will continue to increase at a much more rapid rate than it did some years ago. A year or two ago, I understand, the stamp duty levied was reduced from one penny to three farthings in the pound to provide for circumstances arising from the increased value of stock. Last year according to the Minister's statement, the fund benefited by more than £14,000, whereas payments amounted to £5,658. Therefore, even on that year's operations there was a substantial credit to the fund. It is estimated that the increased liability to the fund last year, had the proposed amendment been the law, would have been about £1,000. I see no objection to the Bill and support the second reading.

Mr. FLETCHER (Mount Gambier)—I am pleased to notice that the fund is in such a healthy condition. No-one would wish to see it unduly depleted, because there is always the possibility of an epidemic, which would cause serious inroads. As stated by the Leader of the Opposition, it is really an insurance fund built up by the stockowners themselves. Recently there was an outbreak of disease in the South-East and it could have been very serious. It took my memory back to 1939 when amendments to the Act were passed and it was then suggested that, on the introduction of stock into a district, a month's isolation would be sufficient. The recent outbreak I referred to proved the fallacy of such a short period of isolation and emphasized that there should be the greatest care on the introduction of stock from outside areas. Had the outbreak occurred in the dairying districts in the lower South-East it could have caused great expense, and the fund might have been depleted. With the high prices ruling for stock the demand on the fund will certainly increase. The Bill will provide a benefit to those who need it and I therefore support the second reading.

Mr. McLACHLAN (Victoria)—I commend the Government for increasing the benefits payable under the legislation. This legislation should be given a good deal more consideration because it is very important to cattle owners in the South-East. The member for Mount Gambier said that the last outbreak could

have been very serious. It could had it been neglected, but if natural precautions are taken pleuro-pneumonia is very easily controlled. I contend it is not nearly as infectious as many people would have us believe. The South-East is a dairying district and many people there have herds which have taken 30 years to put together and are valued very highly. It is only natural that they tend to panic if any disease comes into the locality which could affect their herds, but today we have a serum which can give immunity for 12 months to cattle inoculated with it. When it is realized that sheep are drenched four or five times a year and inoculated as a precaution against enterotoxaemia I suggest it would not take much trouble to inoculate 200 cattle in an afternoon so that we would have nothing to fear from pleuro-pneumonia for 12 months. It might be a good idea if the Government insisted that cattle brought into the South-East should be inoculated immediately on arrival. If that had been done this year pleuro-pneumonia might not have attacked our stock. I am certain that for the time being the trouble is over, but next year when the pastures become green many South-Eastern people will bring stock from Alice Springs and other areas where pleuro-pneumonia exists. Then the Government will have the responsibility to see that there is more uniformity with regard to conditions on the permit. If Government officials enforced these conditions to the letter it would be impossible to bring any cattle into the locality, but they have used common sense and looked at the matter broadly. I think they should be commended for that, because where there have been cattle pastured adjoining the paddocks owners have been told to erect buffer fences, but the inspectors have returned only once and have not policed the regulations as closely as they might have done. Consequently the task has been made easier for people bringing cattle down. Nevertheless, those people are conscious that they have infringed the law, and I think that before cattle are brought in next year the Government should say whether things should or should not be done in a certain way.

The Hon. Sir George Jenkins—You suggest that all people bringing cattle from the North should inoculate them before bringing them into a clean district?

Mr. McLACHLAN—That would minimize the risk considerably. I am not taking advantage of Parliamentary privilege to criticize any officer of the Stock Branch, because people in the South-East are willing to admit that both Mr. Kelly and Mr. Macindoe have been helpful and have co-operated in every possible way, but in one case cattle were infected and quarantined. The quarantine period is 90 days after the last outbreak. If infected before inoculation they are infected just the same and thereafter must be isolated. In this case the last beast that had the germ became infected and was destroyed. At the end of 90 days the owner had the opportunity to sell the beasts to a butcher for killing under supervision. As soon as that was done the risk of their infecting other cattle would be gone, but according to the regulations those cattle could not be shifted from the place until 90 days after the last infection, with the result that they are still there, and if they are infected the risk is also still there. The Minister might consider that point, because if any of them get infected from now on it will involve this fund in certain expense, whereas if they had been killed under supervision and consumed by the public, the risk would not have existed. The people who contribute to this fund are entitled to fair benefits. I support the second reading.

Mr. MICHAEL (Light)—I support the Bill, which has much to commend it because it deals with an insurance fund for a specific purpose. This fund was established only 12 years ago, and since then has accumulated a surplus of about £50,000—quite a substantial sum, which would be of very great assistance to South Australian cattle producers in the event of an outbreak of disease. During recent years stock prices have risen considerably and prices today are considerably in excess of what they were when the amount specified in the Act was fixed. It is proposed that the payment for cattle shall be increased to £60 per head without any provision for an increased charge on the producer. I commend the Government for its action, because I feel that the sum of £50,000 in hand is enough to give an ample safeguard against any disease which is likely to break out.

Bill read a second time and taken through its remaining stages.

MINING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1294.)

Mr. TAPPING (Semaphore)—I support the Bill. It is not contentious, but I believe certain comments should be made on it. As the

Treasurer told us in his second reading speech, its main purpose is to clarify section 125 of the principal Act, which was enacted in 1893. In that year revenue from leases and licences amounted to £1,403, and in 1950-51 revenue from royalties, rent, leases, licence fees, and gold treatment charges amounted to £75,333. These figures show that considerable progress has been made in mining in this State and reflect great credit on those charged with its administration, proving their desire to bring about greater improvements in mining operations. In 1950-51 £63,886 revenue was received from royalties and included revenue derived in respect of ore taken from the earth in various parts of the State. The fact that royalties are not mentioned in section 125 makes it difficult to interpret and administer. Further difficulties have been experienced because rents are payable quarterly whilst royalties are payable half-yearly. The Government might seriously consider providing that both rents and royalties are to be payable at the same time. Similar administration difficulties have been experienced in other matters because fees have been payable at different times. Parliament should do all it can to simplify the administration of Acts.

Mr. Whittle—Should rents and royalties be paid quarterly or half-yearly?

Mr. TAPPING—I think it is immaterial, but possibly every six months. At present the Minister must sue in his own name, and not in his official capacity, in any action to recover arrears of royalties or rents. The present provision could result in complications, and that is why the Government proposes an alteration. For instance, a change of Ministerial portfolios while an action was proceeding could be embarrassing. Further, I believe that in the near future the Labor Party will be in charge of the Treasury benches, necessitating a change of Ministers, so the Government has been wise in bringing down this measure. I have here a reprint of a gold licence issued to Peter Lalor. It was No. 206 and was dated October 8, 1853. It states:—

The bearer, Peter Lalor, having paid the sum of £2 on account of the general revenue of the Colony, I hereby license him to mine or dig for gold, or exercise and carry on any other trade or calling on such Crown lands within the Colony of Victoria as shall be assigned to him for these purposes by anyone duly authorized in that behalf. This licence to be in force until November 30 and no longer. —J. K. J. Hood, Commissioner.

Peter Lalor played an important part in mining activities in Victoria in the 1850's. He took part in the fight against the squatter movement, which repressed the miners. He eventually became a member of Parliament, a Minister of the Crown, and a Speaker of the Victorian Parliament. I support the Bill.

Mr. WHITTLE (Prospect)—The member for Semaphore should be commended for his research in connection with this Bill. However, I do not agree with his remarks about the payment of rents and royalties. Evidently he had not given much thought to the question of whether they should be paid quarterly or half-yearly. It seemed that uniformity was uppermost in his mind, but, lest it should be thought that the House supports his suggestion, I remind him that when the question of mining statistics was brought before the House last year the House did not agree that they should be lodged quarterly, and I am sure members hold the same view today. The question of statistics has an important bearing on when royalties and rents should be payable. In order to assess royalties the department must know what profit has been made. No-one can foresee the returns from mines worked with a view to winning precious metals, such as gold or opals. Tremendous risks must be taken by the miner, who may not even get sufficient to pay his keep. Obviously, the royalties should be assessed on the amount of profit that has accrued from the working of the mine. The profitable working of mines producing stone, salt or sand depends on good management. In these cases the royalty should be paid on a tonnage basis, irrespective of whether the lessee has made a profit or a loss. The Broken Hill Proprietary Company Limited pays royalties on this basis. Rents and royalties cannot be treated in the same way.

Bill read a second time and taken through its remaining stages.

PUBLIC SERVICE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1364.)

Mr. HUTCHENS (Hindmarsh)—Generally speaking, I support this Bill, but clause 5, giving the Public Service Board the power to direct employees to take time off in lieu of payment for overtime worked on a public holiday or week-end, has given me much concern, because much industrial legislation has been enacted to prohibit the operation of such a principle. About 25 years ago road transport worked under a similar provi-

sion. Then master carriers could direct their employees to take time off when overtime was worked. No public servant wants to work overtime at the direction of the of the Public Service Commissioner and then be allowed to take time off. If it is done it will have a bad effect on public servants. The penalty rate in industrial awards for overtime is time and a half, and if a public servant has to take time off that should be remembered, so if he works one day's overtime he should be allowed one and a half days off; if it is double time he should have two days off. This should come about as the result of an agreement between the employer and employee. I hope the Government will take note of what I have said.

Mr. DAVIS (Port Pirie)—I support the Bill in the main but object to clause 5 because it breaks down a principle which has been established by industrial tribunals. At one time railway men had to take time off during the current fortnight when they worked overtime. The Arbitration Court has now decided that when an employee works overtime he must be paid a penalty rate. If we believe in arbitration we should adopt the principles established by the Arbitration Court. I have been associated with the industrial movement practically all my life and I think the proposal in the Bill is a step in the wrong direction. It should be amended to provide that if an employee works overtime he should be paid the penalty rate set out in most awards.

Mr. STEPHENS (Port Adelaide)—I have had experience of employees being harshly treated under a provision similar to the one in clause 5. Under that clause any employee who works overtime on a public holiday or a week-end shall be given time off in consideration of that work. Because of such a principle we have had industrial trouble, and workers were driven from our wages board system into the Commonwealth Arbitration Court. At one time it was the practice for a master carrier to charge the firm for which he was carrying goods at night the normal hourly rate for each employee, plus an extra three shillings for overtime. After the employee had worked a number of hours overtime he had to take time off, but the master carrier retained the three shillings obtained from the firm and did not pay it to the employee. Because of this, Mr. Justice Gordon accused the master carriers of receiving money under false pretences, and such a thing could happen under the clause. Overtime is work performed over and above the ordinary working time and it should be paid for at the penalty rate. No public servant should be asked to work 10 hours on a public holiday or a Saturday or a Sunday and then be directed to take out 10 hours of his ordinary time. If the Government agrees to this principle, private employers will adopt it.

Mr. SHANNON (Onkaparinga)—I did not intend to speak on this Bill but I want to reply to remarks made by members opposite. Undoubtedly they were made under a misapprehension and without realizing the import of the matter.

Mr. O'Halloran—There is some doubt about the matter.

Mr. SHANNON—I do not think so. There is no attempt to over-ride any award which may apply to a public servant.

Mr. O'Halloran—That is so, but there is some element of doubt about conditions under which overtime worked can be taken out and I have asked the Premier to clear it up.

Mr. SHANNON—I understand a number of public servants are called upon to work beyond the ordinary working hours, frequently at night, and are then given time off during the week in order to catch up with their sleep. That is reasonable. As I understand my friends opposite, their main argument in favour of a 40-hour week was to enable the working man to enjoy some leisure. One clause in the Bill permits a man who because of his tasks is compelled to work unusual hours to apply for and secure time off in some other part of the week to offset that overtime. Members opposite are wrong when they suggest that an attempt will be made to avoid the payment of penalty rates applicable to the hours worked overtime. In exchange for the overtime worked the employee will be granted time off at some other period of the week. If an employee works two hours overtime and the penalty rate is time and a half he will be entitled to receive three hours off. There is no attempt under the Bill to side-step arbitration or the wages boards. The Leader of the Opposition raised the point whether employers or Government departments would be reasonable in directing the time that shall be taken off. That has to be left to the commonsense of the employer or department concerned. The smooth working of his department is the first concern of the man in charge and I should think that as far as practicable he would attempt to meet the wishes of those working under him.

Mr. Davis—Why leave it to chance?

Mr. SHANNON—I do not think the head of the department would order a man to take say, Friday off if he knew it would not suit him. However, someone must have authority to say when the time shall be taken off in lieu of overtime worked.

Mr. Stephens—Don't you think the employee should have some right to say when he should be off?

Mr. SHANNON—If we give the employee the right to elect when he shall have time off certain essential public services might be seriously embarrassed.

Mr. Stephens—Or else he should be paid for it.

Mr. SHANNON—That has always been a sore point with me. The introduction of the 40-hour week resulted in no more than an actual increase in wages. It was suggested that it was to enable them to enjoy more leisure time, but actually it resulted in an increased weekly wage. Mr. Stephens made it abundantly clear that he did not object to men working overtime provided they were paid time and a half or double time. If a man works only 40 hours a week he can produce only what that number of hours will produce. If he works four hours overtime at double time in effect he is being paid at the rate of 48 hours a week. That is how it works out in actual economics. My friends opposite now suggest that men should be able to receive extra pay, and thus increase the costs to the State.

Mr. Stephens—You are trying to misconstrue the position.

Mr. SHANNON—I am repeating exactly what the honourable member said. He said in effect, "Let them draw additional pay." In most Government departments there is a fluctuation in the demand on its services. I am not suggesting that they are unnecessarily overstaffed, but because of rush at certain periods a specified staff has to be carried. However, on certain days some of the staff are not fully employed. Is it not reasonable and sensible that the men should be asked to stand down during such slack periods to make up for overtime already worked?

Mr. Davis—You are going back to the Stone Age.

Mr. SHANNON—No, it is only commonsense. The men will get the full amount of time off to which they are entitled, and therefore they will suffer no penalty. The principle that this Bill seeks to apply cannot be applied freely in industries generally, as they have not the slacker periods during the week as in some Government departments. Although the shorter working week has in effect increased workers' wages, their costs of living have also been advanced. Instead of being the winners they are the losers, because they always have to wait some weeks while the increased costs are being assessed, and having had their wages increased, costs again go up and once more they are left lamenting. These additional charges on industries are not working in the best interests of the workers. Because a man is drawing, say, £9 a week he often thinks he is in a better position than when he received only £6, but I do not believe he is. One clause deals with the temporary employment of persons who have reached the age of retirement. If a proper assessment were made of the value of many of these employees it would reveal that they are just as good as, if not better than, they were 10 years ago. That argument leads to the difficult position which arises because certain young men who are looking for promotion are tied down. I do not think Australia has ever been so short of workers in all fields as it is today. I draw attention to an experiment carried out by a wealthy American who bought a farm estate on which he established elderly people. He made a rule that no one under 70 years could join in the community effort and some of the men were actually 85. Admittedly, none of them could do as much work as a virile young man. There are those who believe that a man should not be condemned to idleness and decay simply because he has reached 65 and I agree with that. I hope when I reach that age it will not be contended that the pole axe should be used on me. None of us likes looking forward to the day when he will be of no value to the community, but all hope and expect to be of some value as long as they live. In certain callings I believe that age and experience have a vital and useful part to play in our scheme of things. It would be worth while considering the continuation in office of any man whose physical condition, following an examination by a panel of doctors, indicated that he was still fit to work. I do not suggest that a man who is almost worn out should be kept in employment at the expense of a young man who is ready to take his place. A panel of doctors could decide whether a man was physically fit, and it would then be permissible for the department to retain his services at least until he was 70 years of age. Since the turn of the century the expectation of life has risen by about 12 years, yet the retiring age has not been changed since then. I do not

suggest that the retiring age should rise with the rise in the expectation of life, but I suggest a permissible increase up to an age not exceeding 70 years for those men physically fit to continue to perform their duties efficiently. I have known many men of 65, in various vocations, who look much younger than their age. My suggestion might help to alleviate our present manpower shortage, and if we ever have a surplus of manpower the retiring age of 65 could be restored. I support the second reading.

Mr. PATTINSON (Glenelg)—At this stage I propose to devote myself to a discussion of clause 5, because it has been discussed rather vehemently by some members of the Opposition. I agree with Mr. O'Halloran's interjection that there is some doubt about the policy of the board, but I refute entirely the extreme statements of the members for Port Adelaide, Port Pirie and Hindmarsh that there is something sinister behind the clause, as it cannot be discussed properly unless it is read in conjunction with section 32a of the principal Act, which it amends. That section gives the board certain powers, including the power to fix overtime allowances for certain persons, but no specific power to allow public servants time off to compensate them for overtime if they desire it. In his second reading speech the Premier said:—

With respect to overtime, the present law provides that the Public Service Board can only compensate an officer for overtime work by a monetary allowance. In some cases, however, officers and departments prefer that compensation for overtime should take the form of time off rather than a monetary allowance, but the board cannot make an award to this effect at present. It is proposed to give the board power to award time off as compensation for overtime.

That statement is quite correct. Under section 32a as amended by clause 5 the board may—

(*cl*) direct that any person employed under this Act who works overtime or on public holidays or week-ends shall be given time off in consideration of such work.

I think some members are confused by the word "shall" in that paragraph, but it is governed by the word "may" in the principal Act, which simply means that the board may direct that any person who works overtime shall be given time off. The board will be given the power which it does not now possess to direct that a person shall be given the opportunity of taking time off in lieu of extra salary.

Mr. Stephens—Even under that clause could not employees be worked for four hours overtime and given four hours off in ordinary time?

Mr. PATTINSON—Possibly.

Mr. Stephens—That is our ojection.

Mr. PATTINSON—I know some public servants who believe in a 40-hour week and who necessarily would rather have a little leisure to compensate them for extra hours worked than the additional money. One weakness of our industrial life and life generally in Australia is that we pay too much regard to the alleged benefits of time off at the week-end. I have never objected to a 40-hour week; in fact, in the many years I have been carrying on my own business my staff have been on a 37-hour week and I have had no cause to complain of any lack of efficiency on their part.

Mr. Hutchens—I suggest that efficient management has made that possible.

Mr. PATTINSON—It is the five-day week rather than the shorter hours which has been conducive to efficiency. Many people think that the Commonwealth Arbitration Court introduced something entirely novel and revolutionary in its 40-hour week judgment, whereas that working week has operated for a long time in America, a country having the highest degree of productivity in the world. In that country, however, not such a high regard is had for week-end work, and hundreds of thousands of men in various vocations work around the whole week. One week they may work on Saturday and Sunday and the next week take Thursday or Friday off in lieu thereof.

Mr. Davis—They work on a roster, as do hundreds of men in Port Pirie today.

Mr. PATTINSON—That may be so, but I suggest it would be beneficial if that practice were adopted more universally throughout Australia.

Mr. Moir—It cannot be done in every industry.

Mr. PATTINSON—I agree, but I cannot see any great virtue in paying a man more for working on Saturday than for working on, say, Monday or Thursday. If we could reorientate our views in that direction our industrial life and our general outlook would be given a tremendous impetus.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

TRAVELLING STOCK RESERVE: NORTHERN AREAS.

Adjourned debate on the motion of the Minister of Lands—

That it is desirable that the travelling stock reserve running north from Willochra through the hundreds of Boolcunda, Kanyaka, and Barndioota to Hookina, containing an area of 4,370 acres approximately as shown on the plan laid before Parliament on the 27th June, 1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

(Continued from November 15. Page 1305.)

The Hon. C. S. HINCKS (Minister of Lands)—When this matter was last before the House the Leader of the Opposition asked whether the stock route would be of benefit in the event of an alteration to the route of the north-south railway line. I promised I would examine the point and have received a report from the Pastoral Board which states:—

The travelling stock route in question was intended to serve the needs of those pastoral interests lying between the north-south line and Lake Torrens. Owing to the roughness of much of this route, and to the treacherous nature of some of the creek crossings which renders the passage of stock a hazardous and in some cases an impossible venture, this travelling stock route has become entirely unused for the purpose for which it was created. The limited movements of stock from these areas are adequately catered for by the three-chain road which runs almost parallel to the east. Those settlers adjacent to the present line and farther to the east are served by the twenty-chain travelling stock route running north from Orroroo through Carrieton and Cradock and passing within three miles of Brachina railway siding. These settlers who wish to move stock by road will consequently continue to use this latter travelling stock route irrespective of the eventual disposition of the north-south line.

Motion carried.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 1. Page 1080.)

Mr. O'HALLORAN (Frome—Leader of the Opposition)—This Bill was received from the Legislative Council, where it was debated fully. At least one of the objections I had to the original Bill has been removed, namely, the compulsory treatment of people known to be suffering from tuberculosis. "Treatment" has a wide meaning and even experimental or exploratory attention would be covered. The Bill is a consequence, perhaps the final consequence, of the drive initiated by the Federal Labor Government of a few years ago to encourage a campaign against tuberculosis. The seriousness of this disease, especially in view of continued overcrowding and a rapidly-increasing population, is acknowledged. The efforts of the Chifley Government were designed to assist the States because they have departments of health to handle the control and treatment of diseases of this nature. The Commonwealth granted considerable financial assistance and also substantially amended its social service legislation to provide a much more generous scale of pensions or sustenance allowances for infected persons than was provided for any other group eligible for assistance under the social services scheme. As a result, many of the difficulties encountered in getting people to submit to treatment, which resulted from their sheer inability to afford it, have been overcome. Many people postponed seeking proper diagnosis because of the dire consequences to their families if they were found to be sufferers. Those disabilities have been removed and I think great benefits will ensue. The overcrowding so prevalent today, particularly because of the dearth of adequate housing accommodation, cannot be rectified overnight, but it must be in the near future if the scourge of tuberculosis is to be eliminated from South Australia.

The Bill is chiefly concerned with the protection of the public from the spread of the disease through the habits of sufferers and therefore provides for the detention of persons likely to infect others. The means of achieving this end are firstly the compulsory preliminary examination by X-ray, etc., of all persons. This general survey is to be supplemented by a specific examination of groups of persons calculated to be susceptible, persons living in a particular locality, and persons of a particular nationality, etc. The second method is the compulsory subsequent examination of all persons whose preliminary examination has established a suspicion that they are suffering from tuberculosis, and the third is the detention of sufferers. We were told by the Minister in his second reading speech that other States have passed or are contemplating passing similar legislation, and that if South Australia does not pass the Bill or establish the principle of compulsory examination sufferers in other States will be induced to migrate to South Australia. According to my information, other States have not passed similar legislation and New South Wales, the most populous State, whose borders are contiguous to South Australia, is not at present

even contemplating doing so. Therefore, it is not a valid argument that we should pass this Bill because other States are doing so.

I give my whole-hearted support to many of its provisions, but there are some to which I strongly object. The compulsory preliminary examination is justifiable so long as it is confined to persons who are known to be sufferers or reasonably suspect, and where the suspicion emanates from an authoritative source. In Committee I will move an amendment to the effect that the suspicion of the Director-General of Public Health, to be sufficient to call such people up for examination, must be soundly based. Under the Act it is obligatory on medical practitioners who are treating persons suffering from tuberculosis or who on examination find a patient is suffering from it to notify the Central Board of Health. Here is an opportunity to acquire knowledge not based on suspicion, but on fact.

Mr. Whittle—Must he notify the Central Board of Health or the local board?

Mr. O'HALLORAN—I think the Central Board.

Sitting suspended from 6 till 7.30 p.m.

Mr. O'HALLORAN—Section 146e provides for a general X-ray of various classes of persons. In fact, it could be applied to every person in the State. Under the section any group or class of persons, persons of a certain race, or persons living in any locality may be requested to submit themselves to an X-ray examination of the chest. If they fail to do it, more than adequate penalties are provided. I do not agree with this because it cuts across certain principles of human freedom which in the past we have held to be sacred. We have interfered with the rights of individuals in order to safeguard themselves and the community in certain aspects. Much of our legislation has that objective in view, but before we give Parliament this sweeping power we should satisfy ourselves that the voluntary system has failed. At present we have plant and trained experts travelling through all parts of the State to give people the opportunity to have a chest X-ray examination to determine whether or not there should be a more detailed examination. We should give this voluntary system a greater opportunity to prove its efficiency or otherwise before we subject the community to the all embracing powers in this portion of the Bill. In another place it was said that it may be necessary to subject migrants to the examination, but if this is a valid argument the Commonwealth authorities have failed lamentably in their duties because we have been told again and again that the migrants are screened for health and other reasons before being allowed to enter Australia. This is not a sound argument after our big migration scheme has been in operation for only a few years. From time to time I have heard accusations levelled at members on this side by Government supporters that it was our desire to push people around. I recollect the criticism which was levelled at Labor Governments led by the late Mr. Curtin and the late Mr. Chifley during the war period, when, to ensure that the life of the Australian nation should continue and that we should retain all that we held dear, individual rights had to be subjected to the rights of the community. We were told that many of the powers sought were not necessary, yet in peace time the Party which criticized the Labor Governments are doing the same thing under this Bill.

Very substantial penalties can be imposed on people who fail to submit themselves for an *X*-ray examination. There is no suggestion of compensation for the expense incurred in travelling to the place of examination, or for the disturbance caused to business activities or normal life. Even in the interests of public health, and I do not forget the danger to the community by the spreading of this dread disease, the powers sought in this part of the Bill are too wide. We should give the voluntary system a longer trial. The opinion of the community in regard to tuberculosis has changed in recent years. One reason is that those who formerly dreaded the disease being diagnosed as such, because of the impact on the homelife and the earning capacity are no longer in such dread because of the more adequate social services provided. The growing consciousness of the community, which has been fostered by the voluntary chest examination and the provision of adequate facilities, has caused people to acquire a changed outlook on the disease and therefore the need for compulsion no longer exists. The proposed penalties are too severe and in Committee I shall move for their being reduced to approximate those provided in other legislation. The notice to attend for an X-ray examination is not sufficiently long. In another place an attempt was made to extend the notice period, and as a result it was extended to 14 days, but in many parts of the State 14 days is not an adequate notice. In the other place the matter of compensation was mentioned but

the Minister handling the Bill adroitly confined the matter to the payment of pensions to sufferers. With these qualifications I support the Bill because it is an implementation of a policy adopted by a Commonwealth Labor Government about three years ago to assist the States in a campaign to control tuberculosis. The provisions, whereby the Director-General acts on information from the Central Board of Health, are adequate to learn who are the known sufferers. Those providing for compulsory detention represent interference with individual freedom, which can be justified only on extreme grounds, but I am willing to accept that in the general interests of the community so that those who are known to be sufferers from the disease may be confined in an institution to receive treatment, which will not only prevent the spread of the disease but frequently be responsible for a complete cure.

Mr. SHANNON (Onkaparinga)—I do not know why people are so much concerned for the liberty of the individual when he fails to co-operate with the authorities in an attempt to eradicate tuberculosis—and according to medical men it can be eradicated. Some people have been called cranks because they have fought for this object. Not many years ago we heard much about a disease which is as contagious as tuberculosis, and perhaps, in its insidious way, more harmful to public health. I refer to venereal disease. In 1947 a very stringent law was enacted dealing with the control of venereal disease. The Department of Health was given power to arrest a person suspected of having the disease, and to examine and treat him. The standard penalty under various sections was £50, but where a person knowingly transmitted the disease to another party the penalty was £50 or imprisonment for six months or both. That legislation has virtually cleared up this social menace. In effect the Bill before us is a voluntary measure. If a person, after examination, is found to be suffering from tuberculosis and cannot be convinced that it is wise that he should undergo treatment, how shall we get rid of the disease?

Mr. O'Halloran—Seeing that people will be subject to compulsory detention they will submit themselves to curative treatment.

Mr. SHANNON—The man who has to be compulsorily detained is the one we are always up against. The few that this Bill is aimed at—the non-co-operators—

Mr. O'Halloran—I do not object to that section of the Bill.

Mr. SHANNON—If a man who has been treated for six months but not completely cured is let loose among society will that help to clean up tuberculosis in the community? In the debates in this House and the Legislative Council too much stress has been placed upon the compulsory clauses of the Bill and not enough upon the need for compulsion against certain types of individuals. There is no way I know, except by the application of law, to ever get some people examined. An experiment was conducted by 10 doctors in examining the health of children living in the Adelaide hills. There was no treatment. By regular report the doctors gave parents a clear picture of the health of the children. Some acted upon the advice, whereas others only partly followed it. Frequently they omitted to carry out a recommendation, particularly in relation to eyesight. The recommendation that children should get glasses was almost universally side-tracked, the view apparently being taken that the child could get them himself when older. That was an obvious example of the lack of co-operation by the parents. There were more than 3,500 children under survey. When one finds reluctance by parents to accept responsibility for their children's health as I have indicated, is it not obvious a small percentage of people will refuse to co-operate with the authorities in handling the scourge of tuberculosis? I do not know whether members have had any first-hand experience with the more modern approach to this disease. Surgical intervention is a common thing for certain types of tuberculosis. It is not only a lung complaint, but attacks every part of the body and in various forms. Lobectory is now practised on certain types of lung infection and has proved a tremendous success. We have had examples of chest surgery which apparently have proved successful, but many people have an abhorrence of the operating table. Modern methods are now employed for the prevention of infection after an operation. Infection was one of the main causes of death in surgical cases, but the practice of asepsis now applied in all such cases has cut down fatalities to a small figure, and now major operations are conducted with the greatest confidence by the operator without fear of the outcome.

I consider a long period will be necessary to educate the people to undertake the proper cure of the form of disease that has attacked them. That will be the position the community will face of this Bill becomes

law. It will do little more than disclose the facts as to the existence of tuberculosis. I for one feel that a long period of intensive campaigning will be necessary to interest people in the fight against tuberculosis because we have not yet reached the stage at which we can tell them they must be treated. I think that is the right thing to do with this complaint, but if there is to be treatment the breadwinner must be assisted with an allowance sufficient to keep this family while he is undergoing such treatment and until such time as he can return to his work. These two things are concomitant in the treatment of this disease. The patient must be immobilized. If he does not accept the doctor's advice and take rest he will never be cured. In some cases this may extend over a period of 12 months before he can start to do even little things—but not enough to earn a living. If the patient is prepared to co-operate with his medical adviser there is not a case which cannot be alleviated, even if not absolutely cured. In some instances a cure is almost impossible because the disease has advanced too far before treatment was sought. Surely it is a worth-while objective to seek the co-operation of those people who apparently do not appreciate that they are under a serious disability from infection, thereby being a risk to the health of the community, and get them to undergo treatment. A person who visits a restaurant or hotel for a meal, or even has a cool drink can easily get a tuberculosis germ, but fortunately the powers of resistance of the average man or woman are sufficient to overcome a small inoculation. However, those who are in the right condition to become infected, such as a person who is tired and run down, take the risk of the germ getting a hold and gradually doing its fatal work if the disease is not attended to. For those reasons I feel that the approach being made to this problem is but a first step.

I shall support the Bill because I favour any step forward. Perhaps the public is not prepared at present to go any further than is proposed by the Bill. It seems that the man and woman in the street must be scared into doing what in their view is irrational or smacks of compulsion. I still feel there is a body of opinion to any form of compulsion. When the Bill dealing with venereal disease was before Parliament there was a body of opinion strongly opposed to compulsory treatment. The opinion was held that all that was necessary was the setting up of clinics and people would then voluntarily attend them, but although a clinic was established at Kintore Avenue many people who were known to be suffering from the disease never visited it for treatment. Speaking not from a medical point of view but from my lay experience in this matter I suggest there will be many non-co-operators who will cause damage if they happen to be infected with tuberculosis, for the fact that they are not willing to be treated is a fair indication that they have very litle regard for their fellow citizens. For those reasons I look at this Bill as a first step on the road to wiping out this disease which is one which can be entirely eliminated. Some controllable diseases have taken a great toll of the population throughout the ages, and since the turn of the century such measures as this have played a big part in adding to life expectancy. If we could ensure that our people do not die from preventable diseases we could probably add another five or 10 years to their expectation of life.

Mr. STEPHENS (Port Adelaide)—I support the Bill and regret that it was not introduced many years ago. Had this been done many lives would have been saved, because we know, particularly from reports of medical practitioners, that tuberculosis can be cured if caught in time and if proper attention is given. Most of us do not like compelling people to do things, but it is in the interests of the people of this State that sufferers should receive compulsory treatment. Legislation providing for compulsion has been passed in regard to much less serious diseases, and children suffering from whooping cough, diphtheria, or other complaints must be kept isolated for some time. When there was a pneumonic plague in South Australia my family was interned in the Exhibition Building with many others, yet so far we have allowed tuberculosis to go unchecked. The disease must be controlled not only for the benefit of the sufferer but for the sake of others, because it is so easily spread. A young man afflicted with the disease may have a cup of tea at a restaurant or a glass of beer at an hotel and be the cause of other people catching it. Some hotels merely sluice glasses with water and the germs may remain on the towel, which is used to dry other drinking vessels. Many well-known athletes have contracted tuberculosis. Some that we have cheered on the Adelaide Oval have been patients at Kalyra within 12 months. My father, son and daughter died from this disease, and I know that it was spread in my district through carelessness. A sufferer next door to me used

to sleep on the verandah and expectorate on the lawn where little children often played. Another sufferer living in the same street used to vomit in the street. Some lads contracted tuberculosis and with young boys would drink out of the same bottle. If it is right to control other diseases it is only right that we should control tuberculosis. The Bill should receive the support of every member. Dr. Darcy Cowan told me some time ago that a healthy man could contract the disease from a person walking in front of him spitting on the ground. Many people are afraid to go to their medical advisers, as they do not want others to know that they have the disease, and try to hide it. They fear that if it becomes known they will lose their employment.

Mr. Shannon dealt with the question of compensation. New Zealand has compulsory notification of tuberculosis and I think the provisions of its legislation are more severe than those proposed under the Bill. New Zealand also provides that if a man has the disease he is placed in the same category as a workman under the Workmen's Compensation Act who receives compensation for injury. If doctors declare that a man is suffering from tuberculosis he has no fear that his wife and family will suffer through his inability to earn sufficient to keep them. He receives compensation payments and in the event of death his family receive the same amount as is provided for workmen under the Workmen's Compensation Act. Moreover, there is an educational body which informs people how to prevent the disease. A moving picture van travels around the districts showing films on how to prevent, treat and cure the disease. Apart from that voluntary assistance is sought from every citizen. The compulsory provisions in the Bill will doubtless be the most debatable. It is our young people to whom we want to look more than the older ones.

Mr. Shannon—It is the older ones who cause the infection.

Mr. STEPHENS—I agree; any person can infect another. Older people may have tuberculosis and yet be totally unconscious of the fact. I do not say that we could prevent its spread in three or four years, but we could in a short period. It is useless for South Australia to fight it if other States refuse to do so; it should be a Commonwealth matter; but if we can give a lead we will be doing a good job. The Bill should have been brought before members much earlier in the session. I want to see it passed and become law. This appears to be a case where force will have to be used to educate these unfortunates. There are several small alterations to the Bill which I shall support when it is in Committee.

Mr. PEARSON (Flinders)—It is obvious that the Bill will receive the general support of members because its objects are excellent, aiming as it does to eradicate a scourge which has existed amongst white races throughout the world for generations. Mr. Stephens mentioned certain instances of which he is painfully aware, and doubtless other members can cite similar cases. We go to great lengths to eliminate from the community certain risks which have appeared from time to time. It would appear from the tenor of the debate that the general principles of the Bill will have ample support, except the compulsory clauses.

Mr. O'Halloran—Not all of them.

Mr. PEARSON—The principle of telling a person to do something is most carefully investigated before being put into practice in any democratic community. I agree that it is not proper to hastily concur in proposals of this nature, and we should satisfy ourselves that there are sound grounds for their inclusion. I remind members that all kinds of things are done by people to provide against certain risks. Thousands take out life and accident insurance policies, and go to much trouble in providing curative treatment for people affected with this disease. We spend a lot of money on sanatoria and similar institutions, and on infant welfare, and have reduced infant mortality to an almost negligible figure. We have built up an almost State-wide organization in the treatment of many childish diseases, resulting in great benefit to the community at large. We have adopted safety laws for the control of traffic. We go to considerable lengths in our legislation on community life to eliminate wastage of human life. The Bill before us is another step along that road.

It is probable that much discussion will centre around the compulsory clauses of the Bill. Let me refer to the life of servicemen. Those of us who have experienced service life appreciate the methods adopted to prevent and eliminate the occurrence and spread of diseases which might tend to make a person unfit for active service life. We were subjected to rigid medical examination in every service and had to be available at all times for such examinations. Men were subjected to numerous injections aimed at preventing various diseases, and

by the time a person had completed his training for service life he had been punctured by needles for this and needles for that. Some nations, particularly the U.S.A., went to much greater lengths than we did in the vaccination and immunization of men against possible troubles they might develop in service life. All these things did much good and bring home to us the truth of the old adage, "Prevention is better than cure." It is unfortunate to have to spend large sums of money in curing those who are infected with the disease when, according to the advice of those qualified to give it, we could eliminate the disease in a single generation.

A good deal has been said about the freedom of the individual; we have heard much about it in the last six months throughout the Commonwealth and, of course, we should preserve, with all the powers we have, the freedom of the individual, but I sometimes wonder if we have rather a warped view of this expression that is sometimes so loosely used. After all whose freedom do we endeavour to preserve in a democratic community? Is it the freedom of an individual to become a nuisance to others? Is it the freedom of the individual to run berserk through the streets of the city to the danger of human life and property; the freedom of the individual to enter upon premises improperly, or to do other things detrimental to the interests of the community? Obviously not, and that principle might be applied to this legislation. The freedom we seek to preserve is the freedom of the greatest number for the greatest good, and I am quite sure that it is not an abrogation of the principle of freedom of the individual which this Bill introduces. Rather is it a furtherance of that larger freedom which we, in our way of life, seek to continue. That is my view as to the right approach to this legislation. I dislike having to compel people to do anything; it would be much better if they would do it without compulsion, but, human nature being what it is, that will not always occur. Therefore, having in mind the greater freedom of the community at large, and in particular of the growing generation of young men and, in connection with tuberculosis, young women particularly, for the purpose of eliminating this scourge from our community this Bill should receive universal support. I have much pleasure in supporting the second reading.

Mr. FRANK WALSH (Goodwood)—I support the second reading in general, but not necessarily in detail, for there are certain provisions which will certainly meet with my opposition. I believe that this Bill was founded for the purpose of preventing certain known diseases in people who, for various reasons, may desire to avoid hospital treatment. I recall the remarks I made in 1946 when I tried to prevail upon this Government to provide for the detention of persons suffering from a particular complaint, and emphasized the desirability of compelling them to continue with their treatment in order to restore them to full citizenship. On page 98 of *Hansard* I am recorded as saying:—

A detention chalet should be provided at Bedford Park to deal with certain patients who break the disciplinary regulations. Such patients should be brought before a magistrate who could be guided by evidence submitted by the medical superintendent.

It is quite understandable that a person who has been notified that he has a certain complaint should try to drown his sorrows when he has a few hours off towards the end of the week, but what of the upset they cause to the nursing staff and the general conduct of the hospital? Eventually they are discharged because they are almost uncontrollable. They reach the city probably still on a bender and soon find themselves in the Adelaide Gaol. The gaol authorities communicate with the Royal Adelaide Hospital which then admits them into the chest clinic from where they go either to Bedford Park or Morris hospitals. Thus they return to the institution from which they came and the whole process is probably repeated again, with recurrent hardships to the nursing staff. This Bill sets out to detain persons "If the Director-General suspects" they are suffering from tuberculosis. We should not have to deal with suspects for I believe that much could have been done to prevent their illness had the Government given serious consideration to the remarks I made in 1946 and thus obviated the necessity for the introduction of this Bill and its compulsory provisions.

Mr. Shannon—Didn't the honourable member recommend compulsory treatment?

Mr. FRANK WALSH—I recommend that a detention chalet should be provided at Bedford Park and other sanatoria where persons are being treated for tuberculosis.

Mr. Shannon—Would you detain them without compulsion?

Mr. FRANK WALSH—No. My idea was that if they were charged on the evidence of the medical superintendent they should go before a magistrate who should hear all the available evidence. I had to explain the situa-

tion to the patients then at Bedford Park, and those who were not bed patients eventually agreed with what I desired to do, namely, that a person should continue with his treatment in order to restore him to normal citizenship. Mr. Pearson referred to ex-servicemen who may be sufferers from this disease, so obviously we are dealing, not only with civilians, but must consider ex-servicemen, who have their own problems. There is no guarantee that an ex-serviceman will remain in hospital or an institution to have the desired treatment. I advocated years ago that the first thing towards restoring a person to health was to relieve him of financial responsibility and worry. Our national Governments have indicated how desirable it is to make such provision and the Leader of the Opposition has indicated the amounts which are payable to patients. I should hate to think that we would return to the conditions of 1941 when a married man with family, when admitted to Bedford Park Hospital, received 21s. a week as a pension and paid back to the Government 15s. a week for his upkeep. The benefits available today have a marked effect upon the attitude of patients towards undergoing treatment.

I commend institutions like Bedford Industries and the efforts of those who have had treatment and desire to return to normal industry, but there is need for further provision for those who resume normal employment, for they have to compete with people who have never suffered ill-health; there should be some provision for ex-patients who may easily become fatigued and unable to keep up with the pace of healthy workmates. I believe there is a general desire to have a healthy community, but, despite what this Bill offers, there will still be a need for some protection for people who, for certain reasons, feel they are compelled to avoid going to hospital. We must give special attention to this matter. I am opposed to new section 146e. Under section 146f a person can be detained for treatment for tuberculosis for a period not exceeding six months, by the order of a special magistrate. No mention is made of the hospital at which that person can be detained. If a sufferer from tuberculosis does not accept the ex-serviceman's privileges to which he may be entitled, will he come within the ambition of this section, With these remarks I support the second reading, but in Committee I shall seek an explanation of several matters.

Mr. QUIRKE secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

The Hon. M. McINTOSH, having obtained leave, introduced a Bill for an Act to amend the Local Government Act, 1934-1949. Read a first time.

Later,

Second reading.

The Hon. Sir George Jenkins for the Hon. M. McINTOSH (Minister of Local Government)—A Parliamentary session without a Local Government Bill would be unusual, and it seems to me that almost before leave is granted to introduce one Bill another is in the course of preparation because of requests from local government bodies and associations owing to some real defect or imaginary defect in the existing legislation. Therefore I make no apology on behalf of the Minister of Local Government for bringing this Bill before the House tonight. My only purpose in doing so is to explain the Bill to members so that they may deal with it this session.

Its purpose is to make a number of amendments to the Local Government Act, almost all of which arise out of suggestions for amendment which have been made from time to time by various local government organizations and which have been recommended by the Local Government Advisory Committee. As is customary with Bills amending the Local Government Act, the Bill deals with many different topics of varying degrees of importance and it is therefore desirable to consider the clauses seriatim. Section 49 of the Act now provides that a district council is to consist of not less than five nor more than ten councillors. As regards municipal corporations, the section provides for a minimum of five members but no limit is placed on the maximum.

Clause 2 removes the maximum limit imposed on the membership of district councils. The case of the District Council of Loxton has brought to notice the need for this amendment. This council now consists of ten members but the creation of an extensive irrigation area at Loxton has brought about the need for increased representation on the council and the council has suggested that this be done by the creation of a new ward leaving the representation of the existing wards unchanged. Any change of this kind must, of course, be done by proclamation and this must have the approval of Executive Council.

Clause 3 deals with the case where a councillor or alderman whose term of office does not expire for another year resigns from the council in order to contest the mayoralty or, in the case of a councillor resigning, an aldermanic vacancy. The Act now provides that nomination day for the annual election is the second Saturday in May. Thus it follows that a member of a council desiring to seek higher office in the council must resign at least in May. It is the practice of councils not to fill a vacancy so created until the annual election in July so that the ward which the councillor represents is not fully represented during the intervening period. Another circumstance is that, if the councillor is elected as mayor or alderman, he has a gap in his service in the council of some months which is obviously undesirable. Clause 3 therefore provides that where a member of a council resigns for the purpose of nominating for a superior office and he, in fact, so nominates he shall be deemed to continue in office until the vacancy created by his resignation is filled. That would, in the normal circumstances, be at the annual elections in July.

The Act now provides that where a councillor is a ratepayer and he wishes to appeal against his assessment he cannot appeal to the assessment revision committee of the council but must appeal direct to the local court. The reasons for this provision are obvious. However, no provision is made where a councillor is a joint tenant or tenant in common with another and it is provided by clause 4 that in such circumstances any person who holds land jointly with a councillor and who wishes to appeal against an assessment must also appeal direct to the local court. Clause 5 makes amendments to the Act consequential upon the amendments proposed by clause 4. Clause 6 also deals with appeals to the local court. There is some doubt at present whether on proceedings in an appeal the local court has power, under section 25 of the Local Courts Act, to make an order for discovery or inspection of documents or as to other matters which the court has power to make in ordinary proceedings before a local court. The clause makes it clear that the court has such power. Section 233a of the Act now provides that a district council may impose on any property a minimum rate not exceeding 2s. 6d. Municipal corporations have a similar power but the maximum amount in that case is fixed at 10s. The purpose of this provision is to provide that a council may, if it thinks fit, fix a minimum rate which will be sufficient to meet the costs incurred in making the assessment, issuing rate notices and so on. It is proposed by clause 7 to increase this maximum, in the case of districts, from 2s. 6d. to 5s. The 2s. 6d. maximum was fixed in 1938 and it is obvious that the operating expenses of councils have increased substantially since that time.

Clause 8 deals with the rating powers of councils and is one of the most important clauses. Councils in common with others, are finding that their costs are rising and that the rates must, in many cases, be increased to meet the increased cost. A request has been received from various associations for a general increase in the rating power of councils. It is proposed by clause 8 to increase the rating powers of councils which assess under the annual values system by 1s. in the pound, which will mean that the maximum general rate of municipal corporations will be increased from 4s. to 5s., and in the case of district councils from 3s. to 4s. In the case of both municipal and district councils which assess under the land values system it is proposed to increase the maximum general rate from 1s. 4d. to 1s. 8d. in the pound. In general, a rate of 1s. in the pound under annual values is the equivalent of a rate of 4d. under land values so that the proposals in the clause provide for the same general increase in rating power for all classes of councils. In instances, councils will need to use this extra rating power while in others it will be unnecessary so to do, but it is obvious that the powers of councils must be such that they can raise such rate revenue as the council considers necessary to carry out its operations.

Section 287 of the Act sets out the purposes for which a council may expend its revenue. It is proposed by clause 9 to empower a council to expend revenue for purposes associated with the visit to the State of His Majesty or any member of the Royal family. In addition, the clause provides that a council may subscribe to any local government organization or any other organization having as its object the development of any part of the State in which the area of the council is situated. The provisions of this clause apply both to municipal councils and district councils. Clause 10 deals with the powers of district councils to expend their revenue. It is provided that a district council may provide a salary or subsidy for a registered dentist practising in the district. District councils already have a similar power with respect to medical practitioners.

Section 319 of the Act deals with the powers of councils to recover from the owners of property abutting on streets and roads a proportion of the cost of roadmaking. At the present time a council can recover up to 5s. a foot from the owners of abutting property, that is, a council can recover from the owners on both sides of the street, a total of 10s. per running foot towards the cost of roadmaking. This amount of 5s. was fixed in 1948 since which time costs generally have increased substantially. It is proposed, therefore, by clause 11 that the contribution which can be required by councils will be increased from 5s. to 7s. The clause also deals with another matter. It is often the practice for a council to cut and form a new road and then put a temporary surface such as cinders on the road. It is frequently at this stage that the utility service such as the Engineering and Water Supply Department and the Gas Company place mains in the street. After this work is done and the excavations have consolidated the council will pave the street with a permanent material. It has been contended on occasions that if a council places cinders or other similar material on a road surface, it has paved the street and therefore cannot recover the cost of any subsequent paving when that is carried out. It is proposed by clause 11 to provide that, where a council is satisfied that the work in question is not of a permanent nature, it need not require a contribution from the adjoining owners for that work and that work will not preclude the council from recovering for the permanent work carried out at a later stage. In order to amplify this provision it is also provided that if a roadway is paved with any material other than concrete, bitumen, tar or asphalt, and is subsequently paved with one of those materials, then the paving of the roadway to the extent that it was not carried out in that material shall be deemed not to have been previously carried out. The purpose of the section at present is that a council can recover the road moiety where work has not been previously carried out and the intention of the amendments in the clause is to make it plain that work of a temporary nature, so long as that work is not charged for, will not preclude the council from doing the work in a proper manner at a later stage and recovering for the permanent job so done to the limits provided by the section.

Section 322 of the Act authorizes the surveyor of a municipal council to barricade a street when repair work is in progress. The purpose of clause 12 is to provide that any other officer of the council authorized by it for the purpose may also erect these barricades as the surveyor is frequently not available to do this necessary work. Section 328 of the Act deals with the right of a council to recover the cost of making footpaths and provides that an amount of 1s. per foot may be recovered from the owners of abutting property. This amount was fixed in 1948 and, in view of the increases in costs which have occurred since that time, it is proposed by clause 13 to increase this amount to 1s. 6d. The clause also makes amendments of the section similar to those made by clause 11 to section 319 and deal with the case where temporary work is carried out such as the cinder surfacing of a footpath.

Section 375 of the Act provides that a district council may lease a road to an adjoining owner and permit the owner to fence the road, but it is provided that the council is to direct the owner to provide either a gate not less than 18ft. in width or a ramp together with a wire panel gate not less than 18ft. in width or a gate 12ft. in width and a wire panel gate of 18ft. There is some doubt whether the council is to direct which alternative provision is to be made or whether the owner has the choice. Obviously, the matter should be one for decision by the council and clause 14 makes it plain that this is the case.

Section 416 of the Act provides that a council, for the purpose of taking soil or any other materials to carry out any work or undertaking, may enter any land not being, in the case of a municipality, 400yds. or, in the case of a council 5 miles, from the work or undertaking from which the materials are to be used. The section also provides that a council cannot exercise this power with respect to a garden or orchard or similar premises or nearer than 500yds. of the dwellinghouse of the owner of the land from which the soil is taken. If a council exercises this power it must, of course, pay compensation assessed under the Compulsory Acquisition of Land Act. It has been pointed out by councils that the limitation that the material is not to be taken further away than 400yds. or 5 miles from the work, according to whether the council is a municipal council or a district council, is not appropriate to modern conditions when motor transport can shift these materials speedily, and it is proposed by clause 15 that this limitation shall be deleted.

Part XXI. of the Act deals with the borrowing powers of councils. Section 424 provides that a council can borrow amounts up to limits which are determined according to the amount of the assessment of the council. By section 435 it is provided that the Minister may authorize a council to borrow for works which are revenue producing. In both cases the matter must be submitted to the ratepayers and, if so required by the ratepayers, there must be a poll on the question. It has generally been considered that the money borrowed under section 435 is additional to money borrowed under section 424 and that the limits imposed by section 424 do not apply to borrowing under section 435. In fact, if this were not the case there would be little point in having section 435 in the Act under which, in addition to the ratepayers having to be consulted, the Minister must give approval. As borrowing under section 435 is only for revenue-producing projects, it follows that, in the normal case, a borrowing scheme under section 435 does not involve any charge on the rates, but the particular undertaking should meet the costs of servicing a loan authorized under the section. Whilst the Crown Solicitor is of opinion that section 435 gives powers additional to section 424 one of the leading financial institutions has been advised by its solicitors that this is not the case. In order to place the matter beyond doubt, it is proposed by clause 16 that where money is borrowed pursuant to section 435 that borrowing is not to be taken into account for the purpose of the limit fixed by section 424.

Section 623 of the Act provides that, in a municipality, it is an offence to light any fire in the open air without the consent of the council or to deposit any embers or ashes in the open air. In addition, of course, the provisions of the Bush Fires Act apply to the matter. It is considered that this section goes much too far and, in fact, it is likely that most householders in suburban areas who dispose of garden refuse by burning habitually commit a breach of this section without knowledge of their offence. It is proposed to repeal the section by clause 17 and to enlarge the by-law-making powers of municipal councils to enable by-laws to be made regulating, controlling and prohibiting the lighting of fires in the open air. It is obvious that in some areas it may be necessary to have strict control of this matter and to meet such a case a council may make any necessary by-laws, but in most parts of the State the provisions of the Bush Fires Act adequately deal with the problem.

Section 666 of the Act authorizes a council to remove any vehicle left in a public place and to recover the cost of removal from the owner. Clause 18 extends this to include the cost of removal, custody, and maintenance of the vehicle. There is a similar provision of the Road Traffic Act relating to the powers of the police in this matter and it is desirable that there should be uniformity in language and the language proposed to be inserted in the Local Government Act by clause 18 conforms to that used in the Road Traffic Act. These are drafting amendments to sections 667 and 670 of the Act which deals with the by-law making powers of councils. Up to 1946, section 461 gave to councils certain rights to grant licences for the removal of timber, etc., from Crown lands. In 1946 this section was repealed. The purpose of clauses 19 and 22 is to make amendments to the by-law making powers conforming to the repeal of section 461.

Muncipal councils now have power to make by-laws dealing with the control of premises used for the sale of raw or green hides, for preventing the burning of rags and other offensive substances, and for preventing the keeping of animals or birds so as to be a nuisance. It is proposed by clause 20 that this by-law-making power shall apply both to municipalities and to townships within district council districts. Thus, whilst the clause does not alter the powers of municipal councils it extends the powers of district councils by giving them the same powers in townships as are now given to municipal councils. Clause 21 provides that a municipal council may make by-laws regulating the hours during which ladders, scaffolding and other similar appliances may be used upon footways. This by-law-making power is necessary for a council such as the City of Adelaide where it is obviously desirable that there should be control over the use of these appliances on footways in crowded streets.

Section 689 deals with the manner in which model by-laws may be adopted by a council. A council, after adopting a model by-law, is now required to submit it to the Governor for approval and the procedure now followed is unduly cumbersome, as each model by-law must be brought to Executive Council for confirmation. It is considered this procedure is unnecessary as, before a council can adopt a model by-law, the by-law must have first been made by the Governor in Executive Council and

approved by Parliament. It is therefore proposed by clause 23 that, in future, the resolution of the council adopting the model by-law is to be submitted to the Crown Solicitor who is to certify that the provisions of the Act have been complied with. After the certificate is given, notice of the adoption of the by-law and the certificate of the Crown Solicitor is to be published in the *Gazette* and the adoption of the model by-law will then take effect. Clause 24 provides that it is to be an offence in connection with a local government election to publish an electoral advertisement or issue an electoral notice unless it bears the name and address of the person authorizing it. This provision is similar to one contained in the Electoral Act and is intended to prevent advertisements or other electoral matter being issued by other than authorized persons as has occurred in some local government elections during the last few years. I move the second reading.

Mr. O'HALLORAN secured the adjournment of the debate.

ADJOURNMENT.

At 9.4 p.m. the House adjourned until Wednesday, November 21, at 2 p.m.