HOUSE OF ASSEMBLY.

Thursday, November 3, 1960.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

ASSENT TO ACTS.

His Excellency the Lieutenant-Governor, by message, intimated his assent to the following Acts:—

Births and Deaths Registration Act Amendment.
Companies Act Amendment.
Dog Fence Act Amendment.
Enfield General Cemetery Act Amendment.
Highways Act Amendment.
Mental Health Act Amendment.
Police Pensions Act Amendment.
Prevention of Cruelty to Animals Act Amendment.
Prices Act Amendment (No. 1).
Vermin Act Amendment.
Water Frontages Repeal.

QUESTIONS.

WORKMEN'S COMPENSATION.

Mr. FRANK WALSH—In answering a question I asked last week, the Premier could not say whether the Government intended to introduce a Bill this session to deal with workmen's compensation. He indicated that he had no additional report from the advisory committee. I have a letter from the Australian Federated Union of Locomotive Enginemen about a deafness that the workmen get from operating diesel-electric locomotives. Will the Premier forward this letter to the advisory committee with a view to amending the Workmen's Compensation Act?

The Hon. Sir THOMAS PLAYFORD—The correct procedure would be for the union to refer this matter to its representative for consideration by the committee. As honourable members know, a member has been appointed to the committee to represent the employees. The Government has not in the past taken up representation for either the employer or the employee. In both instances, these matters are taken up by the respective sides, as they have direct representation on the committee.

TESTING OF USED CARS.

Mr. BYWATERS—An article in today's *Advertiser*, headed "Pre-Sale Testing of Used Cars, Brisbane", states:—

The Government was considering the introduction of compulsory testing of all used cars before sale, the Minister of Labour (Mr. Morris) said in Parliament today. Machinery inspectors will be authorized to enter used car dealers' premises and examine any vehicle offered for sale.

Can the Premier say whether the Government has ever considered legislation of this nature to protect used car buyers?

The Hon. Sir THOMAS PLAYFORD—No. The long established rule regarding the purchase of any goods is for the purchaser to satisfy himself as to their quality and whether they are satisfactory. The Government could not place itself in the position of giving a warranty for a used car, because that would place it in an intolerable position and the practice would undoubtedly quickly break down for some reason or other, possibly because an inspection did not prove adequate or did not reveal technical problems associated with the purchase. If a person wants to buy a used car and does not feel competent to judge its soundness, there are means by which he can get it tested. The Royal Automobile Association, for instance, as part of its service to its members makes a comprehensive and good report on any car.

HONEY EXPORT PLAN.

Mr. HARDING—Among items considered at a meeting of the Australian Agricultural Council held in Darwin in July was a honey export plan recommended by the Honey Council of Australia. I understand that the Standing Committee on Agriculture, which comprises the Under Secretaries of the State Departments of Agriculture and the Secretary of the Department of Primary Industry, will meet this month and further examine this matter. Can the Minister of Agriculture say whether the South Australian representatives on the Standing Committee on Agriculture will obtain the views of the South Australian Apiarists Association on this State's honey export problems before attending that meeting?

The Hon. D. N. BROOKMAN—This matter was on the agenda of the Agricultural Council meeting in Darwin last July. Before going to Darwin I received a deputation from persons interested in honey production and we had a good discussion on the subject. The Council decided that the Department of Primary Industry was to inquire further about the possibility of some such plan as was mentioned by the honourable member and to report to the next meeting of the Agricultural Council to be held in February, 1961. Nothing definite can be done before the next meeting of the council. As the honourable

member mentioned, the Standing Committee, comprising the Secretary of the Department of Primary Industry and the Directors of Agriculture, will meet this month. I have not seen the full agenda, but I think that a progress report will probably be given to the Directors of Agriculture on the inquiries made by the Department of Primary Industry. However, the matter cannot be decided until the Agricultural Council meeting in February, 1961, and before I attend that meeting I shall be pleased to get views on the matter from anybody who is interested in it from any side of the industry.

ELECTRICITY TRUST LOAN.

Mr. QUIRKE—My question concerns the Electricity Trust loan, prospectuses and advertisements for which are taking up highly expensive columns in the *Advertiser* and other papers. Will the Premier give the reason for the continued advertisements and say whether the loan has been filled or, if not, to what extent it has been subscribed? If the loan has not been filled, can he say why an organization like the Electricity Trust, which gives such outstanding service and has proposals of paramount interest and service to country people, has not been able to fill it?

The Hon. Sir THOMAS PLAYFORD—The honourable member knows that there is at present a tight money market in Australia, which has been brought about by Commonwealth policy. For a considerable time interstate loans by semi-governmental authorities in a classification like the Electricity Trust have not been filled. In fact, many have been subscribed only to the extent of about 50 or 60 per cent of the amount sought from the public. We have been extremely fortunate with Electricity Trust loans and have never yet had an unsuccessful loan. I think the total loan required on this occasion is £750,000, and a few days ago £600,000 had been subscribed, so I do not doubt that the loan will be filled. It is a gilt-edged security that merits the support of all South Australian investors, and I believe the record of the trust is unequalled by any public authority in Australia. Under those circumstances I do not expect any difficulty in raising the loan. Today, in a competitive market, it is necessary to place before the public the fact that there is a loan on the market, and that is the reason for the advertisements.

SALT EXPORTS TO JAPAN.

Mr. RICHES—My question relates to the development of salt leases that are being operated on a very small scale at the moment by Solar Salt Limited south of Port Augusta. Recently, a Japanese vessel off-loaded rolling stock made in Japan for the Commonwealth railways and the Japanese agents representing the manufacturing company came from Sydney to Port Augusta. They are also agents for importing salt into Japan and inquired while at Port Augusta of the Chamber of Commerce and town officials about the possibility of obtaining supplies, giving an assurance that they were anxious to import considerable quantities of salt each year if that supply could be made. The people at Port Augusta believe that that supply could be made from local leases if they were developed. Has the Premier any knowledge of the company operating those leases or of their developmental programme? Can he say whether any action can be taken by the Government to speed up the developmental programme for that area?

The Hon. Sir THOMAS PLAYFORD—This matter has a long history; it has been the subject of numerous questions in the House over a long period and of a reference by the Government to the Industries Development Committee. At the time of the reference the Solar Salt company was being managed by a firm of financiers in Sydney but the Government submitted a reference to the Industries Development Committee with the object of securing modern loading equipment that would be necessary if we were to go in for large scale exports to Japan. Although I am speaking from hearsay, as far as I know the committee found that there was some difficulty about the title of the leases and the control of the company, and no recommendation came forward. More recently the Government has been investigating the possibility of developing something in this area. Every year Japan imports about 2,000,000 tons of salt, which is a large quantity. These imports normally came from Red China, but that country does not now have the salt available, and Japanese salt is now coming from the Philippine Islands, Formosa, Egypt, Palestine, and some from as far away as Spain. Although the quality being imported into Japan is low, the price is not high and any exports to Japan would have to be on a competitive market. I believe that our salt could meet a competitive market; in fact, the production of salt at Port Augusta could be cheap by world standards because the climate and the locality are admirably adapted for that

purpose. However, the Japanese are not prepared to enter into a long term agreement. A company was formed in South Australia for the very purpose of exporting salt on behalf of a Japanese firm, but the Japanese were not prepared to enter into a long term contract. That means that the opening up of the salt field would involve an element of risk.

Mr. Riches—The Japanese are prepared to import on the same basis as they import wool.

The Hon. Sir THOMAS PLAYFORD—Over a long period I have had conversations with the two big Japanese companies—the Mitsui and the Mitsubishi. The Japanese say they would consider purchasing salt from time to time but are not prepared to enter into fixed commitments. For instance, they would not be prepared to enter into a three-year contract at a certain price. Another factor that has been holding up the development in this field is that there is a dispute over the ownership of the title to the area. The original licence holder of the area entered into some financial arrangement with a financial firm in Sydney and that firm was subsequently taken over by another financial firm. Some complicated agreements were entered into. That has led to a dispute regarding the title. I offered to arbitrate or to provide an arbitrator in order to get some satisfactory solution, but that was not acceptable. However, in the last few days I have heard that an agreement has been reached as to the ownership of the leases in the area and, if that is so, it is a step forward. Over a period of years we have made numerous attempts to get a project of this sort going, and, as I pointed out to the honourable member, we submitted to the Industries Development Committee a reference that would have involved the Government in the expenditure of £300,000 or £400,000. Speaking from memory, the committee did not report favourably on the matter, and in any case the company that applied went into liquidation before the report was available.

SURVEY CHARGES.

Mr. BYWATERS—Has the Premier a reply to my question of last Tuesday regarding survey charges?

The Hon. Sir THOMAS PLAYFORD—The Director of Lands reports:—

The regulations under the Surveyors Act contain a schedule of fees which licensed surveyors are entitled to charge from persons employing them. Proposals for fees chargeable originate from the practising surveyors, and after investigation by, and consultation with, the Public Service Commissioner, are submitted to the Surveyors Board for approval, following which the schedule is gazetted. The schedule at present applying was published in the *Government Gazette* of May 21, 1959 (page 1080), and amended, *vide Government Gazette*, October 13, 1960 (page 1017). Any complaints regarding fees chargeable by private surveyors may be referred to the Institution of Surveyors (Aust.), S.A. Division, which has a subcommittee appointed for that purpose.

NARACOORTE WATER SUPPLY.

Mr. HARDING—In view of the extensions of water supplies required for the sewering of Naracoorte and the future requirements of water being considerably greater than at present, can the Minister of Lands, in the absence of the Minister of Works, say whether another bore will be sunk and, if so, when boring will commence?

The Hon. Sir CECIL HINCKS—The information I have from the Minister of Works is that the site of No. 5 bore at Naracoorte has been selected and will be on the roadway adjacent to section 1086, hundred of Naracoorte. Drilling will probably commence next month.

HOUSING TRUST FLATS.

Mr. LOVEDAY—A recent press statement gave publicity to a new style of flat to be built by the South Australian Housing Trust in which the facilities would be shared by single people, each occupying a single flat. Can the Premier say whether the trust intends to build any of these flats in country towns and whether it will make a survey of requirements in that direction?

The Hon. Sir THOMAS PLAYFORD—I shall obtain a report from the chairman of the trust on that matter. The honourable member is aware, of course, that the Government itself, with Parliamentary approval, has made a special feature of providing certain social housing in the country because the trust in the past was not able to arrange for the same type of housing in the country as was arranged in the city. I will ascertain whether the trust intends, or is able, to extend its activities in suitable country areas.

RESCUE WORK.

Mr. JENKINS—Has the Premier a reply to my recent question regarding the use of helicopters in rescue work?

The Hon. Sir THOMAS PLAYFORD—The Deputy Commissioner of Police reports:—

From the inquiries I have had made, it would appear that the introduction of helicopters into Australia is a very slow process. The services already operating have found it very complex

mainly through accidents and maintenance problems; Woomera is the only service operating in this State; there is a shortage of pilots and engineers in Australia, purchase and operating costs are very high, the range of the machines is limited, and their use is restricted by weather conditions in the same way as other aircraft. The big advantage over other aircraft is slow flying and ability to use restricted spaces for take-off and landing. I understand that the Department of Civil Aviation, when considering the introduction of helicopters, stated a preference for twin-engined machines as a safety measure, despite the additional costs involved. There would no doubt be instances where a helicopter could be used to advantage for rescue purposes or in the relief of traffic congestion, but I do not consider this limited use would justify the expense entailed in purchase and operation costs at this stage. In any case, when the population of the State reaches such proportions that there is a need for the use of helicopters in police work, I think it would be desirable in the initial stages to charter such aircraft from commercial organizations already operating in the State.

COOBER PEDY WATER SUPPLY.

Mr. LOVEDAY—I understand that there is only about 18 inches of useful water in the underground tank at Coober Pedy. Can the Premier, in the absence of the Minister of Works, supply information regarding the condition of the alternative supply and say whether it is in working order and satisfactory for those on the field in the event of the present supply's running out?

The Hon. Sir THOMAS PLAYFORD—The Engineer-in-Chief has advised me that the District Engineer has been instructed to have an engine, pump and pump jack ready for quick installation at the Stuart Range Bore should the Coober Pedy tank supply fail. The road from Coober Pedy to the bore was graded early this year and as far as is known it is usable at present. In the event of the bore having to be used, any further grading which may be necessary will be done as soon as possible.

RAILWAY WORKSHOPS.

Mr. BYWATERS—Today's *Advertiser* reports the Premier as having stated at the Peterborough town hall last night:—

In the likely event of the northern railways being converted to standard gauge, most of the diesel-electric-powered rolling stock would be made in the State railway workshops, including those at Peterborough.

I have often referred to the workshops at Tailem Bend and to the fact that the locomotive part of the work is disappearing because of the change-over to diesel locomotives. Will the Premier include the Tailem Bend workshops in the scheme for dieselization work?

The Hon. Sir THOMAS PLAYFORD—The report the honourable member mentioned did not set out precisely what I said at Peterborough last night. I said that the South Australian Government workshops would be competent to undertake all the rolling stock work necessary for the standardization agreement, as far as we could see, but it was not expected that we would produce the diesel engines in South Australia as we did not have the facilities to do so competitively with the contract prices that could be secured. If the honourable member will read a reply given yesterday by the Minister of Lands, representing the Minister of Railways, he will see that the question of rolling stock being constructed in this State was discussed. True, at a time when we could not get dollars to purchase overseas locomotives in the early days of dieselization we purchased component parts from Great Britain. Of the first 10 diesels placed upon the line in South Australia the bogie and all the associated works were fabricated in South Australia, but that was done as an emergency rather than as normal practice. I will have the question examined to see whether any of the rolling stock we intend to make in South Australia could be usefully placed in the Tailem Bend division.

GAUGE STANDARDIZATION.

Mr. STOTT—Has the Premier further information about negotiations with the Commonwealth Government regarding rail standardization in South Australia and can he say whether there has been any further communication from the Commonwealth Government on this?

The Hon. Sir THOMAS PLAYFORD—The last communication I received from the Commonwealth Minister was just prior to the Prime Minister's deciding to go abroad. At that time he wrote me a letter, which he supplemented by a telephone call, to the effect that the report of his department would be ready for Cabinet shortly. He said he hoped to be able to put it before Cabinet in a fortnight. I understand that, while the Prime Minister and the Commonwealth Treasurer were abroad, it was not possible to get any decision upon it but I expect to hear definite views from the Commonwealth Government about the starting of work on the northern gauges, probably within two or three weeks.

Mr. Riches—Is that for the whole network or just the one line?

The Hon. Sir THOMAS PLAYFORD—We have always asked for project orders to be

signed for the division as a whole but, until we hear the Commonwealth views, I cannot say what its views are in connection with it. The State Government's view is that the Peterborough Division must be considered as a whole because, as I have said here many times, to put a new line through a division only adds to our problem; it does not solve it. The State Government would be most anxious to have the project orders for the Peterborough Division as a whole approved by Commonwealth Cabinet. I have always told the Commonwealth Government that, in the matter of which line should receive priority of construction, we should be prepared in accordance with the agreement to meet the wishes of the Commonwealth.

PORT AUGUSTA HOSPITAL.

Mr. RICHES—Has the Minister of Lands, in the absence of the Minister of Works, a reply to my question about the installation of an emergency power and lighting unit at the Port Augusta Hospital?

The Hon. Sir CECIL HINCKS—The report is not yet available, but I will inquire further on the matter.

RIVER LEVELS.

Mr. STOTT—With the high river now coming down, two important roads, the road from the Kingston ferry to Cobdogla and the road from Loxton to Berri, will probably be inundated. The Premier will realize that, with the growth of the Loxton soldier settlement and the canning factory across the river at Berri, these settlers will be seriously inconvenienced if that road is inundated for any length of time. I referred to this matter during the last flood and hoped that steps would be taken to ensure a minimum of disturbance to settlers in the area. Will the Premier investigate whether these roads can be elevated to overcome the difficulties that arise during flooding?

The Hon. Sir THOMAS PLAYFORD—I shall be happy to get the Highways Department to report on this matter. The honourable member will realize that it has been the department's policy to improve roads that have been subjected to flooding to render them immune from flooding during high rivers. I had expected that the worst of the difficulties would have been overcome. Last week the high river was not causing much of a problem.

Mr. Stott—The peak has not been reached yet.

The Hon. Sir THOMAS PLAYFORD—I realize that, but the possible peak has been well examined. I will get a report on whether it is possible to further improve the position and by what action.

PRIVATE MEMBERS' BUSINESS.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved—

That for the remainder of the session Government business take precedence over all other business except questions.

Mr. STOTT (Ridley)—This motion is usually introduced towards the end of a session in order to expedite Government business. Before I vote, will the Premier indicate whether any private business that is introduced will be dealt with after Government business at the end of the session?

The Hon. Sir THOMAS PLAYFORD—There are two private matters on the Notice Paper at present that members want considered: one is a motion to disallow regulations and the other is a Bill that was extensively debated yesterday. It is the Government's custom, after a motion of this nature is carried, to permit a vote to be taken on private matters on the Notice Paper and that will be the position this year.

Motion carried.

TOWN PLANNING ACT AMENDMENT BILL.

Second reading.

The Hon. B. PATTINSON (Minister of Education)—I move—

That this Bill be now read a second time.

It will effect some administrative and substantive amendments to the Town Planning Act. I shall deal with the administrative and drafting amendments first. Clauses 3 and 6 make consequential amendments to section 2 of the principal Act, which were apparently overlooked when the Act was last amended by the substitution for the word "committee" of the words "Town Planner" in other sections. Clause 7, substituting "public recreation" for "public reserves" in section 12a (1) (*j*) is a drafting amendment. Clause 12 is also of a consequential order. Section 16 of the principal Act requires the Registrar-General to be satisfied that all interested parties have consented to a proposed subdivision and the amendment will extend this requirement to cover proposed resubdivisions.

Subclauses (1) and (2) of clause 11 likewise apply the provisions relating to easements in section 14a of the principal Act to plans of resubdivision and clause 14 extends the regulation-making power concerning minimum sizes for allotments to plans for resubdivision as well as plans for subdivision. Subclause 3 of clause 11 is of an administrative nature. At present the Act gives the Minister of Works an easement of land for sewerage purposes which becomes registered on the title. If, however, an easement is no longer required, the Registrar-General is unable to remove the easement from the title and this gives rise to difficulties if a registered proprietor wishes to sell or mortgage his land. The amendment is designed to enable the Registrar-General to take appropriate action.

Clause 5 will, in the first place, constitute the Town Planner an officer of the Department of the Attorney-General and not, as heretofore, of the Department of the Registrar-General of Deeds. This change is purely of an administrative order. Under the principal Act, the Town Planner, although an officer of the Registrar-General's Department, is responsible to the Attorney-General who is the ministerial head of that, as well as of his own, department. In the second place clause 5 will empower the Attorney-General to appoint an officer of his department to perform the duties of the Town Planner if the latter is unable to carry out his duties, the period of the appointment not to exceed a month in any one instance. From time to time the Town Planner is away for perhaps a matter of a few days or is on leave for a short period and the business of his department cannot proceed unless an acting Town Planner is formally appointed by His Excellency in Council. The object of the amendment is to enable the Attorney-General to depute an officer to carry out the functions of the Town Planner during such short periods and will save considerable time.

Dealing with matters of substance, I now turn to clauses 4 and 15. Clause 15 repeals sections 30 to 35 which were inserted in the principal Act in 1956 and subsequently amended. The present position under the principal Act is that, broadly speaking, it applies only to plans dividing land into what may be described as urban allotments subject however to the provisions of sections 30 to 35 inclusive. Those sections were designed to cover subdivisions of what I may describe as "broad acres". They cover only plans which divide land into allotments of 20 acres or less or plans showing roads. A different procedure and different provisions apply in relation to those subdivisions of broad acres to which those sections apply. The difference in procedure has led to unnecessary complication and it is now proposed to repeal those sections so that all subdivisions and resubdivisions will be dealt with in the same manner and, in general, subject to the same conditions.

But the removal of sections 30 to 35 of the principal Act would leave section 3 of the principal Act as it now stands and would mean that no part of the Act would apply to any plans of subdivision or resubdivision relating to broad acres. Clause 4 therefore provides for broad acres. Its effect will be that, as at present, plans dividing land into allotments of over 20 acres will not be subject to the Act. But where the allotments are of an area between 10 and 20 acres all of the provisions of the Act will apply except those relating to compulsory road-making, the provision of public gardens and reserves and the requirement that the land can be economically sewered and reticulated with water. Where the allotments are of an area of ten acres or less all of the provisions of the Act will apply in the same way as they apply to urban subdivisions.

A further amendment of a substantive character is effected by clauses 8 and 9. These clauses will provide for an appeal committee to hear appeals against refusals of approval of plans, the committee to consist of a legal practitioner of not less than seven years' standing and the members of the Town Planning Committee other than the Town Planner. At present the appeal is to the Town Planning Committee of which the Town Planner is not only a member but the chairman and thus where the appeal is against the decision of the Town Planner he is a member of the committee and is thus frequently participating in hearing appeals against his own decisions. An additional amendment effected by clause 8 (*b*) will enable an appeal to be brought against a condition subject to which the Town Planner has indicated that his approval will be forthcoming. There seems to be no reason why a person should not have a right of appeal where the Town Planner has imposed a condition.

Clause 10 amends section 14 of the principal Act. That section now provides that on the deposit of any plan of subdivision or resubdivision all roads or other open spaces shown on the plan are to vest in the council of the area concerned without compensation. The

Government has been faced with several cases of hardship arising from the operation of this section and in fact decided some time ago that compensation should be paid in such cases. In view, however, of the very definite provision in section 14, such payments cannot be made and the present amendment is designed to enable compensation to be paid in a limited class of case. The amendment will in the first place cover only plans of resubdivision which is the type of case where hardship can and does occur. The amendment will provide in effect that the Government, or the council of the area concerned, will be liable for compensation for any land required for road-widening purposes to the extent of the excess over 50 feet or, where what I may term a "corner cut-off" is required at a junction or intersection for the purpose of rounding off a corner, for the excess over 50 square feet of land taken.

Where the road is being widened to only 50 feet or less the present provisions will apply; that is to say, no compensation will be payable. Where also the piece required for a corner cut-off is of 50 square feet in area or less, no compensation will be payable. The figure of 50 square feet is based on the area of a triangular piece of land extending ten feet along each side of a corner allotment. The reference is to an area because in not all cases is the land required for a corner cut-off regular in shape—it might be desirable for one side to run, say, twenty feet along the alignment and the other a shorter distance or the area to be taken might be designed for rounding off. The general basis is however that of a cut-off existing the same distance of 10 feet down either side.

Clause 13 will remove from section 18 of the principal Act the provision that a person is deemed to divide an allotment if he builds on it or part of it in such a way that any part becomes obviously adapted for separate occupation. This means that construction of what I believe to be called "home units" without approval is a technical offence. These buildings are notoriously being erected in increasing numbers and the position is anomalous. Clause 13 (a) will remove the anomaly while subclause (b) of the same clause will enable transfers to be made of portions of allotments on which buildings had already been erected prior to the Town Planning Act of 1920. There are such cases. For example, the Commonwealth War Service Homes Division and the State Bank have been faced with the difficulty of not being able to transfer separately occupied premises to tenants who entered into agreements to buy many years ago and have since paid their purchase money. There may be other cases and the safeguard is that the Minister must certify his satisfaction that the allotment had been built on before 1920.

Clause 16 is designed to get over a difficulty concerning the sale of allotments before a plan of subdivision has been approved by the Town Planner. Section 101 of the Real Property Act, as it was enacted many years before the earlier town planning legislation, required any registered proprietor subdividing land for the purpose of selling it in allotments to deposit a plan of the subdivision with the Registrar-General. In 1919 additional subsections were inserted in the original section making it an offence for a registered proprietor so subdividing land to fail to deposit the plan or to sell or transfer any allotments before deposit of the plan or, in effect, to alter the plan. A further amendment was made by the Town Planning Act of 1929 applying all the provisions of section 101 to any person subdividing land for the purpose of selling it in allotments whether he was the registered proprietor or not.

The Town Planning Act provides that, except as allowed by it, no plan of subdivision shall be deposited in the Lands Titles Office until it has been approved. It is, however, not an offence under the Town Planning Act if a person does not comply with these provisions. It has been recently held that no offence is committed at all by a person who offers land for sale in allotments before the final approval under the Town Planning Act to the subdivision has been obtained. It is accordingly provided by the proposed new section 10a that failure to comply with any provision of the Town Planning Act by a person subdividing land for the purpose of selling it in allotments, or the sale or transfer of land in allotments before final approval, shall be an offence with the same penalty as that prescribed in section 101 of the Real Property Act, that is to say, £100. The object of the new section, which clause 16 will insert in the Act, is thus to close a gap and to bring about the result which was originally intended.

Mr. LOVEDAY secured the adjournment of the debate.

EXCHANGE OF LAND: HUNDRED OF WATERHOUSE

The Legislative Council intimated that it had agreed to the House of Assembly's resolution.

GARDEN SUBURB ACT AMENDMENT BILL.

Committee's report adopted.

Bill read a third time and passed.

PUBLIC SERVICE SUPERANNUATION FUND (ARRANGEMENT) BILL.

Adjourned debate on second reading.

(Continued from November 1. Page 1600.)

Mr. LOVEDAY (Whyalla)—Even though this is purely a machinery Bill for the amalgamation of the old Public Service Superannuation Fund with the South Australian Superannuation Fund, it is also an example of the very brief time allowed to the Opposition to peruse Bills before discussion in the House, as the Leader of the Opposition did not receive his copy of this Bill until late this morning. However, I am prepared to discuss it this afternoon because I see that the old fund has been valued by the Public Actuary, Mr. Bowden, and an interstate actuary, Mr. Gawler, who are satisfied that the fund is sound and, if it is transferred to the South Australian Superannuation Fund, there will be no call on either the latter fund or the consolidated revenue of the State. I also see in the report on the Public Service Superannuation Fund that the Government made no subsidy to that fund. Therefore, over the years, there has been some improvement in superannuation benefits generally, but there is still considerable room for further improvement in the benefits for present and future pensioners.

There is considerable dissatisfaction among contributors to the South Australian Superannuation Fund over contributions and benefits. Perhaps the true test of fair treatment is a comparison with other funds provided by the Governments of other States and the Commonwealth. Contributors to the South Australian fund do not expect exceptional generosity, but they do expect to receive treatment that compares favourably with that provided by similar funds for similar workers in this State and in other parts of Australia. Contributors to this fund pay higher contributions for the same amount of pension or get a smaller pension for the same contributions than their counterparts employed by other State Governments and the Commonwealth Government. In the matter of benefits South Australian public servants lag far behind Commonwealth public servants, and therefore the Government should review the position and bring contributions and benefits into line with those applying elsewhere. I come now to other matters that I feel are anomalous. The Opposition maintains that the benefits received by widows and orphan children of contributors should be increased.

The Hon. D. N. Brookman—This is not the South Australian Superannuation Fund.

Mr. LOVEDAY—This Bill effects the amalgamation of two funds, and the Opposition has a perfect right to deal with the benefits under the South Australian Superannuation Fund. The Opposition feels that the benefits received by widows and orphan children of contributors should be increased. If a contributor dies and leaves a widow and children, the widow receives four-sevenths of the pension for which her husband contributed and 10s. a week for each child under the age of 16. Many widows have a struggle to make ends meet. Orphan children fare badly; they are entitled to receive only £1 a week each until reaching 16 years of age, when they receive the balance of contributions remaining in the fund. As these benefits could probably be increased considerably without a great effect on the fund, I ask the Government to remedy the anomalies I have mentioned when any future amendments to the Superannuation Act are being discussed. I support the Bill.

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

LIFTS BILL.

In Committee.

(Continued from November 1. Page 1613.)

Clause 14—"Working of lifts by young persons".

Mr. COUMBE—Has the Minister of Education, representing the Attorney-General, the further information I sought on this clause?

The Hon. B. PATTINSON (Minister of Education)—The member for Torrens raised this matter, and the member for Murray (Mr. Bywaters) and the Leader of the Opposition were also interested. I have now received the following report from the Parliamentary Draftsman:—

I have obtained the following report from the Secretary for Labour and Industry, regarding clause 14 of the Lifts Bill dealing with the working of lifts by young persons. In the present Act there is a prohibition on any person under the age of 18 years operating any lift. This is unrealistic in respect of modern automatic lift installations which are equipped with safety devices which render passengers within the lift car safe from all reasonable dangers and which installations are very simple to operate. All doors at the entrance to the lift shaft at each level and the door to the lift car itself must all be shut before these lifts will operate. Such an arrangement affords

protection to the intending passengers at the various landings, also the passengers within the lift car are protected from the wall of the shaft when the car is in motion. There are also a number of older lifts which have been rebuilt so as to comply with these modern and safe conditions.

It is considered that there is no reason for there to be any restriction on the age of persons who can operate these lifts. It was found, however, that it was impossible to define such lifts particularly as they are not all of one class but include old lifts rebuilt to modern standards. It was therefore considered that the best way to remove the existing restrictions was to give the Chief Inspector power of exemption in respect of particular lifts. There are still many lifts in this State which should not be operated by young persons, particularly those where there is no inside car door, and there did not appear to be any reason to suggest an alteration in the present age restriction which now applies. The power of exemption does not, however, extend to cranes and hoists. Cranes and hoists as now defined in the Bill are included in the definition of a lift in the existing Act. Clause 4 (1) (*d*) provides that the Bill will not apply to any crane or hoist in any registered factory, and this includes a garage. This answers the question asked by Mr. Coumbe. Generally speaking, cranes and hoists which will be covered by the Bill are situated in warehouses and city buildings. The person who operates a crane or hoist is responsible for controlling the load, for the operation of the crane, and often for the safe slinging of the load. In many cases a crane passes through a number of floors, and many cranes are complicated in operation. It is considered that the present prohibition on persons under the age of 18 years of age operating a crane or hoist in these circumstances should continue. The Bill does not alter the present position in any way in respect of cranes and hoists.

I discussed the matter with the Attorney-General and Minister of Labour and Industry, and I understand that subsequently the Secretary of the Department of Labour and Industry explained the position to the member for Torrens and removed certain doubts he had. Further, as I thought the Leader of the Opposition would be absent from the Chamber today I let him read this report in detail, and I understood that he was satisfied with it.

Mr. BYWATERS—The Leader has informed me that he now does not object to the clause. I, too, now see no objection to it. My remarks the other day were somewhat different from those of the Leader and the member for Torrens; I was looking at the clause from the angle that there was no need for the prohibition on any person under the age of 18 years to be applied to lift driving. Mr. Bowes, when he rang me the other day to ascertain my objections to the clause, informed me that this prohibition would apply only where the Chief Inspector stated that a lift was of such a type that the prohibition should apply, and I think that is fair. There could be lifts in the metropolitan area which the Chief Inspector would think a younger person would not be capable of driving.

Clause passed.

Clause 15 passed.

Clause 16—"Regulations unchallengeable unless granted by Supreme Court".

Mr. MILLHOUSE—This clause is not in the usual form. If one is prosecuted for an offence against a regulation, and one wishes to plead that the regulation is *ultra vires*, one does it by way of defence. That is the normal rule in legislation. Can the Minister of Education say why, in this case, that is deliberately avoided, and why if one wishes to show that a regulation is *ultra vires* one must apply for a rule calling on the Secretary for Labour and Industry to show cause why the regulation should not be quashed by the Supreme Court? Why the difference in this Bill?

The Hon. B. PATTINSON—I must confess that if there is a difference, or a distinction without a difference, it has escaped my notice. The honourable member is usually most meticulous in these matters, and perhaps he is over-refining in this case. I have no information on the matter, but if the honourable member desires to press the point there is no urgency and I can easily report progress.

Mr. MILLHOUSE—I should be grateful if the Minister would seek an explanation of this. Clause 16 (4) states:—

No regulation shall be challenged or disputed in any other manner.

Progress reported; Committee to sit again.

POLICE OFFENCES ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 2. Page 1644.)

Mr. LOVEDAY (Whyalla)—The Opposition agrees with the main objects of this Bill, which are to prohibit the sale and consumption of methylated spirits, and particularly its supply to aborigines. Whilst, however, the general purpose of the Bill is good, I should like to say something about the clauses, and particularly clause 3, which states:—

(1) Any person who is found drinking or to have been drinking methylated spirits or any liquid containing methylated spirits shall be guilty of an offence.

Penalty: For a first or second offence five pounds or imprisonment for fourteen days; for a third or subsequent offence ten pounds or imprisonment for three months.

Where this offence occurs, it is a question not so much of a fine or penalty being imposed leading to imprisonment as of medical treatment for the person who has reached the stage where he is taking methylated spirits. It seems to me that remedial treatment is required rather than a fine or imprisonment. Unfortunately, we seem to have no way of handling in this way those addicted to taking methylated spirits. I am open to suggestion there, if there is an institution that can deal with the problem in this way, but it seems to me that this Bill does not provide for any cure for a person so addicted.

Obviously, a person who will drink methylated spirits either has become particularly depraved in his attitude towards drink or is so placed that for various reasons he can obtain nothing else. That applies to aborigines in particular. Our restrictive laws in respect of intoxicating liquors generally have the effect of driving aborigines with a taste for liquor to methylated spirits, when they can get it. Unfortunately, there are people prepared to supply methylated spirits for that purpose. Many alcoholic liquors have methylated spirits added to them, in many cases to give them an extra kick. They are supplied to aborigines at high prices. The penalties set out under this Bill should be directed particularly to the people guilty of supplying aborigines, not to the aborigines themselves. This method of dealing with the aborigine who takes methylated spirits is entirely wrong for in most cases he is a victim of circumstances.

I should like to see this Bill redrawn on that point, and also on the penalties proposed under new section 9a (2), which states:—

The court by which a person is convicted of an offence against subsection (1) of this section on the complaint of a member of the police force may, on the application of the complainant, order that the defendant pay to the complainant a reasonable sum to cover the expenses of doing all or any of the following things:—

(*a*) apprehending the defendant;
(*b*) conveying him to a police station;
(*c*) keeping him in custody until trial;
(*d*) medically examining him.

New section 9a (3) states:—

Any amount received by a complainant under subsection (2) of this section shall, unless the court otherwise orders, be paid by him to the Treasurer in aid of the general revenue of the State.

I should prefer to see that arranged so that, if the police officer sustained any damage in apprehending the defendant, the defendant could be asked who supplied him with the methylated spirits, and the person who did the supplying should have to pay for any damage that the police officer might sustain in apprehending the defendant. The whole root of the trouble lies in the supplier of the methylated spirits rather than the consumer, particularly in the case of aborigines. This would be an incentive to the person who consumed the methylated spirits to give evidence on the question of who was the supplier.

The police are always complaining that it is difficult to find out who the supplier is. The suppliers to aborigines of alcoholic liquor, and of methylated spirits in particular, are hard to apprehend. They use all the back tracks through the scrub to get to the aborigines in question, and they use every conceivable method of avoiding police supervision. This Bill could be drafted differently in order to sheet home the penalties where they should be sheeted home—to the suppliers. They are absolutely pernicious where the aborigine is concerned. As the aborigine is denied access to liquor in the way that the ordinary Australian has access, he resorts to these suppliers of drink that has been tampered with in all sorts of ways, and a terrific profit is made on a bad article. I should like to see the whole approach to this Bill different so that we could penalize the suppliers rather than the person who is, to some extent, a victim of circumstances.

I notice that provision is made to enable a chemist who is approached for the supply of methylated spirits to refuse to supply, as he will be able to say that the law prohibits him from supplying it. We welcome that provision, because there is no doubt that some people who after normal hotel trading hours cannot get liquor in the normal way are in the habit of going to a chemist to get methylated spirits. We support that provision.

I should like the Bill redrafted because I feel we are not putting our finger on the real trouble spot here. The suppliers of methylated spirits and not the recipients should be tackled. The report on the Bill says that it is being introduced particularly to control the consumption of methylated spirits by aborigines. That being so, we should attack the supplier rather than the person who is the victim of circumstances. With these remarks, I support the Bill up to

a point but should like to hear the Premier say that it could be redrafted with these points of view in mind.

Mr. KING (Chaffey)—I support the Bill as its subject matter has been exercising the minds of people in my area for some time. For the last two years it has been the particular concern of a body formed to help the aborigines known as the Upper Murray Aborigines Welfare Association. At present this body is working in conjunction with the United Aborigines Mission in the conduct of the Gerard Mission at Winkie. The same association has been in touch, through the Aborigines Board, and wrote directly to the Chief Secretary on the supply of methylated spirits to aborigines. It queried some of the matter in the regulations that have been passed concerning the supply of alcohol, and methylated spirits in particular, to aborigines at mission stations and reserves. In those regulations I think there was a weakness, because the reserves and missions were not so clearly defined as they might have been; there could be an escape there. That is covered to a large extent in this Bill, which goes a long way to meeting the objections of the Upper Murray Aborigines Welfare Association, because it makes it an offence both to drink methylated spirits and to supply it. New section 9a (4) states—

Any person knowing or having reason to suspect that methylated spirits or any liquid containing methylated spirits is intended to be drunk who supplies or permits to be supplied to any person any such methylated spirits or liquid containing methylated spirits shall be guilty of an offence.

I do not know whether that sufficiently meets the point raised by the member for Whyalla.

Mr. Loveday—I do not think the penalties are heavy enough.

Mr. KING—That may be so but it is recognized in this Bill that a supplier would be guilty of an offence. I, too, appreciate the difficulties of sheeting home the offence. This is a Bill in the right direction; it is a little better than what was arranged in the Northern Territory, where they have been grappling with this same problem for a long time. New section 9a (6) states:—

In this section "methylated spirits" means industrial spirit or commercial methylated spirit, that is to say ethyl alcohol which has been denatured by the addition thereto of ethyl alcohol, benzine, pyridine or any other methylating or denaturing substance or agent.

Of the substances used so far, I think pyridine has been used principally for the denaturing of this alcohol. When we looked it up in the medical dictionary to find out what its effects were, we found they were practically the same as an overdose of raw alcohol, and it might not be so repugnant to those addicted to this type of spirit as some other stuff might be. I was hoping that the chemist who handled this could find a denaturing substance that would act as an emetic and make the stuff so thoroughly distasteful and physically incompatible that nobody would drink methylated spirits without suffering dire consequences.

I raised that point at one stage and was told that one had to be careful because of the operation of the poison there, and the retailer or distributor could become liable if he put in a substance such as that which could have a poisonous effect and lead perhaps to the death of the individual he was trying to protect. That was one objection to it. Research should be continued on those lines to find some substance that could be added to these spirits to make them wholly disagreeable, not only in taste but with an emetic effect as well. This Bill goes a long way towards meeting the situation. We can judge it only in the future by the way it operates. We shall have to wait and see what happens.

Mr. BYWATERS (Murray)—I sympathize with the purposes of the Bill. Persons interested in the welfare of aborigines have, for many years, been concerned about the supply of methylated spirits to aborigines, and the means of supply. Some suppliers add lemonade to the methylated spirits to give it a sparkle, but it has a demoralizing effect on the aborigines. I agree with Mr. Loveday that the heavier penalties should be imposed on the suppliers rather than on the consumers who, in many instances, are unable to fully appreciate their reactions. The member for Chaffey (Mr. King) has referred to the Gerard Mission and the problems it must face. When I was there recently I was told that the officers were concerned at the ease with which aborigines could obtain methylated spirits. A chemist told me that he was repeatedly aroused on Sunday mornings by persons suffering from hangovers, and asked to supply methylated spirits for medicinal purposes. He has refused these requests because he knows that the methylated spirits are for consumption.

The person who wilfully supplies methylated spirits to an aborigine or to a known alcoholic should be severely penalized. I believe that the penalties provided by new section 9a (2) could more properly be imposed on the supplier of methylated spirits. Last year this House

debated a matter that had been considered by the courts and expressed disgust at the offence. The person who supplied the offender with liquor was not known and apparently no attempt was made to discover his identity. The main cause of the offence was the supply of alcohol to this person who was known to be dangerous when drunk. The Bill should be re-drafted to provide heavier penalties on suppliers rather than on aboriginal and dead-beat consumers. I support the principle of the Bill.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—The Bill provides that it is an offence to sell or supply methylated spirits for drinking and it is incorrect to suggest that it makes it an offence only to consume methylated spirits. The supplier, too, is liable. Subsection (4) states:—

> Any person knowing or having reason to suspect that methylated spirits or any liquid containing methylated spirits is intended to be drunk who supplies or permits to be supplied to any person any such methylated spirits or liquid containing methylated spirits shall be guilty of an offence.

I do not think it is possible to go any further than that because methylated spirits is sold daily for legitimate purposes. A penalty of £10 is provided for a person selling it for illegal purposes or who suspects it may be consumed. Some may claim that the penalty should be higher, but I think that £10 would have a salutary effect. Members seem to believe that the Bill relates only to aborigines, but it applies to other persons in our society. Subsection (2) enables the court to determine whether a defendant should pay other charges, and is a worthy provision.

I point out that aborigines are safeguarded by the Protector of Aborigines. I have no sympathy for those persons who supply methylated spirits for human consumption. Methylated spirits is not only an alcohol, but when consumed is an abominable alcohol. This legislation is designed to be remedial and to combat a social problem. It has been framed by officers who are sympathetic to aborigines and whose only motive is the welfare of aborigines. I assure the Opposition that if, in practice, loopholes are discovered in this legislation, the Government will act to remedy the position.

One problem associated with the sale of methylated spirits is that many householders purchase it without any thought of consumption, and it is difficult to ascertain the purchasers' motives. The provision making it an offence to sell methylated spirits out of hours, except under medical prescription, is well designed because I believe that methylated spirits purchased then is more likely for human consumption than methylated spirits purchased from a grocer any day of the week.

Mr. Loveday—You want to get on to the go-between. The aborigine always knows the go-between.

The Hon. Sir THOMAS PLAYFORD—Yes, but a court must follow rules of evidence. If I were accused of consuming methylated spirits I should not be able to get out of it merely by saying that someone supplied me. Such a plea should be supported by corroborated evidence. One could not convict a supplier on one assertion of supply. I believe the Bill strengthens our law, although it is perhaps not the ideal. If we find any weakness in it we will bring it before Parliament again. I thank members for their support.

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

EMERGENCY MEDICAL TREATMENT OF CHILDREN BILL.

Adjourned debate on second reading.

(Continued from November 1. Page 1604.)

Mr. BYWATERS (Murray)—I support the Bill, which deals with a social question. It is not a Party matter, and I therefore speak as a private member. Some contents of the measure could cause concern. For instance, there could be an attempt to cut across religious freedom, which is something treasured by all the western countries of the world. It was one of the freedoms fought for during the last World War. The Premier pointed out that the Bill did not cut across religious freedom because any person of age was not affected. It deals only with minors. A person over the age of 21 can decide for himself whether or not he shall have a blood transfusion. The Bill covers children who need protection.

I know that on many occasions it has been necessary for the Children's Welfare and Public Relief Department to be brought in so as to protect neglected children. It is nothing less than criminal neglect for a parent to deny his child the right to live, which is a possibility in connection with some religious beliefs. Since the Bill was mooted members have received literature from a religious body pointing out the disadvantages of blood transfusions in relation to their religious thought. They have explained why they object to blood transfusions. Every person is entitled to express his opinion on this matter, but the saving of human life is most important. No person has

the right to say that another person shall not have the utmost medical treatment in order to save his life.

The member for Hindmarsh was probably the first member in this House to draw attention to a case in another State where a parent refused his child the right to live because of his objection to a blood transfusion. Medical evidence in that case showed that the child would have lived if it had received a transfusion. The parent adhered to his religious belief and later faced a court charge, but it was too late then because the child had died. I am pleased that the Government has introduced the Bill and provided protection for the doctor who feels that it is his duty to do all possible to save the life of a child. I cannot understand the line of thought of some people who oppose blood transfusions on religious grounds. It is incumbent on all parents to see that their children are given every opportunity to live. Why a parent will refuse to allow a blood transfusion, knowing it will mean the death of his child, is something I cannot understand. The matter of deciding about the blood transfusions should be taken from parents who will not agree and placed in the hands of other people who are interested in the welfare of the children.

In his second reading explanation the Premier said that a second medical opinion was usually sought when a parent was asked to permit a blood transfusion, and he pointed out that where there was only one doctor in an area it would be difficult to get that second opinion, and I agree with that statement. I appreciate the endeavours made by the Government and the Parliamentary Draftsman in preparing the Bill. Because of the religious views of some people the provisions of the Bill have been drafted to avoid abuse. One condition is that the practitioner must have had previous experience in performing the operation and others are that the practitioner and at least one other legally qualified practitioner must agree that the operation is reasonable and proper to be performed on the child, and that such operation is essential in order to save the life of the child.

Mr. Millhouse—Do you think the first of those conditions is proper?

Mr. BYWATERS—I should think that it would be necessary for the doctor to have had previous experience.

Mr. Quirke—In some circumstances it could result in the death of the child.

Mr. BYWATERS—I have not given much thought to that matter, but we could consider it later. In an outback area the doctor would find it most difficult to get a second opinion. It could be that an operation was in progress when a blood transfusion became necessary.

Mr. Quirke—The right type of blood must be used.

Mr. BYWATERS—In some country areas the doctor conducts the operation with the assistance of the sister. When the blood transfusion became necessary he would not have time to confer with another doctor. A flying doctor could be placed in a similar position. There could be a conscientious objection by a parent to an operation, and if that were so the doctor would have no opportunity to get a second opinion quickly. Blood plasma is held at hospitals in remote areas in order to help save a life in an emergency. If a certain type of blood had to be used the doctor would not be able to save the life of the child, but if there were a possibility of saving the life the plasma could be used. This is a matter that might be further considered by the Government.

The general principle of the measure has been adopted in other places. I understand that recently in the House of Commons a Bill dealing with blood transfusions was passed. It is interesting to note that the people most concerned about preserving freedom of religious thought are perhaps the biggest offenders in the matter of religion because they are most persistent in pressing their religious views on other people. Often when a person has no desire to listen he is forced to do so because of the persistence of these people. Of course, this has nothing to do with the Bill, but they do make a nuisance of themselves in forcing their religious views upon other people. Many people are distracted and disturbed by their actions. I support the Bill, and trust that in Committee the points I have mentioned will be considered.

Mr. MILLHOUSE (Mitcham)—The subject matter of this Bill touches on a question of moral principle that we should not lightly ignore. There can be no doubt that if this Bill is passed it will offend the conscientious religious principles of some members of our community. The general principle, which I know is endorsed by members of this House, is that of freedom of conscience and of religious belief. That is the point at which I start my remarks. I suppose all members have been sent a copy of the publication *Jehovah's Witnesses and Blood Transfusion—The Facts.* I have considered that publication closely. From it we find that Jehovah's Witnesses believe it is wrong for one person to

accept the blood of another, even though by not accepting it death may follow. That is their conscientious religious belief. I intend to quote briefly from the pamphlet, as it gives the outline of the submission it contains. In the preface the pamphlet states:—

Jehovah's Witnesses are in no way trying to force others to refuse blood transfusions. But they strongly object to coercion being used against them to violate their conscience.

Under the heading "The issue involved" the following appears:—

When medical procedure conflicts with religious conscience, which should prevail? Is faith of greater importance than life? Are doctors masters of or servants to their patients? The answer to these questions is at the heart of the blood transfusion controversy.

One other significant sentence appears on the same page, as follows:—

The freedom of the people of any nation is no more secure than that which is granted to its most despised minority. And that, precisely, is the great issue involved in the controversy over blood.

The answer given in this pamphet by Jehovah's Witnesses on the question of blood transfusions, compulsory or otherwise, is:—

I am responsible to God for the life of my child because I gave it life. Therefore, I may not force my child to violate God's law simply because it is in my charge and defenceless.

The pamphlet then suggests that blood transfusions are dangerous and gives some case histories. I do not think that these considerations of cases where the wrong blood has been given are relevant to this Bill; they go entirely to the question of common law negligence on the part of the medical practitioner. Nor do I think that the points made under the heading "Do Children Belong to Parents or the State?" are really relevant, but I have dealt at some length with the pamphlet because I do not think that we in this place should lightly override the objections of a minority of our community—objections which, though they may not be shared by the majority of people in the community, are none the less strongly held. To people such as Jehovah's Witnesses this matter is of great importance.

Whilst I sympathize with the views and beliefs of those I have mentioned, I must say at this point that I do not agree with them. I do not believe that they have any validity and I feel there is another consideration that is so strong that it overrides the objection to blood transfusion and justifies the principle in the Bill before us, so I support the second reading. I will state the principle in a moment, but wish to preface my remarks by saying that the principle does not in any way affect my views on capital punishment, where the penalty of death is deliberately exacted as the punishment for a serious crime. Nor does it affect my views on euthanasia. I am not unmindful of a jingle that no doubt you, Sir, learned as a student—"Thou must not kill, but need'st not strive officiously to keep alive". I have all these things in mind when I state the principle that leads me to the conclusion that I should support the second reading of this Bill. The principle is this: I do not believe that anyone, be he a parent or not, should have the power of life and death over another at his own whim. Life is a precious thing and every human being is entitled to it and should not be denied it because of the religious views of another person. It follows that every step that may save life should be taken—and such a step in many cases is the transfusion of another's blood. Medical science, borne out by the experience of many thousands, if not millions, of people tells us that this is so. I have never had a blood transfusion, but I have shown my faith in transfusions by being a blood donor for many years, so, while I have considered this matter deeply because it is one of moral principle, I have finally no hesitation in supporting the principle behind the Bill.

I turn now to a consideration of the Bill itself. In the course of my extensive reading I happened to come across a New South Wales Act entitled "An Act relating to the immunization of children against certain diseases and the giving of blood transfusions to children; for these purposes to amend the Public Health Act, 1902-1952; and for purposes connected therewith." I found—and I say this with no disrespect to our Parliamentary Draftsman—that the provisions of that Act, which was assented to on April 19, 1960, were remarkably similar to those in the Bill before us. It seems that the Parliamentary Draftsman has been guided by the legislation of New South Wales.

Mr. Bywaters—That is a good idea.

Mr. MILLHOUSE—The honourable member says it is a good idea, but I would not agree that everything that comes out of New South Wales is good. I do not think that simply because something comes from that State it is good.

Mr. Clark—Does the New South Wales Act contain a provision similar to clause 3 (1) (*d*)?

Mr. MILLHOUSE—Not in so many words. However, their section 39B (1) (*c*) has some significance in relation to some of the remarks I will make on the contents of this Bill. It provides:—

such legally qualified medical practitioner has had previous experience in performing the operation of transfusion of human blood and before commencing such operation has assured himself that the blood to be transfused is compatible with that of the minor.

That section has the same idea behind it as clause 3 (1) (*d*), but is not put in the same way. I desire to call attention to several points in our Bill. Clause 3 (1) provides:—

A legally qualified medical practitioner may perform an operation upon a child without the consent of the parents or surviving parent of that child or any other person legally entitled to consent to that operation . . .

I have had several discussions with the Parliamentary Draftsman about this, but I do not know what the clause means. It seems an entirely clumsy provision. "Legally entitled" has one meaning whereas "consent" seems to have another. Indeed, the meaning behind "entitled" is the opposite to that behind "consent". I had thought of moving an amendment, but it is probably not worth it. I would rather the clause provided "whose consent is required by law", which is a well-known phrase. Clause 3 (1) sets out a number of conditions. The first deals with the position if a parent or other person fails or refuses to consent or cannot be found. Fair enough; if one wants to put that in the Bill, let it stay. However, paragraph (*b*) seems to me to be a complete mistake. It provides that an operation may be performed upon a child provided that the practitioner has had previous experience in performing such operation. It may be that the operation, which is not necessarily confined to that of transfusion of blood as it is in New South Wales, is a rare one and that even the most skilled surgeon in this State has never performed it, even though he might be perfectly capable of performing it because he knows how to go about it, has read about it, or has heard it described.

Mr. Coumbe—Especially in a remote country town.

Mr. MILLHOUSE—Yes. It applies more to a general practitioner in the country who may be perfectly competent but who has not had the experience of performing such an operation. Further than that, it may be that the practitioner has performed it before and done it badly. I feel this is the wrong test, and I think the explanation of the use of that phrase is to be found in the New South Wales section that I quoted. There, the operation is confined to the operation of the transfusion of blood. As members know, that in itself is not a complicated matter medically, but our definition of "operation" is not restricted to the transfusion of blood. "Operation" is defined by clause 2 as meaning operation by means of surgery or otherwise, and includes an operation of transfusion of human blood. That definition is far wider than that in the New South Wales legislation, and that being so I think it is wrong for us to follow the New South Wales wording in paragraph (*b*). At the proper time I intend to move an amendment that I think will express our intention and get over an obvious absurdity. Paragraph (*c*) of this clause provides that there must be another medical opinion. I shall not quarrel with that, although I agree there is a great deal in what the member for Murray said about it.

I turn now to paragraph (*d*). I realize that many of these provisions are merely political window dressing; they cannot be any more than that because, if a medical practitioner performs an operation unskilfully and makes a mistake that amounts to negligence, he is liable under the common law for common law negligence. That applies as much to a medical practitioner performing his duties as it does to anyone else. Paragraph (*d*) is the supreme example of that. If a medical practitioner transfuses incorrect blood to a person that is a notable example of common law negligence for which there would be a right of action quite apart from this particular subclause. I do not know how a practitioner could assure himself under this subclause that the blood is compatible with that of the patient. He must, it seems to me, take it on faith from a little label on the bottle or from someone's say-so.

Mr. Quirke—The doctors take a sample of the patient's blood and test it immediately.

Mr. MILLHOUSE—If that is so that covers that point, but it does not affect what I have been saying about the liability at common law for negligence if a medical practitioner should transgress in this way.

Mr. Bywaters—Do you think that the provision is redundant?

Mr. MILLHOUSE—I do not believe it does any harm but it does no good except as political window dressing and for that purpose perhaps it has some value. It is not, by any stretch of the imagination, necessary. Those are the only points I wish to make. After serious consideration I support the principle

behind the Bill but I feel that it could be improved by amendment and at the appropriate time I intend to move accordingly.

Mr. HUGHES (Wallaroo)—In supporting this Bill I wish to say that because of moral issues contained in it the House should give it serious deliberation before making up its mind. Public health is concerned not only with infectious or communicable diseases but with non-infectious conditions such as those covered by the Bill. The aim of an efficient public health service is not only to prevent disease and ill-health but to promote good health for the benefit of the community and therefore appropriate measures should be controlled, especially where children are concerned. In cases where parents withhold their consent for a child to have a blood transfusion the State should interfere to enable a doctor to carry out the operation without any risk of legal action being taken against him, provided he adheres to the legislation applicable to the State in which he practises.

Because the Bill deals with public health it does not need a new name. An amendment should have been made to the Public Health Act because, in years to come when someone wants information on this Bill, the natural thing to do will be to go to the Public Health Act. He will then find that these provisions are not in that Act. After studying the clauses of this Bill, the religious grounds involved and the beliefs that might be violated by this legislation being placed upon the Statute Book, I commend the Government for introducing the legislation.

I have spoken to people who, because of strong religious beliefs, are opposed to a member of their family having a blood transfusion. They claimed that the State had no right to override or determine to what extent their religious beliefs should go. I sincerely sympathize with any parent who, because of his strong religious beliefs, finds that the State can override a decision brought about by that belief. However, from the moment a child is born into this world to such people, and to all others, the State accepts certain responsibilities towards that child. If a parent neglects to provide creature comforts for that child he will be dealt with by the law and the child will be protected and cared for by the State. I have never heard of any objection to the Children's Protection Act by people who, because of their religious beliefs, oppose this type of legislation. People who neglect their children by refusing to consent to a medical practitioner's administering certain life-saving treatment are under some misapprehension about the laws of this State, because we already have on the Statute Book the Children's Protection Act that provides that strong measures may be taken against parents who neglect a child in their care. Refusal, in certain circumstances, to provide medical assistance for a child is, in my opinion, neglect. Section 5 of the Children's Protection Act states:—

> Any near relative, guardian, or other person having the care, custody, control or charge of a child, who, without lawful excuse—
>
> (*a*) neglects to provide all such food, clothing, and lodging for the child as to the court seems reasonably sufficient;
>
> (*b*) ill-treats, neglects, abandons, or exposes the child, or causes the child to be ill-treated, neglected, abandoned, or exposed, in a manner which the court deems likely to subject the child to unnecessary risk, danger, injury, or suffering,
>
> shall be guilty of an offence against this Act and liable to imprisonment for any period not exceeding one year, and to a fine not exceeding £100.

The State has long accepted certain responsibilities for its citizens and every child that is born becomes, to a certain degree, a responsibility of the State. I emphasize that the State makes no exception. It accepts responsibility for all children that are born into the State.

This afternoon I took the opportunity of examining portion of the debate that took place earlier this year in the New South Wales Legislative Assembly when that House was dealing with the Public Health (Amendment) Bill. Members will note that that was not a new Bill but an amending Bill to cover a section of public health. The honourable member for Woollahra, who is a Q.C., M.A. and B.C.L., a man of no mean ability, spoke on the Bill and I shall refer to that part of his speech dealing with the word "neglect". The report appears on page 3144 of the *New South Wales Parliamentary Debates* for 1959-60 and states:—

> Section 118 of the Child Welfare Act, which has been in existence at least since 1923, prescribes:
>
> Any person, whether the parent of the child or not, who, without reasonable excuse, neglects to provide . . . medical aid, for any child in his care or custody . . . if such neglect, . . . has resulted, or appears likely to result, in bodily suffering or permanent or serious injury . . . shall be guilty of an offence.

Mr. Hearnshaw: The honourable member will have to define the meaning of neglect.

Mr. TREATT: That is so. One must know what is meant by the word. The Leader of the Country Party did not envisage this kind of case but it has occurred many times and has been the subject of decision in our courts. I refer the House to *The Queen v. Senior*, reported in 1899 1 Queen's Bench at page 283. The prisoner was charged with the manslaughter of his infant child, of whom he had custody. Let me say at the outset that I have nothing but respect and deference towards those persons who honestly and, as it were, deliberately entertain religious views that may not be accepted by all sections of the community. The prisoner belonged to a sect which objected on religious grounds to calling in medical aid and he deliberately abstained from providing medical aid and medicine for his sick child. The court held that he had neglected to do so. That is the meaning of neglect as held in that case. The Crown case was reserved for the opinion of the superior court and it is binding law in New South Wales. The child died from diarrhoea and pneumonia. The prisoner had supplied the child with no medical aid or medicine, though he was aware that its condition was extremely grave and it would probably die. Medical evidence was that the child's life would have been prolonged and in all probability saved if medical assistance had been obtained. The prisoner's religious views were honestly entertained. They were based, as the report points out, on the Epistle of James:

> Is any sick among you? Let him call for the elders of the church; and let them pray over him, anointing him with oil in the name of the Lord: And the prayer of faith shall save the sick, and the Lord shall raise him up; and if he has committed sins, they shall be forgiven him.

These people honestly entertain the belief that calling medical aid demonstrates lack of faith in the Lord; that is the interpretation they place on those verses. That child died without medical assistance and the parent was charged with the offence of manslaughter.

Honourable members will see the importance of this case. It is not one of refusal by parents to consent to a blood transfusion. It was a much more common case, but one that was just as liable to lead to the death of the child. The refusal in that case to give medical aid to the child suffering from pneumonia was no doubt based on grounds which people holding similar beliefs would advance today for refusing permission to give a child a blood transfusion.

Although we must pay the greatest respect to people for their interpretations of certain parts of the Bible and for the doctrines they have been taught and have accepted, we must consider the right of a child to live and we must accept the responsibility of the State to protect that child.

I believe with all my heart and soul that, if the life of a little one is slowly ebbing away and in the name of religion the parents stand by and refuse something that could give that little life health and strength, that is going too far. People have generally accepted the assistance of medical science for the preservation of life but certain sections of people who practise a sense of Christian virtue refuse to accept blood transfusions because of their beliefs. This afternoon Mr. Millhouse mentioned that he had received a pamphlet from Jehovah's Witnesses, and I also received one. It contained the following:—

In March of this year Alvin Jehu, one of Jevohah's Witnesses was convicted of manslaughter by a Melbourne jury when his two-day-old baby boy died after his refusal to permit an exchange blood transfusion. When asked in court why he had refused Mr. Jehu's reply was, "My first reason was because of my conscientious beliefs that it was a direct violation of the Almighty God's laws". The court did not doubt his sincerity nor the love and desire that he and his wife had for the baby to live. But his love for God was greater than that for his child

Had Mr. Jehu consented to a blood transfusion I do not think that would have cut across his conscientious beliefs, because, as already stated by the member for Murray, the child was a minor. Consider the case of a child who suffers a bad haemorrhage or burning and a blood transfusion is required to save its life. Under normal circumstances that child could grow up to reach 21, yet never embrace the faith of his parents; and yet it could be sacrificed because the parents' love for their God was greater than for their own flesh and blood. All I can say is, may God have mercy on their souls. The right to live should be given to every child. Therefore, a minor should be allowed to have medical treatment under all circumstances until he, under the laws of the land, is free to make his own decisions. Usually blood transfusions are needed in an emergency, and we must be prepared to accept the opinion of the medical officer in this respect. I have every confidence in members of the medical profession and would be prepared to accept their decision if such action was necessary to save life. In the interests of children of tender years belonging to parents like those in the case I have mentioned, the State must be empowered to intervene and so prevent the life of a child being sacrificed, and by so doing will prevent prosecutions being instituted against parents who, because of their beliefs, are not prepared to give consent for their children to have certain medical treatment. I support the second reading.

Mr. QUIRKE (Burra).—I also support the measure. I suppose it is only fitting that

I should support it, having had considerable experience of the necessity for at least one form of transfusion for some of my children. Had this action not taken place, two of my children who are now alive would have been dead. I lost four children because this operation was unknown at the time. I now have two strong, healthy children and as far as I know they were the first to be saved under the discovery made in regard to the Rh factor. It is thus described because it was upon the Rhesus monkey that tests were first made. The method now adopted is considerably different. Apparently the first method was quite efficacious, particularly for my two children, but there have been improved techniques. It is because of my close association with this operation that I favour the measure, because I know what it is to have two strong, healthy children, one of whom has given me and my wife grandchildren. They are a delight to our lives. How much people can miss when action which could have been taken is refused and a child is condemned to death!

I respect other people's religious beliefs. I suppose no-one has a greater respect for that than I have, but a child who at birth has been jaundiced because of anti-bodies that are killing it has no power to save itself. It is helpless. As Mr. Hughes said, once it has a separate existence it is just as much the duty of the State to protect it as it is to protect the lives of any other children. It cannot of its own free will decide whether or not it shall live or die, and the State's duty is to see that it lives. Briefly, that is my interpretation of this measure, and because of that I support it.

However, I should like clarification on one or two things. The Bill covers not only blood transfusions, but any operation that may be necessary. It says that a legally qualified medical practitioner may perform an operation upon a child without the consent of the parents, the surviving parent or any other person legally entitled to consent to the operation if such parent or other person has failed or refused to give his consent to the operation. Assuming that one has no faith in a particular doctor to perform the operation, I suppose that under the Bill one would be justified in saying "I consent to the operation, but not to your doing it".

Mr. Riches—It does not say so. It could be an appendix operation.

Mr. QUIRKE—It could be, or any form of surgical operation. If another doctor is available, could the parent say to the other doctor "You cannot do it, but someone else will"? I can see danger there. It would be possible for people, because of their religious beliefs, to adopt delaying tactics and accordingly there could be complexities under the Bill. I should like to be assured that if a person did not agree to a certain doctor doing the operation he could have it done by another doctor. Is that permitted, or could a doctor, in spite of the objection to him, carry out the operation? I want that point cleared up, because just as there are good gardeners and bad gardeners, good pruners and bad pruners, there are good doctors and doctors who are not so good, particularly in the surgical field. There are excellent physicians who make no great claims to be surgeons, and today surgery is becoming more and more a specialized field. I have the greatest respect for country general practitioners who, under the most adverse circumstances, sometimes have to perform operations. They do a remarkable job and we applaud them for it. Where one has other doctors from whom to select, does the Bill permit one to make that selection? Mr. Millhouse referred to the words "reasonably capable of". I do not know whether that covers it. Once a doctor is qualified and goes into practice, sad to relate it is assumed that he is "reasonably capable" of doing anything.

Mr. Riches—He is the sole judge of whether he can do it.

Mr. QUIRKE—I think we want some clarification of "reasonably capable of". Who is to be the judge of that?

Mr. Riches—The doctor himself.

Mr. QUIRKE—He is the only one who could say he was. He could say he was reasonably capable even if he never had previous experience. There must always be the first time. I am not opposed to the provision, but I should not like to see the Bill passed until after further examination by honourable members. The Bill has not been before us very long, although we knew it was coming forward. The average person who knew that a child would die if a certain operation was not performed would be very eager to allow any qualified man to attempt the operation. We assume that the doctor is capable of doing it, and generally speaking he is, but has a person the right of choice under those circumstances, if not completely satisfied with one doctor, to say, "No, I want a man from another district"? If a child were very close to death no-one would object to a particular doctor performing the operation, even

though he did not have much faith in that doctor. His ability would have to be pitted against the life of the child, and it is obvious what action that person would take.

These Rh blood transfusions are not always extremely urgent. My children lived until they were three days old, but we then had to watch them die. One can imagine what I would have done in an effort to save those children, but neither the medical profession nor we, the parents, could do anything about it. That is an experience I do not wish anybody to have, and how anybody, no matter what their belief, could deny a transfusion is beyond my comprehension. I want all children saved, and if my vote in this House will give the child with a separate existence the right to live and the right ultimately to exercise his own judgment in matters, then my vote is in favour of the child.

I should like assurance on the point I raised about the right to decide whether a person has the doctor that is readily available or whether he can nominate another doctor. The Rh blood transfusion is not usually terribly urgent, although it is now carried out quickly in most instances. The blood is drained from the child and a completely new bloodstream is transfused into that child, and the immediate effect is remarkable. As with all blood transfusions, one can actually see the life coming into that child as the new blood displaces the blood that contains the anti-bodies that were destroying the child's existence. It is a marvellous process, and anyone who has seen it work will give full credit to the men who studied and worked and experimented until they found out the cure for the trouble and thereby gave parents the opportunity to have healthy, normal children.

Previously where one parent had Rh negative blood and the other Rh positive blood the first child was often perfectly healthy, but the chances of saving the successive children became less each time. That has all gone by the board, and many children have been saved. Medical science has given a great blessing to parents in what it has achieved in that way. I pay a tribute to the doctor who first found the answer to our case—the late Doctor Paddy Rice (to use the name by which he was so affectionately known). I mention his name because he is probably the only person I can remember who achieved so much for so many people without reward. I support the second reading wholeheartedly, but I hope that the one or two matters I have mentioned can be cleared up before this measure is passed.

Mr. LOVEDAY (Whyalla)—I agree with the member for Burra (Mr. Quirke) on the question of choice of a doctor where that choice is available. On the other hand, I am concerned about clause 3 (1) (*b*), which refers to the practitioner having had previous experience in performing such an operation. I feel that the amendment foreshadowed by the member for Mitcham (Mr. Millhouse) is equally difficult to define and to put into operation.

The SPEAKER—The amendment can be debated only in Committee.

Mr. LOVEDAY—I appreciate that, Mr. Speaker. In remote places it would often be very difficult, if not impracticable, to prove that the practitioner had previous experience. I feel that the question of the practitioner being reasonably capable of performing the operation is something that is left for the practitioner himself to decide. I also feel that clause 3 (1) (*c*), which refers to the practitioner and at least one other legally qualified medical practitioner agreeing on a course of action, would be impracticable to implement in the case of an accident in a remote area. The application of this Bill to cases in remote areas should be considered further in Committee. An accident can happen where it is almost impossible to get in touch with the parents, as indicated earlier in the Bill. Then an operation would have to be performed forthwith without any of the details set out later in the Bill being complied with. I understand that these matters will be dealt with thoroughly in Committee, so I will say no more except that, in general, I support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 4.55 p.m. the House adjourned until Tuesday, November 8, at 2 p.m.