LEGISLATIVE COUNCIL.

Tuesday, October 2, 1951.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

ILLNESS OF HIS MAJESTY THE KING.

The PRESIDENT—I have to report that, on Tuesday last, accompanied by the Speaker of the House of Assembly, I presented the Joint Address to His Excellency, and His Excellency has been pleased to reply as follows:—

The Governor informs the honourable the President and honourable members of the Legislative Council that he has received the undermentioned cablegram from the Private Secretary to His Majesty the King in reply to the Joint Address presented by the honourable the President and the honourable the Speaker at Government House on Tuesday, September 25:—

Please assure members of both Houses of Parliament of South Australia that the loyal terms of the Joint Address are much appreciated and that it will be laid before the King at an early opportunity. The Queen is deeply grateful for the message of sympathy which you have sent on behalf of the Parliament and people of South Australia and desires me to convey her warmest thanks.

ASSENT TO ACTS.

His Excellency the Governor, by message, intimated his assent to the Business Agents Act Amendment, Swine Compensation Act Amendment, Police Act Amendment, and Public Purposes Loan Acts.

POTATO SUPPLIES.

The Hon. K. E. J. BARDOLPH (on notice)—

1. Is the Minister aware that an organization known as the Potato Distribution Centre levies 12s. 6d. a ton on all potatoes sold in South Australia?

2. Under whose authority was this organization established?

3. Is it the intention of the Minister to direct the Potato Board to carry out the work of the Potato Distribution Centre?

The Hon. A. L. McEWIN—The replies are:—

1. Yes. Under the Potato Marketing Act, 1948, the South Australian Potato Board has no power of acquisition, and its main function is to regulate the sale and delivery of potatoes. Although retaining full control of policy in relation to regulation of deliveries, quotas, etc., the board has delegated the detailed machinery of this function to the South Australian Potato Distribution Centre—an organization which was founded during the war years under the direction of the Australian Potato Committee for a similar purpose. The margin of 12s. 6d. per ton collected by the centre has been investigated and checked by the Prices Commissioner.

2. Section 16 of the Potato Marketing Act empowers the board to delegate any of its functions. In view of the existence of an organization with offices, equipment and key staff (the Distribution Centre) the board entered into an agreement whereby this body carries out the routine activities of regulation of deliveries.

3. No. In order to carry out the work now performed by the Distribution Centre, the board would have to secure offices and equipment and find suitable staff. Under existing conditions it is doubtful if the board could secure these facilities, and, even if it were able to do so, it is likely that, at least initially, the cost of regulatory functions would be very much greater than under the existing arrangement.

MURRAY RIVER FLOODS.

The Hon. J. L. COWAN (on notice)—

1. What is the highest level the Murray River flood is expected to reach at Murray Bridge?

2. When will this level be reached?

3. What is the present level at the Goolwa and other barrages?

4. Is it intended to reduce the Goolwa and other barrages to the 107ft. level to prevent the flooding of the lake frontages?

The Hon. A. L. McEWIN—The replies are:—

1. About reduced level 112 without wind influence.

2. October 25 or within a day or two of that date.

3. On October 1 the lakes were at reduced level 109, any minor variations from place to place being due to wind influence.

4. It is impossible to lower the lakes to reduced level 107 when there is a strong flow in the River Murray. Half of the stoplogs have been removed at Goolwa barrage and the remainder will be removed by October 5. Most of the gates are open at the other barrages. The barrages will not have any effect on the flood level at Murray Bridge, which will depend upon the stream flow and wind influence exactly the same as it would if the barrages did not exist.

HOUSING OF AGED AND INFIRM.

The Hon. K. E. J. BARDOLPH (on notice)—Further to the announcement that two additional wards would be opened for the aged at the Old Folks Home, Magill, is it the intention of the Government to confer with the Housing Trust for the purpose of formulating a proposal to construct a single unit group housing scheme for the accommodation of the aged and infirm, similar to the scheme in operation in Western Australia?

The Hon. A. L. McEWIN—The basic purpose of the South Australian Housing Trust, according to enabling legislation, is to provide homes for families, and the law does not contemplate the trust housing and catering for the aged and infirm.

PHARMACY ACT AMENDMENT BILL.

Read a third time and passed.

LOANS TO PRODUCERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 26. Page 672.)

The Hon. L. H. DENSLEY (Southern)—I support the Bill because it does not in any way impair the opportunities of producers to obtain loan funds for purposes for which the original Act was enacted. In fact, it would appear that funds will be more easily available. As stated by the Chief Secretary, a specific sum has been set aside for the purpose, and in future, amounts will be voted by Parliament in the normal way. To a large degree we have undergone a variation in our culinary practices in as much as we live largely on prepared foods. Consequently, more organizations will be necessary for the preparation of these foods for the public. Opportunities are available in the Murray area to serve as a means of decentralization in that vegetables can be preserved as well as other foodstuffs and fruit. It would be in the best interests of producers to co-operate and obtain money to set up factories for the preparation of foodstuffs. Apparently there is not much general demand for assistance by individuals for fallowing, but rather a demand for organizations to set up factories for the preparation of foodstuffs from primary products. It is in the best interests of producers that the Act should be amended, and I therefore have much pleasure in supporting the Bill.

Bill read a second time and taken through Committee without amendment; Committee's report adopted.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 26. Page 677.)

The Hon. F. T. PERRY (Central No. 2)—Such provisions as are contained in this measure are always the individual concern of members of the Chamber, as there is no definite Party policy; rather it is a matter for judgment on the acquired knowledge of members. Great attention must be given to the views of the promoters of the Bill. There is history behind the Bill in as much as it is associated with many years of negotiation between the Commonwealth Government and other State Governments. There have been conferences of health officers and Ministers of Health, and the matter has also been brought to the level of a Premiers' Conference for discussion. Therefore, it is natural that we should feel that it has already been carefully considered by the authorities; but we must bear in mind that the authorities in the main are Government officials who are imbued with the idea of handling tuberculosis in the way that appears proper to them. Unfortunately, there is a difference of opinion in this respect. In addition to the general explanation of the Bill by the Minister and the Leader of the Opposition, Mr. Jude and Mr. Anthoney also spoke, and their views on the Bill appear to be diametrically opposed. Mr. Jude places emphasis on the position as it affects the public, whereas Mr. Anthoney puts forward the rights and privileges of the individual. Members will have to decide on the merits of those two arguments. Many people think that the rights of individuals are paramount, and we who believe in democracy largely subscribe to that so long as the rights of the public are not trespassed upon. However, the rights of the individual, especially when he is a sufferer, must not be overlooked. I am inclined to think that if we go too far with this type of legislation we will jeopardize the rights of the individual, something we desire to protect. We must realize that the Bill will give certain control to medical men who treat individuals purely as cases. There are also magistrates who regard the individual as a case, and they have to decide on the merits of the position. I should be sorry to see the rights of the individual as regards his peculiar make-up, and also the association of his family, ignored by Parliament. In this Bill we are dealing with matters that involve human rights. Tuberculosis is rightly regarded as a preventable or controllable disease, but there are differences of

opinion concerning its control. Twenty per cent of the public suffer from tuberculosis in some form, but in most cases they heal naturally, the individual's constitution enabling him to overcome the disease without medical attention. In the examinations we propose to force on people slight infections of the lung may be shown which in the course of time would have naturally healed.

Then Hon. E. Anthoney—An old scar may be revealed.

The Hon. F. T. PERRY—Yes, an X-ray photograph may reveal an old scar and a man and his family may be involved in considerable anxiety. The legislation must not be considered lightly and we must carefully weigh its effect on the public. We should not disregard the authorities, but we should safeguard the individual rights of the people. We do not have to be associated with Parliament long to know that there are many people who honestly hold views different from our own. Views which are honestly held and adhered to should receive respect. The authorities have tried by voluntary methods to persuade people to undergo examinations, but they have failed to a degree. A voluntary examination was offered to the people in the district of Burnside, but only 5½ per cent submitted to it.

The Hon. A. A. Hoare—Do you think it should have been compulsory?

The Hon. F. T. PERRY—No, but it illustrates very clearly that the public is not so concerned with the disease as those who seek its control. To make anything compulsory we must have the public's support. I do not know whether the Minister or his advisers considered whether too much upheaval or discontent would be caused by this Bill. As the voluntary survey made at Burnside was not accepted by the people as a necessity they may not consider it necessary for Parliament to pass a compulsory clause dealing with tuberculosis sufferers.

The Hon. R. J. Rudall—Are they right?

The Hon. F. T. PERRY—I do not know. I have tried to ascertain the views of doctors and the general public, but there is a diversity of opinion. The general tone of a statement of Dr. Hayward was that the Government would be inadvised to intrude compulsory methods on the public. Against that, Dr. Cowan, who is a recognized authority on tuberculosis, advocates the Bill. Other doctors to whom I have spoken allow their personal and political opinions to colour their medical judgments and feel that the Bill is not necessary. Before accepting the Bill we should be confident that the Government is right, and come to a decision on our own judgment. I am not an authority on this matter, but it appears to me that the Bill places a great deal of onus on the Minister who has the right, from time to time by notice, to order that certain groups or classes of specified persons shall submit themselves to examination. That seems to me to mean that the Minister can issue an order and any group of people whom he selects have to be compulsorily examined for tuberculosis. That is quite a serious responsibility and I feel that it would probably be better if the Minister were fortified by the opinion of Cabinet. I therefore suggest to the Minister that he agree to a provision for the issuing of a proclamation, or something of that kind, rather than leaving it to the one Minister alone.

The Hon. A. L. McEwin—A rather unusual provision.

The Hon. F. T. PERRY—This type of legislation is unusual. We have it in quite a few cases, and in this instance the only justification is that it affects public health. I can quite understand the Director-General and other authorities pressing for the benefit of this scheme, or fad, or fetish and no doubt they have had access to the Minister. I have heard of public servants having a good deal of influence with Ministers, but in a matter which affects the public so vitally it would be better for more than one Minister to consider the issuing of an order forcing certain people to submit themselves for examination. If tuberculosis can be stamped out within a number of years, as some doctors claim it can be, by methods which can be reasonably imposed upon people, it is all to the good, but I do not think there is unanimity on that point.

The Hon. K. E. J. Bardolph—Some of the leading specialists say it can be stamped out in 10 years.

The Hon. F. T. PERRY—Exactly, but I think it possible to get opinions which do not coincide with that. Indeed, I heard one doctor say during the past week that he did not know whether the incidence of tuberculosis was being reduced; it is true that its mortality rate is, but that may be because we are keeping patients alive longer. Whether it is ever possible to entirely eradicate the disease I do not profess to be able to give an opinion, but I do suggest that if this Council feels that the Bill will accomplish what the Minister hopes, it will be wise to broaden the

authority empowered to issue an order as otherwise I am afraid it will cause much resentment. New section 146f reads:—

If a special magistrate is satisfied that any person is suffering from tuberculosis . . . . . is in an infectious condition and—

(*a*) that in the patient's interest he should undergo remedial treatment for tuberculosis; or

(*b*) that the circumstances in which the patient is living are such that there is a substantial risk that he will cause infection to other persons,

he may order that the patient be removed to an institution or to some other place agreed upon. . . . . .

If a person is ill with tuberculosis naturally he should receive some treatment, but he can be treated in his home or anywhere else that is suitable, and in those circumstances the magistrate should not have power to commit him to an institution. It seems to me that the "or" at the end of paragraph (*a*) should be "and."

The Hon. A. L. McEwin—We are dealing only with recalcitrant persons.

The Hon. F. T. PERRY—I expected that reply, but whether that is so or not is not clear to me, for the provision I have just quoted follows closely upon the compulsory examination provisions. A person should go to an institution only if he cannot be treated satisfactorily anywhere else: home treatment for anybody is preferable if the home conditions are right. There are, or course, a number of people who object to forced treatment and I think that also may be argued. I have met people who feel that the best hope of curing their ills is Divine help—I refer to that fairly large body known as Christian Scientists.

The Hon. A. L. McEwin—The whole basis of the treatment is rest.

The Hon. F. T. PERRY—Exactly, and probably the Christian Scientists are nearer solving this problem than those who would adopt forced treatment. I feel that the best treatment is a restful, happy, contented mind and that is what the Government should seek to provide for those unfortunates suffering from the disease. There are illnesses in which the sufferer may be in a measure to blame, but I feel that no person who has contracted tuberculosis can be blamed in the initial stages.

The Hon. A. L. McEwin—That is not suggested.

The Hon. F. T. PERRY—No, but it is in the minds of a good many people that a tuberculosis sufferer is shunned, and the time has arrived when a good deal more sympathy should be extended to him.

The Hon. E. Anthoney—A man suspected of tuberculosis infection may lose his job.

The Hon. Sir Wallace Sandford—And he may lose his life if he is not treated.

The Hon. F. T. PERRY—Some members, including myself, do not feel sufficiently informed to give an honest opinion and that is why I have raised these points, which I hope will be discussed further in this debate. I am certainly emphatic in saying that the compulsory provisions should be modified, and only if the patient cannot get treatment in the home or elsewhere should he be committed to an institution.

The Hon. R. J. Rudall—Is not that what the clause means?

The Hon. F. T. PERRY—I am not sure, and I want to be perfectly clear on it before I support the Bill. I do not suppose I have added much towards the solution of the problem, but I hope other members will contribute more to this debate and then we may be able to make up our minds on the best course to adopt. We should insert all the safeguards possible to protect the individual and his family and then if the Bill is for the benefit of the public I think we should carry it.

The Hon. L. H. DENSLEY (Southern)—I feel it very desirable that all members should express their views on this matter. The Bill is a very important one which has been looked for by many people for a long time. Many doctors have said that tuberculosis can be eradicated if proper treatment is compulsory and the proper means are provided. With the South Australian climate and our standard of living we should be able to handle this disease better than any other country. In the interests of the public generally there is an obligation on sufferers of tuberculosis to come forward for treatment, and if required, to undergo isolation in order to eradicate the disease. Mr. Perry mentioned that we were trespassing on the liberties of the individual by putting this type of legislation into operation. It seems to me that those who are unfortunate enough to be suffering from tuberculosis are trespassing on the health of the community more than their rights are being trespassed upon. It would appear that no voluntary system to treat the disease could be successful. We can readily understand that many people do not desire to undergo examination with the possibility of their removal from the company of their family. If the Government were in a position to make a compulsory survey of the whole State so that everyone

would undergo an X-ray test, thereby enabling people to know whether they were free from the scourge or not, it would meet with general approval. Those who had the disease could then make themselves available for treatment.

I can understand that a fear of detection could spring up which would make people avoid, if possible, treatment by doctors if they thought that they were to be removed from their families; whereas if all were subject to an X-ray examination and had to face up to a survey it would make the position easier for all concerned. There is a difference of opinion among doctors on the subject, and consequently it cannot be expected that there will be such a lead forthcoming from those who are unsympathetic to the scheme as one would expect from those who are in full accord with it. A comprehensive survey is highly desirable so that everyone could receive a health certificate. I have no knowledge of whether it would be feasible for the Government to undertake a wholesale survey which would necessarily be embodied in that plan, but I believe it is desirable and would lessen the antipathy among those who would otherwise oppose the proposal in the Bill. It is essential that proper care should be taken of a sufferer's family while he is being treated, or while he is in isolation. I am inclined to support the Bill even in its present form. No person likes to be compulsorily examined to detect a disease, but I believe in the long run the general public would appreciate positive action along those lines, and in years to come would be grateful to this Parliament for having been game enough to put the measure into operation.

The latter part of the Bill deals with dangerous substances, and I wholeheartedly support it. We know of instances where stock drenches kept under certain conditions have become a very volatile poison, and it is possible that the same could happen with certain requirements of human beings. Therefore, a close watch should be kept over these substances and regulations should be put into force from time to time to meet the position. I have pleasure in supporting the Bill.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—This Bill inserts in the Health Act a new part dealing solely with tuberculosis. Clause 4 adds power to enable regulations to be issued declaring certain substances dangerous, and prescribes the precautions to be taken. The more important part of the Bill deals with tuberculosis and the energy and spiritedness with which the debate has been conducted provides ample evidence of the importance of the principle involved. As the Minister of Health said in his second reading, an arrangement was arrived at between the Commonwealth and the States for legislation to be passed for compulsory X-ray and other means of examination, and for the compulsory detention of sufferers where that was justified. I am inclined to think that it is the association of compulsion with the Commonwealth which has to no small extent been responsible for some of the opposition developed in this State, and that may develop still further. There is little doubt that Australians view with distinct disfavour the idea of compulsion, particularly when it is directed from Canberra. Indeed, I think this is often at the root of the opposition to the efforts that have been made to alter the Australian Constitution, and probably explains in no small degree the fact that since Federation was introduced 50 years ago, of the 25 referenda to sanction the handling of certain powers to the Commonwealth only four have been approved by the electors. However, in this Bill the State is fulfilling an agreement to co-operate with the Commonwealth in taking steps to reduce the incidence of a disease about which the members of the Central Board of Health as late as July last year said in their report, "Tuberculosis still causes far more deaths than all other notifiable diseases combined."

The Hon. F. T. Perry—"Notifiable" is a very limiting word.

The Hon. Sir WALLACE SANDFORD—Not at all. Much of the discussion on the Bill hinges on notification. Mr. Anthoney referred to the right of notification, but his argument broke down because he did not follow on, and certainly did not convince me what would be the result of notification.

The Hon. K. E. J. Bardolph—Measles and whooping cough are notifiable diseases.

The Hon. Sir WALLACE SANDFORD—The fact remains that tuberculosis is responsible for more deaths than all the other notifiable diseases put together. Mr. Densley referred to the climate of Australia being more favourable than elsewhere in the world for the treatment of this disease. Taking into account our sunshine, clear atmosphere, and open spaces, with lack of density of population, one can agree with that statement. All those factors are in favour of the disease being controlled, and if not entirely eradicated, certainly greatly reduced. However, what do we

find? Deaths from tuberculosis in South Australia for 1948 totalled 169, whereas for the whole of Australia the total was 2,008. As the population of South Australia is about one-eleventh of that of the Commonwealth, one would have imagined that the position would have been more favourable from South Australia's point of view. With all the advantages of climate we imagine we possess in South Australia, including our bright sunshine, low rainfall, and therefore drier air, one would have thought that our position would be more favourable in support of the contention that we were getting along all right here, and therefore why impose restrictions on the liberty of the subject?

The Hon. E. Anthoney—The mortality rate is decreasing.

The Hon. Sir WALLACE SANDFORD—I am glad to have that assurance. We should tell that to the gentleman who said in the report last year that tuberculosis caused more deaths than all other notifiable diseases combined. The mortality rate is possibly decreasing but the object of this Bill is to hurry the reduction of deaths.

The Hon. F. J. Condon—Has tuberculosis caused more deaths than poliomyelitis?

The Hon. Sir WALLACE SANDFORD—I do not know the figures for polio. It has already been said that if restrictions are not imposed in all the States there will obviously be a tendency among those who feel the oppression of restriction to come or go to the States where those restrictions are not imposed. This Bill is the outcome of an arrangement with the Commonwealth and it is presumed that the other States will pass similar Bills. They may not all do so but if four out of six do then there will be two States where individual freedom is regarded as more important and which will be over-run to some extent by those who have the misfortune to suffer from the complaint. If other States are passing similar legislation, from that angle alone it is necessary for us to afford protection to the people who are healthy and have the good fortune not to have been affected. To my mind the case for compulsory examination, which is the earlier part of the Bill, and provides for the treatment and segregation of known sufferers unwilling to undergo treatment voluntarily, is amply justified and in order to protect the rest of the community we should give it our support.

Mr. Perry stated that it was probably better for the individual sufferer, and more satisfactory for the peace of mind of the community generally, to be treated in his own home. During the last two weeks we have heard enough from the Chief Secretary, when explaining the difficulties and problems confronting hospitals in this State, to realize it will not be simpler to be treated in your own home than to find the nursing staff which would be required to bring that about. It will not be easy for people to get the required nursing staff, either professionals or relatives of the patient, to undertake the duties, responsibilties and risks attaching to looking after a patient and it will eventually mean that the overwhelming proportion of sufferers will have to go to a hospital or some sort of home. That does not seem as attractive as sitting in one's own home but it is much more practicable.

I join with Messrs. Perry and Densley and others who referred to the desirability of having the matter discussed at even greater length. It has already been dealt with by several members and I sincerely hope that others will speak their minds and give us the benefit of their points of view. It is an urgent and very serious decision that we have been called upon to make but in spite of all the care we have taken it is extremely disquieting to reflect upon the fact that we do not seem to have made the progress in the elimination or treatment of this disease that might have been expected. Those of us who have been in Europe and the more densely populated parts of the white world know that this land in which we live is looked upon by those people who live under clouds and grey skies for most of the year as being a most desirable place by reason of—if no other—its continuous sunshine. That and the other conditions to which I have referred seem to combine to make us convinced that the disease can be overcome. It is hardly possible to expect it can be eradicated, but I feel that in this Bill, behind which I have no doubt the greatest care and thought have been expended, we have a measure that should call for our support and I am going to lend it mine.

Clause 4, which amends section 147 of the principal Act, deals with some conditions that 10 years ago were practically unknown. I imagine that the march of science and research has disclosed dangers which call for correction and this is the time to insert them in the Health Act.

The Hon. F. J. Condon—What about the penalties?

The Hon. Sir WALLACE SANDFORD—I admit that I have deliberately avoided referring to them. They seem to be a little hefty but we are dealing with an extremely serious matter. If any person gets this disease through other than sheer misfortune or some inherent weakness perhaps from a generation or two back, it is bad luck. We do not know that the sufferer is convinced that the benefits are going to be secured. I have no doubt that if discouragement is to be brought into this matter then it is necessary to impose a heavy or deterring penalty. The penalties certainly look a bit fierce but that is a small matter which can be discussed in Committee. The first thing to do is to see whether the majority of the members of this Chamber approve of the second reading: after that some of the details can be adjusted if considered expedient. I support the second reading.

The Hon. C. D. ROWE (Midland)—I have listened attentively to this debate, which has been the keenest we have had this session, and after giving considerable thought to the Bill, I feel that the proper thing for me to do is to support it. It seems to me that the opposition which exists in some people's minds to the compulsory clauses arises from two causes. First, there are many people who have a natural reluctance to submit themselves for examination by a medical man. I remember when I went to college we were encouraged to be medically examined twice each year—once after returning from the Christmas vacation and the second time in August or September before settling down to studying hard for final examinations. Although at the time some of us were not keen about it the net result of these examinations was that in numbers of instances conditions regarding students' health were discovered which, had they been let go, would have developed and caused serious consequences later in life. Consequently many students were put on the road to health. We want to encourage people to submit themselves to a medical examination whenever they feel there is something which requires attention. Further evidence of the reluctance of people to undergo examination is the poor response to the voluntary X-ray examinations. When the unit was in Maitland my family and I took advantage of the service provided and were examined. It has given us pleasure to know that the results have been satisfactory. The second reason why people are a little wary of the compulsory clauses is that the patient himself is always the least capable of deciding what is the best course to be adopted in his interests. Therefore it should not be left to the person who thinks he may be suffering from tuberculosis to decide whether he should undergo treatment. It should be made compulsory for him to have proper medical attention.

I have just looked at the Auditor-General's report and I find that the number of persons being treated for tuberculosis in our hospitals has increased. In 1946 there were 87 patients at Bedford Park and the number increased to 91 in 1950. At the Morris Hospital there were 44 in 1946 and 106 in 1950. I do not know whether those figures indicate an increase in tuberculosis in the community, or that more people are seeking treatment for it, but there is no disputing the fact that medical men claim that we should be able to stamp out the disease completely in this country. I feel, therefore, that it is necessary that we should take compulsory steps now it is evident that the voluntary effort we have tried has not been successful. No-one likes to interfere with the liberty of the individual, but there is a distinction between liberty and licence. I have liberty to drive a car as long as I obey the rules of the road, see that it is kept properly under control, and keep myself in such a condition that I can control it properly. If I take some narcotic, or do something which prevents my driving that car properly, I can be charged and, if necessary, prevented from driving the vehicle for a limited period, or I may even be put in gaol for creating a danger to the public.

The Hon. F. T. Perry—That is your own act, though.

The Hon. C. D. ROWE—It may be, but it may not; I may have inherited epilepsy.

The Hon. K. E. J. Bardolph—Then you would not have a licence if the authorities knew of it.

The Hon. C. D. ROWE—If it is proper for the authorities to prevent my having a licence for that reason, surely it is logical for them to prevent my mixing with other people and infecting them with tuberculosis. If compulsion in this matter be wrong, then it must be also wrong to have compulsion under our quarantine regulations; if it is wrong to insist that people shall go into a hospital for treatment for tuberculosis, is it not equally wrong to insist that those who come from overseas shall be kept in a particular place for a prescribed period to prevent their spreading disease in our community? I cannot see any distinction, and I think it is only a question of

putting our own house in order by using a little clear and logical thinking. In the case of an ordinary infectious disease we insist on the person affected remaining within his own home where he cannot contact other people, and I therefore feel perfectly justified in supporting the compulsory provisions of this Bill because those who have seen the serious suffering in advanced cases of tuberculosis know that they would be doing a kindness by insisting on early treatment.

It has been said that there are people who object to this type of legislation because it cuts across their religious principles. I cannot agree with their reasoning. A religious principle is something which has a spiritual basis and I cannot see how they can expect to cure a physical condition on a spiritual plane. I do not say that some physical conditions are not brought about because of some misinterpretation or misunderstanding of a spiritual idea, but I think we have been given talents and brains and we are expected to use them to the utmost of our ability, and in this case there is, within the scope and knowledge of our own brains, the means which we should adopt to stop the spread of this disease. That being the case I feel that we are in duty bound to do it. There was an interjection in regard to poliomyelitis. Unfortunately, there is an important distinction between tuberculosis and poliomyelitis in that we do know the cure required for the former, but as yet we cannot say with any assurance what is strictly required to prevent poliomyelitis; all we can do is to alleviate the sufferings. I feel that we are justified in supporting the compulsory provisions of this Bill and I therefore have much pleasure in supporting the second reading.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

ADVANCES FOR HOMES ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—The Advances for Homes Act empowers the State Bank of South Australia to make advances to persons for the purpose of purchasing or building dwelling-houses and the Act now provides that any advance for this purpose may not exceed £1,500. Advances can be made up to nine-tenths of the value of the security and are repayable upon the credit foncier system over a term of years. The present maximum for advances was fixed under an amending Act passed in 1949 and the main purpose of this Bill is to increase this maximum to £1,750. Since 1949 building costs have increased appreciably and if the policy of the Advances for Homes Act is to be given effect, namely, that financial assistance by means of a mortgage loan will be made available to any person desiring to establish his own home who can pay a reasonable amount towards the cost, then it follows that the maximum amount which can be advanced should be increased. The point may perhaps be taken that a mortgage loan may reach an amount which it is not prudent for a person of moderate means to contract. However, the successive increases in the basic wage which have affected building costs have also increased the monetary income of a prospective mortgagor. Perhaps the most important factor in considering whether a prospective borrower can afford to enter into his mortgage commitments is a consideration whether his income is sufficient to enable him to meet, without undue strain, the periodical payments under his mortgage. The weekly commitment under a credit foncier loan for 30 years is approximately 2s. 6d. per week for every £100 borrowed. It follows, therefore, that if the mortgage limit is increased by £250 the increased weekly liability thereby incurred is a relatively small sum.

Clauses 3 to 6 therefore amend various sections of the Advances for Homes Act relating to the maximum advances which may be made by the State Bank under that Act and increase this maximum from £1,500 to £1,750. Clause 2 deals with the manner in which the State Bank is to be recouped the cost of administering the Advances for Homes Act. Section 8 of the Act provides that the Treasurer is, after June 30 in every year, to pay to the State Bank, as consideration for the administration of the Act by the Bank and to meet those expenses, such an amount as is fixed by the Treasurer from time to time but not exceeding 10s. per centum of the moneys due on that June 30 in respect of advances and agreements under the Act and reverted properties. This limit of 10s. per centum has stood in the Act since 1928; before 1928 the limit fixed by statute was 15s. per centum. The State Bank has pointed out to the Government that the present limit of cost in insufficient. The costs incurred by the bank by way of salaries and other expenses have necessarily increased during the past years and beyond the limit fixed by the

present Act, with the result that in the financial year ending June 30, 1951, the actual cost to the bank of administering the Advances for Homes Act was £36,163, but the amount recouped under its commission of 10s. per centum was £21,268, showing a loss to be borne by the bank of £14,895. The Act is, in effect, administered by the bank as the agent for the Government. The amounts advanced under the Act are paid from a Treasury account called the Advances for Homes Loan Account; moneys collected by the bank in repayment of principal are paid to the credit of this account whilst moneys collected by way of interest or rent are paid into general revenue. It is accordingly considered proper that the bank should be recouped the actual costs reasonably incurred by it in administering the Act, and clause 2 therefore repeals section 8 and enacts a new section which provides that after the close of any financial year, begining with the current financial year, the Treasurer is, from general revenue, to recoup the bank its costs and expenses of administering the Act, but it is provided that the Auditor-General must first certify that, in his opinion, those costs and expenses were reasonable.

Clause 7 repeals subsection (5) of section 42 of the Advances for Homes Act. Section 42 provides that if an advance is made by the bank in respect of any dwellinghouse, the dwellinghouse is not to be disposed of without the consent of the bank. The section also provides that a mortgage cannot be discharged before the due date unless the bank consents to the discharge. Subsection (5) provides that, during the first 10 years after an advance is made, the bank is not to give consent under the section unless the bank is satisfied that the refusal of consent would cause great hardship. The purpose of the Act is to enable an advance to be made to a person so that he can secure a house in which to live with his family, and the object of section 42 is to secure that a person who receives the benefit of an advance shall not traffic in the house thereby obtained. The provisions of subsection (5) providing that consent during the first 10 years is only to be given in cases of hardship have caused concern to the State Bank. The bank has been advised by the Crown Solicitor that it cannot give consent to a transfer of the house if the application was made to enable the applicant to improve his economic position; for example, if he has a chance of a better job elsewhere. The State Bank suggests that in cases of this nature and similar cases it should have a discretion in the matter and has therefore recommended that subsection (5) be repealed and this is done by clause 6. The repeal of subsection (5) will not in any way affect the general policy of section 42, namely, that the consent of the bank must be obtained to any dealing in the property concerned, but the bank will be given the same discretion to give or refuse consent during the first 10 years of the advance as it now has for the balance of the term of the advance. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.

TRESPASSING ON LAND BILL.

Received from the House of Assembly and read a first time.

Second reading.

The Hon. R. J. RUDALL (Attorney-General—Midland)—The purpose of this Bill, as its long title indicates, is to make further and better provision for the prevention of trespassing on land. At present there are two Acts which deal with this matter. One is the Police Act which declares that any person who is in or upon certain specified types of lands or premises without lawful excuse or for an unlawful purpose shall be a rogue and a vagabond and liable to six months in gaol. There is little doubt that this provision was not intended to deal with trespassing in what may be called agricultural areas, and having regard to the types of premises mentioned in it, the courts would very probably hold that it did not apply to such areas. The other Act now in force is the Trespassing on Land Act, 1928, which was passed specifically to deal with trespassing on land in agricultural areas. The scheme of this Act is that a landowner may put up a notice on a paddock stating that sheep are grazing there, and it them becomes an offence to trespass in the paddock. The penalty is a fine of not more than £5. The Government has recently received representations from the Adelaide Plains Landowners Protection Association, and other persons, including the member for Glenelg, asking that more stringent legislation should be passed. It has been pointed out that trespassing has recently been extremely prevalent and has caused no little damage to lambing ewes and their progeny. Landowners find it difficult and often impossible to find out the names of the

persons responsible for the damage and in addition it is said the present maximum penalty of £5 is not a sufficient deterrent.

The Hon. F. J. Condon—Why increase the penalty to such an extent?

The Hon. R. J. RUDALL—Because it is obvious that the present small penalty is not sufficient to deter people from going on properties looking for mushrooms and causing damage. The maximum penalty does not necessarily have to be applied. The decision is left with the court according to the circumstances.

A further weakness of the present Act is that the landowner is required to put up a notice in each paddock which he desires to protect. It is common knowledge that in recent years trespassers—mainly persons in search of mushrooms on other people's land—have become so numerous and enterprising that in order to protect himself fully a landowner would have to put up not one, but a number of notices. The Government considers that this is an unreasonable burden to place on landowners. Most people know that trespass is a violation of the rights of others and it should not be necessary to constantly remind them of it by notices. The Government proposes, therefore, to ask Parliament to repeal the Act of 1928 and enact in its place some more stringent provisions, the details of which are as follows:—First, by clause 3 it is provided that the Bill will apply only in parts of the State to be proclaimed by the Governor. Members will realize that in areas of relatively sparse population it would not be reasonable to expect people to refrain entirely from entering the land of others. Clause 4 contains a definition of the expression "enclosed field" to the effect that an enclosed field is one which is enclosed by fences, hedges or walls and has sheep, cattle, or a cultivated crop upon it or is an orchard or vineyard. Land will be regarded as enclosed notwithstanding gaps in the fences or other structures surrounding it. The Act will apply to any enclosed field, although there may be no warning notice erected on it. Clause 5 makes it an offence to enter or remain unlawfully upon any enclosed field. The penalty is a fine of not more than £10 for a first offence and £20 for a subsequent offence.

Clause 6 prescribes a penalty for any person who unlawfully remains on an enclosed field after being requested in accordance with the Bill to leave. For a first offence the penalty is a fine of not more than £20 and up to £40 for a subsequent offence. Clause 7 imposes an obligation on a person in an enclosed field to state his name and address upon being requested to do so in accordance with the Bill. Clause 8 sets out that a request that a person should depart from any enclosed field, or should state his name and address may be made by the owner or occupier of the enclosed field, or any person in his employment. When making any such request the person making it must inform the person to whom it is made that he is the owner or occupier or an employee, as the case may be; and if any such statement is false the person making it is liable to a penalty of £20. Clause 9 contains evidentiary provisions to facilitate proof of the areas within which the Bill applies and to place the onus on the defendant of showing that his presence on any land was lawful. Clause 10 provides that the Bill will not take away rights under other Acts or at common law. The Government has no desire to be unduly harsh upon the general public and has no doubt that the courts will see that the measure is not used oppressively against the harmless trespasses which inevitably occur. But there is no doubt that a section of the public has allowed its enthusiasm for mushrooming to outweigh its respect for the rights and property of landowners and some more stringent measures than have been taken in the past are now necessary. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of hte debate.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—The primary object of this Bill is to grant certain remissions of succession duty on property derived from servicemen and others who die in or as the result of the Korean war. Remissions similar to those proposed in this Bill were granted by Parliament in connection with the war of 1914-1918 and the last war. The Returned Soldiers' League and other organizations representing ex-servicemen have asked the Commonwealth Government and the Government of each of the States to extend the remissions so that they will apply in respect of the Korean war. The Government

is of opinion that there is merit in this request. The concessions in question are granted on property accruing to widows, children and other descendants, parents and other ancestors, and brothers and sisters of deceased ex-servicemen, and there is as much justification for granting them in connection with the Korean war as there was in the previous war. The amount of the remission proposed to be granted is as follows:— (*a*) Where the net present value of the property derived from the deceased serviceman by any of the persons mentioned does not exceed £5,000, the whole of the duty is remitted. (*b*) Where the value of any such property does exceed £5,000, all duty in excess of the amount which would be payable if the value had been reduced by £5,000 is remitted, and in addition an amount which would have provided the deceased with an annuity equal to 4 per cent of the duty payable after taking into account the remission abovementioned.

It is proposed by the Bill to extend these remissions to the estates of the following classes of persons:—(*a*) Members of fighting forces dying on active service in the Korean war as the result of wounds inflicted, accident occurring, or disease contracted while on such service. (*b*) Persons who are engaged in Korea in providing ambulance services, medical attention, entertainment, and other similar amenities for members of the fighting forces, and who die as a result of wounds inflicted, accident occurring, or disease contracted whilst so engaged. (*c*) Masters and members of the crews of British ships dying from wounds inflicted, accident occurring, or disease contracted as the result of action against the ship during the Korean war by enemies of the United Nations.

The other matter dealt with in the Bill is the question of charging succession duty on certain costs received by solicitors for professional work done in cases where they are appointed executors or trustees under wills. It was a general principle of the common law that an executor or trustee under a will must act in that office gratuitously; and although this general rule has been modified by Statute it is still the law that if under a will a solicitor is appointed as executor with power to charge costs, any costs received by him from the estate for professional work amounts to a legacy. Succession duty is therefore chargeable upon such costs. The Government has received a request that payments of this kind should be exempted from succession duty and should be treated as being what they really are, namely, remuneration for work done. This request appears to the Government to be just and reasonable. In England, although the costs of a solicitor-trustee are regarded as a benefit received by him under the will and as a matter of strict law chargeable with death duties, the Commissioners of Inland Revenue do not, in practice, in England collect such duty.

It is proposed in this Bill to declare that charges properly made by a solicitor who is appointed by a will as executor or trustee with power to charge for his services, shall not be chargeable with succession duty as if they were a legacy; and so far as they are charges for work done in connection with proving the will and transferring the property into the name of the executor they will be regarded as testamentary expenses and therefore deductible in working out the net value of any property passing under the Bill. I move the second reading.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (No. 2).

Received from the House of Assembly and read a first time.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—The object of this Bill is to make substantial general increases in the rates of compensation prescribed by the Workmen's Compensation Act. The Government is anxious that these payments should at all times be kept at a level which is fair to workers, having regard to current wage rates and the standards adopted generally throughout Australia. The rates are kept constantly under review by Ministers and in framing its legislation programme before the present session opened the Government decided that as soon as its investigations were complete a Bill would be introduced. In framing this Bill the Government has taken into account the most recent alterations in rates made in the other States and has endeavoured to raise the South Australian rates so that on the whole they will be above the general Australian level. It is not claimed that every rate in this Bill is higher than the corresponding rate in every other State; but it is claimed that if the Bill is passed as introduced our scheme of payments on the whole will be appreciably above the general average level of the other States.

The Hon. F. T. Perry—What is the idea of that?

The Hon. A. L. McEWIN—It is anticipated that a further increase in the cost of living will shortly be made and it is not the practice to introduce a new Bill every three months. If we have a Bill relating to the same subject every session members get restive on occasions and it would not be wise to introduce a Bill which is already lagging at the time of its introduction when it is known there is a possibility of a further increase.

The Hon. F. T. Perry—I take it the anticipated rise is included in this amount?

The Hon. A. L. McEWIN—If other States are right, then at least we are ahead of them and this would cover the increase.

The Hon. F. J. Condon—The answer is that we have been lagging behind the other States too long.

The Hon. A. L. McEWIN—I do not think so. I remember introducing an amendment last session when it was complained that our Bill was over-generous and in excess of comparable benefits given by other States.

The Hon. F. J. Condon—This House reduced the amount.

The Hon. A. L. McEWIN—I do not remember any appreciable reduction.

The Hon. F. J. Condon—The payment to a single man was reduced from £8 to £6.

The Hon. A. L. McEWIN—There was an anomaly and a correction was made, but I do not think the honourable member is justified in saying that the benefits were reduced to any appreciable extent.

The Bill is not a long one. This is because no attempt is made to alter the general principles of compensation which are now well settled and understood but the Bill is restricted to the purpose of altering amounts. Clause 3 amends the definition of "workman." At present no-one whose average weekly earnings, exclusive of overtime, exceed £15 is covered by the Act. It is proposed, in recognition of the substantially increased earnings of workers in recent months, to raise this figure to £24. The result will be that workers earning up to £1,000 a year will be entitled to compensation. Clause 4 increases the maximum amount of compensation payable to dependent members of the workman's family where the workman dies as a result of his injury. This maximum is at present £900 plus £50 for each dependent child. The proposal in the Bill is to raise the maximum to £1,500, plus £50 for each dependent child.

Clause 5 deals with the compensation payable where a workman dies leaving no dependent members of his family. The compensation payable in such cases is medical and burial expenses. The medical expenses are now subject to a maximum of £50, and the burial expenses £20. It is proposed, as I will explain later, to raise the medical expenses to £75 in all cases, including the case where a workman dies without dependants. By this clause the allowable burial expenses are raised from £20 to £30.

Clause 6 raises the rates of compensation for incapacity. It increases the general basis of weekly payments for total incapacity from two-thirds to three-quarters of the workman's average weekly earnings and the allowance payable in respect of a wife is raised from £1 a week to £1 10s. The over-riding maxima which the principal Act imposes on the weekly payments and which at present are £8 in the case of a man with dependants and £6 in the case of a man without dependants are raised to £12 and £8 a week respectively. Finally, the maximum amount of the total payments for incapacity is raised from £1,150 to £1,750.

Clause 7 deals with the special additional amount of compensation which is payable to cover the medical expenses of an injured workman. At present the maximum total amount allowable for these expenses is £50 which is apportioned between ambulance, transport, medical attention, nursing and the like. It is proposed to increase the £50 maximum to £75 with corresponding increases in the individual allocations. The amount available for transport is increased from £2 to £5. General medical expenses are raised from £25 to £35, nursing fees from £3 to £5, and hospital charges from £20 to £30.

Clause 8 contains consequential amendments only. Clause 9 provides that the Bill will, in general, apply only to accidents happening after the Bill is passed. An exception, however, from this general rule is prescribed in connection with weekly payments. A proviso to clause 9 enacts that weekly payments being made at the time of the passing of the Bill in respect of incapacity arising from accidents which occurred before that time, will

be at the new increased rates, but subject to the old maximum amount of the employer's liability, namely, £1,150. Looking at the Bill as a whole members will see that the average of the increases proposed in it is over 50 per cent. These increases, when taken in conjunction with those made by Parliament last year will, in the Government's opinion, ensure a just and equitable scale of compensation. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.

ADJOURNMENT.

At 3.52 p.m. the Council adjourned until Tuesday, October 9, at 2 p.m.