

LEGISLATIVE COUNCIL.

Tuesday, October 16, 1951.

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

REPRESENTATION ON AUSTRALIAN WHEAT BOARD.

The Hon. F. J. CONDON—I ask leave to make a statement prior to asking a question.
Leave granted.

The Hon. F. J. CONDON—Last week I asked the Chief Secretary a question about the Canberra conference and the fixing of a price for stock feed. According to a press report a majority of State Ministers of Agriculture carried a resolution at the conference yesterday urging that the price of wheat for stock feed be increased from 7s. 10d. to 16s. 1d. a bushel. The only dissentient voice was that of the South Australian Minister of Agriculture, the Hon. Sir George Jenkins. I am not so much concerned about that resolution as I am about one submitted to the conference by the Australian Primary Producers Union that the Australian Wheat Board should be reconstituted, with additional producers' representatives from Western Australia and South Australia in place of the millers' representative and employees' representative. Producers at present have a majority of members on the board and any attempt to remove the present members, as suggested, would cause serious trouble. As this will probably mean the introduction of legislation, will the Chief Secretary take up the matter with the Premier and use his influence to see that the constitution of the board is not altered, as suggested?

The Hon. A. L. McEWIN—I will take up the honourable member's question with the Premier. I take it that it will be necessary, first of all, to obtain a report from the Minister of Agriculture. I have only press reports to go by and sometimes they do not always express what has actually happened.

POLIOMYELITIS TREATMENT.

The Hon. K. E. J. BARDOLPH—According to a recent press report the New South Wales Government proposes to establish a Sister Kenny clinic for the treatment of poliomyelitis sufferers. As Sister Kenny's method has been adopted in England, America, and other European countries, will the Government consider the advisableness of establishing a similar clinic in South Australia?

The Hon. A. L. McEWIN—If the answer was to be brief it would essentially be "No," because the advice of our medical authorities who, of course, one looks to as specialists, has to be followed in the treatment given at present. If the honourable member, who apparently is impressed by press reports, will read the *Mail* of a week ago, he will see from a statement by three physiotherapists and two specialists who are attending the conference abroad that the treatment in South Australia is the most up to date in the world, and is in every way related to the action taken here and elsewhere for poliomyelitis treatment. They also stated that they agreed with specialists from other countries in saying that the Sister Kenny treatment was on the way out. In view of the report I cannot give the honourable member any further information.

PARKING OF TRAILERS.

The Hon. K. E. J. BARDOLPH—I ask leave to make a statement prior to asking a question.
Leave granted.

The Hon. K. E. J. BARDOLPH—Probably all members have noticed the prevalence of interstate trailers in the city of Adelaide, particularly around the four terraces and in some of our main streets. They are a danger to ordinary vehicular traffic. Will the Chief Secretary take up with the State Traffic Committee the question of and bringing down a regulation to prohibit their parking within the city?

The Hon. A. L. McEWIN—I will refer the question to the Premier who is the Minister responsible for handling traffic matters.

WHYALLA WEST PRIMARY SCHOOL.

The PRESIDENT laid on the table the final report of the Public Works Standing Committee on the Whyalla West Primary School, together with minutes of evidence.

AUDITOR-GENERAL'S REPORT.

The PRESIDENT laid on the table the annual report of the Auditor-General for the year ended June 30, 1951.

HOSPITALS ACT AMENDMENT BILL.

The Hon. A. L. McEWIN, having obtained leave, introduced a Bill for an Act to amend the Hospitals Act, 1934-1941, and to amend section 70h of the Road Traffic Act, 1934-1950.

Read a first time.

TRESPASSING ON LAND BILL.

Recommitted.

Clause 4 "Interpretation"—reconsidered.

The Hon. R. J. RUDALL (Attorney-General)—A suggestion has been made, and the Parliamentary Draftsman agrees with it, that if the clause is left in its present form it may be interpreted to cover orchards or vineyards which are not fenced and, of course, that was never intended. I therefore move to delete "(a)" in line 3, to change "(b)" to "(a)," "(c)" to "(b)" and "(d)" to "(c)". This makes it clear that "enclosed field" includes orchards or vineyards.

Amendments carried; clause as amended passed.

Bill reported with amendments and committee's report adopted.

CONSTITUTION ACT AMENDMENT BILL
(NO. 2).

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

SUCCESSION DUTIES ACT AMENDMENT
BILL.

In Committee.

(Continued from October 11. Page 892.)

Clause 4—"Application of Part IVa. to Korean War," to which the Hon. R. R. Wilson had moved to insert the following suggested new paragraph in section (1) of new section 55aa—reconsidered.

(d) Any person who has died from wounds inflicted, accident occurring, or disease contracted while he was a member of a Naval, Military or Air Force of the Commonwealth operating under a British Commander for the suppression of unlawful violence in Malaya.

The Hon. F. J. CONDON (Leader of the Opposition)—I have carefully considered the suggested amendment and it has my support.

The Hon. C. R. CUDMORE—I apologize for butting in, as it were, but I have always taken a considerable interest in the Succession Duties Act. Although I did not have the pleasure of listening to the debate I have read *Hansard* reports and I do not feel happy about this suggested amendment. Things are happening all over the world in which Australians are involved; for example, some are serving in the Pakistan Navy, and other spheres, and it seems to me that this provision should be limited to people serving in recognized forces, more or less in recognized wars. I appreciate as well as anybody the seriousness of the position in

Malaya, but Australians are not participating in hostilities there, either through the United Nations or the British Government, or in any other way as far as I know, except possibly through the Air Force. Operations there are a kind of police duty and I think we should be a little careful how far we go. I do not want to press the argument, but this amendment does perhaps create something of a dangerous precedent and I would prefer that we be satisfied with the Bill as introduced by the Government.

The Hon. R. R. WILSON—The R.A.A.F. squadron in Malaya is carrying out many operational flights, and because it was drafted to Malaya and not to Korea it sets up a division in the Air Force itself, and that is why we asked for the same concessions to apply to the dependants of men serving in Malaya as to those serving in Korea.

Suggested amendment agreed to.

The Hon. R. R. WILSON—I would like clarification of the position regarding men who die, as a result of war injuries or ill-health subsequent to their return to Australia, before or after discharge. There does not appear to be any provision made for their dependants?

The Hon. R. J. RUDALL—The same point was taken by Mr. Bardolph, who wanted to be assured that if a person was wounded in Korea, returned to Australia and died, his dependants would be covered. That was the intention of the Bill. In order to make it clear, I suggest adding the following words at the end of subsection (3):—

Or before or after he had ceased to be on active service to be engaged or occupied as mentioned in subsection (1) of this section.

Suggested amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment and suggested amendments. Committee's report adopted.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 11. Page 886).

The Hon. A. L. McEWIN (Northern—Minister of Health)—When introducing this Bill I stated that it was an important measure and the response by members who have spoken has indicated that they have treated it as such. Mr. Cudmore, however, was not present and able to discuss it. We are pleased to welcome him back. He has been a long way since last he sat in this Chamber, and we know he has

used the time available to him to good advantage of himself and us. We have been able to discuss with him his visit abroad and to consult him on matters of interest. Knowing that he has spent a busy time away it is pleasing to see him return looking so fit and well.

I had to be convinced that this Bill was necessary before I was prepared to introduce it because of its far-reaching provisions. I gave the reason for my conversion that the voluntary system had failed. In interstate conferences I objected to compulsion because we had not really tried a voluntary system and until we had given the public sufficient education on the matter we could not expect a compulsory system to work smoothly. We have had some experience of the voluntary system and the results of the voluntary survey may have some bearing upon the merits of the Bill. In industrial surveys where the proportion of cases found was lowest the percentage presenting for examination was highest—usually between 80 and 100 per cent of staff and employees attended, although a current industrial survey is likely to cover only 50 per cent. In country community areas usually between 25 and 75 per cent of the population has attended. The figure has usually been about 50 per cent. In metropolitan surveys the figures have been, at Port Adelaide 17 per cent and Burnside 5½ per cent. Three cases were found at Port Adelaide, and to date one has been reported from Burnside.

It is interesting to speculate on the numbers of sufferers amongst the 50,000 persons who did not avail themselves of the opportunities of these surveys and on the amount of disease they may unwittingly spread in the community. The result of the voluntary system of X-ray illustrates the futility of large expenditures of money which have been made. There is no curtailment of expenditure on the Commonwealth survey in this regard. We are sending out high-powered delicate machinery in the hands of experts and there is a percentage of breakages in conveying it from place to place. It appears to me that the time has come when we have to consider whether this expenditure is justified, because if it is not effective it is wasteful. We must also consider whether we mean to achieve what the electors of Australia meant us to do when they gave a decision on a referendum—one of the few referendums which was carried. I spoke against it, but the decision was made by a considerable majority which was influenced by the amount of propaganda initiated at that time regarding tuberculosis. Feeling it was the will of the public that something

should be done I changed my views and felt that it was time we considered some more effective plan which would give greater efficiency for the expenditure involved.

The Hon. K. E. J. Bardolph—That referendum did not turn upon compulsion.

The Hon. A. L. McEWIN—It does not influence my remarks in any way. The word "compulsion" has lost much of its frightening effect. As Minister of Health, I accept full responsibility for South Australia standing behind Western Australia, which was the first State to adopt the Commonwealth Government's request in 1948. Tasmania followed in 1949 and Queensland, with probably the most embracing legislation of any of the States, followed early this year. I can find nothing in the Queensland legislation which gives an opportunity for any appeal. Decisions are not reposed in a responsible senior officer, but merely in a medical officer. I understand that legislation is before the Victorian Parliament and that New South Wales, which always claims that its Health Act is so rigorous in its control, is also considering certain legislation. Our legislation is not coercive and gives proper consideration to the rights of individuals. A person has the right to go before a magistrate and we also provide that he shall have the right to appeal against the magistrate's decision. I have heard much discussion about the rights of individuals but I think I can justifiably claim that the Bill gives proper protection to the rights of individuals. The word "freedom" has been used a lot. I agree with Mr. Rowe that "freedom" also carries with it responsibility and it does not meet the argument to say that nobody should be interfered with in any shape or form and that we should all have the right to do as we like, regardless of how it affects others.

I can deal with the matter better if I take the various points raised by members. The question of freedom and objection to compulsion was first raised by Mr. Condon. There are many forms of civic duty under other legislation to which we all cheerfully submit, such as taxation, compulsory voting, the traffic code, the criminal code, the law relating to fire risks, trade quarantine, sanitation laws, control of infectious diseases such as diphtheria and smallpox, liquor laws, venereal disease and other penal and social laws. There is no essential difference here.

The Hon. C. R. Cudmore—Even education.

The Hon. A. L. McEWIN—It would be difficult to find some legislation which did not contain some penal provisions.

The Hon. F. J. Condon—Enrolment and voting for the Legislative Council is not compulsory.

The Hon. A. L. McEWIN—We have not compulsory legislation regarding unionism, but when my boy wanted to take a job the first thing his employers did was to deduct the amount of union subscription out of his pay. I accepted that without grumbling. We know of the dangers that exist in the case of tuberculosis and how to combat them. Most people accept these facts and behave accordingly, and for them this legislation has no particular appeal. The compulsory powers under the Bill effect three groups of people. The first is the general public, in so far as they may be required to undergo X-ray examination. Thousands are doing so now voluntarily, but members of important groups are being missed. There are new arrivals from overseas who, through ignorance, might not know anything about the matter.

The Hon. K. E. J. Bardolph—Aren't they screened before they come here?

The Hon. A. L. McEWIN—They are supposed to be, yet we know that the incidence of tuberculosis amongst them soon after they arrive here is much above the average. Then there are persons charged with the care of children and other groups who are exposed to or are likely to expose others to a special risk. I could mention groups who, it is considered desirable, should be X-rayed before becoming general members of the community. In other words, we will first X-ray those who could be a danger to others. It is essential that these people should be examined if tuberculosis is to be eradicated.

The Hon. E. Anthony—What do you mean by a group who could be dangerous?

The Hon. A. L. McEWIN—There are numerous people who are responsible for the care of children, and the honourable member should appreciate that. Secondly there are persons who are suspected of having tuberculosis and who may, under the Bill, be required to submit themselves for further examination. Experience has shown that three out of every hundred who have a small X-ray reveal some shadow or some suspicion of an abnormal condition of the lung. Of the three, two are generally found to be normal. At this point we have eliminated 99 per cent of the population leaving only one per cent. Only three people in 100 are called upon to have a further examination. The remaining one per cent, under the voluntary system, are informed that there is an abnormal shadow

and are asked for the name of their private doctor. He is given a full report and offered the film, if he desires it. If he finds active tuberculosis, the law here, as elsewhere, requires him to report the case to the Health Department. If suspicions of tuberculosis are not confirmed or the shadow turns out to be only an old scar he is asked to report these facts so that no further action will be taken. If the X-ray suggests some other disease, such as heart trouble, the doctor is not asked for a report.

The great majority of this one per cent of people originally X-rayed accept these further examinations at the hands of their own doctor, or the chest clinic, if the doctor and patient so wishes, with gratitude. But there is a small number, perhaps one in a thousand of those X-rayed who, notwithstanding that something suspicious has been found, fail to have further tests. It is the people in this small group who do much to nullify the present voluntary campaign and who remain an important potential menace until their examination is completed.

The Bill provides that the Director-General may issue a notice to such persons to complete an examination that has already aroused reasonable medical suspicion. The present practice of having these X-ray findings made available in the first instance only to the doctor nominated by the patient will, of course, continue and further examinations will continue to be done by these private doctors unless the patient and the doctor request that they be done by the chest clinic or a Government hospital. There is a third group, that of definite tuberculosis sufferers, of which there are about 2,000 known cases in South Australia. Last year 132 died, 363 new cases were reported, and several hundred sufferers were pronounced fit again.

Of the 2,000, about 450 occupy beds in the State hospitals, repatriation hospitals, and other sanatoria, and the remainder are under treatment by private specialists, or by general practitioners in collaboration either with a specialist or the chest clinic, so that the numbers in our institutions are not much more than 20 per cent. and that condition will not be altered. Because of loose and misleading statements which have been made since this Bill was introduced, many of these people may be fearing that their liberty is in danger. This is quite untrue. The majority of them are not a danger to public health. They have placed themselves under treatment—private or governmental—and are wise enough to accept it.

There is no intention, nor does the Bill propose any power to act in relation to these people. Of those who could be dangerous to others, the great majority with proper treatment will cease to be so, and will then resume their normal lives. There are some less fortunate, who cannot expect to be cured, but the great bulk of these quickly learn how to prevent any substantial risk to others. In many cases more suitable homes are found for these people and they return to their families to live under the best and safest home conditions that circumstances permit. This will, of course, continue.

The clauses relating to detention in an institution refer solely to those few highly infectious cases who, by their own choice, refuse to accept expert medical advice, and through their own persistently careless or deliberately dangerous behaviour, can be shown to the satisfaction of a magistrate to be a serious menace to the health of others. So the degrees of compulsion in the Bill are, that the general public may be required to have a free X-ray examination; that those with a suspicious X-ray or other suspicious findings may be required to be examined further; and that those few highly infectious cases who refuse to accept competent advice and who refuse to behave according to normal human standards and thereby menace others may be required to remain for a period in hospital, or some other place agreed upon by the patient and Director-General.

The second point raised by the honourable member was an objection on religious grounds. I mention these points only because I take it they were raised for the purpose of consideration and proper discussion and not by way of criticism. Religious principle does not prevent people from unwittingly spreading disease. It does not exempt persons from quarantine examination. It should not, therefore, exempt them from X-ray examination. Regarding compulsory isolation in hospital, it is unthinkable that any person with strong religious views will behave in such a careless or dangerous manner as to menace the health of others and thus place himself within the powers of this section of the Bill. There is, in that unlikely event, the magistrate to examine and consider all relevant circumstances, including of course religious convictions.

The third point raised was lack of compensation. Sufferers from active tuberculosis who are under treatment and unable to work are entitled to substantial allowances from the Commonwealth Department of Social Services. A married sufferer with dependent children receives £6 10s. a week plus 9s. for each child,

in addition to child endowment. There is no property means test, and an additional income of up to £2 a week for the sufferer and £2 a week for his wife is permissible without reducing the allowance. The basic rate will shortly rise to £8 5s. a week instead of £6 10s. Thus a married sufferer with three children now receiving £9 2s. a week will shortly receive £10 17s. a week, and may have additional family income of £4 a week.

The Hon. F. J. Condon—What does a single person get?

The Hon. A. L. McEWIN—I presume, £8 5s. There is no misfortune so adequately catered for as tuberculosis, and there is in no other country any comparable scale of benefits for tuberculosis sufferers.

The fourth point was in connection with provision for exemptions. The only exemptions contemplated regarding X-ray examinations, are with regard to those who produce evidence of having had a normal X-ray taken in recent months and those unable to attend for other medical reasons. In any measure seeking to discover the significant few among the many, any other exemptions clearly render the whole measure ineffective. Regarding detention of recalcitrants, the magistrate may be expected to consider circumstances affecting individual cases. There was a suggestion that applications would be heard in public. Although the Parliamentary Draftsman assures me that that would not be the case, if members desire that it be made perfectly clear I shall be quite happy to move an amendment providing that such matters shall be heard in camera.

The fifth point was an objection to the alleged wide powers of the Director-General of Tuberculosis as compared with the powers of a board in Tasmania. The only powers conferred on the Director-General of Tuberculosis are those of issuing instructions to suspects to attend for further examination, and the power to apply to a magistrate for an order restraining the recalcitrant individual. The office of Director-General carries with it powers and responsibilities which cannot be lightly exercised. Both these powers, which, are clearly necessary, are vested in a highly placed responsible officer. They are adequately safeguarded and there is no question of delegation of powers to subordinates. I mentioned earlier that in Queensland this power is not reposed in a high senior officer, but is in the hands of any medical officer, without any appeal, so far as I can discover; no magistrate or judge comes into the picture.

The sixth objection raised was that a person may be ordered away and treated for six months. There is, of course, no power for members of the ordinary public, or person suspected of suffering from T.B. to be ordered away for any period; and there is no power to order anyone to undergo any particular form of medical treatment. Before making any order for admission to hospital or elsewhere the magistrate must be satisfied that the sufferer has tuberculosis, is infectious, and is behaving in a manner dangerous to others.

The next point was in regard to cost of travel. At present all T.B. sufferers advised to attend the chest clinic or a Government hospital or contacts of such sufferers who are asked to attend for examination may be given free transport. This will, of course, continue.

Now I move on to the remarks of Mr. Anthony. He suggested that there is no compulsion in U.S.A. and elsewhere. Admittedly there is no compulsion regarding T.B. in the United States Federal law. There, as here, it is a State and often local matter, but a number of American States have these powers, as have numerous large cities such as Philadelphia with 3,000,000 people. Ontario, Canada, with 4,000,000 people, has had these powers since 1939 and has reduced its T.B. death rate in recent years below that of any other population of similar size in the world.

The Hon. E. Anthony—I think I might be excused for not knowing the laws of all the States of America.

The Hon. A. L. McEWIN—I excuse the honourable member, but I am giving this information because it was rather suggested that he did know all the laws and was giving information to the Council. I am merely throwing some light on his remarks.

The next point he made was that the legislation will result in building up a huge department with huge buildings, and with the delegation of powers. Present X-ray survey equipment can deal with more than 100,000 people a year. Some expansion of X-ray facilities may be needed, but not a great deal. In any case similar expansion would occur if voluntary surveys became more popular. Powers are vested in the magistrates, the Minister, and the Director-General of Public Health, therefore there is no question of delegation.

The Hon. K. E. J. Bardolph—But the Director-General is the person who invokes the Act and the Minister simply comes in as the instrument.

The Hon. A. L. McEWIN—The Minister comes in in certain cases, and so does the magistrate and the Director-General, but no clause in the Bill provides for the delegation of power, as is the case in some legislation.

The Hon. K. E. J. Bardolph—I think you will find it in this Bill too.

The Hon. A. L. McEWIN—The honourable member will have his opportunity to point it out in Committee, and then I will be able to deal with it, but there is no general delegation of powers. Mr. Anthony rightly stated that the powers of detention through a magistrate's order were designed to deal with one or two recalcitrants. Why, then, should huge buildings be necessary? It is these few recalcitrants, and the unknown cases, who are responsible for the great bulk of the 363 new cases discovered last year and for 132 deaths, which included many young women. The third point was that the Director-General may put an individual in an institution on suspicion or because he does not like him. No power is contemplated for the Director-General to force anyone to enter an institution although he may direct that suspects be examined.

The Hon. K. E. J. Bardolph—And be detained in an institution.

The Hon. A. L. McEWIN—A patient can be detained on an order. Compulsion only comes in under extreme circumstances. Mr. Anthony asked why we should upset everybody in order to deal with one or two recalcitrants, but there is no question of upsetting everybody. The public are required to be X-rayed so that the disease will be discovered early and while it is most amenable to treatment. Known cases under proper treatment—private or public—will not be affected in any way. They have nothing to fear and have been frightened only by the mis-statements made concerning this Bill. It is designed to protect people from infection by unknown sufferers and by the few sufferers who, while knowing they have the disease, wilfully disregard the safety of their own families and associates. Mr. Perry referred to the rights of individual versus protection of public and said:—

If we go too far with this type of legislation we will jeopardise the rights of the individual. The Bill has been carefully designed to safe-both the health of the public and the rights of the individual who does not behave in a wilfully menacing way. There is more guarantee of freedom here than under other legislation which I have already referred to. Mr. Perry also referred to the trouble which might be caused from revealing an old scar.

As stated earlier, the X-ray report goes to the patient's own doctor and there is no question of people being pushed around. He also suggested that Cabinet and not the Minister should issue notices. If the principle of group X-ray is acceptable to Parliament, surely the naming of the actual groups can be left to the Minister? After all he is responsible to Cabinet and Parliament and it is not likely that even if we were to resort to proclamation the position would be different. It extends the machinery but I do not think the results would be different. The groups required to be X-rayed in Western Australia are new arrivals from overseas and school teachers. In Tasmania they are age groups and all persons in the Hobart metropolitan area between the ages of 19 and 49 have been X-rayed under a similar power.

The Hon. E. Anthony—Why should school teachers be specifically referred to?

The Hon. A. L. McEWIN—It is desirable to get the maximum amount of value out of surveys at the earliest opportunity. One would not carry out X-rays of the least dangerous groups or make X-rays haphazardly through the country and neglect vulnerable points. Nurses in hospitals are examined because of the dangers of infection.

The Hon. E. Anthony—What about the medical profession?

The Hon. A. L. McEWIN—I take it members of the medical profession would have sufficient sense to know their own conditions and symptoms. School teachers teaching and working amongst children are more vulnerable to infection than anyone else. That is the reason why school teachers are mentioned. A campaign is made as effective as possible in the early stages and the most vulnerable groups are examined first. Mr. Perry also referred to the necessary conditions for a magistrate to issue a detention order. The Bill provides that subjects must have tuberculosis or be infectious and they must either require treatment in their own interests or be living in circumstances that there is a substantial risk of infection to others. I propose to move in Committee that paragraph (a) of section (1) of new section 146f be deleted and to delete "treated" in the second to last line of subsection (1) and insert "offered treatment," so that there can be no suggestion of compulsory treatment. Then the Bill will rest on the sure foundation of protection of the public and not coercion of the individual in his own interests. There is no power to order a person to undergo a surgical lung operation or any particular treatment.

That is all a matter of arrangement. My amendment will probably meet the desire of members and clear the matter. There is no definite provision for enforced treatment.

Mr. Densley recommended a universal X-ray survey but wondered whether it would be possible. Already about one-third of the adult population of the State could be examined each year with the existing facilities and plans for increasing equipment and staff are under consideration. It is proposed that a mobile bus unit and generator will operate in remote areas and points where power supplies are unsuitable. Sir Wallace Sandford said T.B. caused more deaths than all other notifiable diseases. Mr. Perry queried this because of the limitations of the word "notifiable." Notifiable diseases are those where public health measures will aid prevention that is the reason for notification. Mr. Condon interjected "What about deaths from polio"? For the information of members I have obtained figures which cover the last three years. In 1948 there were 16 deaths from polio and 167 from tuberculosis; in 1949, 20 from polio and 144 from tuberculosis; and in 1950, 17 from polio and 132 from tuberculosis. Although we have been in the throes of a serious epidemic of polio for three years the deaths from tuberculosis are approximately nine times those from polio.

Powers relating to leprosy were referred to. Leprosy is notifiable and is an infectious disease. Power for compulsory removal to a suitable hospital, quarantine station, or other place is provided in section 143 of the Health Act—that is when proper isolation cannot be provided in the home. This can be done on the certificate of any legally qualified practitioner and with the concurrence of the authority controlling the hospital. Under section 141 ingress and egress of persons to and from a house where a case of leprosy exists may be prevented. These powers do not extend to tuberculosis which is not named in the schedule of infectious diseases covered by these sections of the Health Act. I sum up by saying that the degrees of compulsion apply firstly with an X-ray survey of the whole community, secondly, by individual further examination where the suspect is one who has had an abnormal X-ray, and thirdly, segregation in an institution of the known infectious case who is behaving in a dangerous manner. There is definitely no provision for compulsory treatment. Compensation is generous and the T.B. allowance for a man and his wife is now £6 10s. a week plus 9s. for each dependent child, plus child endowment. The basic rate of £6 10s. is about to rise to

£8 5s. with the right to additional family income of £4. There is no means test on property. I thank members for their patient hearing and for their contributions to this important discussion. I have digressed a little longer than I intended but I may have cleared up matters which members were not prepared to support.

Bill read a second time.

In Committee.

Clauses 1 and 2, passed.

Clause 3—"Enactment of Part IX.A of principal Act—Tuberculosis."

The CHAIRMAN—This clause is divided up into new sections, and I think it will be as well if we take them separately.

The Hon. A. L. McEWIN (Minister of Health)—In order to give members an opportunity to consider amendments on the files I move that progress be reported.

Progress reported; Committee to sit again.

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

Adjourned debate on second reading.

(Continued from October 10. Page 847.)

The Hon. F. T. PERRY (Central No. 2)—Workmen's Compensation Bills have been before the Chamber on a number of occasions; we had one last year which caused a lot of perturbation in some quarters. Several aspects of the Bill are not new; in fact they have been in force in South Australia since about 1911. The Bill amends the 1932 Act which was a consolidation of the law up to that time. The incidence of workmen's compensation goes back many years prior to that. I take it that the object of the Act is to assist workmen injured in their occupation and that it has never been the aim of that Act or, in fact, any type of insurance, to pay a man the amount of his full wage as compensation for any injury or illness suffered. That principle, which was adopted in the early stages of workmen's compensation, and in most insurance policies, should be noted carefully. Amendments have been introduced from time to time during the years the Act has been in force widening the scope of workmen's compensation.

The Hon. K. E. J. Bardolph—You are not objecting to that?

The Hon. F. T. PERRY—I suggest that the scope of the Act is becoming so wide that it is defeating its original purpose and is contrary to what insurance really stands for—to com-

pensate the injured party but not to attempt to fully compensate a workman for the injury or loss received. In 1932 the basis of compensation payable to a workman was half the weekly rate of wages he earned. No provision was made for compensation for a workman's wife, and 7s. 6d. a week was provided for each child. Since 1932 the scale of compensation has risen from half the average weekly rate to two-thirds plus £1 for a wife and 10s. for a child. As time went on the legislation provided for additional compensation for the injured party. That was all right; the additional rates were still commensurate with the principles of the Act and did not provide for full compensation for the injured. The Bill before members, however, departs from that principle in as much as it will be possible for an injured person to receive the amount of his weekly wages. It provides that the maximum shall be £12 a week for a man with dependants. Take the following example of what would actually happen to an injured workman, with a wife and three children. The award provides for a weekly wage of £10 6s. Under the Bill compensation would be £10 6s., plus medical expenses. I am glad to know, and approve of the idea, that in certain workshops and in the community generally many people provide against the possibility of accidents. There are also lodges which provide assistance for its members who are ill or injured. Then, too, there is the ordinary industrial insurance covering accidents. In the case in mind the sick and accident fund benefit amounts to £1 15s.

The Hon. E. H. Edmonds—The employee contributes towards that.

The Hon. F. T. PERRY—Many sick and accident funds are subsidized. A workman whose wage is £10 6s. would receive £12 1s. a week compensation from the two sources I mentioned. He might also be in a lodge or have a personal accident insurance policy. The principle of workmen's compensation is being departed from as it was only intended that part payment of wages should be made for distressed cases. This was brought about because of the type of shop or because the plant was not in good order, making the risk of accidents greater. The principle has never been departed from in insurance and any departure from the principle is dangerous. The Bill will considerably improve the rate of workmen's compensation. I agree with all the proposed provisions except that which raises the maximum compensation from £8 to £12 a week. Last year the

£8 was increased from £6 and now it is proposed to increase it to £12, a jump of 100 per cent in a year. I feel that that provision has not received the consideration of the Government that it should have received, nor has its effect been taken into account. Later I shall ask members to agree to reduce the amount. In 1932 the basic wage was £2 18s. a week, the insurance premium being 1s. 1d. a week. It increased during the years until in 1938, with the basic wage increasing to £3 16s., it was 1s. 11d. In 1941 the basic wage was £4 4s. and the premium 2s. 4d. The wage has risen until in December last year it was £7 18s., the insurance premium being 4s. 9d. a week for each man on the basic wage.

The Hon. K. E. J. Bardolph—The wages are fixed by a constitutional tribunal.

The Hon. F. T. PERRY—I am not arguing about that, but the effect of the increased cost of insurance.

The Hon. F. J. Condon—An employer does not have to insure every employee.

The Hon. F. T. PERRY—I remind members that the employer has to pay 4s. 9d. insurance premium for every man on the basic wage. And as the scale of wages increased so naturally the premiums increased and it amounts, as a charge, to about 6s. a week for each tradesman.

The Hon. K. E. J. Bardolph—That is passed on to the consumer.

The Hon. F. T. PERRY—That is an ill-considered statement. The suggestion that everything can be added has been accepted far too long, and it has given and will continue to give rise to a set of conditions very difficult to alter. We try to resist the rise in prices by passing Acts of Parliament, yet it continues, and suggestions are being made in this Bill which will radically increase prices and interfere with a principle of insurance which has been established for many years.

The Hon. K. E. J. Bardolph—And is the present rate of compensation commensurate with what it was 10 years ago?

The Hon. F. T. PERRY—It is much higher.

The Hon. K. E. J. Bardolph—In money values it is 54 per cent lower.

The Hon. F. T. PERRY—In 1932 a man received half his wages as a maximum. Now he receives two-thirds, which the amendment proposes to increase to three-quarters plus an allowance for wife and children.

The Hon. K. E. J. Bardolph—Its money value is still below what it was 10 years ago.

The Hon. F. T. PERRY—I cannot explain it to the honourable member because he does not want it explained.

The Hon. K. E. J. Bardolph—That is unfair. I do not want you to put a false construction on the proposal.

The Hon. F. T. PERRY—Surely it must be clear to the honourable member that if a man received half his weekly wage in 1932 and now receives three-quarters there must have been an increase. I am not opposed to workmen's compensation; it is very desirable legislation, but we must not forget its objects or its effect. My idea—and I think the majority agree with it—is that if a man can look after himself it is much better than that he should rely upon the Government or an insurance company. If we provide a substantial portion and leave it to the man, through his lodge or sick and accident fund, or personal insurance to take up the balance, that is the right course to adopt. The Minister made the point with a certain amount of pride—which I was rather sorry to see—that this Bill provided better benefits than those existing anywhere else in Australia. It is desirable that we should have the best we can afford, but I will not be a party to establishing something we cannot afford. It is proposed to provide £12 a week for a married man with children. In New South Wales the rate is £9 a week, and that only by reason of an amendment passed after we amended our legislation last year. In Victoria the rate is £8 a week. That Act was amended in February of this year, so it was done with full knowledge of the increase in the basic wage which came into effect towards the end of last year.

The Hon. K. E. J. Bardolph—In other words the honourable member wants to hamstring the Bill.

The Hon. F. T. PERRY—I have no such desire. I have already said that all the other amendments should be accepted, but that this one clause should be brought more into line with general insurance practice and with legislation in other States.

The Hon. K. E. J. Bardolph—The insurance companies must be becoming fearful.

The Hon. F. T. PERRY—I think there is some misunderstanding regarding this type of insurance. The insurance companies are purely the medium by which this obligation of workmen's compensation is taken up from the employers; the Act places the responsibility on employers and they cover it through insurance companies. The function of the insurance company is to ascertain the risk and fix the premium accordingly and the employer has to

pay it. It is true that this is one of the factors which go to the cost of manufacture; I have never denied that, but neither the manufacturer nor the workmen must place too high a cost on any article, for I am inclined to think—especially from my observations abroad—that the time is not far distant when we will not be so happily situated in regard to our manufactured commodities as we have been, and that the question of costs will have to be carefully considered. It has been suggested that insurance companies make big profits.

The Hon. K. E. J. Bardolph—They do not run at a loss.

The Hon. F. T. PERRY—It is well that they do not, but over the years workmen's compensation has not yielded a regular profit to some of them.

The Hon. W. W. Robinson—Some companies will not take it on.

The Hon. F. T. PERRY—That is so, but those that do must cover a wide spread of employers. I have never denied that some companies show profits on this class of business, but the total claims paid and the premiums received are made public. Every two years the companies review the rates in the light of profits in the preceding two years, as the following figures showing the rate per hundred pounds of wages in metal and engineering industries indicate:—November, 1932, 37s. 6d.; November, 1938, 50s.; November, 1941, 55s.; November, 1945, 44s.; December, 1950, 60s.; October, 1951, 52s.

The Hon. K. E. J. Bardolph—Of course they show a loss every year on those figures.

The Hon. F. T. PERRY—Some companies do, but those rates are constantly being reviewed. Some of the profits which the honourable member talks about are brought about by increased premiums paid on wages that rise during the year after the rate has been fixed. That is natural, but I do make the point that despite the betterments afforded by the Act of last year the rates for this year are 52s. per centum compared with 60s. last year. The figures I have quoted are in relation to the metal industries classifications, there are some 500 classifications, each with different rates covering various occupations. In the last set-up in 1950 about 200 were reduced, a number were increased, and some remained constant. I make this point in justice to the companies to show that they are fixing rates as nearly as possible commensurate with the risks, although it is difficult to get a standard rate in view of the constantly increasing wages. In dealing with this Act we should pay due regard to the general policy for which it was

originally introduced. We do not want to get to the position where workmen's compensation is regarded as different from other types of insurance. If we alter the Act in the manner I suggest, by reducing the amount from £12 to some lower figure, it will be much improved. There are other means available for the protection of the worker against accident or sickness and most workmen take advantage of these facilities. Far more accidents occur outside workshops than within, and the ordinary man takes care of that possibility. If he does not, then he is prepared to run a risk. I support the second reading.

The Hon. K. E. J. BARDOLPH (Central No. 1)—Mr. Perry deplored that this Bill had for its purpose the drifting away from what he termed the correct procedure of insurance. Workmen's compensation payments have always been fixed by Parliament and from time to time various amounts have been prescribed for loss of life or injuries, but insurance companies fix their own premiums. I gained the impression that Mr. Perry wanted insurance companies to have the right also to fix payments under this Act. No member will deny that when there is an accident more money is required in a home because there is greater expense. Victims of accidents in industry should be adequately covered by the Workmen's Compensation Act. Mr. Perry also referred to men subscribing to sick and accident funds and to lodges. There is nothing wrong with that. They pay for those benefits and it demonstrates that workmen's compensation payments are not sufficient to meet the changed conditions which occur when the breadwinner is laid up. It is intended to place the Act on an equitable basis whereby the person maimed in industry will be protected to the full. Premiums payable under the Workmen's Compensation Act are fixed on the amount of money paid as wages in industry over the year. Those wages are determined by various industrial tribunals. Because of the increased cycle of wage fixation, the employer in industry has a higher wages bill every year and has to pay increased premiums, therefore it would be unfair if greater compensation benefits were not payable. It is not a question of industries being bled white because of this Bill, nor is it a question of getting back to the days when the principle adopted was to fix compensation at a small percentage of the basic wage. Unless this Act is amended to meet changed circumstances, insurance companies will receive higher premiums but payments by them to the worker

will not be increased. I am not convinced that they would lower their premiums.

The Hon. F. T. Perry—They do lower their premiums.

The Hon. K. E. J. BARDOLPH—Only on rare occasions. I am not maligning insurance companies because they have every right to conduct businesses under our laws. I do not know whether Mr. Perry was making a plea for insurance companies this afternoon.

The Hon. E. Anthony—I do not think insurance companies mind what is paid.

The Hon. K. E. J. BARDOLPH—There are a great number in industry today who are accident-conscious and take steps for their own protection. Mr. Perry, who is a big employer of labour, will agree that employers are taking a greater interest in the prevention of accidents. It is lawful for employers to insure their employees, but fewer workmen come under workmen's compensation today because of the facts I have mentioned. I agree with the provisions of the Bill and would not like to see a reversion to early days of this State. We have progressed in our economic life, and now, under this Bill, we are making progress in our industrial life for the protection of our workers. This measure goes part of the way in taking us out of the slough of despond into which we have been plunged by virtue of being under a Liberal Government for so long in this State. I support the second reading.

The Hon. E. ANTHONY secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 11. Page 878.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—This Bill extends the Act until the end of 1952. Clause 3 provides that the rate chargeable for any service subject to control may be proved by a certificate signed by the Prices Commissioner. The main object of clause 4 is to enable notices to be served by post. One could say a great deal about the Prices Act, but I realize it is difficult to fix prices. For three years endeavours have been made by the State to improve the position in South Australia, but I believe price control cannot be effectively administered by State Governments. A uniform fixation of prices would be in the interests of all concerned. Much has been said about the hardships suffered by business people, but a perusal of balance-sheets shows that businesses have been receiving increased profits. Those who

complain the most are usually in the best position. The State Government is reimbursed by the Federal Government for most of the cost of administering price control. The administration of the Prices Act for the year ended June 30, 1951, cost the State £68,263 and Landlord and Tenant (Control of Rents) administration £11,401. Of the £79,664 the Commonwealth reimbursed the State £73,619. Our prices officers were formerly under the control of the Federal Government and control of this department has cost the State a little more than £6,000 for the last year.

Apparently it will be necessary to extend this legislation for a few years, but it should be extended for two or three years and not merely for 12 months. If it is found to be unnecessary it can be repealed. I support the Bill because it is the best offering. My only regret is that price control is not under the Commonwealth Government. If it were, better service would be rendered to everybody.

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

POLICE PENSIONS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 11. Page 879.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—This Bill has been introduced to remove certain anomalies under the Act. The South Australian police force compares with any in the Commonwealth and I pay a tribute to the officers for the excellent manner in which they carry out their exacting duties. If we are to attract the right type to our police force we must make proper provision by way of pensions. I have much pleasure in supporting the second reading.

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

BUILDING MATERIALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 11. Page 916.)

The Hon. L. H. DENSLEY (Southern)—His Excellency the Governor in his speech at the opening of Parliament said:—

Your sanction will be sought to a Bill amending and extending the Building Materials Act. This Bill will provide for a measure of relaxation of the controls now in force.

It has been a matter of considerable disappointment to me that the relaxations in the

Bill are so small and the restrictions remain so great. I pay a tribute to the officers who administer the Act. On a number of occasions I have found it necessary to go to the Building Materials Office on behalf of a number of my constituents and, although one may not get all one seeks, he comes away feeling a lot better for having visited there. The officers make every effort to meet the requirements of people who find it necessary to approach them about building permits. The Bill increases the amount allowable for erecting houses without permits. The amount for a house of 10½ squares is to be increased to £2,000, for 11½ squares, £2,100, and for 12½ squares, £2,200, but this does not by any means meet the position. The cost of building materials and other essentials has increased out of all proportion to the amount of increase allowed for building non-permit houses. The majority of these houses are being erected in the country and it is obvious that the further the site is from the source of supply and contractors the greater the cost. Moreover, the additional cartage means extra expense. The demand for houses a little larger than 12½ squares is considerable in the country; in fact, that seems to be the main bone of contention. It is necessary for country people who want to build a house larger than 12½ squares to get a permit, but this cannot always be obtained for the type of house required. Many country people like verandahs around the house, but are prevented from having them because of the limiting conditions.

The time has arrived when further consideration should be given to people who desire to build outside the metropolitan area. Under the housing scheme a large number of houses are being built in the metropolitan area which results in a still further drift from the country to the city. Unless we can provide greater opportunities for building in the country the less we will be able to do about maintaining population there. In building without a permit it is necessary to use practically all imported materials and this increases the cost tremendously. It would be an easy matter not to place restrictions on people who build outside the metropolitan area so long as they used only imported materials. Although there may be only one or two children in a family, country people have employees, whilst others who perhaps are partners in the property stay there when on a visit. The farm might be many miles from the nearest hotel or other accommodation. Under the legislation people

who have a home or are building one can erect a garage, stable, shed, workshop, laundry or other similar building without a permit. That seems to be the answer to the whole position. If a man builds a house and wants a laundry he will build it outside, using the space available inside for a bedroom. If it is permissible and practicable to allow people to put up those buildings which I have enumerated, the building position must have improved very considerably, and I would like consideration to be given to my suggestion that, in country areas, building may be carried out without permits and unrestricted. We have seen the tendency to carry restrictions beyond the desirable stage, and I illustrate this by mentioning what happened with regard to the Wheat Stabilisation Committee a few years ago. Despite all the advice given it continued to restrict acreages until we found ourselves having to import cereals, and that was the only thing which brought an end to the committee. I hope we will not follow the same procedure with regard to building materials control, in reverse, of course, but unless we make up our minds to do something about it, and do it very shortly, that is the position which will arise. I support the second reading.

The Hon. C. D. ROWE (Midland)—The Minister commenced his second reading speech by saying—

This Bill is introduced for the purpose of extending the operation of the Building Materials Act, 1949, for a further 12 months, to enlarge the circumstances under which dwellinghouses may be erected without permit, and to make some other administrative amendments to the Act which experience has shown to be necessary.

The only enlargement which I can find is in respect of the cost, which is brought somewhat into line with the increasing costs which have occurred in the 12 months since we last dealt with this measure. It will be recalled that last year I stressed the fact that the size of the non-permit house should be increased from 12½ to 14 squares, and the observations which I have been able to make in the ensuing 12 months rather confirm the opinion I then expressed. I have taken the trouble to find out the position regarding non-permit building in the other States and it is as follows: in Victoria one can build up to 14 squares, plus 200 square feet for a garage, without a permit. In Western Australia the area is 15 squares, and in Tasmania there is no control as to size. In New South Wales there was a

limit of $12\frac{1}{2}$ squares for brick and 12 for timber, but I understand that either the control is not enforced or has been removed; in any event for practical purposes restrictions do not apply. In Queensland there is a limit of $12\frac{1}{2}$ squares below the Tropic of Capricorn and 15 squares above it. Therefore, with the exception of Queensland, it would appear that, as regards area, our non-permit limit is smaller than that of any of the States, and experience has shown that $12\frac{1}{2}$ squares is a little smaller than the average person would build if left to his own initiative.

Last year I mentioned three classes desirous of building houses. The first was the person who wanted to build a homestead for himself on his farm. As Mr. Densley has just covered that aspect, showing why we could afford to be a little more generous, I shall not say a great deal on that. The second class I mentioned was the farmer who wanted to retire and build a house in the town nearest his farm. There are numerous instances in my district of people who want to build homes in Maitland in which to retire, but who feel that $12\frac{1}{2}$ squares will not give them all they require, and hence they refrain from building. Homes in the country can be built without drawing off labour from the city and a lot of casual labour can be brought in to assist, but these people have the alternative of building in the local townships or of going to Adelaide and purchasing properties. With the excessive amount of money in the hands of farmers at present the question of cost does not influence them, and I regret to say that in my district there are instances of people who have purchased homes in Adelaide and gone there to live when they probably would have enjoyed themselves better, and eased the situation in Adelaide, if they had been allowed to build their homes in the country. Therefore in those two instances we should seriously consider the question of allowing a 1,400 square feet house to be built without a permit. The third class I mentioned previously was the young married couple who, having no children at the time of their application, were limited to $12\frac{1}{2}$ squares. Instances have come under my notice where such people have gone into houses of that area and in due course have had two, three or four children. They have signed contracts to purchase these 1,250 square feet houses, which have then become completely inadequate for their requirements. They are not in a position to move into a larger house because their finances will not permit it, whereas had they been allowed

in the first instance to build a little larger house it would have continued to meet their requirements.

Last session I referred to a questionnaire which was circulated amongst a number of people, who were asked what they considered should be the size of a non-permit house. The concensus of opinion was that 1,400 square feet would meet their requirements and I feel we should do something in that direction. At present it is possible, immediately a house is completed—which I understand the Building Materials Office interprets as soon as it is sufficiently complete for occupation—for the occupant or owner to spend, by way of additions, a further £150, and this is being done. Under this Bill, however, it is proposed to prevent that and to provide that nothing further shall be added to a completed house for a period of 12 months after date of completion. This is provided by paragraph (f) of clause 2, but the paragraph concludes—

Nothing in this proviso shall apply to the construction of one outbuilding during the said period of 12 months.

That is to say, for a period of 12 months after completion of a house we prevent any additions to it, but we allow the owner to construct one outbuilding, which is defined as being a garage, stable, shed or workshop, laundry or other building of a similar nature. It seems to me, therefore, that this amendment will not help us much. If we are prepared to allow a person to build an outbuilding within 12 months of the completion of his dwelling is it not reasonable, if the circumstances of his case warrant it, to allow him to build additional accommodation to his house? The erection of a garage, laundry, or shed may be precisely what one man requires, whereas for another, because of the increased size of his family, or because an aged or invalid relative desires to live with him, an additional room may be his most urgent requirement. This Bill prohibits that, although allowing the same material to be used, and I cannot see any logic in that.

I referred to another aspect last year. The Act provides for external measurements in calculating the $12\frac{1}{2}$ squares, and this works unfairly on the man who uses local stone. Quite a number of houses in Maitland are built of local limestone, of which there is no shortage. The walls are usually 12in. to 14in. thick and that thickness is included in the area of the house, which actually means that the real area we are allowing for a non-permit house, in the case of a stone structure, is

considerably less than what is contemplated by the Act, and some attention should be given to this aspect. When we recall what has been happening in the last few years it must be true that the housing situation is improving. In 1947-48, 3,018 houses were constructed. In 1948-49, 4,003; in 1949-50, 5,000; and last year about 6,000, which brings the total to over 18,000 in the last four years. This must have made some contribution to the housing problem.

In view of the possibilities mentioned in the Governor's speech of increasing supplies of materials now in short supply it seems that the time has come when there could be a modification in the limit on non-permit buildings. A comment recently made to me by a person living in a non-permit house seems to be very important and worth bringing under the notice of members. I was talking to him about the difficulty with which he was faced because his house was not large enough since his family had increased in size, and said, "Of course the time will come when you will be able to build a larger house without a permit." He replied, "When that time comes it means that the value of this small house of mine will be depreciated," and that is the main point of my argument. I feel that 12½ squares is too small for the requirements of the average man, and in the years to come the value of such houses will be depreciated unduly because they will be too small to meet average requirements. Therefore, we are putting an unnecessary burden on people living in that type of dwelling. For that reason, and because a man

normally can manage to buy only one house in his lifetime and usually is not free to get rid of it and purchase a larger property, the values of these smaller houses will be depreciated. Such an instance came under my notice quite recently. A man paid about £3,000 for a house and desired to secure a loan on it. He approached the War Service Homes Department and their valuation was £2,000. This means that that person has already lost £1,000 and this, coupled with the fact that it is not as large as would normally appeal to the average buyer, will place him at a great disadvantage. For these reasons we should take the opportunity for a little experimentation and increase the size of non-permit houses, particularly in country areas if not in the city, for I think it would encourage some people to build homes who are not prepared to do so at present. Under the Landlord and Tenant Act no-one is permitted to have occupation of more than one house. It does not matter who builds houses or how many are built if people are limited to occupation of one home. Everything possible should be done to ensure that houses are built. An increase in the area and cost of a non-permit house will achieve that object and I support the second reading.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

ADJOURNMENT.

At 4.33 p.m. the Council adjourned until Wednesday, October 17, at 2 p.m.