LEGISLATIVE COUNCIL.

Tuesday, August 17, 1954.

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

QUESTIONS.

PRIVATE ARCHITECTS AVAILABLE TO GOVERNMENT.

The Hon. K. E. J. BARDOLPH—Have any arrangements been completed with the Institute of Architects to utilize their professional skill in the preparation of plans and working drawings to assist the Government in carrying out its various works projects?

The Hon. Sir LYELL McEWIN—A communication was sent to the Institute of Architects by the Premier asking it to nominate the principles upon which the work could be done and I am not aware of any reply having been received.

NON-RATABLE GOVERNMENT PROPERTY.

The Hon. F. J. CONDON—On July 29 I asked the Minister of Local Government if he had a reply to my earlier question regarding non-ratable Government property at Port Adelaide and he assured me that he would give a detailed answer in the next week. Can he now give an indication of the Government's intentions?

The Hon. N. L. JUDE—I said that the matter was under consideration of Cabinet, but no further decision has yet been made.

The Hon. F. J. CONDON—In reply to my question on July 29 the Minister's actual words were, "I can assure the honourable member that the matter is directly under the consideration of Cabinet and I will give him a further detailed answer next week." Now I am given to understand that the matter is still under consideration.

The PRESIDENT—The honourable member may ask a question but he cannot debate it.

The Hon. F. J. CONDON—I have already asked a question, but did not get a reply.

The PRESIDENT—There is nothing in the Standing Orders which forces a Minister to give a reply.

The Hon. F. J. CONDON—When the Minister promises a reply one naturally expects it. This is the fourth time I have asked for the information.

The Hon. N. L. JUDE—The Council did not sit in the week following the honourable member's last question, and the matter was overlooked, for which I apologise. I assure the honourable member that the matter is still under consideration.

PUBLIC SERVICE SUPERANNUATION.

The Hon. E. ANTHONEY (on notice)—Is it the intention of the Government to review, during this session, the payments made to former members of the Public Service under the Superannuation Act?

The Hon. Sir LYELL McEWIN—Important changes in social service benefits provided by the Commonwealth have been forecast and a decision on this matter cannot be given until these proposals are known.

CO-ORDINATION OF TRANSPORT SERVICES.

The Hon. K. E. J. BARDOLPH (on notice)—In view of the losses incurred by the Tramways Trust and the Railways, is it the intention of the Government to establish a transport control board to co-ordinate all transport services under the control of a Minister responsible to Parliament?

The Hon. N. L. JUDE—A Bill dealing with this matter has already been announced in His Excellency's Speech.

SOUTH-EASTERN LANDS DEVELOPMENT: COUNTIES OF BUCCLEUCH, BUCKINGHAM AND CHANDOS.

THE PRESIDENT laid on the table the progress report of the Parliamentary Committee on Land Settlement on South-Eastern Lands Development, Crown Lands in the counties of Buccleuch, Buckingham and Chandos.

PAYNEHAM PRIMARY SCHOOL.

THE PRESIDENT laid on the table a report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Payneham Primary School.

PRISONS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary) obtained leave to introduce a Bill for an Act to amend the Prisons Act, 1936.

FOOD AND DRUGS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health), having obtained leave, introduced a Bill for an Act to amend the Food and Drugs Act, 1908-1953. Read a first time.

The Hon. Sir LYELL McEWIN—I move—

That this Bill be now read a second time.

This Bill deals with therapeutic substances and poisons. The term "therapeutic substance" is used now-a-days in a somewhat wider sense than the old word "drug." In the Food and Drugs

Act "drug" includes (among other things) all substances used in the composition or preparation of medicine. It does not, however, extend to all the various preparations now used by medical men for the prevention, diagnosis, cure or alleviation of disease, and the expression "therapeutic substance" has come into use to express this wider range of substances. The great increase in the number of these substances and their increasing use under the Commonwealth pharmaceutical benefits scheme are reasons why this Bill is required. Though introduced mainly to regulate the manufacture and sale of therapeutic substances, the Bill also provides for regulating the manufacture and sale of poisons which in the public interest need to be controlled in much the same way, and by the same authorities, as therapeutic substances. The events which have led to the preparation of the Bill are as follow. In December, 1951, the Commonwealth asked that an inter-State conference be held to promote uniform legislation for the control of therapeutic substances. The Prime Minister pointed out that as a result of the free medicine scheme the Commonwealth was the largest purchaser of these products in Australia, and wished to ensure that they should be of a uniform high quality. The conference recommended that State legislation be passed to provide for the control of the manufacture of therapeutic substances in each State and that the Commonwealth should pass an Act to ensure, as far as Commonwealth powers permitted, standards of purity for therapeutic substances. Last year the Commonwealth passed the Therapeutic Substances Act, 1953, providing that therapeutic substances imported, or supplied as pharmaceutical benefits, shall be of prescribed standards and shall be properly labelled or marked. Since the passing of that Act the Central Board of Health has considered what legislation by the State is necessary to assure uniformity of standards for therapeutic substances and this Bill is based upon the board's recommendations.

Clauses 3 and 4 contain provisions for the purpose of extending the application of the Food and Drugs Act to therapeutic substances. The existing definition of "drug" in the principal Act is struck out and a new and wider definition is inserted which will cover all the new products devised for the prevention, diagnosis, alleviation and cure of disease or for inhibiting or modifying any physiological process in men or animals. Clause 4 provides that any drug may be declared by proclamation to be a controlled therapeutic substance and provides that any such proclamation may be varied or revoked. The effect of declaring a therapeutic substance is set out in clauses 5 and 6. Clause 5 provides that the regulations relating to controlled therapeutic substances and poisons shall be administered by the Central Board of Health alone. At present such regulations can be administered by both the Central Board and local health authorities, although in practice the poisons regulations are administered by the Central Board alone. The proposed therapeutic substances regulation will be highly technical and will require uniformity of administration throughout the State. A qualified medical and scientific staff will be required and it will not be possible for the local authorities to provide such a staff. For this reason the administration will have to be entrusted to the Central Board alone. Clause 6 enables the Governor on the advice of the advisory committee appointed under the Food and Drugs Act to make regulations with respect to the regulation, restriction and conditions of the manufacure, sale, disposal, purchase, transport, storage, ownership and possession of poisons and therapeutic substances. There is in the principal Act a limited power to regulate the sale, ownership and possession of poisons; but this power does not give sufficient control over the manufacture of poisons and gives no control at all over the manufacture of therapeutic substances. These deficiencies will be remedied by clause 6, which will enable the State to play its part in introducing the proposed uniform code of standards for the whole of Australia.

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

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary), having obtained leave, introduced a Bill for an Act to amend the Places of Public Entertainment Act, 1913-34. Read a first time.

The Hon. Sir LYELL McEWIN—I move:—

That this Bill be now read a second time.

This Bill makes some amendments to the Act, which have been found necessary as a result of recent developments in connection with places of public entertainment. Clauses 3 and 4 and 8 relate to drive-in theatres. There is little doubt that theatres of this kind will be in operation before long. At present the provisions of the Act relating to the particulars to be stated in licences and the amount of licence fees are based on the assumption that a place of public entertainment is built to provide seating or other accommodation for a given number of persons. Drive-in theatres, however,

are built for a given number of vehicles, irrespective of the number of persons in each vehicle. In order that the capacity of a drive-in theatre may be determined for the purpose of computing the licence fee the Bill provides that a licence for such a theatre must state the number of vehicles for which accommodation is provided, and that the fee will be based on the assumption that the space occupied by each vehicle is equivalent to capacity for three persons.

Clause 5 deals with the duty to supply to the Minister plans of places of public entertainment and of alterations and additions. At present it is not mandatory to deposit plans of places of public entertainment or places intended to be used for that purpose. The submission of plans is merely a precautionary measure which the proprietor may take or not take at his option. Plans are in many cases not submitted until building operations have been commenced or completed. Some serious inconvenience, however, has arisen and expense has been needlessly incurred owing to persons proceeding to build places of public entertainment before the plans have been approved by the Government. In order to ensure that the Act and regulation are observed with a minimum of trouble it is highly desirable, as a general rule, that plans of buildings or premises intended to be used as places of public entertainment should be submitted to the inspector before building operations commence. It is proposed, therefore, by clause 5 to make this procedure compulsory unless the Minister grants an exemption in any specific case.

Clause 6 deals with the restriction on Sunday entertainments. For many years there has been in the Act a provision which prohibits the use of a licensed place of public entertainment on a Sunday, unless the consent of the Chief Secretary has been obtained. This provision, which is contained in section 20, has always been regarded as applying to both public and private entertainments held in premises licensed under the Act. It is obvious that if it did not apply to private entertainments, as well as public ones, the section would be of little value. Until recently the Government's legal advice was to the effect that section 20, which uses the word "entertainment" without any qualification, applied to both public and private entertainments. But a recent opinion raises some doubt on the question whether the section applies to private entertainments. It is most necessary that there should be no doubt about this matter and that the interpretation and practice which have always been followed should continue to be followed. It is proposed, therefore, to insert the words "(whether public or private)" after "entertainment" in section 20 so that there will be no possibility of misunderstanding the intention of the section.

Clause 7 deals with what are commonly called cabarets—that is, restaurants where facilities for dancing are available, or where other entertainments are provided for customers taking meals or refreshments. In recent years there has been an increase in the number of these establishments in Adelaide. The Government is informed that, on the whole, they are satisfactorily managed. But the question has arisen whether, because of the entertainment which they supply, they are not subject to the provisions of the Places of Public Entertainment Act. Although the Act and regulations were not designed to deal with cabarets, it is clear that as a matter of strict law a cabaret does fall within the definition of a "place of public entertainment" in the Act. The inspector who administers the Act is of opinion that while it is not necessary to apply all the provisions of the Act and regulations to cabarets, there should be a modified form of control over these premises in order to ensure that adequate provision is made for the safety and convenience of the customers therein.

The Bill carries this principle into effect. Clause 7 provides for the registration of cabarets by the Minister. Registration will not be granted unless the premises are approved by the Minister, and are furnished with equipment for the prevention and extinguishing of fires, and unless such other measures as the Minister requires have been taken to ensure the safety, health, and convenience of persons in the premises. When a cabaret is registered it will not be subject to the provisions of the principal Act and regulations respecting the licensing and general regulation of places of public entertainment. It will, however, be subject to section 25 which contains provisions for ensuring proper and decorous behaviour in places of public entertainment and preventing breaches of the peace. Registration will be liable to cancellation if the premises do not adequately provide for the safety, health and convenience of patrons. Clause 8 deals with the mode of computing the licence fee for drive-in theatres, which I have already explained.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

The Hon. N. L. JUDE (Minister of Local Government), obtained leave to introduce a Bill for an Act to amend the Local Government Act, 1934-52.

HEALTH ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health), having obtained leave, introduced a Bill for an Act to amend the Health Act, 1935-53. Read a first time.

The Hon. Sir LYELL McEWIN—I move—

That this Bill be now read a second time.

The second schedule to the Act sets out a list of infectious diseases. Section 5 provides that the Governor may, by proclamation, declare any disease to be an infectious disease and thus be added to the list in the second schedule or may remove any disease from the list of infectious diseases. Section 127 provides that where an inmate of a building suffers from an infectious disease, it is the duty of the head of the family and of any medical practitioner attending the patient to report the case to the local board. Section 131 and following sections of the Act lay down rules of conduct to be observed in cases of infectious diseases with a view to preventing the spread of the disease. Thus, the Act provides for notification of infectious disease and for various remedial measures to be taken to prevent its spread. The Central Board of Health has suggested that, instead of there being only one list of diseases, there should be two—one of infectious diseases and the other of notifiable diseases. In the case of infectious diseases, both notification and preventive measures are obviously necessary. In the case of some other diseases, however, notification only should be necessary. The Board is also of opinion that the existing schedule of infectious diseases needs revision and that it is desirable to secure uniformity between the States as to what are infectious or notifiable diseases. The National Health and Medical Research Council is endeavouring to secure this uniformity. Accordingly, clauses 3(*b*), 4 and 6 to 11 make various amendments to the Health Act.

Clause 3 enacts a definition of "notifiable disease" and clause 4 provides that the Governor may by proclamation alter the list of diseases included in this schedule. Clauses 7 and 8 provide that the existing sections of the Act relating to notification of disease will apply to notifiable diseases in the same manner as they apply to infectious diseases. However, the provisions of the Act relating to preventive measures will not apply to notifiable diseases but will, of course, continue to apply to infectious diseases.

Clause 9 repeals the second schedule containing the list of infectious diseases. Clauses 9 and 10 enact two new schedules. One is a list of infectious diseases and under the existing provisions of section 5 the Governor may by proclamation vary this list. The other is a list of notifiable diseases. The diseases mentioned in these two schedules are those recommended by the Board and in putting forward these lists regard has been had to the two purposes involved, namely, that in the case of infectious disease there should be both notification and preventive measures whilst as regards notifiable diseases, notification only is necessary. Clause 11 repeals all existing proclamations of infectious disease. This necessarily is consequent upon what is proposed by clause 9.

Section 101 of the Act, among other things, provides that a dog is not to be kept or allowed to be in or about any slaughterhouse unless it is used for yarding purposes and is kept chained whilst not being so used. The Board considers that it is of considerable importance to see that dogs are not allowed to roam about slaughterhouses. If a dog eats slaughterhouse offal which is infected with hydatids, there is a strong likelihood of the dog becoming infected and communicating the disease to human beings. The provisions of section 101 have been found deficient as, on a dog being found loose at a slaughterhouse, the person in charge denies having any knowledge of its presence. It is therefore considered that, in the interests of public health, the person in charge of a slaughterhouse should have a more or less absolute duty to see that dogs are not on the premises. Clause 5 therefore amends section 101 to provide that if a dog is in or about a slaughterhouse, the person in charge is to be guilty of an offence unless he satisfies the court either that the dog was used for yarding purposes and was kept chained when not so used or that he did not know of its presence and could not reasonably have had knowledge of its presence.

Paragraph (*a*) of clause 2 makes drafting amendments to the definition of "metropolitan local board" in section 4. The existing definition refers to a number of metropolitan district councils which have become municipal corporations. Clause 2 alters the definition accordingly.

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

ADJOURNMENT.

At 2.36 p.m. the Council adjourned until Wednesday, August 18, at 2 p.m.