

LEGISLATIVE COUNCIL.

Tuesday, September 7, 1954.

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

QUESTIONS.

MARION COUNCIL RATING.

The Hon. F. J. CONDON—Can the Minister of Local Government explain the position that has arisen out of a difference of opinion between members of the Marion council over rating, and can he say whether it is the intention of the Government to introduce an amendment to the Local Government Act to clarify the position?

The Hon. N. L. JUDE—I take it that the first part of the question is directed to the position that has existed over the past week. The council has apparently taken advice from its legal advisers within the past 48 hours, and struck a differential rate that is quite within the latitude of the Act. The previous problem arose because there was an attempt to apply differential rates on description of land rather than definition of land. The Act permits of including definition of land for differentiation, whereas just a wide description of land as being rural or otherwise is not permissible. With regard to the future, a very large deputation waited on the Premier and myself a few weeks ago with regard to the difficulties of land values rating in country of mixed usage, speculative subdivisions, agricultural, gardening and building land. The Premier informed the deputation, and I think also the press, of the difficulties and said that the Government would consider introducing an amendment to the Act somewhat along the lines of the Sydney provisions to include provisions for rural land adjacent to building areas.

TOWN PLANNING.

The Hon. K. E. J. BARDOLPH—Has the Chief Secretary a reply to the question I asked last week with regard to the postponement of the Town Planning Bill?

The Hon. Sir LYELL McEWIN—I have not had the opportunity to take up the matter officially with the Premier, and at the moment it remains under consideration in another place.

ANZAC HIGHWAY RAILWAY CROSSING.

The Hon. E. ANTHONY—I ask leave to make a statement before asking a question.

Leave granted.

The Hon. E. ANTHONY—I assume that the Minister of Local Government knows that there is a railway line across the Anzac Highway which is extensively used—

The Hon. K. E. J. Bardolph—Only during show periods.

The Hon. E. ANTHONY—No, it is used at other times. Usually when it is used a railway employee holding a red flag warns motorists of the approach of a train, but yesterday a serious accident occurred there when a railway engine crossed the track. It was a miracle that the driver of the taxicab involved in the collision and the passengers were not killed. Was the usual practice of warning the public carried out yesterday and, if not, will it be done during the Show?

The Hon. N. L. JUDE—I will obtain a report for the honourable member.

TRAFFIC ISLANDS.

The Hon. C. R. CUDMORE—Has the Chief Secretary any further information on the question I asked about a fortnight ago as to the attitude of the Government or of any action to be taken with regard to the traffic islands and/or archipelagoes that are being built?

The Hon. Sir LYELL McEWIN—The Commissioner of Police is temporarily indisposed so I have been unable to take the matter any further.

RAILWAY DERAILMENTS.

The Hon. E. ANTHONY (on notice)—

1. How many derailments have occurred on the railways since January 1, 1954?

2. In what localities did they occur?

3. What was the probable cause of each derailment?

4. What is the estimated cost of rehabilitating—(a) permanent way; and (b) rolling stock, after each derailment?

5. What additional personnel are required in the department to effect complete efficiency?

The Hon. N. L. JUDE—The replies are:—

1. A report has been obtained from the Railways Commissioner concerning the honourable member's question. This report is too voluminous for inclusion as a reply to the question. Summarized it shows that from January 1 to August 19 there have been:—

- 40 derailments for 1951.
- 35 derailments for 1952.
- 34 derailments for 1953.
- 47 derailments for 1954.

The vehicle miles operated during the corresponding periods were approximately:—

49,000,000	1951.
54,000,000	1952.
56,400,000	1953.
60,000,000	1954.

and the number of vehicle miles operated per main line derailment were:—

1,225,000	1951.
1,540,000	1952.
1,660,000	1953.
1,280,000	1954.

It will be seen that the vehicle miles per derailment since January 1 this year have been somewhat less than for the corresponding periods in 1952 and 1953, but somewhat higher than 1951.

2. Adelaide division 19; Murray Bridge division 10; Peterborough division 11; Port Lincoln division 7.

3. Of the 47 derailments, nine were due to rolling stock defects, 18 to track conditions, three to excessive speed, four to faulty operation, one to obstruction placed on the track, and 12 undetermined.

4. Total recorded costs of the 47 derailments for 1954 are:—(a) £16,790; (b) £8,552.

5. The number of additional personnel required for the Railways Department to effect complete efficiency cannot be ascertained.

NAIRNE PRIMARY SCHOOL.

The PRESIDENT laid on the table the report of the Parliamentary Standing Committee on Public Works on Nairne primary school, together with minutes of evidence.

PRISONS ACT AMENDMENT BILL.

Introduced by the Hon. Sir LYELL McEWIN (Chief Secretary) and read a first time.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Introduced by the Hon. N. L. JUDE (Minister of Local Government) and read a first time.

MARKETING OF EGGS ACT AMENDMENT BILL.

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

BUSINESS AGENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 26. Page 499).

The Hon. F. J. CONDON (Leader of the Opposition)—This is an innocent Bill to which

I do not think members can object. Its main purpose is to require the auctioneer who carries on business as a business agent as part of his activities to secure a business agents licence.

Under section 4 of the principal Act auctioneers, like trustees, liquidators, official receivers and others, were exempted from the necessity to secure a licence under the Business Agents Act which requires an examination of the applicant's character and financial position. Also objection may be lodged against the renewal of a licence, and it is felt that it will offer better safeguards for the public if these provisions are made to apply to auctioneers. However, the auctioneer will not be required to pay an additional fee. I have pleasure in supporting the second reading.

The Hon. C. D. ROWE (Midland)—I agree that there is little to which objection can be taken in as much as the Bill provides that the auctioneer shall in future comply with certain provisions of the Business Agents Act. I think it desirable that further investigation should be made when a licensed auctioneer proposes to carry on the activities of a business agent. Apparently, it was not until 1939 that it was found necessary to have an Act containing the provisions of the Business Agents Act, but with the increase of the activities of those people some sort of control became necessary. Sections 7 and 9 of the principal Act set out the procedure when applications for licences are lodged and it was clearly the intention of the Legislature that only fit and proper persons should be appointed as business agents. It therefore seems only reasonable that auctioneers who also carry on the work of business agents should be required to comply with the provisions and to have the qualifications necessary for that purpose. I see no objection to the Bill and therefore have pleasure in supporting the second reading.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—The principal Act was passed in 1938 and there have been several amending measures since. Generally, the alterations have been accepted by the community as, if not very urgent, at any rate an improvement. Both previous speakers have emphasized the point that it is necessary in future that auctioneers who act as business agents shall conform to certain provisions of the Business Agents Act. I think none of those interested can feel that he has been in any way hardly used; on the contrary, the improvement is definite and I therefore have pleasure in supporting the second reading.

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

HEALTH ACT AMENDMENT BILL.

(Continued from August 26. Page 501).

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

ANATOMY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 26. Page 500).

The Hon. F. J. CONDON (Leader of the Opposition)—One would think there would have been a number of objections to this legislation, but it cannot be said that it has been sprung on us because, as was intimated by the Minister of Health, last session we were informed that the Bill would again come forward for discussion this session. The Bill has been requested by the medical profession. The original measure was introduced 70 years ago and was amended in 1934. It is now proposed to make it lawful for corneal grafting to be undertaken. The Act will not come into operation until three months after its passing. I support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—This is a short Bill, but involves a very great principle. The advancement of science in the medical world has been tremendous in the last decade, and one of the things discovered is that people suffering from blindness can have their sight restored if they have a cornea grafted from another person. Legislation is in operation in England to permit this to be done. Actually, it is a kind of tinkering with the dead, something which must be carefully guarded so that no abuses can possibly follow from it. As the Minister said in explaining the Bill, it was introduced last session in order to give the public a chance of thinking about it, but was not proceeded with. Therefore, it cannot be said that the public have not had an opportunity to consider whether Parliament should authorize the practice. It is making use of something from the dead for the benefit and health of the living. The idea is not entirely new. Although I support the Bill, I think every precaution should be taken to see that authority is obtained from the right people, the relatives or those in charge of hospitals, on whether this can be done. When I read the Bill I

did not feel happy about subsection 6 of new section 18a, which reads:—

In the case of a body lying in a hospital, any authority under this section may be given on behalf of the person having the control and management of the hospital by any officer or person designated in that behalf by the first-mentioned person.

It seemed to me that this was too loose, and that there might be arguments afterwards as to whether there was proper authority. Although I understand the words "designated in that behalf" appear in the English Act, I feel they could be improved upon. I put my views to the president of the British Medical Association and, although he had not really considered the matter, he thought the person in charge of a hospital, if it were a big hospital, could depute his authority to the surgical registrar or some other officer. I pointed out that there might be some dispute afterwards as to whether proper authority had been given and suggested that the authority, whatever it was, should at least be given in writing. I conferred with the Parliamentary Draftsman and as a result I have an amendment, the effect of which will be to make it clear and avoid any possibility of dispute as to whether the person who gave consent for the operation under the provisions of this section had the proper authority. I support the second reading.

The Hon. E. ANTHONY (Central No. 2)—In the past 10 to 20 years there has been a remarkable advance in surgical science, and corneal grafting is an instance of it. The Government has taken almost every precaution to see that either the relatives of the deceased person or a person with authority has consented to the removal of the cornea, but Mr. Cudmore's amendment will tighten up the matter. It was once a common practice for medical students who were short of bodies to exhume them from cemeteries. That may be so now for all I know, although we are getting a little more civilized. I congratulate the Minister on introducing this Bill, which will ensure that no disrespect is shown to the remains of the deceased person or the relatives. It will not be possible for anyone to remove corneas from a deceased person unless properly authorized by the right person. This surgical operation, by which a portion of a deceased person's eyes can be grafted on to the eyes of a living person, is a wonderful discovery because it can restore sight to a blinded person. I have very much pleasure in supporting the measure.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Removal of eyes of deceased persons."

The Hon. C. R. CUDMORE—I move the following amendments:—

In subsection 6 of new section 18a to delete "on behalf of" and to insert "(a) by", after "hospital" to insert "(b)"; in the fourth line to delete "officer or", and to delete "designated in that behalf by the first-mentioned person" and to insert "authorized in writing by the person having such control and management".

The purpose of my amendments is to avoid any possibility of a dispute afterwards as to whether a person had the necessary authority and in effect to say that the authority can be given only by the person having the control and management of the hospital or a person authorized in writing by the person having such control and management. I do not think I need explain the amendments further except to say that it will be perfectly clear who gives the authority if it has to be in writing.

The Hon. Sir LYELL McEWIN (Minister of Health)—I think the amendments improve the Bill. This is a very delicate subject and there was never any intention other than that there should be every precaution to see that no wrong would be done to anyone. The clause indicates in the first place that the person to give the authority must be a responsible officer in charge of any hospital, and in the absence of such authority I think it is only proper that there should be no doubt about who is acting on his behalf. The amendments will give the necessary safeguard and I am happy to accept them.

Amendments carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed.

Bill reported with amendments and Committee's report adopted.

ADJOURNMENT.

At 2.47 p.m. the Council adjourned until Wednesday, September 8, at 2 p.m.