

LEGISLATIVE COUNCIL.

Thursday, June 23, 1955.

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

ASSENTS TO ACTS.

His Excellency the Lieutenant-Governor intimated by message his assent to the following Acts:—Supply (No. 1), Appropriation (No. 1) and Statutes Amendment (Public Salaries).

BULK HANDLING OF WHEAT.

The PRESIDENT laid on the table the third progress report of the Public Works Standing Committee on the bulk handling of wheat, together with minutes of evidence.

QUESTIONS.**BUSH FIRES ACT.**

The Hon. F. J. CONDON—Has the Chief Secretary a reply to the question I asked on May 25 regarding an amendment to the Bush Fires Act to make it compulsory to have fire breaks along main highways where it is considered necessary?

The Hon. Sir LYELL McEWIN—I have obtained a report from the Minister of Agriculture, which is as follows:—

Amendments to the Bush Fires Act are still under consideration. I hope to make an early submission to Cabinet on this important matter. Consideration is being given to the suggestion of the Hon. F. J. Condon, M.L.C.

STORM WATERS.

The Hon. F. J. CONDON—I ask leave to make a statement with a view to asking a question.

Leave granted.

The Hon. F. J. CONDON—Some months ago I introduced a deputation to the Premier on behalf of the Port Adelaide and Woodville Councils regarding the difficulty experienced in disposing of storm waters north of the Grand Junction Road into the Port River. On May 20 I sent a letter to the Premier on this matter. In yesterday's paper I noticed a statement to the effect that the Highways Department has prepared temporary plans. Can the Minister of Local Government inform me what are the Government's intentions in this matter?

The Hon. N. L. JUDE—As the honourable member was good enough to intimate his intention of bringing up this matter I made inquiries and found that the majority of the matter is being handled by the Engineering and Water Supply Department under the Minister of

Works. Much work is being done, detailed plans have been prepared, costs are being considered and on Tuesday next I hope to be able to give the honourable member a detailed report on what is being done.

DANGEROUS DRUGS AMENDMENT BILL.

(Continued from June 21. Page 371.)

Bill read a second time and taken through Committee without amendment.

Bill recommitted.

Clause 3 "Drugs to which Act applies"—reconsidered.

The Hon. C. R. CUDMORE—When speaking on the second reading I drew attention to the fact that clause 3 amends section 4 of the principal Act which sets out by name the drugs to which the Act applies. My concern was that this amendment does not name heroin and, according to the general discussion, the main purpose of the amendment is to prohibit its use. It seems to me that the proper way to do this is to amend section 4 by adding a new subsection specifically mentioning the two substances referred to by the Minister. In this way the information would be available to anyone reading the Act and I would like to know why it cannot be done.

The Hon. Sir LYELL McEWIN (Minister of Health)—During the second reading debate the honourable member raised the question of the difference between these amendments, and what has existed for 21 years under the principal Act. When I explained the Bill I stated what has been done in the other States regarding heroin. Today it is possible to introduce other drugs just as dangerous and if they are not named there is no power to deal with them immediately. The Bill was introduced on the recommendation of the Public Health Committee of the National Health and Medical Research Council and it was stated that the Commonwealth had prohibited the importation of heroin and it now remained for the States to complete the prohibition. I asked the Parliamentary Draftsman to get some further information from the Director-General of Health dealing with this approach to the problem mentioned by Mr. Cudmore, and I have received the following report:—

The Hon. C. R. Cudmore has asked why, if it is intended to apply the Dangerous Drugs Act, with modifications, to pholcodine and to prohibit heroin altogether, these drugs are not specifically mentioned in the Bill. It is true that these drugs could have been mentioned in

the Bill, but it was thought that no useful purpose would be served by so doing. The reason in both cases is that the matter does not by any means end with the application of the Act with modifications to pholcodine or the prohibition of heroin. New drugs of the same nature as pholcodine are always likely to be produced and it is desirable that the Act should without delay be applied to them. Thus since the recommendations out of which this Bill arose were made, the attention of the Central Board of Health has been drawn to a drug called nalorphine, a morphine derivative, which is similar in its properties to pholcodine. It will probably be necessary to apply the Act to this drug with suitable modifications also.

It is most desirable that drugs other than heroin should be totally prohibited from time to time as occasion arises. It is likely that agreement will be reached throughout Australia in the near future for the total prohibition of Indian hemp. The Central Board of Health has just heard that the Commonwealth has banned the importation of this drug, in addition to heroin. The United Nations is also considering the total prohibition of a drug called ketobemidone, a synthetic drug as dangerous as heroin, and if agreement is reached concerning this drug, no doubt the Government will desire to declare it a prohibited drug also. The Government believes that the powers given by the Bill are necessary if the legislation is to be kept up-to-date and that if they need any further justification, it can be found in the subject matter of the Bill. Traffic in drugs and drug addiction are matters which, above all, call for wide powers.

Mr. Cudmore suggested that the Bill departed from the principle of the Act in enabling it to be extended by proclamation. This is not so. Section 4 (3) at present enables the Governor to proclaim (*inter alia*) any drug or substance similar in its properties to morphine, cocaine or Indian hemp as a drug to which the Act applies. It will be seen that the section enables very wide powers to be exercised by proclamation. Section 4 (3) is so widely framed, as it so happens, that pholcodine could already be declared a drug to which the Act applies by proclamation under its provisions. However, the effect of the proclamation would be that the Act would apply to this drug without modification and this result is not desired. Clause 3 merely enables the Act to be applied under section 4 (3) with modifications.

Mr. Cudmore has asked how clause 5 enables heroin to be prohibited. Clause 5 enables the Governor to declare a drug to which the Act applies to be a prohibited drug and makes it an offence to be (*inter alia*) in possession of a drug so declared. A drug could not be declared a prohibited drug under clause 5 unless it fell within the general category of drugs to which the Act applies. Heroin is already within this general category.

I think that gives the information the honourable member was seeking and fits in with what I remarked earlier—that while we name a drug in the Act it is possible for a drug equally dangerous to be produced quickly under another name and be free from control.

The Hon. C. R. CUDMORE—I am sure the House is obliged to the Minister for producing the report, which makes the position perfectly clear. When I first read the Bill I sent it to people whom I thought might give some assistance and opinions, but received no help whatever. Therefore, my comments were entirely my own. The Bill was initiated in this Chamber and therefore it was desirable that members should know exactly what they were doing in passing it. It has been made quite clear now that clauses 3 and 5 do not apply only to heroin, but actually give a blank cheque to the Government to deal with any new narcotics or dangerous drugs that may come along. Mr. Condon suggested that we should give the Australian names for some of these drugs. I should like him to have a look at section 4 (1) (g) of the Act where appears the names of a number of drugs that have been declared dangerous. The first one is dihydrohydroxycodine, and there are about half a dozen similar. My raising the question has served a useful purpose in getting the Minister to supply such a full report.

Clause passed.

Clause 5 "Prohibition of Drugs"—reconsidered.

Clause passed.

Bill further reported without amendment and Committee's report adopted.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from June 22. Page 392.)

The Hon. F. J. CONDON (Leader of the Opposition)—The question arises whether members think it necessary that this legislation should be continued for another 12 months, for which the Bill provides. The first Prices Bill was introduced in South Australia more than 40 years ago by a Liberal Government, and some form of control has continued since. First it was by the State, later by the Commonwealth, and now by the State again. I previously suggested to the Council that instead of having this legislation extended every 12 months, as we have done for a number of years, it should be for a longer term, or even permanently. Personally, I think it should be permanent. The basic wage has been pegged over the last three years, and if this is necessary it is equally necessary to have some form of control over prices.

The Hon. E. Anthoney—All prices?

The Hon. F. J. CONDON—Quite a number of goods have been decontrolled. In passing this legislation from year to year we have had no concern for the person doing the right and fair thing. Most of the legislation we pass is to deal with the person who will not do the right thing. Governments have found some form of price control is necessary, but I shall not say that the control has been as successful as some people would have liked. For instance, South Australia fixes the price for a locally manufactured article, but a manufacturer from another State sends a similar article here and charges a higher price. This occurred last year and the price charged was 4d. a pound higher than was fixed for the local article. What can we do about it? This shows that if there is to be control it should be by the Commonwealth. In Queensland a Profiteering Board has existed for many years, although some of the other States have done away with prices legislation. Although it may not be necessary to exercise price controls, the legislation should remain to deal with people who would otherwise take advantage of the public.

The Hon. E. Anthoney—Isn't competition the best policeman?

The Hon. F. J. CONDON—Although tea has been decontrolled I have not heard that it has been reduced in price yet, and there is competition there. The prices of many standard lines are fixed in other States and we all know what would happen to supplies if they were sold below the fixed price. Although prices fixation is a difficult matter, it is necessary with a fixed basic wage. Members opposite believe in free markets and consider that there is enough competition to fix prices within reasonable limits. I do not object to a reasonable profit because if a man invests his money it is only right that he should expect a reasonable return, but there must be some legislation to prevent a few people from taking advantage of the public. If the Government introduced a measure for more permanent control the Opposition would support it. Recently, the

Government decontrolled a list of articles and I do not think that there has been any objection to that.

The Hon. E. Anthoney—Have those goods increased in price?

The Hon. F. J. CONDON—Many prices have increased, but the Government has the right to recontrol if the retailer takes advantage of the de-control. Although in the Lower Houses of other States Bills to continue control have been passed, upper Houses in their wisdom, or otherwise, have vetoed them. The cost of administering this Act in South Australia in 1953 was £78,000 plus £22,000 to control rents. The cost today is much less because there are not very many articles under control. The fact that this type of legislation has been introduced year after year shows that there must have been some necessity for it. This Bill is no different from others that have been introduced year after year.

The Hon. C. R. Cudmore—The original control was in war-time. This legislation was introduced during the war, but the war has been over for many years now.

The Hon. F. J. CONDON—That is so. During the war this legislation was under Federal control, and under a Liberal Government it reverted to the States.

The Hon. E. Anthoney—Under those controls there was much black marketing.

The Hon. F. J. CONDON—If a person wants to black market he will do so whether there is a war or not. That is the type of person we are dealing with under this legislation. Although probably 90 per cent of retailers take no advantage of the people by black marketing, a small section does and that is the section that must be controlled. I support the Bill.

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

ADJOURNMENT.

At 2.38 p.m. the Council adjourned until Tuesday, June 28, at 2 p.m.