LEGISLATIVE COUNCIL.

Wednesday, September 2, 1959.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS.

PETERBOROUGH DIVISION RAILWAY GAUGE.

The Hon. F. J. CONDON—As reported in the press this morning, the Federal Minister for Shipping and Transport, Senator Paltridge, said he was prepared to visit South Australia to discuss outstanding matters regarding the standardization of the gauge of the Peterborough division, and he implied that South Australia had not supplied all of the information required by the Commonwealth authorities. Has the Minister of Railways any comment to offer regarding that statement?

The Hon. N. L. JUDE—It would appear from the statement which I also read—I have had no direct communication in the matter—that there is a misunderstanding in this matter. We are of the opinion that statistical and other information of an intricate nature has already been supplied regarding the project. I discussed the matter this morning with the Premier and he said that he had not seen the article in the press but would welcome a visit from Senator Paltridge in order to clear up any outstanding points.

PRICE OF POWER KEROSENE.

The Hon. G. O'H. GILES—I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. G. O'H. GILES—The matter I wish to raise is entirely a Federal matter, but it is on the ground that it affects primary producers considerably that I direct my question to the Minister representing the Minister of Industry. It relates to the difference in price between petrol and power kerosene. Members will know that the Federal tariff was reduced by a half-penny a gallon on petrol recently and that on power kerosene it was increased from nothing to a half-penny. As this affects small farmers in particular I would like to lay stress on that point. Standard motor spirit is 3s. 1½d. a gallon in bulk 44gall. drums in the metropolitan area today, and power kerosene is 2s. 2½d. a gallon. The prices in America, as a matter of interest, are 21.32 cents for gasoline and 16.3 cents an American gallon for power kerosene. The excise on motor spirit refined in Australia is 11½d. a gallon. The tariff on imported spirit is 1s. 0½d., previously 1s. 1d. The excise on power kerosene is nil. Subtracting tariff and excise from the price to the consumer we are left with the incongruous state of affairs that motor spirit to the petrol companies would cost 2s. 2d. and power kerosene 2s. 2½d. a gallon. In terms of partial distillation, obviously petrol is more highly refined than power kerosene and consequently I cannot understand the position. Will the Minister endeavour to supply me with details as to why the price of petrol, with tariff and excise removed, is not considerably higher than that of power kerosene? Secondly, will the State Government confer with the Federal authorities as to the reasons or necessity for this added halfpenny burden upon the primary producers, particularly the smaller ones, in this State?

The Hon. Sir LYELL McEWIN—I will endeavour to get some information in reply to the honourable member's question, which I know is important to primary producers using power kerosene as fuel.

BOOSTER DRUGS.

The Hon. Sir FRANK PERRY—Has the Minister of Health noticed an article in this morning's *Advertiser* on page one headed, "Booster Tablets for Footballers"? Apart from the ethics of using this drug, can it be regarded as harmful to the users, and can he say whether the example set by teams using this drug would be harmful to others if it were not properly prescribed by doctors?

The Hon. Sir LYELL McEWIN—Already this morning a question regarding this matter was addressed to me and, anticipating that the matter might be raised here this afternoon, I obtained a report from the Director-General of Public Health. It is as follows:—

This drug (Dexamphetamine Sulphate) is one of the group of central stimulants referred to as the Amphetamines. The sale of these drugs is restricted to prescription and their supply or administration other than under medical direction is contrary to the poison regulations. The use of these drugs is not without a risk; in therapeutic doses they are usually well tolerated but there is a wide variation in individual reaction. The common side effects include restlessness, insomnia and lack of appetite. Abberations of behaviour may occur in susceptible persons and hallucinations are not unknown. Perhaps some of the untoward behaviour of players during matches is due to the effects of the drug. However, the greatest risk with the use of these drugs is that they are habit forming. The World Health Organization and its expert committee on addiction producing drugs has reviewed the problem of the Amphetamines from time to time and has, on considering the

serious situation of abuse that exists in some countries, recommended that Governments should provide adequate measures of control to prevent abuse. The World Health Organization classes the Amphetamines as habit-forming drugs; they produce habituation but not true addiction except when used excessively. There is a desire, but not a compulsive craving to continue taking the drug for the sense of improved well-being which it produces; there is too, a degree of psychic dependence. In medical literature there are many references to such habituation and in our own State such cases have come under notice as also have cases of the Amphetamine habit leading to the very much more serious morphine addiction and of the Amphetamine habit developing after morphine addiction has been treated. If the drugs were prescribed *en masse* for teams, it would surely be a breach of the trust which is placed on doctors when the sale of powerful drugs is restricted to prescription. On the other hand if the drugs were illegally obtained from a sympathetic pharmacist, the officials of the club might face the risk of police action for the illegal supply of restricted drugs. Altogether the mass administration of the Amphetamines to footballers carries with it more risks than are warranted by the possible temporary benefits obtained.

The Hon. F. J. Condon—Does that apply to racehorses?

The Hon. Sir LYELL McEWIN—If it applied to racehorses it would be an offence. That is the report which has been furnished to me by the Director-General of Public Health, and it is a clear statement of the position.

STATE BANK REPORT.

The PRESIDENT laid on the table the report and accounts of the State Bank of South Australia for the year ended June 30, 1959.

LAND SETTLEMENT ACT AMENDMENT BILL.

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

CONSTITUTION ACT AMENDMENT BILL.

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

ELECTORAL ACT AMENDMENT BILL.

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

STATUTES AMENDMENT (PUBLIC SALARIES) BILL.

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

PUBLIC PURPOSES LOAN BILL (No. 2).

Adjourned debate on second reading.

(Continued from September 1. Page 641.)

The Hon. JESSIE COOPER (Central No. 2)—I support the Public Purposes Loan Bill. It contains many items of great interest to me, but I will content myself with mentioning only a few. First of all it is very heartening to know that we are going to spend £5,000,000 on housing under the terms of the Commonwealth-State Housing Agreement. Of this, £3,500,000 will be allocated to the South Australian Housing Trust. When one considers this amount in conjunction with the amount that is to be made available to the State Bank for finance for homes—over £2,000,000—one is puzzled to find a reason why so many temporary homes are still being used. We are told that we are catching up on the lag in housing, and we are told that the State is in a thriving condition, yet many families are still occupying temporary homes as permanent residences. In fact, there is so much new building going on that it should not be necessary to have temporary homes except in cases of emergency. These temporary homes are a source of anxiety and embarrassment to some municipal corporations at least. Various people in responsible positions have spoken to me and they were worried about the situation which had arisen long before the recent tragic fires. It is not, in many cases, a problem of finance or of poverty, as the occupiers of many of these homes possess modern cars—even Jaguars I am told. They have fine furniture and all modern labour-saving devices, and obviously could have paid a deposit on a home if they had so desired.

These temporary homes were never at any time intended to be cheap-rented, permanent residences. I feel that every encouragement should be given to those people to enable them to get their own homes and I feel these loans I have mentioned will be of great benefit both to them and to the State as a whole.

The expenditure of £3,750,000 on new schools is an item which will be appreciated by parents throughout the State. Great thought has been given to the allocation of this money and we see that a total of £1,360,000—£1,170,000 on new schools and £190,000 on major additions—will be spent on primary and infant schools alone. An amount of £477,000 will be spent on new schools, £684,000 on new high schools, and £209,000 on craftwork and domestic art centres. Bearing these figures in mind, I am happy to support the remarks of

Sir Frank Perry yesterday. As the independent schools are providing part of the facilities of education, it is desirable and necessary to give them some assistance. I would go further than a subsidy for capital expenditure. If there is a case for subsidizing these independent schools, then there must be a case for subsidizing them in respect of the part where the greatest expenses lie. I refer to their day-to-day running costs, which largely absorb the fees. I feel, however, that this may not be the time to develop this argument, which has many serious aspects, so I shall leave it to a future occasion.

While on the question of the expenses of modern education I should like to say that many parents could be saved something in the way of expenses and inconvenience if the holiday periods in the various educational institutions, from the kindergarten to the University, including both public and private schools, could be synchronized. I have been approached by many people in the last few weeks on this topic. Chaos reigns in many homes for a month at this time while children of different ages and attending different educational establishments have different holiday periods. There are conflicting opinions on this matter, but I believe that the Education Department might with advantage increase the length of the September holiday period at least. This occurs in what is usually delightful spring weather. The independent schools some years ago, adopted the policy of the longer September vacation on the advice of the headmasters' and headmistresses' conferences, because it was believed that a longer break should come at the end of the winter term when children, according to medical advice, needed it most. Secondly, the longer holiday broke the cycle of infection and so the children started the third term, not only physically stronger but free from infectious diseases and so got a good beginning for their important examination term.

Again, parents need more consideration. At present, if they take more than one week's vacation with their children, they must either do so during the Christmas vacation when holiday accommodation is strained to the utmost or else they must keep their children away from school. It seems to me that this time of the year is a very satisfactory, in fact, an ideal time for a family holiday. Therefore, I want to make strong representation that a real effort should be made to bring about this synchronization of school holidays for the ultimate benefit of schools, parents and children.

The expenditure of £450,000 on police and courthouse buildings is, I understand, timely and extremely necessary. With the enormous annual increase in population in South Australia, the congestion at law courts, already great, could become intolerable. Earlier this year, I had occasion to be in attendance at the Supreme Court and was surprised at the lack of imagination of the designers, who had, apparently, not expected women ever to be in such precincts. In fact, that section was hopelessly antiquated and inadequate. The toilet accommodation there, as in most other courthouses, is largely for men, and even then normally on a basis for the local staff only. I believe the position is even more difficult in suburban and country courthouses when those who are called upon to serve, say for a whole day, the slow processes of the law have neither retiring rooms nor even shelters out of the sun and rain. Witnesses are brought from considerable distances and then expected to stand around outside. Yesterday, the honourable Mr. Story mentioned the discomfort, both physical and psychological, of conducting interviews in unused cells in country gaols. Even an unused cell would be preferable to a place in the sun when the temperature is over 100 degrees. I was therefore personally interested to see that £95,000 is allocated for the completion of the additions at the Supreme Court, estimated to cost £235,000, and I trust that the £24,000 to go to the construction of new police buildings and the £35,000 for additions, the £13,000 for new courthouses and £95,000 for additions, the £88,000 for combined new police stations and courthouses and the £14,000 on additions will pass through the hands of architects and designers who have more originality and commonsense than those of last century.

A particularly intriguing item is the £5,000 for alterations to the Mount Gambier Gaol. They seem to have very expensive, or sophisticated prisoners down there. This £5,000 is for the beginning of the new £15,000 block of 10 cells—£1,500 for each cell. This puts the Housing Trust's record for the cost of a room in trust homes completely in the shade, and I am wondering what amenities the prisoners of Mount Gambier may expect.

Altogether the schedule is full of fascinating detail, but I do not want to start a marathon in this Chamber, so I shall content myself with supporting this Bill and wishing the Government success in all its undertakings.

The Hon. R. R. WILSON (Northern)—We have heard some very good speeches on the Bill, and in this respect I congratulate Mrs. Cooper for her excellent contribution, her first speech since she spoke on the Address in Reply motion. I support all that Mr. Condon said yesterday regarding the season. He was not very optimistic, and that can be understood, because we are facing a reality. As a result of the poor seasonal outlook, the economy of the State will be greatly affected. The Chief Secretary gave a very much fuller explanation of the Bill than was the practice when I first became a member of the Council, and that explanation is most valuable to members. The State Bank has been granted £2,750,000 for advances on homes. The manager of the bank informed me recently that it had 923 applications for finance to build homes, and that no further applications could be considered for six months.

The Savings Bank is relieving the State Bank in this respect, but it will be some time before the lag has been made up. The housing position today is just as serious as it has been for many years because of the increasing population. I am not going to address myself to many items mentioned in this Bill, but I want to refer to the railways. We heard yesterday from a member of the Public Works Committee that it investigated the position at Monarto South and Sedan to see whether that line should cease. I was pleased by the committee's decision. If something that has served a good many people is taken away from them, it creates a severe hardship.

The Hon. F. J. Condon—Do not you think they would be satisfied with alternative road transport?

The Hon. R. R. WILSON—Apparently the committee decided the other way. Similar problems arise in my own district. The line from Yeelanna to Mount Hope has always been run at a great loss. It runs once a week only but it means a lot to the settlers there. It is up to the producers to support and patronize the railways more than they now do. The railways are necessary for the transportation of heavy freight. Road transport cannot take over that service given by the railways. Huge losses are made every year, and there is a big item again this year. Nevertheless, the indirect revenue that comes from this service is what finally counts. The Harbors Board accommodation is also a large item. We look forward on Eyre Peninsula and Kangaroo Island to the new roll-on, roll-off vessel which we hope will be in operation before very long. Naturally, the company which is introducing the ship would need some guarantee that accommodation would be made available at the wharves.

The Hon. Sir Arthur Rymill—Which company is it?

The Hon. R. R. WILSON—I understand it is the Adelaide Steamship Company.

The Hon. F. J. Condon—No, Coast Steamships Limited.

The Hon. R. R. WILSON—It will be a great asset to that part of the State, it will revolutionize production, it will make it better for the railways on Eyre Peninsula and it will greatly benefit the increasing population and production on Kangaroo Island. Important also is the expenditure on accommodation for oil tankers. There has always been a differential in the price of fuel between Port Lincoln and Port Adelaide, for reasons I could never quite understand, for the tankers that call there discharging to the tanks ashore travel a shorter distance. It is unfair that that differential in the price of fuel should still exist so far as the producers and consumers are concerned on the Peninsula. The type of berth to be erected will be a steel-piled, concrete-decked structure 200ft. long and 45ft. wide, providing an effective depth of 33ft. at low tide. That will also be appreciated by the people on the Peninsula.

At Thevenard, the expenditure at the harbour of £120,000 is not only for grain but for gypsum, which is vital to our housing programme. The silo being built at Thevenard is being widely criticized because the expenditure involved there means that some silos at the country sidings will not be proceeded with for some time; but it was a contract entered into and therefore the Government is obliged to carry it out before proceeding with the smaller silos inland.

The Hon. F. J. Condon—Is there any provision made for barley?

The Hon. R. R. WILSON—Very little barley is grown at Thevenard and what is grown there is usually not of an important quality. I do not think that barley is being provided for there, as there is not sufficient growth to warrant that accommodation. The Honourable Mr. Story yesterday spoke about electricity. Nothing has advanced as much as electricity has in this country in recent years, particularly since the introduction of the method he mentioned—the earth return. I understand that the radius now is approximately 11 miles from the transformer. Under the old method, it was about a mile. Therefore, hundreds more

people can benefit from electricity. The earth return method is by no means new, for 45 years ago it was used extensively during the First World War. If electricity is sent along the line and is given a good earth which is kept moist, the returns are just as good as they were by the two-line method with a metallic circuit. It had to be dispensed with during war-time because the abduction from the return from the earth enabled the enemy to pick up the signals. So it was dispensed with and the metallic circuit was introduced, but it was not as efficient as the earth return. Many people are moving over from the 32-volt to the 240-volt system as it comes along; but this means a huge loss from the point of view of those who want to have the benefit of an electricity supply. I know of very few people who do not avail themselves of that amenity when it becomes available to them.

Yesterday the Honourable Sir Frank Perry and today the Honourable Jessie Cooper discussed education. As a country member, I realize that £500,000 is required for the transport of children to schools known as area and high schools, which in my opinion give the children a far better education than they have ever had the opportunity of receiving before. The larger the school the better the results from the students. Expenditure is to be provided on the Urrbrae Agricultural high school, about which I spoke in the Address-in-Reply debate. I am pleased at that because for a number of years the Government promised that a building would be provided to accommodate boarders at that school. While the item will not be large this year, we hope before long that the promise will be honoured to provide that building, so important for the sake of agriculture in this State.

The hospital project at Port Lincoln is estimated to cost £303,000, and £5,000 is provided this year for the initial work. Port Lincoln at present has a population of nearly 8,000. This project will give hospital benefits to the closely settled surrounding districts, where they are so urgently needed. It will accommodate 71 patients and there will be housing accommodation for 37 nurses. The sum of £262,000 is provided for the Tod River Water District. Last year Port Lincoln was without water for several days. During a heat wave it was found that the daily consumption averaged 300 gallons a person and the storage was insufficient to cope with that heavy consumption. Fortunately, another underground basin, closer to Port Lincoln than Fountain Springs, has been discovered and the Government intends to tap this source and supply water direct to Port Lincoln from it. An item of £55,000 is set down for the supply of water in the hundreds of Shannon and Mitchell, country where I was farming for many years. I maintain that this service will double its stock carrying capacity. It is good country but no underground water is available. The nature of the soil is unsuitable for the construction of dams, and even if good clay can be obtained it is difficult to get water to run because the country is so level. In conclusion I want to say that I appreciate very much the amount of money spent in my electorate during the last 12 months and the amount proposed to be spent this year.

The Hon. W. W. ROBINSON secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 26. Page 595.)

The Hon. A. C. HOOKINGS (Southern)—For many years I have had great interest in local government affairs, and I have great interest in this Bill because on the last day of sitting of Parliament last year I was present when the Local Government Act Amendment Bill of 1958 came back to the Legislative Council from another place, and was ultimately rejected. As one about to enter political life I found it most interesting and consequently, now that this Bill has come before the Chamber, I wish to say a few words in relation to it based on my experience in rural areas in the South-Eastern part of the State. For 18 years it has been my privilege to be associated with local government, and I want members to realize that I am speaking today particularly of district councils that are some distance from the City of Adelaide.

I congratulate Sir Arthur Rymill on his excellent speech, to which I listened with great interest. I feel that I am not qualified to touch upon some of the legal points he covered, which related perhaps more to municipalities than to district councils. However, in the main I would associate myself with many of his remarks. I also listened with great interest to Mr. Edmonds and can concur in most of the things he said, particularly when he advocated increased penalties for the damage or destruction of road signs and other council notices. Councils go to great expense in erecting various signs, and to have them knocked about is very

discouraging to councillors and those who depend upon them. I am sure that if Mr. Edmonds moved for even a far greater penalty he would have our support. In country districts it is difficult to obtain convictions for damage to council property, and on the occasions when it is possible to bring someone to justice we like to see a fine inflicted that would be a deterrent to others who may have similar ideas.

I support the amendment relating to postal voting. The percentage of votes cast at many council elections has often been very disheartening to councillors, and any measure to facilitate postal voting will meet, not only with my acclamation, but that of many other councillors. I cannot say the same, however, regarding the proposed change in polling hours. It is now possible for ratepayers to vote between the hours of 8 a.m. and 6 p.m. and it is proposed to alter those hours to 9 a.m. to 5 p.m. This might make it more difficult for some to cast their votes, and anything that would deter anyone from voting would not meet with my support. Sir Arthur Rymill referred to clause 3, and I wish to say a few words upon it. The other amendments put forward in the Bill are the result of conferences of district councils in various regions throughout the State, and the provisions of clause 3 have been discussed by the District Councils Association in the South-East. It is interesting to note that in the 1958 amending Bill provision was made for the appointment of a deputy chairman of a district council. This year it includes provision for the appointment of a deputy mayor of a municipality. In my opinion they are two entirely different matters.

The mayor of a municipality is elected by the ratepayers themselves, but the chairman of a district council is elected by the councillors. I think there is need for a provision to enable a deputy chairman of a district council to be appointed. For some years it was the custom in many councils to appoint deputy chairmen, but the right to do so was challenged two or three years ago, when it was found that such an appointment could not be made within the terms of the Act. As a consequence some councils are trying to have that provision inserted. A council generally consists of men who are, in the main, farmers. They meet once a month and at their first meeting elect their chairman. Sometimes during the year, however, the chairman may be taken ill or called away from the district unexpectedly. The district clerk is usually a highly respected person of great ability, but during the absence of the chairman correspondence may come to the clerk on which he wishes to confer with someone. I have spoken to many district clerks and they have expressed the opinion that they would welcome a provision for the appointment of a deputy chairman. It has been said that it is quite easy to appoint an acting chairman of a meeting and with that I agree, but sometimes emergencies arise which do not warrant the calling of the council together.

Many district councillors, for very little recompense, have to travel long distances to attend meetings which are mainly held in the evenings, and at times it seems futile to call the council together to deal with small matters. The appointment of a deputy chairman could be extremely useful then, particularly if the matter to be dealt with was not of an extremely urgent nature but of sufficient importance to make the district clerk feel that he did not wish to take it on his own shoulders to make a decision and would like to have some assistance in solving the problem. I stress again my point on the distance travelled by councillors to illustrate the difference that exists between mayors of municipalities and chairmen of district councils, and I point out that municipalities hold their meetings once a week whereas district councils meet once every four weeks. I have advanced a few points in relation to the Bill. There will, no doubt, be arguments raised that if the provision for the appointment of a deputy chairman is passed there may be occasions when the deputy chairman may try to take over the duties of the chairman or even try to over-ride him on some occasions, but from my knowledge and experience, which has extended over a considerable number of years, no such occasion has ever arisen. I have found that a great amount of harmony has prevailed throughout local government authorities in my area during my time. I have attended council conferences in the South East and I have attended the Municipal Council Association's conferences in Adelaide.

I close my remarks by repeating that in the main this Bill will be welcomed but I cannot support clause 3 as it stands. However, I would like honourable members to give it some thought because I think there is merit in having a deputy chairman. As has been stated, many other amendments will be necessary if the provision for such an appointment is to work successfully. If that is so I will support all those amendments and will do everything I can to assist and see that those amendments to make the appointment of a deputy chairman possible are carried out.

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

LIMITATION OF ACTIONS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 26. Page 583.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—This legislation is, I suppose, rather technical and it probably concerns people practising in law and litigants more than anyone else, but nonetheless it is of very far-reaching importance and is an Act which needs much consideration. It has certain difficulties about it in the sense of draftsmanship and I do not envy the draftsman his job when he had to deal with this matter in trying to envisage every set of circumstances that could arise. The Act is not like an ordinary one where one can—to use a colloquialism—get out a dragnet and embody any set of circumstances that may arise in general terms. It is a technical, legal Act and it seems necessary to provide specifically for every aggregation of circumstances that may crop up.

I have several suggestions to offer—not in any way in a sense of criticism of the Government—but to try and help with what I regard as quite a difficult Act. Although we sometimes hear to the contrary, most members of the legal profession are altruistic people, particularly where the law is concerned, and also where they can be helpful to others through the law. In this particular case that is proved by approaches I have received from legal friends who have taken an interest in this matter in their spare time and have scrutinized the Act and made what I consider two further suggestions which I hope will be taken into account by the Minister and also by the Parliamentary Draftsman. I hope the Parliamentary Draftsman will read the *Hansard* report of this speech because I think he might find something in it arising from these suggestions to which I have referred. Before I get to that I should like to deal with the Act in general terms. It is a similar Act to that which was submitted last session, with three differences which were pointed out by the Chief Secretary when he introduced the Bill this year, and he has commented on each of those differences. I do not want to debate the general substance of the measure except to say, as I did last time, that I think it is a meritorious Bill and one that should receive support, but there are certain details which I feel need closer scrutiny.

When the Attorney-General introduced the Bill last session I made certain remarks of the difficulty that I thought then existed in the Act. The Attorney-General explained that there was no great hurry about the legislation and he wanted to consider those recommendations. In the meantime that has been done and the consideration of my remarks has resulted in one amendment to the Bill as presented to us this time. The amendment is the omission of a subclause providing that if there is more than one defendant notice must be given to each defendant. I do not want to weary the House with a reiteration of the debate in the House at that time, but I expressed the view that possibly, if there was more than one person capable of being a defendant, and notice was not given to each one, the notice might be held to be invalid in respect of the people to whom it was given. The Government apparently thought there was something in that argument and it has withdrawn that part of the Bill, or really it has coped with the circumstances by not dealing with it specifically but by withdrawing the clause and leaving it at large, which I think deals with the circumstances I have mentioned.

Another difference in this Bill is subclause (6) of clause 3, which says that this provision shall bind the Crown. That was not in last time, although there was obviously every intention that the Crown should be bound because the Minister said that was the intention. It seems on reconsideration of the draftsmanship that it has been felt if that is specifically provided for there will be no argument about it, and I heartily agree with that because the law is quite difficult enough to ascertain when one uses his best endeavours to clearly state everything, and when an unequivocal statement like that is made it cannot be challenged. It will probably save a lot of time in a lot of cases and a lot of argument, and that is important. I am indebted to a legal friend who has written me a letter relating to joint tort feasors and contributions between them. This may be a little technical for some members, but as the law was my main profession in life for many years I naturally have some understanding of it myself. If that had not been the case I would have found this hard to follow. I will first of all read the relevant extract from the letter I have received from my learned friend and will then endeavour to dilate a little to see if I can make it clearer:—

The Bill is good as far as it goes but it does not cover the case where there are two tort feasors one of whom is a public authority and the other of whom is not and the

plaintiff either does not sue the public authority at all or does not sue it within the time prescribed in the new Bill. In this case at present the defendant who is not a public authority (*i.e.* usually the insurance company) has no remedy against the public authority to get contribution by third party notice or by contribution notice if they are both defendants. This is due to the decision of the House of Lords in *George Wimpey and Company Limited versus British Overseas Airways Corporation* 1955 *Appeal Cases* 169. In that case the plaintiff named Littlewood had sued Wimpeys and also B.O.A.C. but the writ was not issued until after the period prescribed by the English Public Authorities Protection Act. The court held that B.O.A.C. was a public authority and that although its driver was 80 per cent to blame and Wimpey's driver only 20 per cent to blame there could be no apportionment between the two defendants because B.O.A.C. was not a person "who would if sued have been liable" *i.e.* as the plaintiff could not recover against B.O.A.C., Wimpeys could not either. The point needs only a short amendment to the Bill now before the House to enact that in the case of a defendant seeking to recover contribution or indemnity under section 3 of the new Act time shall run from the service of the writ or summons on the defendant.

That might be as clear as mud to some honourable members but under the law as it will be amended by this Bill—and I expect it to become law—in the case of a negligence action (say over a motor car accident between a Government vehicle and a private vehicle) and where a person injured wants to sue both parties he has, as regards the private individual, three years in which to do so, whereas in regard to the public authority or the Government under this Bill he will have six months to sue it. Let us assume he takes action seven months after the accident happens. He is in court, as the saying goes, against the private defendant, but out of court against the public authority. It means that he can recover against the private defendant, but not against the public authority. Under the Wrongs Act a person who has been partly responsible for an accident can be held to be wholly responsible for the damages attaching, but he is able to obtain a contribution from any other person who is negligent in the accident as in the Wimpey case I have referred to. The private individual is found to be 20 per cent responsible and the Government driver 80 per cent responsible, the writ having been issued after the time has elapsed against the Government, the plaintiff in the action can claim the whole of the damages against the private defendant, but unless this Bill is amended that private defendant cannot resue the Government for the 80 per cent of the 100 per cent for which he is responsible. It does not matter to the plaintiff, because he knows he can get both of them if he is a passenger in the vehicle. He can sue one or both of them. It does not matter to the plaintiff whether or not he sued the Government within the time for suing.

The Bill is defective—this is my legal friend's argument—because it does not provide for the obtaining of a contribution by the private party against the Government in such instances as I have mentioned. My friend says it can be easily altered by saying in respect of the private party in the accident that the time for suing the Government shall run when the writ or summons is issued against him, and not from the time of the accident. That is very logical and sensible, because he does not know until the writ is issued against him whether he is to be sued or not; and this is the first notice he has against him, whereas the plaintiff has in mind all the time that he is going to sue, so he is perfectly well protected. I commend that suggestion to the Government, because I think it would deal with such a case. I think it is merely through the difficulties of the Draftsman in envisaging all these possibilities that it has been overlooked.

The other question to which my attention has been drawn is contained in paragraph (*c*) of proposed new section 47 (1), and it reads:—

> At any time after the expiration of six months but before the expiration of 12 months from the time when the cause of action arose, if the court which hears the action is satisfied that failure to give notice was due to absence from the State, illness, or other reasonable cause, and that the defendant has not been prejudiced by such failure.

In his speech the Minister said that it must be shown not only that failure was due to absence from the State, but also that the defendant has not been prejudiced by the failure. The Minister's comment was that that appears to be a reasonable requirement. This matter is new in the Bill, as he pointed out. Last time the measure was being discussed these words "and that the defendant has not been prejudiced by such failure" were not included, but they are in the present measure. I am told by this other legal friend that he suggested to the Attorney-General that those words should be included, not as qualifying the existing words, but as an additional cause. In other words, instead of the word "and"

which I emphasize, he wanted "or." The clause would then read:—

That failure to give notice was due to absence from the State, illness, or other reasonable cause, or that the defendant has not been prejudiced by such failure.

In other words, this provides an additional ground on which notice can be given at the time. It could be given if the person was out of the State, ill, or for any other reasonable cause, if he could show that the defendant was not prejudiced by the failure. It seems to me that the word "or" should be substituted for "and," thus giving the clause the meaning that my legal friend suggests it should have. If that is not acceptable, I would, and I am sure that my friend would, rather see these words omitted. As a former practising lawyer, I know it would be extremely difficult in many cases to prove affirmatively, as you have to, that the defendant was not prejudiced by such failure. It is easy enough for the defendant to know whether he was prejudiced or not, but it is not on him to set up that he has been prejudiced by the failure, but for the plaintiff to show that he has not been. How that is to be done in many cases, I do not know. In certain circumstances it would be capable of being proved, but if it had to be proved in other cases, as the Bill provides as at present drawn, I think it would incline to nullify to a great extent the other provision. I am told that it was suggested by this man as an additional ground. It has crept in in another way, and I think wrongly so, and I consider that if it is not acceptable in the alternative I have suggested, it would be better if it were again omitted from the legislation, as was the case when the Bill was previously presented to us.

I hope that my comments will receive the scrutiny of the Parliamentary Draftsman as well as that of the Ministry, because I think they are of some value. I again iterate that I entirely support the Bill. I think it is very proper that at least six months should be available to a litigant in a case against the Government or a governmental or public authority, as envisaged in the Bill. In some cases the present limitation of three months is a very short time in which to summon an action. It is a very valuable piece of legislation that will give further protection to the people, and thus it has my support. I consider that the matters I have raised should be further considered in Committee.

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

MENTAL HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 19. Page 488.)

The Hon. F. J. CONDON (Leader of the Opposition)—The Bill proposes three amendments to the law. Today there are so many people suffering from mental illness owing to over-indulgence in alcohol that there is no place for them to go for treatment unless it is to a mental institution. I suggest that a home should be provided where these people could be sent to receive proper care. At present they can go voluntarily to one of three places. After treatment for two or three weeks they must again go out into the world. I do not think that Parliament is doing sufficient to assist them. Undoubtedly, alcoholism is a disease. I know of a number of people who have been taken to a mental institution and others who should have been sent there, but there is no law to compel them to go there. If they are sent to such a place for treatment, some relatives consider it a stigma upon themselves. The Commonwealth-States Grants Mental Institutions Act of 1955 provides for financial assistance to the States in relation to mental institutions. The amount payable is one-third of the total expended in connection with the erection or alteration of buildings or the acquisition of equipment for mental institutions. The total paid to South Australia under this Act is limited to £895,000.

Clause 3 amends section 98 of the principal Act relating to the power of the Public Trustee to manage estates of patients, and under the Bill it is proposed that this section shall not apply to a person who is a patient of the Enfield Receiving Home unless the Superintendent certifies that this section shall apply. Clause 5 provides for the following amendment of the principal Act:—

117a. (1) All personal effects in the possession of the Public Trustee belonging to a patient and not claimed within two years from the date of the death or discharge of that patient may be sold by direction of the Public Trustee and the proceeds of the sale shall be retained by the Public Trustee.

Under the present law if a person enters a mental institution compulsorily the Public Trustee takes charge of his affairs. Under present conditions, this amendment is necessary. Clause 4 amends section 111 of the principal Act to provide "that the Public Trustee can take up any rights to issues of new shares to which the said person becomes

entitled by virtue of his existing shareholdings.'' Often mental sickness is not the fault of the person who is compelled to go to a mental institution. His possessions could be better guarded by someone in authority, rather than by the ordinary executor. The Bill tightens up the present position, and this should be satisfactory to all concerned. At times as a member of the Public Works Committee I have had occasion to visit Parkside, Northfield and Enfield Mental Hospitals in connection with the proposed addition of buildings, and I have noted the excellent way in which Dr. Birch conducts these institutions. There are other doctors there of course, but everybody knows Dr. Birch, and the inmates can consult him on anything. Very good ground-work is being done there by him. He has a difficult job and is entitled to every consideration.

For the year ended June 30, 1958, the daily average number of patients at Parkside was 1,709, an increase of 29 over the four previous years. The daily average cost per patient was £1 2s. 10d. At Northfield the daily average was 860 at a cost of £1 2s. 10d., an increase of eight patients over the previous four years. At Enfield Receiving Home the daily average was 66, a decrease of seven patients, at a cost of £3 1s. 10d. There were 2,635 mental patients at June 30, 1958, an increase of 30 since 1954. Receipts on account of consolidated revenue in 1958 were £102,873, a drop of £17,529. Certain revenue was received that was not received many years ago. It is unfortunate that a person should be compelled to receive treatment when he or she should be able to get it other than at a mental institution. As I have said before, sometimes people through no fault of their own, through some worry or trouble, have a mental breakdown, and all we can do is send them to a mental institution. I know of cases where people have been there for six to 12 months; they have come out cured but the stigma always remains—''Oh yes, so-and-so was in a mental institution.'' Parliament should consider that point and, if possible, make some provision for the mentally sick. I support the second reading.

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

ADJOURNMENT.

The Hon. Sir LYELL McEWIN (Chief Secretary) moved—

That the Council at its rising do adjourn until Tuesday, September 15, at 2.15 p.m.

The Hon. F. J. CONDON (Leader of the Opposition)—Would it be possible for the Chief Secretary to obtain a copy of the Auditor-General's report and lay it on the table when the House resumes on September 15? I always regard that report as one of the most important laid on the table of the House. It will give honourable members before they come to important business an opportunity of studying the report page by page.

Motion carried.

At 3.45 p.m. the Council adjourned until Tuesday, September 15, at 2.15 p.m.