LEGISLATIVE COUNCIL.

Thursday, October 26, 1961.

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

QUESTIONS.

POLICE RECRUITS.

The Hon. A. J. SHARD: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. A. J. SHARD: I am informed that when the Police Department places an advertisement in the press for recruits it states that the educational standard shall be of the seventh grade, but that the department's examination is fixed on a very high Intermediate standard. Can the Chief Secretary say whether that is a fact, and, if the position is as stated, will he take steps to see that the correct educational standards are announced in the advertisement when applications are called for recruits?

The Hon. Sir LYELL McEWIN: In his second question the honourable member rather assumes his own answer to the first. I am not admitting without some investigation that a different standard is set for the examination than that required for recruitment. I will get the information for the honourable member.

MOOROOK IRRIGATION AREA.

The Hon. C. R. STORY: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. C. R. STORY: Some time ago a request was made for an additional area for irrigation purposes at the town of Moorook. The Government has considered this extension and agreed to it. Can the Attorney-General say whether provision has been made on this year's Loan Estimates for a pumping plant and rising main?

The Hon. C. D. ROWE: I have had an opportunity to look at this matter and I am pleased to be able to inform the honourable member that, in connection with the additional 200 acres of planting at Moorook, Cabinet has approved the expenditure of £4,100 for providing a new pump and motor. Tenders for the pump and motor were invited and a tender has been recommended for acceptance, so it is expected that the work will go right ahead without delay.

TABLE MARGARINE.

The Hon. S. C. BEVAN: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. S. C. BEVAN: My question relates to table margarine, and I do not want members to think that it is the prelude to the introduction of any more private members' business. South Australia has been operating under a quota system for the manufacture of margarine. Under the Act it is necessary for the ingredients to be examined per medium of the Minister of Agriculture. The Food and Drugs Act lays down a standard in connection with the manufacture and sale of goods such as table margarine and other dairy products. There is an extensive advertising campaign on television and over the air for various brands of imported margarine. I feel that it is detrimental to South Australia, because it is against the manufacture of dairy products in this State. I feel that the Act is not being given effect to in the interests of South Australia. Will the Chief Secretary see that the provisions of the Margarine Act in South Australia regarding the inspection of ingredients in the manufacture of margarine are applied before the sale of imported margarine? Will he also see that the provisions of the Food and Drugs Act are given effect to in relation to the same product?

The Hon. Sir LYELL McEWIN: I will refer the honourable member's question to the Minister concerned.

NEW PULP MILL IN SOUTH-EAST.

The Hon. A. C. HOOKINGS: I understand that the Housing Trust is planning to build 500 houses for employees of the proposed new pulp mill near Mount Gambier. Will the Government ask the Housing Trust to thoroughly investigate the possibility of erecting modern homes by using radiata timber or a combination of radiata timber and Mount Gambier stone?

The Hon. Sir LYELL McEWIN: I will refer the honourable member's question to the Minister concerned.

BEEF ROADS.

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: In common with other South Australians I was interested to read of the case put up in another State by our Minister of Roads on behalf of South Australia in the last few days. Has he any

further information to give the Council, especially about the future of the beef roads that, of course, enable us to continue to hold our traditional beef markets with cattle that comes from the Northern Territory into this State?

The Hon. N. L. JUDE: The matter was thoroughly ventilated at Canberra last Monday when I took the opportunity to express the opinion that the plan should be for the whole of the beef industry, and not piecemeal. The direct answer to the question is that following the reply of the Rt. Hon. the Prime Minister to the Premier on our request for a direct contribution to the Birdsville and Strzelecki tracks, the Prime Minister said that for the time being the northern roads were of paramount importance because they were associated with increased production and the export business and that at some later date roads into South Australia would be considered.

REGISTRATION OF BUSINESS NAMES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 19. Page 1396.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the second reading of this measure. As pointed out by the Attorney-General, it will put up barriers against some of the hijackers and racketeers cashing in and seeking loans from innocent people while not having the substance to pay the interest they have promised in their advertisements. As the Minister pointed out, the Bill prevents a person from registering a business name, which may be very high sounding indeed, and borrowing money under that name or seeking funds from the public when actually the individual concerned is borrowing money for his own purposes. The Attorney-General mentioned that unfortunately there was a case in South Australia involving a very large sum.

That practice does not occur only in South Australia but also in other States. This Bill, in effect, will provide that those who seek public funds shall be a properly constituted corporation under the Companies Act and that they will have some substance and some articles of association to prove their *bona fides* to those who lend funds to these organizations. The Bill does not preclude an individual from registering a business name and borrowing money for his own particular business. There is a distinction between the conduct of a business under a business name and the conduct of registering a business name for the purposes I have just mentioned. The penalty of £500 provided will be a deterrent to those who attempt to embark on this sort of policy. However, in some other Acts a gaol penalty is provided for some of these offences. I do not propose that a similar penalty should be provided in this Bill, but the question is whether £500 is sufficient to guard against these hijackers and racketeers we have seen in our community. I support the second reading of the Bill.

The Hon. Sir FRANK PERRY (Central No. 2): I think every member of the Council will welcome this Bill for the protection of the public and the business community. I have always been puzzled at the ease with which people can register high-sounding names, and the appeal that those names have to the public. The position is quite misleading. I think every business should be denoted by some name whether it be the name of the owners or a bank reference. That is the objection I have to this type of matter we are seeking to control and my objection applies right through our company law. We have unit trusts and all types of companies formed that do not link up with names of people. We do not know who the unit trusts are run by, for we only know them by the name "unit trust". They may be run by the best of business men, but the public does not know that.

It is this type of name that is registered or not registered that leads many people to invest in certain companies, thereby often suffering greatly. Even when the name is registered many companies are registered with only one or two shares, but they are still registered under names that do not link up with personalities. Something should be done in that matter. I hope that the Companies Act, when it is brought before us, will contain some provision that will be a guide to the public as is intended in this Bill, and that it will also be of benefit to the business community and an indication of the standing and ownership of the high-sounding names, registered or unregistered. This is a good Bill, but it does not go far enough. However, it goes a certain way towards remedying the position. I agree with the Hon. Mr. Bardolph that a penalty of £500 will not deter a company that may be gaining thousands of pounds by questionable methods. However, the public probably has had some tuition in these matters in recent years and may be more careful in the future. Although this is the right step to be taken immediately and I am in accord with it, I look forward to the time when businesses must

have some personal name attached to them. I support the Bill and am glad to see it brought forward. I am pleased, too, that it falls into line with what is to be an Australia-wide provision, because similar legislation is being introduced in other States.

The Hon. A. C. HOOKINGS (Southern): I wish to add a few words of support to the previous speakers. Over the last few years there have been instances of many innocent people being caused much hardship by the failure of some of the enterprises which have been so blatantly advertised as representing a wonderful investment. I happen to know of one or two cases where people have been involved and have lent certain sums of money to companies. Their money, to use a common expression, has gone down the drain. Anything that can be done to protect innocent people is something which members should support. The method adopted by some of these companies when seeking funds is interesting. Their representatives often operate in country areas and their operations do not only apply just outside the city. People have been caught by them in the South-East and in the north of the State. People have been approached by high-pressure salesmen who drive around in big modern cars promising very high returns for investments. I am sure that every member in this Council will support the Bill which will protect innocent people from being preyed upon by people who have not many principles. I support the Bill.

Bill read a second time and taken through its remaining stages.

REAL PROPERTY ACT AMENDMENT BILL.

(Second reading debate adjourned on October 24. Page 1437.)

Bill read a second time and taken through its remaining stages.

MARRIAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1429.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill which has been fully outlined by the Chief Secretary. It is simply a machinery Bill to bring our Marriage Act into line with the Commonwealth Marriage Act. I accept the explanation made by the Chief Secretary that it takes nothing away from the South Australian Act, and support the second reading.

The Hon. C. R. STORY (Midland): As the Hon. Mr. Shard has said, this Bill provides machinery to enable the provisions of the present Act to be linked up with alterations made in the Commonwealth Marriage Act. Some of the provisions of the present Act have to be changed, but not the principle, and as we are dealing mainly with the principle in these cases, there should be no objection to this Bill. I do not know how much of this type of legislation is to be introduced in the future, but it seems that at present the Commonwealth Government is introducing legislation which necessitates alterations in State laws. As I have said previously, this is not a good thing, because it seems to be leading to the position where there will be a centralized Parliament in Canberra. We should retain our individuality wherever possible, but at the same time pass legislation without leaving loopholes.

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the Bill, but with some reservations. The matters I am going to raise cannot be put into the Bill without a Contingent Notice of Motion. The present legislation precludes a number of our New Australian ministers of religion from celebrating marriages. These people can get a permit to officiate for 12 months and an extension for a further 12 months, but after that, according to this Bill and the existing legislation, if they celebrate marriages they are committing an offence. Under these circumstances these ministers of religion are prevented from celebrating marriages unless they become naturalized. I know of an American who is a member of a religious order, whose stay in Australia may be limited to three or five years. He can be directed by his order to go to any part of the world, and to conform to this legislation he would have to give up his nationality and become an Australian. He has not refused to do so, of course, but this legislation will prevent him from marrying members of his church. This is an anomaly and an attempt should be made to rectify it. I appreciate the difficulty of the Government. Supposing that an Australian happened to be in a European country and an Australian clergyman was available, naturally he would want him to solemnize his marriage. I appreciate that this Bill is bringing our legislation into line with that of the Commonwealth, but I ask that at some future time the Government should consider my suggestion.

The Hon. Sir LYELL McEWIN (Chief Secretary): The point raised has no connection with the Bill. I know that at the moment officiating ministers from foreign countries have to be naturalized, or they can obtain an extension of the period for which they are able to operate. I remember something of the case mentioned by the honourable member, but not the detail of what the alternatives are. It is a question of principle whether we make it a free-for-all Bill or whether we subscribe to the conditions at present existing. The honourable member himself may desire to take up this matter later. The Government is not out of sympathy with the point raised, but it is impracticable to consider it in this measure.

Bill read a second time and taken through its remaining stages.

ALCOHOL AND DRUG ADDICTS (TREATMENT) BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1440.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading, but my personal reaction to the Bill as drawn is one of a little disappointment, as the machinery proposed to be set up is perhaps not on all fours with the most modern thought on this particular problem. We have been told for a long time that this legislation has been under consideration, but when we are making advances in the social service field we should strive for the very best and most up-to-date methods. I do not wish these remarks to be taken as a criticism of the Government's efforts, because I am conscious that there is little precedent upon which it may draw anywhere in Australia for this type of legislation. The Bill as drawn does not stir the imagination. It proposes a system that may meet with only limited success. I hope that in his administration of the law the Director of Alcoholics Centres will make the indoor framework of the building—the administration—a better and brighter thing than the exterior framework as it appears from the Bill.

I am interested in the problems of alcoholism, but my interest is from an academic point of view, as I have had no practical experience. I suggest that there are three great well springs of human misery and unhappiness in our present social framework. The first is the problem of mental affliction, the second of marital unhappiness and the third of alcoholism. It may be that the last is the worst and the most difficult to solve. It is not unnatural that these three tend to overlap and weave into each other, so that the people actively engaged in one field know something of the others. In the three fields the general public unfortunately is not very interested and often rejects people caught up within the throes of the problems. We all know that members of society tend to reject the person who is mentally afflicted, and, perhaps to a lesser extent, the person who is divorced or who is an alcoholic. Until one is personally affected the tendency is to ignore the problem and, what is often worse, to adopt a kind of patronizing or semi-amused attitude towards those trying to do a fine Christian work in helping people who cannot help themselves. No praise is too great for the small contingent of social workers and other helpers who unremittingly give their time and talents in this work. Often the results are painfully slow in coming, and they come by only one small brick at a time. There is an immense personal satisfaction to be had in the final result, but there is no monetary reward. Only those people motivated by sincere principles can do the best work.

Alcoholism is a tremendous social problem. It is estimated that 4,500,000 Australians drink alcoholic liquor. Of that number about 300,000 are in the various stages of the drinking problem. Victorian figures show that in that State 40 per cent of the inmates of the Royal Park Receiving House are males and 10 per cent females. The other day I read an interesting report by Dr. L. R. Drew, who is medical officer at Pentridge Gaol, Victoria. His figures for 1959 show that in Pentridge 33 per cent of the prisoners were alcoholic offenders. They had been charged straight out with being drunk and disorderly. About two per cent of the inmates were there for drinking methylated spirits over a long period, and 10 per cent had been admitted for crimes where the abuse of alcohol was concerned. About 45 per cent of all the people admitted to Pentridge were in some way or another intimately associated with the alcoholic problem. It was also estimated that 40 per cent of the divorce and separation cases involved in the courts were associated with the drinking problem. I do not say that they were deliberately caused by that problem, but it was involved at some stage or another. In Victoria 14 per cent of the first admissions to hospitals involve alcoholism and in the United States of America it is 12 per cent. The problem is a vast one indeed

and it has been estimated that in Australia it costs industry about £40,000,000 a year. Doctor Marvin Block, assistant professor at the University of Buffalo, who attended in Australia recently a combined meeting on alcoholism, has said:

Alcoholism contributes greatly to industrial inefficiency and it is estimated to cost Australia about £40,000,000 a year. In America industry has found rehabilitation a better investment than just replacement of staff. Alcoholism in industry becomes a matter of money. Industrialists who just dismiss an alcoholic tradesman for his problem of drinking are at the same time unlikely to relegate a costly machine to the scrap heap just because it needs repair.

It may be interesting to have a look at the breakdown of statistics submitted by Dr. Drew concerning alcoholic offenders and those associated with serious offences. His figures show that 77 per cent of the people associated with serious offences had their first convictions before they were 21 years of age, whereas only seven per cent of the alcoholic offenders were convicted before that age. About 49 per cent of convicted people from 21 to 40 years of age were alcoholic offenders, whereas only 21 per cent were associated with serious offences.

Dr. Drew's recent report (it was printed only this month in the *Medical Journal*) said that six salient features were found in the life histories of alcoholic offenders. The first feature was that of a broken home. Over one-third of the subjects reported parental separation, or the death of one or both parents before they were 21 years of age. One in seven said that they had been in an institution during childhood. The second feature was a poor school record. Less than half of the subjects said that they had gone beyond the sixth grade at school, although on a clinical examination there was nothing to show that they were below average. The third feature was the low work level. One-third of the subjects had been employed other than as casual labourers. The fourth feature was the unusual mobility, that is, the mobility between place of employment and residence. More than one-third said that from the age of 21 years they had never stayed in one place in continuous employment for longer than a year. The fifth feature was the rarity of any lasting marital relationship, and the sixth feature was the lack of any hobbies or other recreations. It is interesting to see that those actual findings and conclusions display the serious problem we have in the matter of alcoholism.

I do not think we can consider this Bill without having something very briefly to say about the alcoholic, because most people have the idea when talking about the alcoholic that he is a man on skid row, dishevelled, dirty, not able to control his habits, unshaven and a complete wreck. This is not really the position of the typical alcoholic at all, and indeed it may be difficult at any particular stage to say what is a typical alcoholic. From my knowledge of the problem I think these people can be divided broadly into three distinct classes. This is my own classification and I do not know how scientific it is.

The first class is what I call the primary class, who is usually the alcoholic who has come from an unhappy home, starts drinking in the early 'teen years and has never had a happy or successful existence. The next category I call secondary. These people are the social drinkers in the first place who find that through their indulgence in social drinking over a period of time the habit grows on them until they take larger and larger quantities and reach a stage where they lose their jobs, their families and their self respect. The third class is what I think can be called the psycho-symptomatic drinker, and associated with him is some mental illness. This type uses alcohol as a method of treatment of his problems. This alcoholic is usually a depressed person.

There is no clear indication of what is a typical alcoholic, because very many indulge in drinking alcohol in bouts. That is to say, they will drink heavily for a week and then give it up for a period of some weeks or months before they are forced by their craving to go back to their drinking habits. These people are just as much alcoholics and addicts as the person constantly under the influence of alcohol. One thing any social worker would agree with in the treatment of alcoholics as being absolutely necessary is that the person who tries to aid an alcoholic needs to show a firm but sympathetic approach. He must not be in any way moralistic, nor must any treatment imposed be punitive. The whole fact is that alcohol drinking is a symptom of a basic mental disorder in the people who are alcoholics, or the people who are involved in many cases are rather immature, dependent persons who need continuous support for a long period of time. If anything, this latter is the typical alcoholic.

The concluding two sentences of Dr. Block's report are:

Every alcoholic wants to be treated as a human being. If you were treated as some

alcoholics are treated you would probably react even more violently. I suggest that love, relationship and encouragement to social acceptance will accomplish great things for these people. Public rejection and derision of alcoholics is unwarranted and harmful.

If this is to be the situation, what can be done for alcoholics in a home of this nature? What, in fact, is the standard treatment to deal with the problem? The first thing is to get the patient into hospital. Once into hospital, a time must elapse during which a process of drying out takes place. In this particular process, through the aid of modern medicine, drugs can be used which have been of tremendous assistance to the alcoholic in enabling him to get over this difficult period. Once he has gone past this particular phase of treatment the next thing is to get him interested in his particular problem and to get him also to do some useful work. In this respect I am pleased to note that in the Bill one good feature is the provision for some occupational therapy to be given to the patients in the centres. This aspect is extremely important and I am glad it is there.

It will undoubtedly be part of the treatment that as far as possible patients will be encouraged to seek the help of such organizations as Alcoholics Anonymous. The people who have founded this particular organization throughout the world have done a tremendous job towards the solution of this problem. They are, by and large, people who have been through the mill themselves. They are people who have been alcoholics at one stage and have conquered the disease. It is these people who can give the necessary moral support, can win the confidence of the alcoholic and, at the same time, not in any way be judgmental. They have done a tremendous job in this country and throughout other countries of the world, and indeed I venture to suggest the social workers in this particular field would say that the organization of Alcoholics Anonymous has done more towards the curing of this particular problem than any other organization engaged in this work.

We must ask ourselves whether or not the centres which this Bill seeks to set up will operate by using the most modern methods of dealing with this type of problem. Firstly, there is a flavour of a penal system in this Bill, because it seems to have been drawn up largely with the idea of getting out of our prisons and gaols those people who have been committed there for alcoholism or for crimes which involve alcoholism. To that extent, I realize that some sort of directive measures are necessary in legislation of this kind, but can we be hopeful of people going into such centres voluntarily? It must not be forgotten that clause 13 envisages a voluntary or semi-voluntary admission, but that is asking a lot. There is nothing to say that these centres must receive people who come in voluntarily and people who are sent by the courts, and then mix them up together. I sincerely hope that when the centre is operating, steps will be taken to ensure that the inmates, to a large extent, are segregated, because there is no doubt that a different technique must be adopted for the two types of people.

The history of centres set up to receive people not of their own volition shows that they have not been successful. I quote from a paper delivered by Dr. A. Fryberg, the Director-General of Health and Medical Services in Queensland, which states:

> Some 2½ years ago the Minister for Health in Queensland, Dr. Noble, decided that we should be doing something to rehabilitate the alcoholic, and for this reason sent me overseas to see, among other things, what was being done in other countries. At that time the only institution in Queensland was situated at Marburg, some 35 miles from Brisbane. A large number of its inmates had been sent there by the courts and the results of rehabilitation obtained were only to be expected from a group of alcoholics who did not seek treatment on their own volition.

I had that statement in mind when I studied the Bill and realized that it had been largely drawn to deal with that problem. I trust the administration of this centre will be more successful than the operation of the one at Marburg.

The three officers mentioned in the Bill are the Director, the Superintendent, and the Medical Officer. It seems that the medical officer, from the wording of the Bill, is placed in a lower position, although that may not be the intention of the Government, but this being primarily a medical problem, perhaps in the psychiatric field, I hope that at least the superintendent will be a medical man. It is possible that the director may be a medical man, but I doubt if that is the intention, because it does not seem that his functions as defined in the Bill are designed to be carried out by a medical man.

If the Government is hoping that many people will voluntarily submit themselves to these centres for treatment, then one aspect may have been overlooked because there is nothing in the Bill about it. I refer to the people who are financially dependent upon such a person who has submitted himself as

a patient in a centre. The Commonwealth makes social services available to deserted wives and children if the husband is sent to gaol, but it is doubtful whether social service benefits would be available to dependants of a person admitted to these centres. It may be that the Government has some understanding with the Deputy Director of Social Services, but if a person is to go into a centre for six months or up to two years, what happens to his dependants while he is there? The Bill provides for him to receive a gratuity not exceeding 4s. a day.

The Hon. Sir Lyell McEwin: What does he get now?

The Hon. F. J. POTTER: If he is the sort of compulsive drinker who drinks for a week, is then all right for a month or two, then goes on another bender for a week or so, possibly he is able to provide subsistence for his wife and children. It is the periodical bender that puts him into the category of an alcoholic, but if he is a person who is on "skid row" he is probably not earning anything.

The Hon. S. C. Bevan: If he was convicted by the court and committed to gaol his dependants would get something?

The Hon. F. J. POTTER: If he goes to gaol his dependants are entitled to something, but this is not a gaol, and that is a matter which needs to be seriously considered by the Government, otherwise someone will have to look after his dependants. The number of persons will be small who will submit voluntarily to treatment under the provisions of this Bill and go into hospital, because there is no machinery in the Bill at all to have a man placed in the hospital even semi-compulsorily. It is true that under clause 13 the person himself must apply in writing for admission to a centre, or this may be done by a relative, a probation officer appointed under the Act, or a member of the police force. It is necessary to get an accompanying certificate from a medical officer but, having got that, there is no means of getting that man legally into an alcoholics centre. If I were an alcoholic and my wife wished to have me admitted to a centre she could apply and get a doctor's certificate but that would not be sufficient to get me into the centre. I have to be the one finally coaxed to the centre for the provisions of this law to apply. I am not saying that that is necessarily a bad thing, for the most effective treatment is done by dealing with these people who finally decide to seek assistance. I have no doubt that it greatly limits the number of people who will submit themselves, because one definite feature about an alcoholic is that he always believes he can control his problem and give up drinking, and that he is in command of the situation, when of course he is not. If the Government is hoping to get a lot of people to submit themselves, perhaps at the best stages for treatment, I think it may be doomed to disappointment.

Another aspect about clause 13 I do not like very much is the need for the medical practitioner to give a certificate that he has examined the person and formed the opinion that he is an addict. I know that the word "addict" is defined in the Bill, but it may be very difficult to persuade an ordinary medical practitioner, and I emphasize "ordinary", to give such a certificate. In my legal practice I have had many contacts with medical practitioners and although they are happy to give a certificate that one has a sore toe so that one can have seven days off from work, if one asks for a certificate that a person is a mental defective or if a woman, is suffering from a nervous condition brought about because of the way her husband has treated her, or, in this case, asks him to certify that a man is an addict, it will be found that a big percentage will refuse to put down that kind of statement. I am conscious that it is necessary to have this certificate, but I consider it may have been better to get a medical practitioner to certify that he is of the opinion that the person should be admitted as a patient to an alcoholics centre. I had contemplated moving an amendment in Committee but I will consider the matter further, because I am conscious that this particular clause was drawn having in mind the existing sections in the Mental Health Act, because its content is very similar to the section relating to admission to a mental hospital. At least the Bill is a start, but I have not much hope that it will attract very many voluntarily who undoubtedly would benefit by the Act. However, it will offer a chance to those people who today are cluttering up our prisons. It is significant that to this end the Government has seen fit to send overseas the Sheriff and the Chief Probation Officer and I hope that they will return full of enthusiasm for this particular work. I know that the Sheriff has displayed an interest in it for a long time. With sensible administration and a proper attitude on the part of those in charge, much will be done to help the people who at the moment get practically no help at all. By its very nature I think the Bill is limited to helping

that type of person. It leaves with me a slight feeling of disappointment at a first reading, but I hope that as the years go by we shall from time to time have amendments submitted by the Government to enable the work to be done under this legislation extended so that more and more people who are alcoholics will get the benefit of the very best treatment that can be provided toward their cure. I have much pleasure in supporting the second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary): I only rise to answer queries raised by the Hon. Mr. Bevan. His first inquiry related to two convictions. I draw his attention to the clause which really makes it a third offence and it appears in paragraph (*b*) of subclause (2) and is as follows:

. . . court is satisfied that the person, within the period of 12 months immediately preceding that conviction, had been convicted on two or more offences of such a kind.

The other query raised was regarding voluntary patients being put on parole and whether that would be lawful. Anything that is passed in this Bill becomes lawful. It is of no use having people volunteering for a fortnight and then for them to walk out when they like. That is the weakness of the law at the moment. A patient should remain sufficiently long to receive proper treatment. This applies whether we are dealing with delinquents or mental cases. There must be sufficient time for treatment to be given and that is why there must be some power to keep these patients under discipline.

The Hon. S. C. Bevan: I was referring to the person who escaped.

The Hon. Sir LYELL McEWIN: That is a problem to be dealt with. We are all trying to fight the problem in this matter. The Hon. Mr. Potter wondered whether the matter had been given proper consideration, but this Bill is the result of the work of two committees. The first included two medical men, one of whom was the Superintendent of Mental Institutions, and made certain recommendations to the Government. Later another investigated the matter. It included the Superintendent of Mental Institutions, Dr. Salter, the Sheriff (whose work in rehabilitation is well-known), the Assistant Parliamentary Draftsman and an officer of the Public Buildings Department, who made sketches of what was required in buildings. With all due respect to statements that individuals might make, this is not a Bill composed on statements nor is it one that recites a problem. It gives effect to the work of committees after a practical approach to the problem. We at present have two of our public officers travelling overseas to discover what they can about this subject, and the information they gain will help. I remind members that we are leading in this field of rehabilitation of alcoholics and as time goes by no doubt we shall have to make amendments to the legislation. Much time has been spent in drafting the Bill, which is one that the Council might well accept.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Clause 13—"Admission of patients on application."

The Hon. F. J. POTTER: This clause deals with the semi-voluntary admission of people who have not been before the court. Subclauses (1) and (2) provide that a person himself might apply for admission. It seems to me that as, after he makes application he must be immediately examined by a medical officer at the centre, I think it is unnecessary to expect him to have a certificate from a medical practitioner. I can understand its being necessary if a relative or a member of the police force or the probation officer made the application. I am also concerned about the form of the certificate that the practitioner is required to give. It may be difficult to get a certificate from an ordinary practitioner in the form required, but if the Government believes that no amendment to the clause is necessary I will be content and wait to see how the provision works. I had in mind amending subclause (2) by adding the words "or is apparently" before the words "an addict" at the end of the subclause. This would bring the Bill into line with the Mental Health Act. A medical practitioner might not be able to say that a person was addicted, but he might be able to say that apparently he was addicted.

The Hon. Sir LYELL McEWIN: I appreciate the point raised by the honourable member about the person himself who applies for admission, but it must be remembered that some people do personally apply for admission. There are volunteers who want some assistance in this matter. As to whether a medical practitioner is able to give the certificate, I do not want to reflect in any way on medical practitioners and say that they are not able to do it.

The Hon. F. J. Potter: They may be reluctant to do it.

The Hon. Sir LYELL McEWIN: They are reluctant to do certain things, but I think it is necessary to have it there because he has to

be examined by someone. It is necessary to provide the medical officer with some qualifications to get in. I do not know whether the word "apparently" is necessary. I believe that the Bill would function properly without it. It would do no harm to have the word in, but I am not prepared to argue whether it is necessary.

The Hon. F. J. POTTER: I move:

In subclause (2) after "the person is" to insert "or is apparently".

This would make it consistent with the wording of the Mental Health Act and I think that particular medical practitioners might be reluctant to give a certificate under the Bill in its present form. Anything that will ease the task of medical practitioners, and this may, has my commendation.

The Hon. Sir LYELL McEWIN: Without discussing whether the amendment improves the wording or not, it does sound a little clumsy. If this should be done would it not be better to insert "or apparently is" after "is"?

The Hon. F. J. POTTER: That is, in effect, what I did. I asked that the words "or is apparently" be inserted after "is".

The Hon. Sir ARTHUR RYMILL: On the face of it this is a good amendment if it applies only to applications by the person himself to be admitted. However, it also applies under the previous verbiage to applications by any relative of the person, an adult probation officer, or a member of the police force. The honourable member should confine his amendment to applications by the person himself, because if a man is to be put into one of these places against his will a more definite certificate should be given than that he is apparently an addict.

The Hon. F. J. POTTER: I am trying to look at it from the point of view of the person who is endeavouring, in the interests of the alcoholic, to get that man in for treatment. It may be that the medical officer has never seen the patient before and has no idea whether he is or is not an alcoholic. If a police officer is of the opinion that the person is an alcoholic and makes application to a doctor, the doctor may say, "I have never seen this man before. How do I know he is an addict?" It is the positive nature of the certificate that I object to, and I believe that medical practitioners generally will object to it also. Anything that will make the provision work adequately is what I am trying to put to the Committee. I think this is helpful because, after all, the wording is in this form in the Mental Health Act and the position is just as difficult there. I am told it is difficult to get certificates from medical officers to have a person put into an institution for mental observation and treatment. I do not like the word "addict" because it is apt to label a man. Briefly, some such requirement is necessary and I do not propose to labour the point, but I think there is merit in the use of those words in relation to all categories.

The CHAIRMAN: Is the honourable member proceeding with his amendment?

The Hon. F. J. POTTER: Yes, I have moved the amendment.

The Hon. Sir ARTHUR RYMILL: We have all heard of cases where people have been stuck in homes by relatives who wanted to get rid of them. I would not like to be a party to anything that facilitates that being done where it is not apparently proper it should be done. The Hon. Mr. Potter says this makes it easier for doctors to certify people that they have not seen before as apparently alcoholics or addicts. It also makes it easier for a doctor to certify on the application of relatives who want to stick someone away in those homes. I would prefer to have people not admitted to these homes who should be admitted than to have people stuck in these homes who should not be. Thus, unless the honourable member is prepared to confine his amendment to an application by the person himself, I propose to vote against it.

The Hon. S. C. BEVAN: At this stage I oppose the amendment and support the clause in the Bill. This represents a first attempt to do something for these people. The Hon. Mr. Potter referred to a case of a doctor who had never before seen the patient. How can the doctor issue a certificate on someone else's word without having seen the person at all?

The Hon. F. J. Potter: But the certificate has to say that he has examined the person.

The Hon. S. C. BEVAN: The doctor has never treated the person before so how can he say that in his opinion the person is suffering from something on the say-so of another person? It is better to leave the clause as it is.

The Hon. F. J. POTTER: I point out that there is no provision at all for a man having made his application and received the certificate, or anybody receiving a certificate, to in any way compulsorily put that man into the centre. As the clause stands it means that unless the person himself goes to the centre there is no machinery for him to be taken there. If that is so, then it may be unnecessary to have a certificate because in the illustration I gave, if a certificate could not be

obtained, then the man does not go into the centre at all because he fails to comply with the necessary machinery requirements.

Amendment negatived; clause passed.

Clauses 14 to 32 passed.

Clause 33—"Gratuities to patients".

The Hon. F. J. POTTER: Has the Minister any information as to negotiations taking place between the Government and the Commonwealth on whether or not social service benefits will be available to dependants of persons detained for treatment?

The Hon. Sir LYELL McEWIN: No. I assure the honourable member we do not consult the Commonwealth with regard to legislation. If there is anyone in a centre he will receive the same treatment as any other person who, by legislation, is kept away now. There is also the Public Relief Department which looks after needy cases.

Clause passed.

Remaining clauses (34 to 42), schedule and title passed.

Bill read a third time and passed.

MENTAL HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1428.)

The Hon. S. C. BEVAN (Central No. 1): This is only a small measure, but nevertheless it is very important. It deals with the treatment of State children and refers to the Maintenance Act, which contains the definition of "child". It is:

"Child" means any boy or girl under the age of 18 years, and, in the absence of positive evidence as to age, means any boy or girl apparently under the age of 18 years.

In that Act is also the definition of "neglected child", and it is very wide indeed. In 1958 the title of the Act was altered from the Mental Defectives Act to the Mental Health Act, and new section 37a, which authorized a State child to be received and detained in a mental home or receiving ward, was inserted. It also provided that during the period of detention the patient would not be a State child. I believe that it was recommended by the Children's Welfare and Public Relief Board and arose because of an anomaly in section 46 of the principal Act which provided that if any person was imprisoned or detained in any prison, gaol, reformatory, industrial school or other place of confinement, he could be removed to the hospital for criminal mental defectives. This left the Minister with little choice for those confined to a home.

A new section was inserted and it referred to sections 31 and 35 of the principal Act. Section 31 deals with the patient's reception in mental hospitals on request supported by two medical certificates. Section 35 deals with the reception in a receiving home or ward on the request of a patient or other person. Therefore, prior to 1958 a State child could still be received into a home or a hospital and still remain a State child under certain circumstances. Since the amendment in 1958 this has not prevailed and a State child so admitted to hospital for mental care no longer remains a State child. The 1958 legislation created serious anomalies. For instance, once a State child was declared to be no longer a State child, there arose the problem as to whose responsibility he was. The child may have had parents who were no longer interested in him and did not care what happened to him and therefore would accept no responsibility.

The Children's Welfare and Public Relief Department had no authority, and so it was no-one's authority while the child was being treated, even after the child had left the home on probation. The Bill rectifies these anomalies by deleting the words "shall no longer be a State child," so that a child who has been admitted into a receiving home or mental institution for treatment will remain a State child and be under the care and jurisdiction of the State. It is a worthy amendment and I have much pleasure in supporting the second reading.

The Hon. JESSIE COOPER (Central No. 2): I support the Government's move to amend the Mental Health Act in this way. Experience has apparently shown that it is much better for the State child admitted to the mental institution to remain under the care of the State, and that is simply the purpose of the Bill. Anything we can do to help the lot of such tragic children must be approved. I have pleasure in supporting the measure.

Bill read a second time and taken through its remaining stages.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

Read a third time and passed.

INFLAMMABLE LIQUIDS BILL.

Second reading.

The Hon. C. D. ROWE (Minister of Labour and Industry): I move:

That this Bill be now read a second time.

It repeals the Inflammable Oils Act, 1908-1954, and makes up-to-date provisions concerning

the keeping and conveying of inflammable liquids. The present Inflammable Oils Act (which repealed the Kerosene Storage Act of 1873) was passed in 1908 and since then has been amended on only four occasions. None of these amendments were major ones and none altered the general scheme of the Act, which is still largely in the form in which it was passed in 1908. An examination of the record of the debate on the Bill in 1908 shows that conditions then were quite different from those of today. Petrol was a relatively new commodity and practically all petrol and kerosene was stored and sold in tins in cases. Bulk storage and transport were unknown. Many of the provisions of the present Act are difficult to apply in present day circumstances and some of the definitions are misleading. For instance, by examining the Act and a proclamation of 1920 it can be ascertained (with difficulty) that methylated spirits is "petrol" for the purposes of the Act. The present Bill has been drafted in accordance with present-day conditions.

The definition of inflammable liquids as being "liquids which have a flash point of less than 150°F." is one which is adopted throughout the world. The same is the position in respect of the division of inflammable liquids into class "A" and class "B" liquids which is made in clause 4. A flash point of 73° Fahrenheit is the dividing point between class "A" and class "B" liquids adopted by the British and American Petroleum Institutes and accepted on a world wide basis. The flash point is determined by test as defined in clause 5.

Clause 6 details the maximum quantities which may be kept without a properly constructed and registered depot. These maximum quantities are lower than those which apply under the present Act, but, having regard to the whole purpose of the Act, which is to protect the public against the risk of fire and explosion caused by inflammable liquids, the maximum quantities contained in the Bill which can be kept without control are considered to be reasonable. They are the same as are contained in the New South Wales Inflammable Liquids Act, with one exception, namely, that under this Bill the maximum is set at 25 gallons of class "A" inflammable liquid (petrol) while in New South Wales the figure is 16 gallons.

The Act distinguishes between storage of inflammable oils in registered premises and storage in licensed stores. The maximum quantity which may be kept in any registered premises is 800 gallons of kerosene and for many years there have been no places to which this has applied. Clauses 7 and 8 of the Bill provide that all inflammable liquids in excess of the quantities exempted from the Act must be stored in either drum depots or tank depots, the construction of which has been approved by the Chief Inspector and which have been registered by the Secretary for Labour and Industry in accordance with clause 9.

Clause 10 details the rules which must be observed by persons keeping inflammable liquids in a registered depot and persons employed in and about those depots. Clause 11, requiring the appointment of watchmen in registered depots where more than 1,000,000 gallons of inflammable liquids are kept, is similar to the present provision. Clauses 12 and 13 deal with the marking of containers for inflammable liquids and the conveyance of such liquids and empower the making of regulations in respect of these matters. Clause 14 requires notice to be given before inflammable liquid can be conveyed, loaded or unloaded by ships. There is at present no control of pipelines in which inflammable liquids are moved from one place to another. Although the Act applies to storage in licensed stores and on wharves, it does not apply to pipelines outside the storage area or wharf and consequently there is no control at all over inflammable liquids in pipelines between wharves and storage tanks, nor would there be any law regarding a pipeline, if one is laid, from Port Stanvac to Port Adelaide. Clause 15, therefore, makes provision for pipelines to be constructed, maintained and operated in accordance with the prescribed conditions and requires the Chief Inspector to approve of all pipelines before they are installed.

Clause 16 provides for regulations to be made in respect of the situation of the processing sections of any oil refinery in relation to the storage areas. The distance between storage tanks is at present the subject of regulation and new regulations will be made in respect of this matter in accordance with the powers contained in clause 8. Although an oil refinery is a "factory" in terms of the Industrial Code and the Country Factories Act, without clause 16 there would be no provision regarding the distance which would separate the process area from the storage area in a refinery. Clause 17, which requires that fires or explosions in registered depots should be reported to the Chief Inspector, is a new provision which is considered necessary. Clauses 18 to 24

inclusive deal with the appointment and powers of inspectors and follow the usual provisions. Clauses 25 to 30 inclusive deal with miscellaneous matters concerning prosecutions and evidence, the giving of notices and saving of common law remedies and proceedings. Clause 31 provides a general penalty of not less than £10 nor more than £250; the present general penalties of £5 minimum and £100 maximum have remained unaltered since 1908.

All Government departments have been instructed to observe the provisions of the present Inflammable Oils Act although the Act expressly provides otherwise. In view of the fact that the Act is concerned with the safety of the public, the Government considers that this is a law which should be observed by Government departments and clause 33 therefore provides that the Act shall bind the Crown. Certain matters respecting the conveyance of inflammable liquids are part of the normal operations of the Railways Commissioner and of the Harbors Board. In 1933 the administration of the law relating to inflammable oils in respect of railways, ships and wharves was simplified and provision made for regulations which require enforcement of the Act by the Railways Commissioner or the Harbors Board to be made only on the recommendation of the Commissioner or board as the case may be. These provisions have been retained in clauses 32 and 34, and clause 34 also empowers the making of regulations.

In a matter of this nature most of the detailed provisions are more appropriately made by regulation than by Act; some of them must of necessity be rather voluminous. It is for this reason that clause 1 provides that the Act shall come into operation on a date to be fixed by proclamation. It cannot operate until the necessary regulations are made.

This is an important Bill, which brings up-to-date a branch of our legislation that is becoming increasingly of great importance following on the construction of oil refineries and the developments in the use of inflammable liquids.

The Hon. A. J. SHARD secured the adjournment of the debate.

CITY OF WHYALLA COMMISSION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1490.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the second reading. The Minister, in his second reading explanation, said that this was a rather innocent Bill, but when trying to find out what it was all about I ascertained that it was not as innocent as it looked. The Minister said:

The object of this Bill is to insert in section 27 of the principal Act a new subsection which will expressly empower the City of Whyalla Commission to borrow money, with the Minister's approval, for the purpose of granting financial assistance to any hospital within the area of the city or an adjoining area if that hospital is duly incorporated and provides for the needs of the local inhabitants. The reason for the Bill is that the Crown Solicitor has advised that the commission has not this power which is considered desirable.

That led members to believe that the commission wanted to borrow money but was blocked by the Crown Solicitor's opinion. Apparently the Hon. Mr. Bevan knew something about this because he interjected and asked if the commission had asked for the power. I have been told that the commission did not ask for the power but that other authorities in the locality did ask for it. I am not fully conversant with the history of this matter, but a member in another place is familiar with it. I do not think members should put up with an innocent Bill like this when members were led to believe that the commission asked for this authority. Only one section of the Act is amended and this is done by clause 3, which reads:

Section 27 of the principal Act is amended by inserting therein after subsection (3) thereof the following subsection—

> (4) In addition to any other powers to borrow money the Commission may, without the consent of the ratepayers and with the approval of the Minister, borrow money on such terms and conditions and upon such security as the Minister shall determine for the purpose of making grants of financial assistance from time to time to any hospital situated within the area of the city of Whyalla or an adjoining area if the hospital is incorporated under the Associations Incorporations Act, 1929-1957, and if the Commission is satisfied that the hospital provides directly or indirectly for the needs of the local inhabitants.

In the main when councils wish to borrow money they must have the consent of the ratepayers. A council in my district wished to build a new city hall and it had to get permission from the ratepayers. I would not object to this Bill if the commission had requested the provision. I know that the Minister has a letter which, when it was hurriedly read, supported my contention. I do not think it is right for Parliament to give a local government authority power it does not want in

connection with a matter of this nature to suit other authorities.

The Hon. C. R. Story: They do not have to use it, do they?

The Hon. A. J. SHARD: No, but they would be told by the other people that they had the authority and they should use it. I intend to move an amendment, but wish that I had more time to deal with the Bill. However, I shall not delay the passage of the Bill because it can be dealt with in another place. Most members have a copy of my proposed amendment.

The Hon. E. H. Edmonds: What other authority are you referring to?

The Hon. A. J. SHARD: Other authorities that are interested in hospitals. They may be community efforts. I do not wish to carry the matter further because I am not familiar with it. The Minister has a letter and I hope he reads it fully. When he was asked a simple question which could have been answered by "yes" or "no" he evaded it.

The Hon. N. L. Jude: I did not reply.

The Hon. A. J. SHARD: That is so.

The Hon. N. L. Jude: Because I was not certain.

The Hon. A. J. SHARD: I accepted it by the way in which it was put to the Council that the commission had asked for this Bill, and that was the impression members got. I think my amendment is sound. If any local government authority wants to raise money for the benefit of a community hospital it usually expects to have a poll of ratepayers for that purpose. I shall not oppose the Bill, but if the clause provides that the commission may borrow money with the consent of the ratepayers my objection will be covered.

The Hon. N. L. JUDE (Minister of Local Government): I have noted the remarks of the honourable member with regard to this Bill and it would be quite correct to say that the commission did not ask for this power. I shall, first of all, deal with the Bill. The necessity for the local government authority at Whyalla to borrow money for hospital purposes presents quite a problem, as it does with local government bodies generally throughout the State. The Crown Solicitor advised the Attorney-General that the commission, as such, did not have the power that every other local government body throughout the State had. Because it did not have power to borrow money for the hospital under the Act it was considered desirable that the commission should be given that power.

The Hon. A. J. Shard: They would not want money hurriedly for this purpose?

The Hon. N. L. JUDE: They might; you never know.

The Hon. A. J. Shard: I think I would know that. They would not want to build a hospital in a hurry.

The Hon. N. L. JUDE: The point is that it seems to be a desirable power to have, and that is why the Government decided to introduce this Bill. A section of the Local Government Act provides that before any borrowing can be done, a poll of ratepayers shall be held, while another section states that the Minister may give his consent or he may order a poll of ratepayers. This Bill says that money may be borrowed without a poll of ratepayers being compulsory, but the approval of the Minister is necessary and upon such security as the Minister shall determine. The decision of the Minister would not be given lightly one way or the other. Some trouble is being experienced at present with local government borrowing because there is not enough to go round, and I have to vet every request for a grant. Whenever the Minister gives approval without a poll of ratepayers, he makes himself fully acquainted with the position in that particular local government area.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, section 27."

The Hon. A. J. SHARD: I move:

In new subsection (4) to strike out "without" and insert "with".

I am sorry the Minister did not read the letter I referred to, because the commission as late as October 8 informed the Minister it did not want the right to borrow given to the hospital board. It seems to me that the commission did not want to be given the added responsibility of borrowing for an outside authority, that is, the hospital.

The Hon. Sir Lyell McEwin: Under what line does the hospital borrow it? Where do they get the authority?

The Hon. A. J. SHARD: I know where we get ours. It appears that the commission is to borrow money for the hospital, and under those circumstances should get the consent of the ratepayers. I appreciate what the Minister has said, but this amendment would make it doubly secure, because we know what is involved in the cost of running a hospital. Ratepayers should not be in a position where they may

have to carry the responsibility for the functioning of a hospital without having the right to say whether the commission should borrow the money for that purpose or not. I am told there is a large number of people in Whyalla and surrounding districts who are not ratepayers, but while paying nothing towards the cost of the hospital, would have the benefit of it if necessary. If the ratepayers have to meet the cost it would be fair and reasonable that before any money is borrowed the ratepayers should sanction it.

The Hon. Sir LYELL McEWIN (Minister of Health): I would not speak on a Bill introduced by my colleague if it were not for the fact that the honourable member who is so critical of misrepresentation went as far as he has in speaking to this measure. He said that it was handing over powers to a hospital board to borrow money through the commission.

The Hon. A. J. Shard: I did not mean that.

The Hon. Sir LYELL McEWIN: I am pleased to hear that, because nothing is further from the truth. The commission is still the authority and the commission "may" borrow money. There is nothing mandatory about it. I have a vivid recollection of why that power is in the Local Government Act, because I remember that when community hospitals started in the metropolitan area there was at first some suspicion that something was being put over councils, because one of the conditions was that they should have the moral backing of councils. It was not long after the hospitals began that the very council that thought there was a trap in the idea of moral backing came along and asked for that power. Borrowed money relates entirely to capital expenditure and there is no catch in it whatsoever. It has been used in a number of places such as Naracoorte, Elizabeth and Berri, and has proved a great advantage in facilitating quick development. I assume that is why it is required in Whyalla, because the Government has indicated that it will give liberal assistance. The clause is clear cut. In a thing like this it is very important and necessary that we should be prepared to leave it in the hands of the commission to decide this matter. Otherwise, there would be expense and delay and this would be against the interests of the people themselves. I consider that ample protection is provided for this type of borrowing, and it should be left in the hands of the commission.

The Hon. K. E. J. BARDOLPH: The mere fact that the words "without the consent of the ratepayers" have been included indicates to ratepayers of Whyalla that there is some sinister move by the Government or the commission. There should be some further explanation, as I do not think the Committee is conversant with the atmosphere in Whyalla on the proposal.

The Hon. S. C. BEVAN: I support the amendment and draw attention to the fact that a similar clause was included in a Bill earlier this session, but was later withdrawn by the Minister. It is now included in this Bill. The Minister has handed to me the letter from the Whyalla Commission from which he quoted. The commission has made it clear that it did not ask for this power and does not want it and suggested that power should be given to the hospital board to raise a loan if it desired, and that it would be prepared to subscribe to it to the extent of one penny in the pound from its own funds.

Evidently the hospital is in need of funds. The commission has indicated that it has no power to raise a loan for the hospital, and apparently some other body has approached the Minister suggesting that the commission should be given this power. At various times the Minister has informed this Council that because of requests by organizations that they desired a particular clause written into a Bill, he has complied with the request. When we have correspondence from the commission showing that it does not desire the power included in the Bill, why should the Minister proceed with it? Any loan raised would be used for the benefit of the hospital and the town. Let us assume that the commission raised a loan and made the money available to the hospital, but that because of the circumstances the hospital board found that it could not pay the loan back, whose responsibility would it be? Surely, it would fall upon the ratepayers themselves. As they are responsible for guaranteeing any loan, they should have the say whether or not a loan should be raised for specific purposes. The Whyalla people are very proud of their town and hospital and if they considered it was necessary that a loan should be raised, they would be the first to agree. I support the amendment.

The Hon. N. L. JUDE (Minister of Local Government): The Hon. Mr. Bardolph said he did not know why the words "without the consent of the ratepayers" had been included, but the preamble to the clause is section 27 of the principal Act which says in effect that the commission, for working purposes, shall confine itself to the Local Government Act,

which refers to matters being done without polls of ratepayers. The Minister of Health has pointed out that some townships are borrowing money to assist their hospitals without there being any polls. The approval for the loans has come from section 435. In view of all the circumstances the Government feels that the clause is properly drafted.

The Hon. A. J. SHARD: There is a difference between the Whyalla commission and the other councils, because they wanted to borrow the money whereas the Government is giving the Whyalla commission a borrowing power that it does not want. As late as October 8 this year the commission wrote to the Minister saying that it did not want the power, because it thought that the authority to borrow should be with the hospital board. That is the position in connection with a hospital at North Adelaide. The board borrows the money, not the council, and is responsible for the repayment. If the Whyalla commission borrowed money for a hospital and the hospital could not repay it, the Whyalla ratepayers would have to find the money. This is a reasonable amendment and should be accepted.

The Committee divided on the amendment:

Ayes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Noes (15).—The Hons. Jessie Cooper, L. H. Densley, E. H. Edmonds, G. O'H. Giles, A. C. Hookings, N. L. Jude (teller), Sir Lyell McEwin, A. J. Melrose, Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 11 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2).

Returned from the House of Assembly with an amendment.

PREVENTION OF POLLUTION OF WATERS BY OIL BILL.

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

The Hon. C. D. ROWE (Attorney-General: I move:

That this Bill be now read a second time.

Its principal object is to enable effect to be given within the territorial waters of the State to an International Convention for the Prevention of Pollution of the Sea by Oil which was drafted at an international conference in London in 1954 at which 32 countries, including Australia, were represented. The convention came into operation in July, 1958, in respect of certain countries and, so far as Australia is concerned, awaits ratification. Ratification cannot, however, take place until the necessary legislation enabling effect to be given to the convention has been passed. The Commonwealth passed legislation in 1960 dealing with pollution outside territorial waters. But jurisdiction in respect of territorial waters is normally within the powers of the State, and complementary legislation by the States is therefore required. Following on lengthy consultation between the Commonwealth and the States, the basis of a uniform draft Bill to be introduced by the States was agreed and all or all but one of the other States have enacted it. It therefore remains for this State to pass its legislation on the subject.

As members know, the discharge of oil into the sea by ships is a serious and world-wide problem and, while countries can in the exercise of their ordinary powers control the discharge of oil inside their own waters, they cannot control such discharge by foreign ships outside their own waters. The convention agreed in London in 1954 to make provision for those countries which accepted it to control their own ships; thus, the difficulty of the control of the discharge of oil outside territorial waters was overcome by agreement. I do not think it is necessary for me to go into detail as to the provisions of the convention itself. I have stated shortly that its object is to prevent the discharge of oil from ships and I think that I need not stress the desirability of Australia's taking all steps necessary to enable it to ratify the convention, since Australia is itself a maritime country.

The Bill, which makes provision additional to any existing provision on this matter (clause 4), provides by clause 5 that if any oil or mixture containing oil is discharged into water within the jurisdiction from any ship an offence is committed under a penalty of £1,000. This is the governing provision to which the remaining clauses are ancillary. Clause 6, for example, provides that it is a defence to show that the discharge of the oil was necessary for the prevention of damage or for securing the safety of the ship or that the discharge was the consequence of damage or leakage that could not have been foreseen.

Clause 7 empowers the Harbors Board to take action at the expense of the owner or master of the vessel concerned to remove oil

pollution that has occurred. Clause 8 requires intrastate ships to be fitted with proper equipment to prevent oil pollution, and provides for inspections and tests. Clause 9 empowers the making of regulations requiring masters of intrastate ships to keep oil records. Clause 10 requires the owner or master of any ship from which any oil is discharged to report the fact to the board, which is given wide powers of inspection. Clause 11 empowers the board to provide oil reception facilities.

Clause 12 restricts the transfer of oil at night, requiring notices to be given, clause 13 provides for the making of general regulations, and clause 14 empowers inspection. Clause 15 empowers the board upon certain conditions to grant dispensations and exemptions from any requirement prescribed by the regulations, but there is to be no exemption from the provisions of clause 5 prohibiting the discharge of oil. Clauses 16 and 18 relate to evidence, and clause 17 requires the approval of the board before any proceedings can be taken for offences.

As I have said, this legislation is complementary to legislation enacted by the Commonwealth and the other States, and is designed to enable the Commonwealth to ratify the convention. Nearly all the clauses, other than clauses 5 and 6, are of a machinery nature covering various provisions for ensuring that pollution of the sea shall be prevented as far as possible. The Bill is on substantially similar lines to those introduced by other States. It contains provisions additional to those found in the Commonwealth Act, because the Commonwealth Act is concerned only with discharge outside territorial waters and provisions concerning matters within the jurisdiction come within State powers.

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

ROAD TRAFFIC BILL.

In Committee.

(Continued from October 25. Page 1501.)

Clause 28—"Review of Traffic Board's decisions"—which the Hon. N. L. Jude had moved to amend in subclause (2) by omitting "Minister" wherever appearing and inserting "Board", by omitting "the Board's" and inserting "its", by adding "(*c*) shall reconsider its previous decision", and by deleting "(*c*)" and inserting "(*d*) shall report to the Minister who".

The Hon. N. L. JUDE (Minister of Roads): The Committee debated this clause at length and members have had an opportunity to reconsider it. I am still convinced that if members examine the powers given under the Bill passed last year, when the Road Traffic Board was considered and an appeal in the first case was to the board, they will agree that, from a practical point of view, that is desirable. This Bill, as originally introduced, provides in the first place for the local government body or person affected to apply to the board for a review of the position and for the board's reasons. The board must decide what to do and it has decided on one or two knotty problems. It does not walk roughshod over local government bodies. However, many members of this Committee suggested that the Minister should be given the final authority. I find the argument of the Hon. Sir Arthur Rymill somewhat specious, particularly when he suggests that this question should be tidied up. Knowing the honourable member as I do, I think he would have tidied it up last year if it needed tidying up. I believe he was then satisfied that it was right and proper. It will be difficult for me to reverse the board's decision once the board has reviewed a matter, but that is my job. It is likely that a Minister will support a board if it sticks to its decision when reviewing a matter, but a Minister will certainly give a proper hearing to an objector who decides to take his case farther. The Minister hears the board only once. He does not hear it twice.

The Hon. K. E. J. Bardolph: Should not the Minister have an opinion of his own?

The Hon. N. L. JUDE: The honourable Mr. Potter said the probability was that the Minister would follow the board's decision. In the majority of cases the Minister does follow the advice of his responsible officers.

The Hon. Sir Arthur Rymill: Do you regard the board as your officers?

The Hon. N. L. JUDE: I regard the members of the board as my experienced advisers in this particular matter. That does not mean that, when an appeal is made to me as Minister, I shall take cognizance only of the facts presented by the board. I may refer questions on legal points to the Attorney-General; I may go to the State Traffic Committee, to the Commissioner of Police (if he were not a member of the board), to the Automobile Association, or to the National Safety Council. I ask members to support the Bill as introduced originally, with the same verbiage that was agreed to in this Council, with the late Mr. Condon's support, last October.

The Hon. S. C. BEVAN: I adhere to the views I expressed previously when this matter was under consideration by this Council. Members have heard a great deal about this matter. The Minister has stressed the point that this is already in the Act and, it being there, we should not be arguing about it, because it should remain in the Act. However, when this clause was written into the Bill setting up the Road Traffic Board objection was then taken on this question, and I am taking the same objection now. It is appealing from Caesar to Caesar. Clause 27 is the machinery to bring clause 28 into operation, and I cannot visualize that, once an authority has referred a matter to the board and the board having given full consideration to it, it will alter that decision. The Minister mentioned that his office would be cluttered up but I refer him to clause 358 of the Local Government Act in which a decision of the Commissioner of Highways may be appealed against, and that appeal is decided by the Minister. There is nothing wrong with putting the same provision in this Bill. It would be more satisfactory to everyone because the authority should not be forced to go back to the board on an appeal.

The Hon. Sir ARTHUR RYMILL: I would agree with the Minister that this clause was fully debated at the previous session at which it was reviewed when I had a great deal to say about this matter, but I do not think the Minister does justice to any sense of tactics I may possess when he referred to my motives when I moved the amendment that was successful at the last session giving an appeal through the board to the Minister. As the Hon. Mr. Bevan said, a Bill was presented to this House stating there was a right of appeal against the board's decision to the board itself. Most honourable members by their vote proved that they did not think it was an appeal at all. I always try to move amendments that I hope will be palatable to honourable members, because it is no good trying to thrust down their throats things that they cannot accept. I went as far as I could by inserting the words "but shall report to the Minister". I draw the attention of this House to the verbiage used last time which stated that the authority upon receipt of the board's reasons may apply to the board to review its decision and that upon such a request the board shall give the authority an opportunity of submitting information and argument and shall report to the Minister. In other words, although the Minister had the final say there is nothing in the Act as it was presented to another place, and as he wants it now, that suggests or enables him to hear anybody but the board. It was amended in another place so that it became a genuine right of appeal. The Minister hears the authority, he hears the board, and he decides who is right. Surely that is a proper and reasonable right of appeal.

In my experience it is ridiculous to talk about the Minister's plate being overloaded or say he is going to have an onerous task. These appeals will be rare, but they will be on major matters such as the round-about at West Terrace, a matter involving about £30,000, or something of that nature. If the board becomes dogmatic, as boards sometimes do, and it has its own special pet hobby, it is going to be difficult for it, once having made a decision, to re-hear the matter and report to the Minister that it was wrong. Surely it can only report to the Minister that it was right. If it had the power of re-hearing itself it could possibly be that it would be big enough to say, "We were wrong", but when it reports to the Minister I am sure it is not going to say it was wrong, and ask the Minister to reverse the decision.

When the board re-affirms its decision it places the Minister in an awkward position. He regards it as his advisory board. When the board has decided and then re-affirms its decision, and the matter goes to the Minister who regards the board as his advisers, it places the Minister in an invidious position to go against them, whereas if the Minister can be an independent authority hearing both sides and can give a completely detached hearing of the appeal, then I believe that the authority appealing has every chance of the decision being in its favour.

Some of these local authorities have traffic engineers who are just as competent as the traffic engineers on the board. I know of one who has had considerably more experience than the people who will be deciding these questions. Surely, they can be advisers to the Minister as well and be entitled to a hearing from the Minister if there is to be a genuine appeal. All I ask is that they get a hearing. Under the Bill as it stands they will get a hearing, but with the amendment there will be no hearing at all.

The Hon. Sir FRANK PERRY: We are appointing a fully qualified board that will act for the whole of South Australia. Therefore, it will be a highly informed board and the longer it operates the more informed it will

become. I can see the Adelaide City Council with its multiplicity of duties coming into conflict with the board. We should consider the actual facts. We know that when there is further argument, the other side may be convinced. I should rather that there should be an amicable arrangement with the body concerned than for the matter to be decided by the Minister. The board cannot appeal, but the authority concerned can go back to the board. I do not regard the board as being a servant of the Minister. The Minister has various means of obtaining information, but it is not provided that he is to go to the board for it. If new facts are produced, the board should be able to reconsider its decision. I support the amendment.

The Hon. Sir ARTHUR RYMILL: I do not think that my honourable friend has studied the amendment because under it the Minister cannot go to anyone to get information, except to the board. I also think he is wrong when he says that if the amendment is passed the Minister will have the final say, and to do that he must get the facts. All I ask is that he should have the right to give the other side a hearing and surely that is fundamental in any British community.

The Hon. G. O'H. GILES: I favour expert boards, but their powers should be limited, and in this case the board's decisions should be subject to the scrutiny of the Minister, with the proviso of allowing the council concerned to represent its views to the Minister. I am not clear who instigates the original inquiry. Clause 27 deals with the question of the board's approval when application is made by an authority to erect traffic control devices. If a council had the chance to appeal against a decision of the board I would consider the Minister's attitude correct, but I do not think that is the case. Clause 27 satisfies me, and I intend to support clause 28 as drafted.

The Hon. L. H. DENSLEY: I am prepared to support the Minister, who has assured us that both sides will have an opportunity to state their case when there is an appeal to him. The board will be comprised of experts, and it will deal not only with matters referred to it by councils and other bodies, but with other things. I believe that its members will rub shoulders with many other authorities who consider that they know just as much or perhaps a little more than the board knows. Consequently, it is desirable that the board should first hear an appeal from the authority and if it cannot come to a conclusion satisfactory to both parties, there should be the right of further appeal to the Minister.

The Hon. Sir ARTHUR RYMILL: I think I must correct one thing that the Hon. Mr. Densley said. He said that the Minister gave an assurance that he would hear the other side. I did not hear him give any such assurance. He has no power under this provision to hear the other side. If the Minister's amendment is carried the clause would then read:

> The board shall give the authority an opportunity of submitting information and arguments; and may obtain further relevant information; and shall reconsider its previous decision and shall report to the Minister who may affirm or reverse that decision or approve of any alternative proposal submitted by the authority.

There is nothing to say that the Minister shall hear anyone; the board does the re-hearing. Under the Bill as submitted, the Minister has authority and may obtain further relevant information.

The Hon. F. J. POTTER: Some honourable members have been debating this clause as though some court procedure were involved. After all, "appeal" is not used in the clause; the marginal note uses the word "review". Although there is no specific power to obtain further relevant information or to give the authority an opportunity to submit information and arguments, the final decision of the Minister on the matter is either to affirm or reverse the decision of the board or approve some alternative proposal. It seems to me that there must be some inherent power before the Minister gives his decision to inform himself in any way he thinks fit. When we were discussing this clause previously, I said I had not been able to make up my mind on it and that it was a storm in a teacup. I am inclined to the view that the Minister is responsible enough to say what he wants for the administration of this matter, so I cannot see any harm in the amendment.

The Committee divided on the amendment:

Ayes.—(9)—The Hons. L. H. Densley, E. H. Edmonds, N. L. Jude (teller), Sir Lyell McEwin, Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe and C. R. Story.

Noes.—(8)—The Hons. S. C. Bevan, Jessie Cooper, G. O'H. Giles, A. C. Hookings, A F. Kneebone, Sir Arthur Rymill (teller), A. J. Shard and R. R. Wilson.

Pair.—Aye—The Hon. A. J. Melrose. No—The Hon. K. E. J. Bardolph.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 34—"Weighbridges and weighing instruments"—reconsidered.

The Hon. N. L. JUDE: The Hon. Mr. Story raised a query about weighbridges and overloading of vehicles. Clause 156 deals with the unloading of excess weight, and a tolerance is granted there although no tolerance is granted on actual prosecutions for overloading. The tolerance is 10cwt. in one case and 30cwt. in another.

The Hon. C. R. STORY: I accept the Minister's explanation. I raised the matter because there was previously no provision. This matter was discussed in a previous debate, and I was concerned about the difficulty of assessing weight. I wanted a tolerance to enable people to get to a weighbridge to see if they were overloaded.

Clause passed.

Clause 37—"Power to examine vehicles involved in offences" and clause 38—"Questions as to identity of drivers"—reconsidered.

The Hon. N. L. JUDE: Both clauses are similar to sections that have been in the Act from 1954, or even before. Clause 37 is exactly the same as section 152 (1) and clause 38 the same as section 140.

Clauses 37 and 38 passed.

Clause 41—"Directions for regulation of traffic"—reconsidered.

The Hon. N. L. JUDE: A query was raised about the penalty. Some members thought it was too high, but I point out that £50 is the maximum, and it is in line with the general penalties throughout the Bill. There could be a dangerous position if a person refused to move on at the direction of the police. I suggest that the penalty be left as it is, with the court exercising discretion in the matter.

Clause passed.

Clause 46—"Reckless and dangerous driving"—reconsidered.

The Hon. N. L. JUDE: The Hon. Mrs. Cooper was uncertain whether to amend this clause regarding the second or subsequent offences. As there is no amendment on the file I presume that she is not going on with the matter.

The Hon. Sir ARTHUR RYMILL: The clause says that for a second or subsequent offence imprisonment is for three months. Does it mean that it is compulsory to imprison a person? If so, the term is excessive.

The Hon. JESSIE COOPER: That was my point. I did not say that I would move an amendment. I thought that for second or subsequent offences the magistrate had to imprison the offender. I thought that could be too harsh because of extenuating circumstances.

The Hon. N. L. JUDE: I have been informed that the maximum term of imprisonment is three months. It could be for the duration of the court.

The Hon. A. J. SHARD: Does it mean that it is mandatory to impose imprisonment?

The Hon. C. D. ROWE: It means that for a second offence some term of imprisonment is mandatory. It could be for one day, or till the rising of the court, or the maximum.

The Hon. K. E. J. BARDOLPH: The Minister should clarify the position. My reading is that for a second or subsequent offence the imprisonment shall be for three months. The position woud be different if the word "may" were used.

The Hon. Sir ARTHUR RYMILL: Section 121 of the principal Act refers to a penalty of a fine of not less than £50 and not more than £100, and that for a second or subsequent offence the court may in addition sentence the defendant to imprisonment for not more than three months. There must have been an alteration in this Bill, but it was not referred to by the Minister in his second reading explanation. In some circumstances three months' imprisonment could be excessive. I suggest that the Minister report progress on this clause. I do not like arbitrary penalties. The court should fix the penalty on the facts of the case. Imprisonment is a severe penalty, especially to the type of people who drive motor cars.

The Hon. C. R. Story: Can the honourable member remember an instance where it has been done?

The Hon. Sir ARTHUR RYMILL: As I read the law it is not mandatory to impose imprisonment, whereas the Bill says that imprisonment shall be mandatory.

The Hon. F. J. POTTER: I support Sir Arthur Rymill. The clause refers to imprisonment for three months. In order to get a reduction of that term the special circumstances provided in the Justices Act would have to be used. Section 44 (1) of the Bill says "imprisonment for not less than three months or more than two years".

The Hon. JESSIE COOPER: This clause caused me some dismay when I first read it. It is out of keeping with the spirit of the Bill in other ways. If the Minister will report progress now I shall be happy later to move an amendment to the clause.

The Hon. N. L. JUDE: I have consulted Sir Edgar Bean on this matter. Sir Arthur Rymill was correct when he said that the word

"may" was used in the Act. Under the circumstances Sir Edgar would like to examine the drafting of the clause and I suggest that consideration of the clause be postponed again.

Clause further postponed.

Clause 48 passed.

Clause 115—"Dual purpose lamps on pedal cycles"—reconsidered.

The Hon. C. R. STORY: The Minister informed me that the question of lamps on bicycles would be determined by regulation. This clause relates to dual purpose lamps which show a white light to the front and a red light to the rear. The rear light can be obscured by the cyclist's legs or by his overcoat. The position was more satisfactorily covered under the old Act, and if this clause is deleted we will once more have sane lighting on bicycles with separate lights to the front and rear. The people who should not have the dual lamps are racing cyclists, because there is nothing more dangerous on our roads than a racing cycle. Will the Minister consider deleting this clause?

Clause passed.

Clause 158—"Number of trailers or towed vehicles"—reconsidered.

The Hon. C. R. STORY: I move:

In subclause (1) (*b*) to delete "the unladen weight of which exceeds two tons, or a tractor", and to insert the following new subclause:

> (2) The board may grant to any person a permit permitting any vehicle, irrespective of its unladen weight, to be driven for the purpose of towing two trailers or other vehicles. Any such permit may be general, conditional or restrictive as to time, place or circumstances and shall render lawful the towing of two trailers or other vehicles in accordance with its terms.

In the fruit industry some persons are at present towing two trailers behind a vehicle, but this practice would not comply with the provisions of the Bill because the towing vehicle would not weigh two tons unloaded. My amendment provides that the board may issue permits, so there will not be an indiscriminate use of these vehicles. Probably fewer than 100 persons will apply for permits, but this amendment will help people in the fruitgrowing and cereal growing areas.

The Hon. N. L. JUDE: I sympathize with the honourable member's intentions. He admits that this situation would be difficult to control other than by permit, but I hope that when the board considers applications it will not allow people with 13cwt. cars to tow caravans and boats to the danger of the public. I accept the honourable member's assurance that this amendment is designed to facilitate towing in vineyards. The Government is prepared to accept the amendment.

Amendment carried; clause as amended passed.

Clause 168—"Power of court to disqualify driver on conviction"—reconsidered.

The Hon. F. J. POTTER: I ask leave to withdraw my previous amendment.

Leave granted; amendment withdrawn.

The Hon. F. J. POTTER: I now move:

In subclause (1) after "order" first occurring to insert "(i)", and at the end of the subclause to insert "and (ii) may if it thinks fit order that the person so disqualified shall not at the end of the period of disqualification or upon the removal of the disqualification be granted a driver's licence until he passed a driving test as prescribed by section 79a of the Motor Vehicles Act, 1959-1960." and to insert the following new subclause: "(3) Where an order is made requiring a person disqualified under this section to pass a driving test before being granted a driver's licence, his disqualification shall continue until the expiration or removal of the disqualification or the passing of the test whichever last occurs."

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 6.13 p.m. the Council adjourned until Tuesday, October 31, at 2.15 p.m.