

LEGISLATIVE COUNCIL.

Tuesday, August 14, 1962.

The **PRESIDENT** (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

ADDRESS IN REPLY.

The **PRESIDENT**: I propose now to proceed to Government House for the purpose of presenting the Address in Reply to His Excellency the Governor and I ask the mover and the seconder and other honourable members to accompany me.

At 2.17 p.m. the President and honourable members proceeded to Government House. They returned at 2.35 p.m.

The **PRESIDENT**: I have to inform the Council that accompanied by the mover and the seconder of the Address in Reply to the Governor's Opening Speech, and by other honourable members, I proceeded to Government House and there presented to His Excellency the Address adopted by the Council on August 2, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the first session of the Thirty-seventh Parliament. I accept with pleasure your assurance of loyalty and welcome to Her Majesty the Queen and His Royal Highness the Duke of Edinburgh on their forthcoming visit to this State. I am confident that you will give your best attention to all matters placed before you. I pray for God's blessing upon your deliberations.

QUESTIONS.**COUNCIL RATES.**

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

Leave granted.

The Hon. A. J. SHARD: Over a period of years various municipal councils have desired to apply some differential rating for pensioners and people with some undue hardship. I am aware that section 267a of the Local Government Act, 1959, empowers any council, if satisfied regarding the hardship of the landholder, by resolution to postpone the payment of rates. I am informed that a large metropolitan council is unanimous that it wants to do more than that; it wants to remit the whole or portion of some of the rates so that it would not become a charge on the estate when the person concerned died. Some councils have sought the right by amendment of the Act to remit the

rates of pensioners and others enduring hardship. Although council rates are gradually increasing, the old age and invalid pensions are fixed. Will the Minister of Local Government consider this matter?

The Hon. N. L. JUDE: As the question obviously involves Government policy, I ask the honourable member to place it on notice.

ADELAIDE OVAL LEASE.

The Hon. K. E. J. BARDOLPH: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. K. E. J. BARDOLPH: Recently I directed a question to the Minister of Local Government concerning the lease of the Adelaide oval. It was suggested that the lease was being prepared and I understand, according to press reports, that it has been formulated and apparently is awaiting signature and ratification of this Parliament. The Minister said that he would obtain information from other States as to the functions of Commissioners regarding cricket grounds, and that he would report on the matter. Has he received that information?

The Hon. N. L. JUDE: I think what I said was that I would advise the honourable member when I had the information from other States. I have made inquiries but have not yet received the information. With regard to the lease of the Adelaide oval by the City Council, I have not yet had that matter referred to me.

STURT HIGHWAY.

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

Leave granted.

The Hon. C. R. STORY: The Highways Department is undertaking certain work on the Sturt Highway between Accommodation Hill and Half-Way House. Can the Minister of Roads say whether the Government intends to construct a new road in that area or is it intended to patch the present road? Has any consideration been given to restricting the load limit on that section of the Sturt Highway?

The Hon. N. L. JUDE: I shall obtain a report for the honourable member with regard to the roadworks being undertaken, but I have not given consideration to the second part of his question relating to a load limit. I shall discuss that matter with the Commissioner of Highways.

BASIC WAGE.

The Hon. K. E. J. BARDOLPH: Recently I asked the Minister of Labour and Industry whether the Industrial Code would be amended to provide for the payment of the male and female basic wages to all workers employed as artisans or in professional spheres. The Minister said that the question concerned Government policy and that he would take the matter to Cabinet. Has he a reply to my question?

The Hon. C. D. ROWE: I have not yet been able to get the detailed information that I require regarding this matter, but I shall obtain it and let the honourable member have a reply as soon as possible.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the final report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Port Lincoln Gaol and the following interim reports:

- Public Library Additional Building,
- Strathalbyn Water Supply,
- Port Lincoln Gaol,
- Trunk Water Main from Mannum-Adelaide Pipeline (near Highbury) to Wattle Park Service Reservoir,
- Junior Boys Training School,
- Senior Boys Training School,
- Strathmont Primary School,
- Salisbury West Primary School,
- Duplication of Morgan to Whyalla Pipeline,
- Port Adelaide Bulk Handling System,
- Port Adelaide Bulk Grain Bin.

LEAVE OF ABSENCE: HON. A. J. MELROSE.

The Hon. C. R. STORY moved:

That one month's leave of absence be granted to the Hon. A. J. Melrose on account of ill health.

Motion carried.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 2. Page 373.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading of this Bill, the object of which is to facilitate the pooling of resources between the Institute of Medical and Veterinary Science and the Department of Medicine of the University of Adelaide in

the creation of an isotopes laboratory. This constitutes an important step forward in the use of modern scientific equipment by the institute. The increasing use of isotopes in industry, medicine and agriculture, and the rapid development of peace-time application of nuclear power and atomic energy and associated by-products make it surprising to find that so little publicity is given to advances made in these directions. All the emphasis seems to have been directed in other ways so that we hear much of the effectiveness of nuclear power and atomic explosions in mankind's race towards self-destruction. We often hear of more successful atomic explosions on both sides of the Iron Curtain and the power of these explosions has reached such proportions that we hear the Hiroshima holocaust referred to as only being the equivalent of 15,000 tons of T.N.T. That shows the extent to which these experiments with dangerous power have progressed, but we hear little of the considerable advances made in their peace-time application or of the resulting by-products.

The by-products of nuclear power have opened up possibilities in numerous fields previously unknown to mankind and hitherto thought to be inaccessible. As in other matters that have brought great advances in the field of man's endeavour, these also contain an element of danger in their use. The danger in the atomic field does not exist solely in the atomic explosion and the fall-out, for there is the more insidious but nevertheless lethal effect of over-exposure to radioactive substances. The research field is studded with the names of many scientists who have been mutilated and some who have died. Others have suffered martyrdom while doing research to bring about advances in medicine and industry. Some authorities consider that this martyrdom was not necessary because the danger of over-exposure to radiation was known during the earliest investigations in this field. However, it is necessary to use great care in the application and use of radioactive material. The effect of radiation has become an increasingly serious factor today because of the expanding use of X-rays and radium for medical purposes, the use of various products of nuclear fission in medical research and industry, and the increasing use of isotopes in industry. There is also the possibility of the use of this type of energy in future for transportation. The scientists' warnings should be heeded. I believe notice has been taken of this warning in South Australia, because recently regulations were

introduced under the Health Act to provide for the control of the use of isotopes and radioactive material.

This control should be used effectively so that every precaution is taken to protect the people who may come within the scope of radiation from over-exposure. The storage, disposal and use of the isotopes and the equipment envisaged by this Bill must be adequately controlled, and full care must be taken in the use of this equipment. It is important that special precautions should be taken to prevent the contamination of the laboratory and the personnel by radioactive material, and to minimize the effect of radiation upon the people who use this equipment. I believe the Minister knows the possible effects, but I repeat the warning that the dangers from this material are great, and that every precaution should be taken for the welfare of those people, and of the patients treated with this material. I support the Bill.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

FOOD AND DRUGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 2. Page 374.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I am sure all honourable members appreciate the purport of this Bill. This legislation is the result of a conference of State Ministers of Health, who met for the purpose of introducing new or amending present legislation governing foods, drugs and other materials, so that there would be uniform legislation in the various States.

I compliment those who were responsible for introducing the Food and Drugs Act and the Dangerous Drugs Act. The two persons mainly responsible were Mr. E. F. Lipsham, Senior Lecturer in Pharmacy at the University of Adelaide, and Professor A. K. Macbeth, who was Professor of Chemistry. The Act of 1933 was based on the English Act dealing with these matters, and honourable members of this Chamber and in another place appreciate the arduous work done by those two gentlemen. The Act stands as model legislation for all States and, in fact, some of them emulated it.

The Minister was cryptic in explaining the full purport of this Bill. It is true that it has been introduced as a means of controlling or eradicating the dangers associated with the various drugs available to the public on a doctor's prescription, but the Minister did

not explain that certain drugs containing lesser quantities of phenacetin or similar drugs can be purchased at grocers and stores. Under the existing Act, persons who are not qualified pharmacists but who operate within a certain radius of a qualified pharmacist, are able to sell these medicaments and drugs. I shall not go into the history of recent events regarding the use of a particular drug in America for certain purposes. A reference in this morning's newspaper described how pressure by the manufacturers had been used on a worthy doctor in America (Dr. Frances Kelsey) for refusing to allow the use of this drug, and for invoking the aid of the American Government in forbidding its sale. I pay a tribute to the County Board of Health, the Director-General of Public Health and the medical profession in particular in South Australia for their solicitude and the care they have for those who desire to use their medical services in connection with the prescribing of drugs.

The composition of the advisory committee mentioned by the Minister, whilst appearing to be all-embracing, does not cover the real issue so far as a composite authority is concerned. Under the present Act, the Governor shall appoint for the purpose of this Act an advisory committee, consisting of not more than seven members. Such committee shall consist of the person for the time being holding the following offices, namely, the chairman of the Central Board of Health, who shall preside—that is Dr. Woodruff; the Professor of Chemistry in the Adelaide University; the Government Analyst; the officer of health for the City of Adelaide; and three other persons conversant with trade requirements. I point out that there is no registered pharmacist on that committee. I am not attempting to belittle the professional qualifications of those who are appointed under this Act, but the Government has the power to appoint a registered pharmacist under the existing provisions. I understand that since the Act has been in operation no registered pharmacist has been appointed to the board in an advisory capacity. The Central Board of Health carries out a laudable work on behalf of the community. If a medico is doubtful about the potency of a drug a sample is sent to the Central Board of Health and from it to the Government Analyst, whose job it is to ascertain the component parts of the drug. He submits a report to the Director-General of Public Health or to the medical authorities at the university. In my opinion, and it is held by people in the professional field, there should be a composite

authority when a request is made for testing the toxicity of a drug. Many of the drugs and antibiotics released today come from manufacturers and importers, and I do not decry local manufacturers and leading drug houses. Most of the importers of these overseas drugs have detailers, who go to surgeries and medical rooms to hand out samples of certain drugs to doctors, and in doing so clutter up the rooms of practitioners with free samples. No doubt some members in this place have used some of these sample drugs after their trouble has been diagnosed by their practitioners.

Members of the medical profession cannot be expected to be analysts and they cannot govern all the phases of toxicology. The only safeguards they have are the printed instructions or brochures supplied with the free samples. I will not give the name of any drugs because it would be unfair for me to have the privilege of mentioning the trade name of drugs, but there is one in particular that I want to refer to. The brochure that came with the sample gave the dosage necessary and then mentioned the possible side effects. Those who know anything about the matter know that side effects are the other problems created whilst curing one element. The brochure with this particular drug sets out the possible side effects and says:

With the use of any broad spectrum antibiotic the patient should be watched carefully for signs of secondary infection caused by non-susceptible organisms. If such infections appear . . . should be discontinued and/or other appropriate measures taken.

I have left blank the name of the drug. That brochure is the only guide that the medical practitioner has under the present system. It means that when using this antibiotic a stronger antibiotic must be administered by the doctor on prescription for the purpose of overcoming any secondary infection that may be caused by the first antibiotic. It is not fair to allow manufacturers to foist these samples on the medical profession. Although they may have carried out laboratory tests on the potency of the drugs and their therapeutic value they are handing them out to the medical profession which could make some patients guinea pigs in relation to the effects of the drugs on the human system. The Minister of Health in his second reading explanation said that the Bill would provide a curb on some forms of the advertising that takes place. I mention this phase of the matter so that the Minister, when

administering the Act, will be able to take up the matter of free samples handed out from time to time to the medical profession.

I now come to another point associated with the drugs placed on the market. One particular drug is used for slimming purposes. I will not give its name, but it can be bought over the counter of any chemist shop. Another drug for slimming cannot be obtained without a doctor's prescription.

The Hon. G. O'H. Giles: How do you know?

The Hon. K. E. J. BARDOLPH: I will tell the honourable member. The drug that can be obtained without a doctor's certificate contains phenyl, methyl-tetrahydro, and oxazine.

The Hon. C. D. Rowe: The honourable member cannot show an exhibit in this Chamber.

The Hon. K. E. J. BARDOLPH: Unfortunately we are not able to bring in exhibits. The drug for which there must be a doctor's prescription contains the same ingredients, phenyl, methyl-tetrahydro and oxazine.

The Hon. G. O'H. Giles: That is not a good description.

The Hon. K. E. J. BARDOLPH: I will not give the name of the drug. I do not want to take an unfair advantage of the manufacturer, who has not the opportunity on the floor of this House to discuss what I am saying. These things can be seen by honourable members. This imported drug has been on the market for four or five years. Now, because some of the warehouses are stocked up with it, the Board of Health and the advisory committee will not make a prohibition until about September so that the stocks can be cleared.

We welcome this Bill because it will tie up some of the loose ends under the principal Act. I pay a tribute to the medical authorities, and others in authority, who have the responsibility of safeguarding, as far as is in their power, the health of the community. They are doing an excellent and laudable work. I emphasize that whilst we are amending this measure we should set up a composite committee to give the fullest effect to the legislation. Other States have legislation along similar lines. I made it my business to get from Mr. Sheahan, the New South Wales Minister of Health, who is a personal friend of mine, the purport of the legislation in that State. Their measure provides for action to be taken by proclamation, not regulation. The Opposition in South Australia has always opposed action being taken by proclamation. It believes in its being done by regulation so that Parliament can determine the advisability of having the regulation. In New South Wales

opportunity has been taken to bring the Poisons Act up to date in various directions, including the following:

- (a) Power by Governor's proclamation to prohibit the sale, supply or use of any poison or deleterious substance.
- (b) A prohibition on the sale of any drug, medicine or preparation containing a poison or deleterious substance, whether intended for internal consumption, or external use by man, in a container of a type which is commonly used to contain food or liquid for consumption by man.
- (c) A prohibition on the placing of any poison or deleterious substance in a container of a type which is commonly used to contain food or liquid for consumption by man.

They are the main alterations to that Act. At present the most stringent provision that can be enforced in regard to any drug in New South Wales is to place it on the restricted drug list, thus making it saleable only on a doctor's prescription, but in the New South Wales amending Bill it is proposed to provide power to prohibit the sale, supply or use of any drug, should such action be considered warranted. This would apply particularly to the drug that has been mentioned prominently in the press recently. I want it to be clearly understood that I am not criticizing the South Australian Government officials, but merely offering suggestions. The South Australian Act and regulations dealing with poisons and drugs is a model which is being followed in other States. The amendments in the New South Wales Act are intended to prevent poisons from being sold in bottles or other containers similar to those in which food or drink is sold. I think that the reconstitution of our advisory committee on the grounds indicated by the Minister will suffice to prevent the sale and false advertising of drugs that apply to proprietary lines placed on the market from time to time. We read in the press recently of the sale of a common pain-relieving tablet which can build up in the system, and thus people become addicts to it. It is being sold freely in chemist shops and over the counters of grocery stores and food markets. If we are to tighten up the legislation in one way, we should tighten it up right through. These drugs should be recommended only by people who have been trained to do this work.

There is another factor. Some of the medical profession often prescribe drugs solely on the literature issued about them. Some doctors do

not make themselves cognizant of the literature distributed to the medical profession. There should be an appropriate examination of these drugs by an authority. Doctors are rather apprehensive in prescribing drugs which do not have the hallmark of a proper authority. We have not in South Australia any Government department or special section of the medical profession which deals principally in toxicology. Some members of the profession are specialists in this work, but there is no special section which deals with the use of new antibiotics and synthetic drugs. The placing on the market from time to time of various substitutes of this kind demands that an advisory committee should be appointed. There is no special section from which doctors or manufacturers of drugs can get first-hand knowledge, so I suggest to the Minister that this is a phase of the Act which he and the heads of his various departments could consider in order to give the fullest effect to this legislation.

I am wondering whether the passing of such legislation in South Australia and the other States may not conflict with section 92 of the Commonwealth Constitution in its effect on the manufacture and sale of proprietary lines. We have heard of appeals by the legal profession to the High Court and other courts on the application of section 92 in connection with safeguarding the rights of the States, where one State has attempted arbitrarily to legislate against another State. I raise this question because of the manufacture of certain drugs in other States and as to the validity of their export to other States. I put this point forward so that the Minister may have the opportunity to discuss it with the Parliamentary Draftsman to make sure that the amendment proposed covers the position as to the manufacture of these drugs and antibiotics in other States and their importation into South Australia. Does this action infringe section 92? I commend the Bill and compliment its sponsors. I realize that their desire is to do something to protect the health of the community. We do not desire to see a lot of hypochondriacs buying medicines for every fancied ill they may think they have. I trust that the Bill will give power for the reconstruction of the advisory committee so that none of these drugs or antibiotics can be placed on the market without the imprimatur and recommendation of the committee.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

CIVIL AVIATION (CARRIERS'
LIABILITY) BILL.

Adjourned debate on second reading.

(Continued from August 2. Page 375.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill, the object of which is to give effect to the provisions of the Commonwealth Civil Aviation (Carriers' Liability) Act, 1959. The Commonwealth Act was passed primarily to bring about uniformity in the international carrying of passengers by air. I notice that the Commonwealth legislation is to come into operation by proclamation as soon as the various State Governments have agreed to it. It is not necessary to go into lengthy details on this Bill, but there are two main aspects which could be mentioned. I read some of the speeches in the Commonwealth Parliament when this Bill was being considered and the Minister was quite fair when he pointed out that it applied a limit of £7,500 to any claim which could be made by any passenger, or such higher amount as may be agreed to.

I believe that much difficulty would be experienced in attempting to obtain more than £7,500. The liability fixed for baggage and goods is to be limited to £100 or, if agreed, a greater amount, but I believe that only in a few cases would that sum be exceeded. Although I do not believe it is proper to fix maximum amounts of payment, Part IV places almost total liability and responsibility on the companies and, if one disability is weighed against the other, that probably constitutes a fair basis on which to operate. I shall not argue this matter at length, but I believe that these questions are debatable. However, these provisions operate in relation to international, national and interstate lines and we are now attempting to make them effective on an intra-state basis. I support the second reading of the Bill.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

ADJOURNMENT.

At 3.23 p.m. the Council adjourned until Wednesday, August 15, at 2.15 p.m.