LEGISLATIVE COUNCIL.

Wednesday, August 15, 1962.

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

QUESTIONS.

LIGHTING OF MAIN NORTH ROAD.

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

Leave granted.

The Hon. A. J. SHARD: My question concerns the lighting of the Main North Road, particularly through Elizabeth. One is struck by the well-made road when travelling north from Adelaide to that city for some considerable length, and when one visits Elizabeth one is impressed with the well-lighted streets in the residential area. It leaves one wondering just what has gone wrong with the lighting of the Main North Road. I do not know who is the responsible authority for the lighting, whether it is the Housing Trust, the Highways Department or the Salisbury District Council. I have received a number of complaints and on one occasion had the unfortunate experience of losing the road in the evening, and this could occur particularly when one was travelling south toward Adelaide. I had to pull up because I did not know whether I was on the bitumen or the side of the road. I am led to believe that the zoning laws under the Road Traffic Act are to come into force shortly and that it is possible that the speed limit will be lifted on that road. In the interests of both pedestrians and motorists, the road should be better lighted. Can the Minister of Local Government say who is responsible for the lighting of this main road and will he take up with this authority the question of having the road better lighted?

The Hon. N. L. JUDE: I have already been approached, some time ago, on this matter by my colleagues, the Hon. Mr. Rowe and the Hon. Mr. Story. The position at the moment is that the lighting of all roads, except the Port Road and Anzac Highway, is the responsibility of councils throughout the State. We are realizing with the development of some of our highways it may be desirable to light certain intersections and dark portions where there is no reflection, as in Adelaide near the park lands. With that in view, the Highways Commissioner recently submitted to me a proposed amendment of the Highways Act. However, I warn honourable members that any money coming out of revenue for lighting means less being available for the actual construction of roads.

ROAD TRAFFIC BOARD.

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

Leave granted.

The Hon. K. E. J. BARDOLPH: An article appeared in this morning's *Advertiser* under the caption, "Main Roads Parking Ban Recommended". The article states:

Parking will have to be banned in some metropolitan arterial roads during peak traffic hours, says the chairman of the Road Traffic Board (Mr. J. G. McKinna) in a report to the Minister of Roads (Mr. Jude).

The report follows an approach by the Marion Council to the Premier regarding transfer of powers from councils to the board.

In view of the dual control exercised over our traffic by councils and others, can the Minister of Roads say whether it is the intention of the Government to amend the Local Government Act to place traffic control in the hands of the Road Traffic Board?

The Hon. N. L. JUDE: Without going too deeply into this matter, but as a first consideration, I suggest that motor traffic control is dealt with both under the Police Act and the Road Traffic Act. Certain sections of the Local Government Act provide local government authorities with certain powers. I say emphatically that it is not the policy of the Government and it will not be the policy of the Road Traffic Board to deal with what are obviously and essentially local government matters relating to district roads and suburban streets. The Road Traffic Board will concern itself mainly with highways, main roads and arterial traffic, and I am sure that will be its attitude when the regulations are framed.

CIVIL DEFENCE.

The Hon. R. R. WILSON: I ask leave to make a short explanation before asking a question.

Leave granted.

The Hon. R. R. WILSON: A year ago the State Branch of the Returned Servicemen's League convened the formation of the Civil Defence Association whose functions embrace all phases of emergency preparedness. However, with the exception of one indoctrination course to commence this month and the possibility of another to follow, the associated organizations, representing 100,000 keenly interested members, think that enthusiasm may well wane unless some positive lead is

given by the Government. Will the Chief Secretary advise what action has been taken to speed up the implementation of a civil defence programme in South Australia?

The Hon. Sir LYELL McEWIN: The civil defence organization is set up by arrangement with the Commonwealth Government and I know that certain courses are conducted at Macedon and that representatives have attended from South Australia. The activities of the organization are not familiar to me, but I shall obtain what information I can for the honourable member.

PORT ROAD AND WOODVILLE ROAD TRAFFIC LIGHTS.

The Hon. A. J. SHARD: Recently I asked the Minister of Roads whether he could give the Council any information as to when the traffic lights at the Port Road and Woodville Road intersection were likely to be installed. Has the Minister a reply to my question?

The Hon. N. L. JUDE: The Commissioner of Highways has reported as follows:

The installation of traffic lights at the junction of Woodville Road and Port Road is to be carried out simultaneously with the installation of lights at Port Road, Cheltenham Parade, and Clark Terrace intersection. Specifications have been prepared for the installation of lights at both of these sites, and have recently been submitted to the City of Woodville for the calling of tenders. It is understood that the corporation will call tenders in the near future, and the installation of the lights should follow as soon as the manufacturers can make the equipment available, probably within three months.

MENTAL HEALTH ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Mental Health Act, 1935-1961. Read a first time.

The Hon. Sir LYELL McEWIN: I move:

That this Bill be now read a second time.

It makes four amendments to the Mental Health Act. The first amendment is made by clause 4, the purpose of which is to enable the Superintendent of an institution of his own authority to grant to any patient trial leave of absence for up to 28 days. Section 76 of the principal Act deals with this question. Although the Superintendent of an institution may of his own authority grant parole to any patient for a period of 24 hours, he may only permit trial leave (or parole) for a longer period with the consent in writing of the Director-General of Medical Services. The Director of Mental Health has reported that these provisions were formulated at a time when the number of patients proceeding on trial leave was relatively small and administration of the provisions was comparatively simple. In recent years, however, the position has changed dramatically and during any week-end there may be anything from 100 to 200 patients going out from the three hospitals on trial leave for periods exceeding 24 hours. Most of these patients go on week-end leave to the care of relatives, and the practice is increasing.

As I have said, trial leave for over 24 hours requires the signature of the Superintendent or his deputy and the counter-signature of the Director-General of Medical Services. This function has, however, been delegated by the Director-General to the Superintendent who, as Dr. Cramond points out, thus signs the same document twice in different roles—in many cases authorizing leave for comparatively short periods of time to patients whom he may not know personally and for the propriety of whose leave he depends on the judgment of the ward doctor and senior nursing staff. Another result of the present provision is a considerable amount of unnecessary administrative and clerical work.

Doctor Cramond has reported that in his own experience the matter can be administered much more simply at ward level and has suggested that the authority to allow patients out on parole or trial leave for periods of up to 28 days be left in the hands of the Superintendent or his deputies. He considers the practice reasonable, that it works well and saves considerable unnecessary administration. Clause 4 accordingly amends subsection (4) of section 76 by enabling the Superintendent of his own authority to permit absence on parole for up to 24 hours at a time, or on trial leave for up to 28 days at any one time. The remaining provisions governing this matter will be untouched, as Dr. Cramond reports the position is different where periods exceeding a month are involved.

The second amendment is made by clause 5. Members will recall that in 1959 the Act was amended to exempt patients admitted to the Enfield Receiving House from the automatic management of their affairs by the Public Trustee. That amendment provided that the affairs of a patient of the Enfield Receiving House should go to the Public Trustee only on the Superintendent's certificate. Earlier this year two other institutions, namely, Cleland House and Paterson House,

were declared to be Receiving Houses and clause 5 will bring those institutions into line with Enfield.

The third amendment is made by clause 7 (clauses 3 and 6 being consequential). The present Part VI of the Act, comprising sections 137 and 145 inclusive, provides for the admission and detention of what are called "voluntary boarders", but it is a condition that a person in this category must make and sign a request in the prescribed form containing a statement that he is aware that by signing he is liable to detention for three days after any written application for his discharge. The Director of Mental Health has reported that the idea of purely voluntary admission to mental hospitals has been one of the great steps forward in the treatment of mental illness and he is anxious to make voluntary admission as simple and informal as possible. As he points out, the actual signing of papers causes difficulty to the extremely sensitive person concerned and many such people baulk at the idea of signing a form, being often afraid that they are signing away their liberty. Furthermore, the agreement to being kept for 72 hours after giving notice of wishing to leave raises the fear, in some minds at any rate, that the patient will not be allowed to leave at all. In any case, the 72-hour delay is rarely used and if the idea behind it was to enable certification the previous Director could only recall some half dozen cases where a voluntary patient had had to be certified in that time.

The other sections in Part VI provide for certificates by the Superintendent of the institution as to his opinion of the case and the making of an order by the Director-General, either discharging the patient or consenting to his detention, and providing for other matters which the Director considers unduly formal and unnecessary. He has advised the Government that in his opinion there should be no real difference between entry into an ordinary hospital and entry into a mental hospital in appropriate cases, and reports that in the United Kingdom something like between 80 per cent and 90 per cent of all patients admitted to mental hospitals do so on an informal basis.

Clause 6 is designed to give effect to the foregoing principle and accordingly it strikes out all of the provisions in Part VI and inserts a simple section along the United Kingdom lines, providing only that nothing in the Act shall prevent the admission of persons requiring treatment for mental disorder in pursuance of arrangements made in that behalf.

Clause 8 makes certain amendments considered necessary to section 153c governing the reception of persons into licensed private mental homes. The effect of section 153c is as follows:

(*a*) Anyone may voluntarily enter licensed premises on making a written application;

(*b*) If the person is under 16 the parent or guardian must make the application and it must be accompanied by a medical recommendation to be signed by the patient's usual doctor;

(*c*) The medical recommendation is valid for only 14 days;

(*d*) A patient may leave on giving three days' notice in writing, or if he is under 16, the notice must be given by the parent or guardian.

Clause 7 amends the foregoing provisions in the following way:

(*a*) Anyone over 16 may voluntarily enter a licensed private mental home by applying—that is, no written application will be necessary in cases of persons over 16 years old;

(*b*) Entrance of persons under 16 will be unaltered—that is, will require written application by parent or guardian plus medical recommendation, but the provision that a medical recommendation is valid for only 14 days is struck out;

(*c*) As regards discharge, anybody, whether over or under 16 will be able to leave at any time—that is, the 72 hours' written notice will not apply, but in the case of a person under 16 the request (not written notice) must come from the parent or guardian.

It will be seen that these amendments to section 153c follow on the amendments concerning voluntary admission of patients to mental hospitals and institutions in that much of the formality now surrounding this matter will be removed. The proposed amendments are in line with the modern approach to the treatment of this particular type of illness. I thank honourable members for allowing me to explain the Bill forthwith. It is not yet in circulation, but they will be able to peruse the Bill as soon as it is available from the printer. I commend the Bill for the consideration of honourable members.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

LOCAL COURTS ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Local Courts Act, 1926-1959. Read a first time.

The Hon. C. D. ROWE: I move:

That this Bill be now read a second time.

The object of this short Bill is to increase the jurisdiction of local courts of limited jurisdiction (now £30) to £100. Clause 3 accordingly amends five sections of the present Local Courts Act with which I now deal. Subsection (3) of section 21 contains a proviso that a local court of limited jurisdiction shall not adjudicate on any matter when the claim or counter-claim exceeds £30 exclusive of costs. Section 32, which is the main section of the principal Act relating to the limited jurisdiction confers such jurisdiction in various types of action where, generally speaking, the sum claimed does not exceed £30. In both of these sections the amount of £30 will be replaced by £100.

The amendments to sections 58 and 196 are consequential. Section 58 of the principal Act gives a right of appeal to the Supreme Court in ordinary actions where the amount claimed exceeds £30, and this figure will be replaced by £100. Similarly, section 196 of the principal Act empowers the removal of a local court judgment for an amount exceeding £30 into the Supreme Court. It is obvious that if the limited jurisdiction of local courts is to be raised to take into account the change in money values, the rights of appeal and removal of judgments to the Supreme Court should be limited by similar considerations.

Section 165 is of a slightly different order. This section provides that a local court may suspend execution of a judgment in the case of sickness, but only where the amount of the judgment debt is under £30. It is considered desirable that this power should be widened by substituting £100 for £30, thereby enabling the court to suspend execution on a judgment for any sum up to £100. Clause 4 provides that the amendments will apply to all actions commenced after the commencement of the Bill whenever the cause of action arose.

I believe that it is unnecessary to speak at length on the reason for the amendments. The limited jurisdiction of local courts has remained at £30 since 1926, and with the change in money values has operated to the inconvenience of persons in country districts who in many cases are unable to issue summonses for debts exceeding £30, except from a court many miles away, because there is only a local court of limited jurisdiction in their district. I commend the Bill for the consideration of honourable members.

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

HOSPITALS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Hospitals Act, 1934-1961. Read a first time.

The Hon. Sir LYELL McEWIN: I move:

That this Bill be now read a second time.

Section 16 of the Hospitals Act empowers the board of management of any public hospital to make regulations on a variety of subjects, including all matters affecting the general management, care, control and superintendence of any hospital. Section 19 provides for a general penalty for a breach of any regulations made under Part II (which includes section 16). Section 22 provides that the Director-General of Medical Services shall have and may exercise with respect to public hospitals such duties and powers as are imposed or conferred upon him by the Act or any other Act or by the Governor. The Crown Solicitor has advised that while the conferring upon the Director-General of power to control and manage a hospital would include power to make regulations for the management of the hospital, it is very doubtful whether regulations made by the Director-General are covered by the penalty provisions of section 19.

This Bill accordingly amends section 16 of the principal Act by expressly empowering the Director-General to make regulations for a public hospital without a board of management; any regulations so made by the Director-General would come within the description of regulations under the provisions of Part II. I would mention to the House that the particular matter which has brought the anomaly to notice is the control of parking in the grounds of the Mount Gambier Hospital. This hospital has been proclaimed a public hospital and if it had a board of management the board could make regulations controlling parking in the hospital grounds and offences against them would be punishable under section 19 of the Act. However, the hospital has no board of management, but the care, management, control and supervision of it is vested in the Director-General. As I have said, the Crown Solicitor has advised that while the Director-General would have power to make parking

regulations, it is doubtful whether the sanction of the penalty provisions of section 19 would apply to them.

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

REGISTRATION OF DEEDS ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Registration of Deeds Act, 1935. Read a first time.

The Hon. C. D. ROWE: I move:

That this Bill be now read a second time.

The object of this Bill is to give express power to the Registrar-General of Deeds to register memoranda of appointment of new trustees which relate only to personal estate and to accept for deposit deeds poll or statutory declarations evidencing a change of name. Both amendments are of a technical character and will require some explanation. The first of the amendments, which is made by clause 3 (with a consequential amendment in clause 4) covers memoranda of appointment of new trustees. Part V of the Trustee Act applies to all trust estates and the latter term is defined as including real and personal estate of every description held on trust. Section 75 of that Act provides that on the appointment of new trustees a memorandum thereof may be registered in the General Registry Office or the Lands Titles Office. While this provision does not present a problem where the trust estate consists of land, since registration of instruments affecting land may be registered in the Lands Titles Office or, in the case of old system land the General Registry Office, where the trust estate consists only of personal estate there is an anomaly because neither the Registration of Deeds Act nor the Real Property Act make any provision for the registration of documents which do not affect land.

It is, of course, open to argument that the Trustee Act, being later in point of time than the other Acts, by making express provision, empowers the Registrar-General to take and register a memorandum of appointment of new trustees despite the fact that the trust estate concerned does not include any land. The matter is not, however, free from doubt and clause 3 of the Bill amends the Registration of Deeds Act by expressly empowering the Registrar-General to register a memorandum of appointment of new trustees under the Registration of Deeds Act even though only personal property is concerned. Clause 5 governs the deposit of deeds poll or statutory declarations evidencing a change of name. It has in fact been the practice of the Registrar-General over the years to receive these documents on deposit although there is no provision in the Registration of Deeds Act empowering him to do so. Clause 5 will give statutory authority to the practice and will ensure that due effect is given to the deposit.

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

SALE OF HUMAN BLOOD BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to prohibit unauthorized trading in human blood. Read a first time.

The Hon. Sir LYELL McEWIN: I move:

That this Bill be now read a second time.

This Bill is designed to prohibit the unauthorized trading in human blood. The need for such a Bill arose out of the expiry late last year of the Commonwealth patent relating to the process of extracting and separating the various fractions of human blood. The blood which has been, and is being, used for this process is that which had been donated by voluntary blood donors to the Red Cross Blood Transfusion Service and is available to the public free of charge for blood transfusion and other essential purposes. Since the expiry of the Commonwealth patent, the possibility that commercial interests may be willing to buy blood and engage commercially in the fractionation of blood has caused the Commonwealth and State Governments some concern as the entry of commercial interests into this field would wreck the Red Cross Society blood donation scheme and deprive the public of the readily available free blood for transfusion and other purposes.

Commonwealth and State Ministers have been considering the matter for some time and have recommended that legislation be introduced throughout Australia prohibiting the sale or purchase of human blood and any advertisement to purchase human blood except on the authority of the Minister. This Bill has been drafted in accordance with that recommendation. Clause 2 in effect prohibits a person from buying, agreeing or offering or holding himself out as being willing to buy human blood or the right to take blood from the body of another person unless he has been granted a permit by the Minister. The penalty for contravention of this clause is £100 or three months' imprisonment or both. The clause

also provides that a person who fails to comply with any conditions specified in the permit is liable to a penalty of £50.

Clause 3 prohibits a person from knowingly:

(*a*) publishing or disseminating by newspaper, etc.;

(*b*) exhibiting to public view in any place; or

(*c*) depositing in the area, garden or enclosure of any place,

any advertisement relating to the buying of human blood or the right to take blood from the bodies of persons unless the advertisement and the form and wording of the advertisement have been approved by the Minister. The penalty for contravention of this clause is £100 or three months' imprisonment, or both. Clause 4 prohibits a person from selling human blood (including his own blood) or the right to take blood from his body except to a person authorized by the Minister to buy blood. The penalty for contravention of this clause is £50.

Clause 5 contains procedural and evidentiary matters and among other things provides that proceedings for any offence against the Act shall not be taken without the written consent of the Minister. This Bill is non-political and has no relationship to the fact that occasionally we may talk about drawing blood. It deals with a very important phase of health and surgical work and I submit it with all seriousness for the consideration of honourable members.

The Hon. S. C. BEVAN secured the adjournment of the debate.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 14. Page 484.)

The Hon. G. O'H. GILES (Southern): I support the second reading of the Bill, the object of which is to amend the Institute of Medical and Veterinary Science Act. The amendment relates only to section 18 of the principal Act dealing with agreements with the university. I agree with much that was said by the Hon. Mr. Kneebone about this problem and I point out, as he did, that the crux of the problem is contained in section 18 (*a*) of the Act which reads as follows:

To grant to the university or any persons nominated by the university rights to use and occupy the buildings of the institute or any parts thereof, and to use any plant or equipment (other than scientific equipment) of the institute.

Many years ago staff was appointed to the Institute of Medical and Veterinary Science and the appointments constituted dual appointments because the staff were also on the university staff. It was for that reason that section 18 was originally enacted.

The picture now is different. All honourable members had a chance of visiting the institute and inspecting it 18 months ago. They could then see the type of work being done. The problem now revolves around purchasing and establishing a newer type equipment for various investigational purposes. The medical section of the university has valuable plant working on isotopes, and this section has been duplicated, to a certain degree, at the Institute of Medical and Veterinary Science. The problem, in other words, becomes one of efficiency from a State point of view. This Bill aims to avoid duplication, as the Chief Secretary said, of resources, including resources of finance—because the Government grant will not have to be divided between two separate departments for the purpose of establishing isotope laboratories in each institution. Duplication of equipment will also be avoided when this Bill becomes law. We also have duplication of highly trained and qualified technical staff and that can be avoided.

All honourable members know that various radioactive materials exist in a natural state throughout the world. If we consider uranium, which is the most frequently mentioned radioactive substance, in its free state we obtain a picture of the casting off of electrons by a natural process which degenerates through various forms. Uranium changes by throwing off beta and alpha particles which alters its form into uranium 2. The process then continues to form ionium and, with the further casting off of particles from radium it eventually reverts to the inert element of lead. This radiation is a naturally occurring process and, as such, it is similar to an isotope, but with this difference, that an isotope is a substance or element that gives off artificially induced radioactivity. For instance, the isotopes used in South Australia, and probably throughout Australia, are produced at Harwell in England at the Atomic Reactor Section. They are brought to Australia under strict supervision in lead cases.

The Hon. Mr. Kneebone illustrated the extreme necessity for taking proper care against radioactivity. These isotopes, when

brought out from Harwell, are used for medical and investigational work. The difference is that an isotope is an element that has been subjected to bombardment by particles such as protons, electrons, alpha and gamma rays. Although the element is of exactly the same structure as in its natural state, it has the addition of one or two major electrons to its name, which means that the only difference is that it has a different atomic weight. The isotopes used in the institute are classified as cobalt 58 and cobalt 60, illustrating the different numbers of electrons in that element.

Unlike a certain make of soup that has 57 varieties, it is possible to make 80 different isotopes out of the 92 elements known in the world. When emphasizing his points towards the end of his speech the Hon. Mr. Kneebone said:

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.

He further pointed out the importance of taking special precautions against the contamination of the laboratory and personnel by radioactive material and minimizing the effect of radiation on people who use this equipment.

Dealing with these remarks, I point out, because it is important to get radioactivity in its proper perspective, in an institute like the one at Frome Road they use half-life trace elements only. I mean that the radioactivity in each individual isotope is extremely minor indeed. We could well say that workmen living at Radium Hill and having constant access to radioactivity in the raw material there would be subject to more radiation with its possible injurious effects than would be the normal case under proper supervision at the institute. In other words, small quantities of radiation over a long period of time, perhaps from air or water or food, or from the wall of a house—

The Hon. A. F. Kneebone: It has the tendency to build up beyond the permissible quantity.

The Hon. G. O'H. GILES: I agree with the honourable member. Continuing, over a period of years the absorption of radiation would be greater at Radium Hill. The honourable member mentioned the accumulation of it, but that is another point. I agree that if, for instance, liquid containing isotopes were spilled on to the ground from a basin over a long period the accumulation of the radiation would be substantial. I am certain, after my visit this morning, that these materials are properly handled and cared for. I think the Director and his staff at the Frome Road institute are to be congratulated on the care taken on behalf of the employees and technicians in the establishment. I suggest that they deserve a great deal of praise for the work they are doing. Many of the staff at the establishment are extremely talented people and are making a real contribution to the health of the people of this State. One particular work they are doing has to do with anaemia of the various types. I think the generalized medical term they use is megaloplastic anaemia. There are various forms of it, including pernicious anaemia, or anaemia caused by cancer of the stomach.

That reminds me of the other side of the work they do at the institute. In their work they endeavour to discover the ability of the human body to absorb vitamin B12. The ability to absorb that vitamin is governed by enzymes from the stomach and it is in that work that the chromium isotope is used. It has the ability to hang on to one red blood corpuscle. In other words, it does not tend to swap cells. It sticks to the one to which it joins and makes use of it as a tracer. That is an important matter. The other two isotopes that are used are cobalt 58 and cobalt 60. The chromium isotope is used to deal with the red blood corpuscles. In this field of investigation weak half-life isotopes are used, but in the case of therapeutic use heavy doses of radioactivity are used for curative reasons.

Mr. Kneebone said that much publicity is always given to atomic blasts and experiments, but little to the peaceful use of atomic reaction. I thought it might be worth mentioning that I heard last week that in Russia they have succeeded in several instances in exploding underground hydrogen bombs in cavities filled artificially with salt water. In this Council many times reference has been made to desalination of water. It is said authoritatively that the cheapest cost to bring it about is 11s. 6d. for each 1,000 gallons by solar or filtrate methods, or by other normal methods. By using the atomic explosions in these underground cavities it costs Russia the equivalent of 1s. 6d. for each 1,000 gallons. I suggest that the centre of Australia becomes a real proposition in connection with its opening up in a way never envisaged, if this by-product of splitting the atom is correct.

This is possibly outside the subject under discussion, but I sum up my attitude towards

the Bill by saying that I congratulate the Government on introducing the measure. It is obviously a great benefit indeed to the State if we can have greater efficiency by having the isotope laboratory under one control, without splitting the administrative leadership between the medical section of the university and the institute. I believe that the Government has achieved a great deal of saving in finance by avoiding this duplication of leadership and equipment, and furthermore by allowing one team of properly qualified technicians to do the job more efficiently than would be the case under dual control. I support the Bill.

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

FOOD AND DRUGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 14. Page 486.)

The Hon. M. B. DAWKINS (Midland): I support the second reading of the Bill, which will amend section 61 of the Food and Drugs Act. I do not believe in unnecessary restrictions and controls, and I believe in the minimum of interference with individual rights, consistent with law and order. Having regard to these beliefs, it is necessary for me to examine this proposal, and all such proposals, to see if it is needed and whether it is necessary and wise, and not merely an irksome and unnecessary control.

It is obvious in this case that the amendment is most necessary. The need for legislation to safeguard the public is underlined by a situation in which new drugs and proprietary formulae are constantly being introduced to the market. It must be realized that some of these lines can be sold at shops other than chemist shops, and the fact that injudicious persons may and do use the drugs unwisely adds to the necessity for this legislation. Therefore, it is highly desirable that new drugs should be submitted to the State authorities for examination and, if necessary, for analysis before release to the public. I am pleased that my honourable friend, Mr. Bardolph, has seen fit to support the Bill and I agree with much that he has said. However, he apparently considers that some alteration should be made to the advisory committee which was referred to by the Minister. In my opinion, the provisions for examination and inspection and, if necessary, analysis before release are satisfactory and adequate, and I believe that the committee to which the honourable member has some objection is fully representative and capable.

The Hon. K. E. J. Bardolph: I only wanted a qualified pharmacist on it. I was not objecting to the committee.

The Hon. M. B. DAWKINS: I will come to that. The honourable member made something of the fact that no registered pharmacist was on the advisory committee. I quote what he said:

> 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.

In this regard, and somewhat contrary to the remarks of my honourable friend, I have ascertained that in addition to the gentlemen named by him, the three persons conversant with trade requirements on the committee are Mr. Raymond E. A. Dixon (a company director, who is qualified to advise the committee on certain food matters); Mr. John A. B. Williams (a beverage manufacturer and probably representing that side of the food industry); and Mr. K. S. Porter, a pharmaceutical chemist.

The Hon. C. D. Rowe: The Hon. Mr. Bardolph does not appear to have done his homework.

The Hon. M. B. DAWKINS: Apparently not. Mr. Porter is a member of the firm of Porter and Penhall, trading chemists of Port Road, Albert Park. I understand that Mr. Porter has been a member of this committee for some time, and that he succeeded a pharmacist. I cannot understand Mr. Bardolph's objection in this matter. I mention these facts to show that the committee does contain a really representative panel of qualified persons. I am sure Mr. Bardolph will be pleased to know that the Government is fully aware of the need for a competent advisory committee, and has already provided it.

I shall not waste the time of this Chamber unduly because this is not a contentious Bill. I believe that it is right and proper that we should guard against the use of dangerous drugs, and that this amendment is both

necessary and desirable. I commend the Government for bringing it forward and I support it.

The Hon. G. J. GILFILLAN (Northern): In supporting this Bill I commend previous speakers for their constructive speeches. As the Hon. Mr. Dawkins said, it is not a contentious Bill, but during the debate much reflective material has been brought forward. The Hon. Mr. Bardolph made a number of points which were most constructive. However, one upon which I differ from him is the selling of what I believe are the common or harmless drugs by stores and grocers. The sale of these drugs from such accessible channels provides a service to the public, particularly in those areas away from the closely populated centres. Often these drugs, such as the minor pain killers and other home medicines, are available in areas where there are no pharmacies, and this service benefits the community.

Although there have been great advances in the treatment of sickness with modern drugs, many medical men believe that some of these older and more common drugs still play a great part in the treatment of sick people. One particular instance relates to children suffering from fever and high temperatures, for which one of our most common remedies is often prescribed to bring down the temperature; and it is considered most useful in avoiding rheumatic fever. The fact that many of these common drugs are readily available is of great benefit to the community and, like the Hon. Mr. Dawkins, I should not like to see control extended so that some of these drugs, which are so readily available and have been improved over a long period and are really harmless, would be made more difficult to purchase. Also, I should not like to see more drugs than necessary brought within the Act, making it necessary for them to be obtained by a doctor's prescription. This all takes time and adds expense to the persons being treated.

The object of the Bill is to make it possible for the Department of Health to analyse drugs that are likely to be put on the market. It is interesting to read of the similar concern about drugs in other parts of the world. It is not just a problem occurring in South Australia or Australia, and it has probably received more publicity and impetus because of articles recently published in the press. It is not necessary for me to mention the name of one particular drug, which has resulted in the birth of deformed children. Concern has been caused throughout the world, particularly in America, because of the use of this drug. The Hon. Mr. Bardolph mentioned Dr. Frances Kelsey, who was responsible for having the use of this drug prohibited in America. If this drug had been discovered in America and put on the market earlier, that country may have suffered somewhat similarly as was the case in Europe. Early in 1961 Dr. Linz, of West Germany, made a survey of the number of deformed children born and his findings to a large extent led to the discovery of the dangers of this drug. It was his evidence that led to the conclusions which enabled Dr. Kelsey to have the sale of this drug prohibited in America. Since this drug and others have caused so much concern, the American food and drugs administration, by authority of the American Congress, has agreed to a 25 per cent increase in its staff—the largest single increase in its history.

I am not trying to draw a comparison between America and any other country, but the figures published last year of the number of drugs tested are most informative. A total of 693 new drugs were checked, 282 for humans and the remainder for veterinary work, and of the 282 drugs tested for humans, 99 were approved. In the last four years 20 drugs, which previously had been approved, were withdrawn. We are living in an age when the discovery of new drugs is occurring every day. We have large, reputable drug firms which have spent enormous amounts in research and with one or two exceptions (including insulin), these firms are responsible for the majority of new drugs. However, Government laboratories have contributed much valuable information and, in many instances, have been responsible for further improving and developing these drugs. Because the side effects are not always discovered until later, it has been necessary for most countries to reconsider their drug legislation and to tighten up procedure in approving of the use of these drugs for human consumption.

In addition to the large drug houses throughout the world, many smaller manufacturers of medicines and tablets are using readily available commercial ingredients, and their goods are coming into this country. Any moves for the safety of consumers and tests for the purity of ingredients will be to the benefit of the public. This is not a contentious Bill, but it is necessary for the protection of the public, and I commend the Government

for its action in attempting to protect the users of these drugs. I support the second reading.

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

JOINT COMMITTEE ON CONSOLIDATION BILLS.

A message was received from the House of Assembly requesting the concurrence of the Legislative Council in the appointment of a Joint Committee on Consolidation Bills.

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

That the Assembly's request be agreed to and that the members of the Legislative Council to be members of the Joint Committee be the Chief Secretary, the Hon. Sir Arthur Rymill, and the Hon. K. E. J. Bardolph, of whom two shall form the quorum of Council members necessary to be present at all sittings of the committee.

Motion carried.

CIVIL AVIATION (CARRIERS' LIABILITY) BILL.

Adjourned debate on second reading.

(Continued from August 14. Page 487.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This is a uniform Bill which, apparently, has been agreed upon between the various States to be presented to their respective Parliaments. Honourable members, or some of them, will remember that, on occasions, I have criticized the idea of uniformity purely for uniformity's sake. However, this Bill, in my opinion, does not come within that category, because it is not presented for the sake of uniformity but for the purpose of filling a legislative gap. The Commonwealth Act applies to damages and the like for accidents in relation to interstate and overseas journeys by aircraft, and the object of this legislation is to provide similar rights in respect of journeys within the State—those journeys commencing and finishing in South Australia.

Apparently the Commonwealth Government has been advised that it has no power to legislate in respect of such journeys and that is why the State Legislature has had to step in. The main feature of the Bill is the limitation of the liability to £7,500 of carriers of passengers in aircraft. Previously, matters of this nature have come within the ambit of the ordinary legislation and the general law of the State and no limit has applied with regard to the amount of damages available, but now, in effect, this limitation has been swapped for an absolute liability. Under our general law it has been necessary for an injured party to prove negligence on the part of an aircraft company before damages of any sort could be obtained. That position is traded for an absolute liability up to—and I emphasize the words "up to"—£7,500 for the reason expressed by the Minister in his second reading speech, that it is very difficult to prove, in respect of fatal accidents in aircraft where everyone is killed, whether there was negligence. I stress the words "up to £7,500", because to get that amount it is necessary to prove that the relatives of the deceased or the injured person, because it applies also to injury, have suffered damage to that amount. A person cannot automatically obtain damages of £7,500 in respect of death, and certainly not for injury, but damages to that limit can be obtained if proof is offered that damages have been suffered to that amount. Otherwise, the amount of damages obtained will be only what has been proved, and I think that provision is right and proper.

I am in favour of these provisions, particularly as the Commonwealth Act, which has been adopted, provides that ordinary insurance is not affected. In other words, if a person applies for £7,500 damages, or part of that amount, the amount of any insurance policy effected on that person's life or in respect of injury cannot be brought into account. Therefore, where a person has made provision for himself, which is to be encouraged by all legislation, he will not be penalized for having done so.

The Minister, when mentioning the time for bringing an action, pointed out that right of action was limited to two years. In other words, if an action was not brought within two years of the accident causing death or injury or loss of baggage then a person could not recover. The Minister pointed out that the present time limit is three years and that this Bill will change that time. Again, I have stated in this Chamber on several occasions that I believe we should be uniform in the matter of time for bringing actions, because it could be tragic to a litigant if his lawyer made a mistake and did not bring his action within the correct time. I have inquired into the time applying at present and I am doubtful—and I say this with complete respect and am not being critical—whether the present time is three years. Under Part III of the Wrongs Act every action relating to the right to

damages in the case of death has to be brought within three years, and no doubt that is what the Minister was referring to. However, under section 37 of the Limitation of Actions Act, an action for damages given by Statute must be brought within two years, which is the same as that provided for in this Bill.

I think, now there is an absolute liability fixed by this Bill in relation to ordinary liability for negligence under the Wrongs Act, that the limitation of two years in respect of damages given by the Statute would apply rather than the limitation of three years, where a person can claim for damages for negligence. I mention that merely as a point of interest, because it fortifies me in any event in supporting this case because, if anything, the Bill will bring the Act more into line with our existing law than the Minister pointed out. I draw attention to one small thing. Apparently there is a slight typographical error in clause 8 (5) of the Bill. This gives the regulation-making power and it states:

Where regulations are made by the Governor pursuant to subsection (3) of this section . . .

I believe that "subsection (4)" should be inserted in lieu of "subsection (3)", because subsection (3) relates to the publication of resolutions in the *Gazette*. I believe that correction could be made. No doubt the Parliamentary Draftsman inserted an extra subsection and forgot to alter the next figure.

I think this is a desirable piece of legislation. It has the advantage of being uniform with legislation of the Commonwealth and of other States, and in a desirable way gives a type of uniformity that is good, because it gives a definite right to people to obtain damages. It enables them to know where they stand in relation to damages, and to look after themselves in the matter of taking out insurance, which most people do when they travel by air. Such prudence is not affected by the legislation. People take out this insurance when they travel by air not because air travel in Australia is not safe, because it is safe, and it is probably our safest form of travel, for we have ideal conditions under which to fly. Nevertheless, when an accident occurs it is frequently associated with fatal results, and that is why people take out insurance. It is not because the air travel is not safe, but because of the dire results associated with air accidents. I support the second reading of the Bill and in Committee will vote for all clauses.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Regulations."

The Hon. N. L. JUDE (Minister of Roads): I thank Sir Arthur Rymill for pointing out a typographical error. In order that it may be corrected I move:

In subclause (5) to delete "(3)" and insert "(4)".

Amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment. Committee's report adopted.

ADJOURNMENT.

At 3.51 p.m. the Council adjourned until Tuesday, August 21, at 2.15 p.m.