LEGISLATIVE COUNCIL.

Tuesday, August 21, 1962.

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

QUESTIONS.

FOOD PROSECUTIONS.

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

Leave granted.

The Hon. K. E. J. BARDOLPH: Last night's *News* contains a report released by the Minister of Health. It deals with samples of various beverages taken by the Central Board of Health and, in part, it states:

Of six samples of bread two had been deficient in edible fats and sugar and one had been deficient in edible fats. All of four samples of butter tested were deficient in milk fat. Twelve out of 13 samples of processed cheese had contained excess phosphate emulsifier. Of 10 samples of cream one had contained gelatine. Of 70 samples of minced meat or sausage 30 had contained excess amounts of preservatives.

In view of the various degrees of seriousness in the adulteration of these staple food items used in our daily diet, is it the intention of the Minister of Health to prosecute these people to the fullest extent of the law?

The Hon. Sir LYELL McEWIN: I saw the report to which the honourable member has referred and read it yesterday on my way to the country, from which I have just returned. The departmental report referred to many cases, but we may accept a common denominator—taking six as a suggestion—that there have been six cases out of 600, or out of 6,000, and the whole question would depend on the degree of the departures from the ingredients recognized as being acceptable under the Food and Drugs Act. That would decide whether there would be any prosecutions. The department aims to have co-operation rather than victimization or prosecution, whichever term may be used. Without following up the question to check the prevalence of the complaints referred to, I cannot give a direct answer to the honourable member, but, generally, if there is a serious breach a prosecution is launched. It may be that a breach happened inadvertently and was not a serious departure from the prescribed amount of the ingredients. However, if the honourable member wishes me to pursue the matter further I will obtain particulars for him.

The Hon. K. E. J. Bardolph: Perhaps the Minister could get the information from the report.

The Hon. Sir LYELL McEWIN: I will do that.

MILK.

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: In the *News* on Monday, August 13, an Adelaide doctor is reported to have said that more and more people are becoming sensitive to penicillin. The high penicillin content in milk tested at a hospital recently brought home the dangers existing in the public's daily diet. These dangers are twofold—the inducement of a reaction in people already allergic to it, and sensitization of others to the drug. He added that Victoria is to be commended for the manner in which that State is tackling this threat. Will the Chief Secretary inquire from the Minister of Agriculture what steps have been taken in Victoria to ensure that milk distributed is free from penicillin with a view to taking similar action in this State?

The Hon. Sir LYELL McEWIN: I shall be happy to get a report for the honourable member, but I know something about the matter because I have discussed it with my own health officers, and the Victorian problem is of much greater dimension than the problem here. I think the honourable member can take this assurance that until now there has not been any serious problem here, but, as the honourable member requests it, I shall obtain a report from the Minister of Agriculture.

COUNCIL RATES.

The Hon. A. J. SHARD (on notice): Is it the intention of the Minister of Local Government to reconsider his decision not to introduce amendments to the Local Government Act to allow councils to remit the rates of pensioners who are suffering hardships due to the gradual increase of rates while their pensions are fixed?

The Hon. N. L. JUDE: It is suggested that the provisions of section 267a (in terms of which a council, if satisfied that payment of rates would cause hardship, may resolve to postpone payment, the amount due remaining as a charge upon the ratable property) and section 298 (which, if the auditor is satisfied that the amount due is not reasonably recoverable, empowers the council to write off such amount) are sufficient to enable the council to relieve any genuine cases of hardship. If there

were to be any general remission of rates payable by pensioners, their heirs and assigns would reap the benefit, and a proportionately additional burden would be placed upon the remaining ratepayers in the area.

CIVIL DEFENCE.

The Hon. R. R. WILSON (on notice): Will the Chief Secretary advise what action has been taken to speed up the implementation of a civil defence programme for South Australia?

The Hon. Sir LYELL McEWIN: Recently the honourable member asked a question without notice on this matter and I gave him a reply. I said I would obtain complete information for him, so I will use the following report from the Commissioner of Civil Defence (Mr. G. M. Leane) in reply to his question on notice:

In July, 1956, the Commonwealth Government opened a school of civil defence at Macedon, Victoria, and since that date 420 students, including a number of police officers have attended from South Australia at Commonwealth Government expense. For the past several years qualified police instructors have been conducting civil defence classes at the Police Training College during off-duty hours, and the sixth school of this type will commence at 7.15 p.m., on Monday, August 20, 1962. Representation from the following organizations is as follows:

	Students.
St. John	20
Country Women's Association	9
Junior Chamber of Commerce	7
Red Cross	3
R.S.L. nominees	2
Private individuals at own request	8
Total	49

This school, which is of seven weeks' duration, will cover all phases of civil defence instruction and will be followed by a similar course commencing October 15, 1962.

On January 3, 1962, a part-time Commissioner, and a full-time Deputy Commissioner of Civil Defence were appointed by the Government and the Commonwealth Government granted £15,000 to the State for the purchase of civil defence training equipment for the year ending June 30, 1962.

Although an order was placed with the Commonwealth Director of Civil Defence for the purchase of training equipment to the full value of the State grant, this equipment is not yet to hand and an additional order has been placed with the Commonwealth Directorate for a similar amount for this financial year.

On July 25, 1962, I communicated with 106 councils throughout the State in the following terms:

> "This organization will shortly be in a position to embark upon a public educational programme in the basic principles of civil defence which have, as their object, the mitigation of the effects of any disaster whether from natural causes or resulting from enemy action.
>
> "It is considered that the most satisfactory basis for the development of a civil emergency service would be within the existing framework of local government. To achieve this, it would be appreciated if your council would give favourable consideration to appointing a suitable person in your district who would be willing, on a voluntary basis, to act as a liaison officer and to assist in the organization and co-ordination of civil defence activities.
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> "The educational programme mentioned above will comprise, in the first instance, an introductory one-day course of lectures and films and be followed, later, by more specialized training of volunteers in the various civil defence services, viz., wardens, rescue, casualty, fire and welfare, depending upon the public response and the needs in the area concerned. Many existing organizations have expressed their interest in civil defence and would co-operate with the local government authority in sponsoring the courses and in developing civil defence generally."

So far, 30 of these councils have appointed a liaison officer to assist in the co-ordination of civil defence activities in their area and as soon as training equipment is available, my organization will move throughout the State on a planned educational programme. The Commonwealth President of the R.S.L. has made me a verbal offer of lecture hall accommodation at the various league branches throughout the State but as yet this has not been confirmed by the State President. However, if approval is forthcoming for the use of these halls, it will greatly assist in our future programme in this State.

JET FREIGHTS.

The Hon. S. C. BEVAN (on notice):

1. Is it a fact that a fast freight service has been introduced between Adelaide and Melbourne known as "jet freights"?

2. Are these jet freight trains limited to loads of 1,000 tons with no shunting at intermediate stations?

3. Do these trains leave Adelaide at 5 p.m. each day and are they ready for unloading at Melbourne at 8 a.m. the next day?

4. Is unloading of freight from Melbourne to Adelaide on these trains permitted at Serviceton or elsewhere on the South Australian line?

5. Has there been any alteration to the above policy since its inception?

The Hon. N. L. JUDE: The Railways Commissioner reports:

1. Yes—express freight trains known as "jet freights" operate between Mile End and Melbourne daily—Mondays to Fridays.

2. Originally these trains were limited to through train loads of 1,000 gross tons. Shunting was not carried out at any station *en route*.

3. The schedules of these trains are as follows:

Mile End	dep.	5.05 p.m.
Melbourne	arr.	8.00 a.m.
Melbourne	dep.	5.50 p.m.
Mile End	arr.	8.15 a.m.

The vans would be placed for unloading in Melbourne before 9.00 a.m.

4. Unloading of freight at any station between Melbourne and Adelaide is not permitted.

5. The only alteration to the original working is that the load *ex* Melbourne has been increased to 1,400 tons. This load is hauled to Tailem Bend, where it is reduced to 1,100 tons —the maximum permitted between Tailem Bend and Mile End. The schedule has not been affected by these alterations.

LEAVE OF ABSENCE: HON. SIR FRANK PERRY.

The Hon. C. R. STORY moved:

That one month's leave of absence be granted to the Hon. Sir Frank Perry on account of ill health.

Motion carried.

MOTOR VEHICLES ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act, 1959-1961. Read a first time.

UNCLAIMED MONEYS ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Unclaimed Moneys Act, 1891-1935. Read a first time.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT BILL

Read a third time and passed.

FOOD AND DRUGS ACT AMENDMENT BILL.

Read a third time and passed.

MENTAL HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 15. Page 533.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading, the object of which is to improve the Act by bringing it into conformity with modern-day thinking on the subject. The Minister of Health has said that the proposed amendments are based upon recommendations of Dr. Cramond (Superintendent of Mental Institutions). We have also heard that Dr. Cramond recently returned from a visit of investigation to New Zealand and the eastern Australian States, and I understand that he has prepared a report for submission to the Government, including recommendations for improving our mental health services in the light of his investigations. I am pleased that the report has been made and I await its presentation with interest. All over the world great changes in the official and public approach to the matter of mental health have taken place during the past 50 years. Prior to 1913 the Lunacy Act dealt with mental health problems in South Australia. It contained references to insane asylums and lunatics, and the public approach to the problem then was just as inhumane as was the official approach. The mentally ill were generally treated as incurable and often shut behind high walls with little hope of receiving effectual treatment. However, as early as 1911 there were people pressing for a more humane approach to the problem.

A Doctor Downey of the Parkside Asylum, as it was then called, stated in a paper delivered at the Australian Medical Congress in Sydney in 1911 that he supported the establishment of a reception house and strongly advocated a general hospital scheme. He said:

> With its real hospital environment and absence of certification, not only would there be little objection on the part of friends and relatives to submit a case to early treatment, but it is readily conceivable that the patient himself could, in the majority of instances, be induced to undergo treatment. In support of this argument I may mention that very often patients who have been admitted to our institution at Parkside under the impression that they were to have been taken to a "hospital", have bitterly resented their detention in a lunatic asylum and the deception which was practised upon them.

That quotation, although indicating a desire and advocacy for better treatment for the mentally ill, also indicates how subterfuge was used to make people submit to treatment in those far-off days. Probably there would be few voluntary patients at that time. In 1913 the Mental Defectives Act superseded the Lunacy Act. This no doubt was considered a major step forward, and that the change from referring to a patient as a lunatic to calling him a mental defective was an act of kindness. In fact it was little better than the former term. It was not until 1958 that the title of the legislation was changed to the Mental Health Act. It is fitting that it should be referred to in this way because, with modern therapeutic methods, the recovery rate has been

improving every year. With the promised Chair of Psychiatrics at the University of Adelaide and the subsequent availability of more adequately trained personnel in the sphere of mental health, further improvement can be expected. In one of his last reports, that for the year ended June 30, 1959, the former Superintendent of Mental Institutions (Dr. H. M. Birch), who had done so much for the mentally ill, said:

The facilities of the mental health services are dependent mainly upon the trained staff available, and until more qualified psychiatrists and other experienced staff are available, further expansion must be limited.

I sincerely hope that the university is soon able to find a suitable person to fill the chair. The amendments proposed have been recommended by Dr. Cramond, and I have faith in his judgment. The first amendment, made by clause 4, simplifies the granting of trial leave of absence for up to 28 days, and this appears to be a most reasonable approach. The second amendment, envisaged by clause 5, simply brings Cleland House and Paterson House into line with the Enfield Receiving House regarding the exemption of patients from the automatic management of their affairs by the Public Trustee, except on the Superintendent's certificate. This is a most desirable and necessary amendment and will bring about uniformity of treatment.

Clause 7 simplifies the procedures in relation to the admission and detention of what were called "voluntary boarders". The treatment of persons in this category is an important phase of the work and this amendment enables a much earlier start to be made with treatment and gives more chance of a cure being effected. The simplification of the procedure for the admission in voluntary cases is important and necessary. The clause strikes out sections 137 to 145 inclusive and inserts a new section 137, which states:

Nothing in this Act contained shall prevent any person requiring treatment for mental disorder from being admitted to any institution in pursuance of arrangements made in that behalf and without any formal application, request, order, direction or certificate rendering him liable to be detained under this Act, or from remaining in any institution in pursuance of any such arrangements after he has ceased to be liable so to be detained.

Clause 8 proposes amendments to section 153 (*c*), which simplifies procedures necessary for the voluntary admission of patients to licensed private mental homes in the same way as the amendments proposed by clause 7 simplify the procedures for the voluntary admission of patients in other institutions.

I pay a tribute to Dr. Cramond and his staff who are doing an excellent job under difficult conditions. The Minister said that he was aware that there was a need for improvement and that something would be done to improve these conditions, particularly at Parkside. The urgent need for this action has been brought about by the great increase in the number of admissions to these institutions over recent years. The most recent report on this subject, issued by the Director-General of Medical Services, stated that admissions at Parkside had doubled in nine years; at Northfield they had doubled in seven years and at Enfield Receiving House they had doubled in 11 years. At the same time the discharge rate has also shown a rapid increase. Actually, many more people are passing through these institutions, but not remaining in them for such a long period.

The amendments proposed will simplify the procedures for the admission, detention and trial leave of absence of patients, and I therefore support the second reading.

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

LOCAL COURTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 15. Page 534.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the second reading of this Bill and intimate that I intend moving an amendment in Committee. From the Minister's second reading speech it appeared that the Bill was introduced merely to bring about an adjustment in accordance with changing money values, but certain clauses make it obvious that a departure is to be made in relation to the absence of the right of appeal. True, the money provisions have not been altered since 1926, when the maximum amount was fixed at £30 for courts of limited jurisdiction. Section 58 of the Local Courts Act does not give a person the right of appeal if the amount of the claim or counter-claim is £30 or less. The amendments contained in this Bill will increase the £30 to £100 and although, in the past, from a cost point of view people may not have felt justified in appealing, costs in relation to £100 would not be nearly so great as they would be in relation to £30.

It is possible for some miscarriage of justice to occur under section 21 of the Act because, under that section, two justices of the peace are permitted to hear cases and, under the amendments, they will be permitted to hear cases

involving £100 or less. It is possible in remote country townships, with justices on the bench and with no solicitors concerned, for a decision to be made that could be slightly prejudicial to a defendant, notwithstanding that the justices dealt with the case quite fairly. I do not believe that a decision of this kind should be final. Even taking into account today's money values, £100 is a considerable sum and if a defendant or a plaintiff thinks that decision is not correct he should have the right to appeal. I do not object to courts of limited jurisdiction hearing cases involving amounts up to £100 but, even if a case is heard by a special magistrate, I do not believe that he should be the final arbiter, and the parties should have the right to appeal against his decision. Possibly that right would be rarely used but, even if it were used in only one case out of 100, the opportunity would be there. I have been informed that in cases where the amount is over £30 appeals have often been successful and it is logical that a wrong decision may sometimes have been given in cases involving less than £30, but they have not been subject to appeal. I need not carry the matter any further, but that is how I regard the position as a layman from what I have learned when discussing it with other people. In the Committee stage I propose to amend clause 4 by deleting "58" and "196". I believe that people should have the right of appeal under sections 58 and 196. I support the second reading.

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

HOSPITALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 15. Page 535.)

The Hon. K. E. J. BARDOLPH (Central No. 1): This is a short amendment to the Hospitals Act and it clothes the Director-General of Medical Services with the same regulation-making power as that given to hospital boards regarding the conduct of hospitals and other matters, such as grounds. The Crown Law Department has expressed an opinion that whilst these powers do reside in the Director-General, the imposition of penalties by him is not a mandatory power. Therefore, the Bill amends one section of the principal Act and confers on him powers that at present reside in hospital boards. These powers are held by the Royal Adelaide Hospital Board, and The Queen Elizabeth Hospital Board, and this particular case deals with the Mount Gambier Hospital, at which there is no board. The Minister in his second reading speech indicated that the Bill was introduced for the purpose of controlling parking in the grounds of the Mount Gambier Hospital.

I take this opportunity of paying a tribute to the Director-General (Dr. Rollison), his medical staff, and the nursing sisters who play a most prominent and onerous part in assisting to cure the ills of our sick people. I believe every honourable member is seized with the fact that our nursing sisters and doctors deserve the greatest commendation from those of us who are blessed with good health.

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

REGISTRATION OF DEEDS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 15. Page 535.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this short Bill. It relates to a subject about which I am not familiar, but I believe that it is technical in character. I understand that it gives legal right to take action where possibly previously that action has been taken illegally. I have no criticism of the Bill.

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

SALE OF HUMAN BLOOD BILL.

Adjourned debate on second reading.

(Continued from August 15. Page 535.)

The Hon. S. C. BEVAN (Central No. 1): This is new legislation and has become necessary because of the expiration of the Commonwealth patent relating to the sale of human blood. Since the expiration there has been no control over extraction of human blood and its commercialization, which I understand has caused much concern to the Commonwealth and States generally. It is desired that the States pass legislation to prevent trading in human blood on a commercial basis. For many years now we have had extraction of human blood and its transfusion for purposes of saving life. This extracted blood is used when serious accidents occur and in connection with the treatment of certain diseases. It has also been given to babies and young children. Frequently it has been necessary to drain practically all the blood from the body of a baby or a small child and replace it, by means of transfusion, with blood extracted from another person.

This has been made possible by the large number of people who have donated blood on a voluntary basis, thus rendering a great service to the community. In South Australia we must thank the Red Cross Society for its work in this field. It has accepted the responsibility of extracting blood, grouping it, and building up a blood bank that is readily available free as required by the public. It is used practically every day. If there were no legislation to control this extraction of blood and its commercialization, anything could happen. We could reach the stage that has been reached in other parts of the world. The daily press reported that in Russia it has become the practice to take blood from dead people and use it for transfusions. I do not suggest that we have reached that stage yet, but it is something we might have if there were no legislation controlling the extraction of human blood. If this extraction became commercialized we could have interests activated by profit-making, and it is easy to visualize what could happen if that eventuated. We could have a monopoly obtaining human blood on a commercial basis, and instead of having a voluntary offering of blood, as we have today, we could have a monopoly holding the community to ransom. Commercial interests could dictate how much blood they would supply and what the charge would be.

On the other hand, we must have legislation to protect people who will not protect themselves. We could have people offering blood to commercial interests and endangering their health through having too much blood extracted. In our midst we have people, often referred to as derelicts, who would offer their blood in order to get a few shillings in their pockets. We know that some people will do anything to get money to purchase alcoholic beverages. This is the type of person we must protect. The Bill provides adequate protection for them and prevents commercialization. If we pass the Bill and learn later it contains anomalies we can amend the legislation. My examination of the Bill indicates that the whole situation is covered. The Minister has power to issue licences or permits for the extraction of human blood and if it becomes necessary he has the power to revoke them. The Bill also covers the extraction of human blood by an improper person, and a penalty is also provided where an improper person offers his blood for extraction. I have much pleasure in supporting the second reading.

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

ADJOURNMENT.

At 3.06 p.m. the Council adjourned until Wednesday, August 22, at 2.15 p.m.