LEGISLATIVE COUNCIL.

Wednesday, August 22, 1962.

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

QUESTIONS.

BASIC WAGE.

The Hon. K. E. J. BARDOLPH: Has the Minister of Labour and Industry a reply to my recent question whether the Government has considered making the basic wage applicable to both male and female workers in industry where not classified by awards?

The Hon. C. D. ROWE: I have had a look at the matter, obtained reports on it, and have to inform the honourable member as follows:

The whole system of industrial arbitration in Australia is based on the prescription of not only rates of pay, but also hours of work and other conditions of employment in industrial awards, determinations or agreements. These are made by industrial tribunals or by agreement between parties. A provision of the nature suggested by Mr. Bardolph does not exist in any of the Australian States.

Careful consideration has been given to the request. However, nowhere in Australia does legislation of this nature apply, and it would appear that there are many matters that would have to be considered before the advisability of such a step could be established.

QUEEN'S COUNSEL.

The Hon. F. J. POTTER: As the number of practising Queen's Counsel in this State has been very gravely depleted in recent months, can the Attorney-General say whether the Government has had any consultations about the matter, and is it intended to make any appointments soon?

The Hon. C. D. ROWE: The honourable member knows that appointments of Queen's Counsel in this State are made on the recommendation of the Chief Justice. I have had no consultation with him regarding the matter, but am prepared to mention the honourable member's question to him at the earliest opportunity.

CIVIL AVIATION (CARRIERS' LIABILITY) BILL.

Read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The Bill makes four amendments to the Motor Vehicles Act. The first, dealt with in clause 3, is a drafting amendment. Section 21 of the Act provides that a motor vehicle cannot be registered in the absence of a certificate of third party insurance which will remain in force throughout the period of registration and 14 days thereafter. Prior to last year motor vehicle registrations ran from the first day of the month of registration. However, last year, as honourable members know, amendments were made to the principal Act to provide that registration should date from the actual day on which it took place, bringing the law in this State into line with that in other jurisdictions where "day-to-day" registration applies. In view of the provisions of section 21 concerning certificates of insurance, a consequential amendment was made to section 26 to enable the Registrar to reduce the period of registration without adjustment of the fee where the date of expiration of the registration would not accord with the certificate of insurance. The object of this provision was to enable the Registrar to register a vehicle for a shorter period than a complete year (or six complete months) where an owner had omitted to renew his registration on the due date. Thus, if the current registration of a car expired on, say, July 15, and thus became due for renewal on July 16, the renewed certificate of insurance would run only until the next July 15, and 14 days thereafter. If the owner renewed his car registration on the due date, the certificate of insurance expiring 14 days after the next July 15, would comply with section 21. If, however, the owner did not renew his registration for, say, seven days, it would still not be possible for the Registrar to renew the registration to a date after the next July 15, because of the date of expiration of the certificate of insurance.

The object of last year's amendment was to enable the Registrar to register the vehicle on a day commencing on the actual date of renewal and ending on the July 15, next, being a period of less than one year, and to do so without making any adjustment by way of refund to the owner for the seven missing days. Unfortunately, the amendment as made has proved to be defective and clause 3 of the present Bill amends the amendment made last year with effect from the time of the passing of last year's Act so as to express in more direct terms what was intended. Clause 4 relates to section 48 of the principal Act prohibiting the driving of a registered vehicle

without a registration label. Where a registration label is destroyed on cancellation of registration and a refund is applied for, an owner must either return the label to the department, or have its destruction witnessed by a police officer, justice of the peace or an officer appointed by the Registrar, or satisfy the Registrar by other evidence that the label has been destroyed. Where destruction is witnessed by a police officer, justice of the peace or an officer of the department, an owner must either arrange for his vehicle to be towed away from the place in which the label was destroyed or call a police officer or justice of the peace to the place where the vehicle is kept. In practice many owners comply with the requirements by calling a police officer. Owing to the heavy increase in the volume of work involved, the Police Department has felt compelled to make a charge where a police officer is called away from his station for the purpose and this reacts to the detriment of the owner. It has accordingly been decided to ease these requirements by making a regulation which would enable a vehicle to be driven without a label from the police station to the place where the vehicle is to be kept, stored or shipped.

The amendment to the Act provides that it shall be a defence to a charge of driving without a label if it is shown that the vehicle was being driven under circumstances in which the Act or regulations provide that a vehicle may be so driven. Clause 5 amends section 98a of the principal Act by providing that police officers acting in the course of duty shall not be required to hold instructors' licences. Police officers instruct one another in the ordinary course of their duties and it is considered unnecessary to require them to go through the formal process of obtaining instructors' licences to cover them in carrying out their ordinary functions.

Clause 6 is of a different order from the other clauses and is of great importance. It is designed to remove doubts that appear to exist regarding the operation of the third party provisions which enable actions for damages for bodily injury or death to be brought directly against insurers where the wrongdoer has died. This particular provision has been in our law since 1936 when it was inserted in the Road Traffic Act as section 70d (2). The provision, shortly stated, is that where an insured person has caused death or injury by negligence in the use of a motor vehicle covered by third party insurance and the insured person is dead or cannot be served, any person who could have obtained judgment against the insured person if he were living or had been served with process, may recover directly from the insurer. The provision was re-enacted in substance in the consolidating Motor Vehicles Act in 1959 where it appears in section 113.

In 1940 there was enacted the Survival of Causes of Action Act, which provided that on the death of a person all causes of action subsisting against him should survive against his estate—it was also provided that where the person liable died before or at the time of the damage the cause of action should be deemed to have been subsisting against him before his death. But proceedings for torts—*i.e.*, civil wrongs, like negligence—could be taken only if the cause of action arose not earlier than six months before the death and the proceedings must be taken not less than six months after grant of probate or letters of administration of the wrongdoer's estate.

As I have said, the Survival of Causes of Action Act was passed in 1940. I think that it has been commonly thought that the provisions of that Act did not affect those of the Road Traffic Act enabling proceedings to be taken against the insurer where the wrongdoer has died, but, however that may be, it has recently been held by the High Court (under similar legislation in New South Wales) that the effect of the Survival of Causes of Action legislation in that State was to take away the right of direct action against the insurer. As one of their Honours explained it, when the third party legislation was passed, the law was that causes of action in tort did not survive the death of the wrongdoer and the provision in the third party legislation proceeded on that assumption and provided a remedy for that situation. But with the passing of the legislation permitting the survival of causes of action against the wrongdoer's estate the old rule was displaced and the condition necessary for the operation of the earlier legislation no longer existed. In short, the Survival of Causes of Action Act operated as an implied repeal of the third party provisions giving a right of action against the insurer, so that plaintiffs had the right only to sue the estate of the deceased wrongdoer. This could result in injustice since, as I have said, actions against the estate are subject to limitations as to time which do not apply in the case of actions for damages generally. If this is the

law in this State it means that a plaintiff who believes that he has three years in which to sue for bodily injury may find that the proposed defendant died over six months earlier in which case he cannot proceed against the estate and, of course, he is not in any position to sue the insurer if the law enunciated by the court applies in this State.

This Parliament has passed the Motor Vehicles Act, 1959, as a consolidating measure and has re-enacted section 70d (2) of the Road Traffic Act and it could be argued that, whatever might have been the position before 1959, the express statement of the right to proceed against the insurer in 1959 cannot be affected by an Act passed in 1940. I believe that it was not the understanding of this Parliament when the Motor Vehicles Act was passed in 1959 that section 70d (2) of the Road Traffic Act had been affected by the Survival of Causes of Action Act of 1940 or that the 1940 Act was affected by the Motor Vehicles Act in 1959.

Clause 6 is designed to remove all doubts on this matter by making it clear that the passing of the Survival of Causes of Action Act in 1940 was not intended to and did not affect the operation of section 70d (2) of the Road Traffic Act or section 113 of the Motor Vehicles Act. The clause inserts a new subsection (2) into section 113 of the principal Act, declaring that a right of action against an insurer where the insured is dead exists and has existed since the enactment of section 70d (2) of the old Act and 113 of the new Act notwithstanding that the claimant has or had a right of action against the estate of the deceased.

The clause is declaratory in form—that is to say it has retrospective operation and effect. If this Parliament considers that the effect now sought to be put beyond doubt is what the Parliament intended, then I believe that no exception to the form of the clause will be taken. It is simply a statement of Parliament's intention at all times and will obviate the necessity, so far as this State is concerned, of lengthy argument as to what the law is. The Government understands that there are and may be cases in which proceedings have not yet been brought where litigants cannot be sure of their position and there may be pending cases in which the point could arise—cases which concern accidents that happened up to ten years ago. In these circumstances I believe this Parliament would wish to set out its intention in clear terms.

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

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UNCLAIMED MONEYS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The Unclaimed Moneys Act enables companies to pay to the State Savings Bank to the credit of the Treasurer for the use of the public revenue any moneys which have been in their possession for six years or more where no claim has been made by the owner. The Act contains provisions requiring companies to keep registers of unclaimed moneys and publish such registers annually in the *Gazette*.

No simple provision exists for the disposal of unclaimed moneys by private persons—for example, business people—who find themselves in possession of small sums which they cannot dispose of because the owner cannot be traced for one reason or another. Recently it was brought to the notice of the Attorney-General that an amount of ten shillings was held in a land agent's trust account—the only way in which this money could be disposed of and cleared from the account would have been by payment into the Supreme Court under the Trustee Act, an impracticable course in view of the amount of administrative work and costs involved.

The Bill is designed to meet the convenience of persons in this position by enabling them to pay amounts to the Savings Bank in the same way as companies without, of course, the requirements as to keeping registers and other administrative procedures. Clause 4 accordingly inserts into the principal Act a provision that any person (not being a company) who has been in possession of moneys for one year or upwards, of which the owner cannot be found, may pay such moneys to the bank in the same way as a company, provided that when paying the moneys in, the person concerned lodges a statutory declaration setting forth the details and circumstances. The receipt of the bank is to be a discharge of the liability of the person concerned. Clauses 5 and 6 are consequential amendments, which will apply to private persons the existing provisions that if a claimant satisfies the Treasurer that he is the owner of the money it can be paid to him and that the Treasurer is absolved from further responsibility in case another person should make a claim.

Opportunity is also being taken in the Bill to make a procedural change in the provisions for payment of unclaimed moneys. The principal Act specifies that they are to be paid to

the Savings Bank of South Australia for the Treasurer's account—clause 3 will remove this requirement by specifying direct payment to the Treasurer thus obviating unnecessary administrative work since the moneys are destined for the Treasury in aid of general revenue in any event. Apart from the procedural amendment made by clause 3, the Bill does not affect the existing provisions concerning companies which have operated over a number of years. I believe that the Bill effects a desirable change in the law which will meet the convenience of business people and others.

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

MENTAL HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 580.)

The Hon. C. R. STORY (Midland): I support the second reading. The Bill amends four portions of the Mental Health Act, and we have been given an extremely lucid explanation of it by the Minister. The Hon. Mr. Kneebone also gave much historical information leading to the introduction of this type of legislation. Mental health is a problem not only in this State, but in other States of Australia and in other countries. In this State much has been accomplished in this field since 1910, and although there has been some criticism of what has been done in South Australia, very marked progress has been made. This opinion seems to be shared by people in this and in other States who have acted on commissions of inquiry from time to time.

Clause 3 strikes out the heading of Part IV of the Act "Voluntary Boarders", and inserts in lieu thereof, "Informal Admissions". Clause 4 simplifies the procedure for granting trial leave of absence for 28 days, and this will assist in the administration of mental institutions as well as being of benefit to patients who are given an opportunity to have leave and thus ascertain their reactions to that leave. Clause 5 brings Cleland House and Paterson House into line with the Enfield Receiving House. The exemptions which have been available at the Enfield Receiving House for some time will now be available at the other houses, so that a person who is entering either house on a voluntary basis for treatment is not necessarily automatically certified, with his affairs managed by the Public Trustee. This is a worthwhile amendment, and a sick person will know that someone will manage his affairs.

Clause 7 deals with the admission and detention procedure for those people who are entering these institutions as "informal admissions". This is probably the most important part of the Bill. Prevention is better than cure, and it is necessary to facilitate the entry of people who are not mentally well and who realize it, into an institution where they can be treated. It is necessary for these people to realize that they are sick in the same way as are people with ordinary illnesses, and for them to be treated in a hospital environment. Treatment should be given in the early stages in order to obviate patients suffering from more severe forms of mental illness. The most important thing about this clause is that no formal application is necessary. If a private doctor or the doctor looking after the establishment considers that a person should be admitted, and if that person is willing, he may enter the institution of his own volition. It is not necessary in a case like this for the person to be certified. It is frightening for people in their normal state of mind to think that they may be certified. It is important that people who are suffering from an anxiety state should feel that they can go voluntarily and be treated, rather than suffer from the age-old fear, built up over centuries, that they may be certified. In addition this is a good provision for people who have a more severe illness and who may be certified, but who when discharged after a period of treatment may wish to remain as voluntary patients. They can still be treated and receive the benefits of the services provided under the Mental Health Act. Clause 8 simplifies the procedures for voluntary admission to private licensed institutions in the same way as provided in the previous clause, and this is a useful amendment. Many patients and also people responsible for their welfare are willing to pay fees, and this clause is a sensible provision which makes it easier for them to enter these places.

From time immemorial a person mentally sick has been looked at askance by the rest of the community. Many people have been afraid to reveal that one of their family was mentally sick. History records that people were kept in the most dreadful conditions because their families were not prepared to have them treated, because it was a social stigma on the family if one member was mentally sick. We have read of people being kept in underground tanks and of many dreadful types of subterfuge to keep the knowledge from other people. With the assistance of

many voluntary bodies in Australia and in other countries and a change in Government thinking, our Mental Health Acts have come into being. By the introduction of this legislation we have another example of the changed thinking in the matter of mental health. It is not a crime for anyone to be mentally sick. We must overcome prejudice against people who have been treated at a mental hospital. Many who have been to such a hospital have a certificate to say that they are well again, but others who walk our streets do not have such a certificate. There has been an increase in the number of people admitted to our mental institutions, but I do not think that is necessarily a bad thing because many of those admitted in the last few years can now take their place in the community, be employed, and have no further mental troubles. In previous days little treatment was given and afflicted people merely continued in their state of anxiety until there was no hope for them, when they were placed behind iron bars and grey walls for the rest of their lives.

The changing pattern of our social life has also had an effect. Over the last 20 years there has been a remarkable change in the pattern. At one time the family unit was proud of the fact that the eldest member was aware of his responsibilities, but in recent years when Mum and Dad and Aunt have become old and forgetful the remainder of the family has looked for somewhere to put them because they have upset the lives of the people with whom they were living. Aged and infirm people, who are by no means insane, need assistance. Many are being placed in institutions, and the number is greater than was the case 30, 40 or 50 years ago. Like poverty, this sort of thing is always with us. In many unenlightened countries the sheet anchor of the family is always the eldest member. In Africa, where the tribal system still operates, irrespective of the eldest member's capacity to carry out his normal daily tasks he is still the revered member of the family and is given special treatment. The same thing applies in the Chinese and Indian philosophies, and I do not know that we should not emulate it more than we do. I do not suggest that many families would throw out the older members, but there is a swing towards getting rid of old people who have played their part.

According to the 1961 report of the Director-General of Medical Services patients admitted to the Northfield Mental Hospital in the last year totalled 140 Australian born people and 48 migrants. If we compare the 48 with the 140, and the migrant population with the natural born population, we get a high percentage. Many people coming from Communist countries and those who went through the regime of Nazi Germany had extremely difficult times in their early days. There is a trend in these days of greater migration for more migrants to be admitted to our institutions. From 1840 to 1890 admissions to the Parkside institution were greater per capita than present admissions, and it was so also in the period from 1900 to 1909. Although we have more people in our mental institutions, they do not all go to the Parkside Mental Hospital, which is probably the last place to which these people go. Many are being treated at other places and later discharged, with the result that total admissions now are proportionately much less than in earlier periods. I am pleased with the amendments in the Bill and the progress being made at our mental institutions. Although many of them may not have things as good as those in the Jones's place next door, we must remember that in many spheres South Australia leads the Commonwealth in mental health treatment. I have pleasure in supporting the Bill.

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

LOCAL COURTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 581.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which is designed to effect a small amendment to the Local Courts Act by providing that the limited jurisdiction of a local court should be increased from the present £30 to £100. In South Australia we have 93 local courts, and of that number 27 are courts of limited jurisdiction only. They have jurisdiction up to the existing £30, but the rest of the 93 are courts of both full and limited jurisdiction; full jurisdiction extending from £30 up to a limit of £1,250. The thing to notice about these 93 courts is that they are located throughout the State and their existence means that just about every reasonably sized town has a local court office; usually in some of the smaller towns this is located at the police station, with the local constable or sergeant acting as clerk and bailiff. Courts of full jurisdiction are located in some of the larger country towns. The interesting thing about the difference between limited and full jurisdiction is that in full jurisdiction courts in cases

relating to amounts from £30 up to £1,250 the court must be constituted at the hearing of an action by a special magistrate, who in this State is a person who is always appointed from the ranks of those who are barristers and solicitors of the Supreme Court.

Up to the small limit of £30, as now exists in limited jurisdiction, the court may be constituted of two justices of the peace and from any decision, whether it be that of a magistrate or a court constituted of two local justices, there is no appeal to the Supreme Court. The combination of the two facts that the court may be constituted of two justices and that there is no right of appeal in limited jurisdiction is, in my opinion, a little disturbing in any question that arises about increasing the limited jurisdiction to the amount of £100. This is not because of the reason suggested yesterday by the Hon. Mr. Shard. He said that he felt it was possible if justices of the peace constituted the court there could be some miscarriage of justice in their being permitted to hear limited jurisdiction cases. He considered that it was possible that with justices on the bench they might be prejudiced—I think that is the term he used—in favour of one of the parties. I have had much to do with justices, but I have never felt that a court constituted of two justices was in any way prejudiced toward one of the litigants. It is true, and I can say this pretty authoritatively, that as a matter of administration, even with the £30 limit, rarely, if ever, are justices of the peace actually called upon to adjudicate in a local court on a disputed claim. I know of only one case in my experience, and it was a somewhat minor matter concerning the damage done to someone's hedge by escaping gas.

The fact is that in the metropolitan area and in the large country towns which magistrates visit regularly they take any limited jurisdiction cases up to £30 as well as full jurisdiction cases up to £1,250. Therefore, I feel that Mr. Shard's suggestion that justices might be prejudiced is really not the point at issue. However, what is at issue are these facts—firstly, the two justices have no training at all in civil law cases, although they are perfectly capable, in my opinion and in the opinion I think of most citizens, of looking up a Statute, such as the Road Traffic Act or the Police Offences Act, of seeing in black and white what the offence is and what the penalty is, and of functioning as courts of summary jurisdiction. A man may have failed to give way and is fined a certain amount, and another defendant may have been drunk or have committed an offence under some other Statute. These cases are simple, but I am sure that justices of the peace would be candid enough to admit that when it comes to a nicety regarding a matter of contract law as to whether one person is indebted to another or determining whether as a matter of civil law of negligence a person should pay damages for an accident in which he was involved, they would say, "This is not a matter for us, but for someone who has had training in law." As we all know, the civil law is largely an unwritten law and as such is not available to justices of the peace as in the case of a Statute, where they can ascertain what the offence is and what the penalty is. Therefore, I think we should give some consideration to retaining the jurisdiction of magistrates in cases from £30 to £100. I agree with my friend, Mr. Shard, that even in these days £100 is a pretty fair sum to the ordinary working man. I have the support of His Honour the Chief Justice in that, because in a recent case when I was before him he expressed the same sentiment.

There is another factor we must consider. By increasing the jurisdiction to £100 we shall in fact be taking away the right of appeal in such cases if nothing is done to remedy the position. In 90 cases out of 100, and perhaps even in 99 cases, if a man has a perfectly legitimate claim in law, when a summons is issued the defendant fails to appear or defend the case, and the plaintiff signs a judgment and goes ahead with the process of issuing an unsatisfied judgment summons or a warrant. The intervention of a magistrate or two justices in such a case is not required: this is only called for when a case comes before the court for adjudication.

When the Bill was introduced nothing was said about the right of appeal. I believe that the exercise of the right of appeal is practicable, but honourable members must realize that the procedure is costly to litigants because an appeal must be to the Supreme Court. I believe that any dissatisfied litigant, involved in a matter concerning less than £100, would think not once, but three or four times before briefing counsel and appealing to the Supreme Court. Indeed, although I can quote no actual authority for this statement, I made inquiries and understand that officers in the Supreme Court cannot recall any case involving less than £100 coming up for appeal from a local court for many years. The best compromise would be to leave the jurisdiction from £30 to

£100 with the special magistrates, all of whom are well qualified and able to determine these cases satisfactorily. We should then not worry unduly about the right of appeal.

I support my statement of the need to retain this jurisdiction to the magistrates by quoting a paragraph from a judgment recently delivered by His Honour Mr. Deputy President Williams when he considered certain salary questions relating to magistrates. In an informative judgment His Honour set out a comparison of the jurisdictions and duties of magistrates in South Australia with those in other States on the civil jurisdiction side, which is the point I wish to make. He said:

In South Australia the jurisdiction of stipendiary magistrates extends up to £1,250. The next highest is in Queensland where magistrates have jurisdiction up to £600, and in Western Australia the limit is £500. In Victoria it is £250 and in Tasmania it is £250, but the defendant may object to the case being heard by a magistrate if the claim exceeds £150. In New South Wales the limit is £150, but the defendant may object to the jurisdiction if the claim is over £50. In the Northern Territory the limit is £1,000 and in the Australian Capital Territory it is £200.

Honourable members can see from that comparison which His Honour drew, that there is a sound basis for suggesting that the magistrates' jurisdiction should still be retained up to £100. I have drafted a small amendment, which is on members' files and will have the effect of amending the Act to that extent. That matter can be considered in the Committee stage.

In introducing the Bill the Attorney-General said it was designed to meet certain difficulties that had arisen, particularly in remoter country areas, because members of the public had to go to a distant court of full jurisdiction to issue claims over £30. I understand, from private talks, that the biggest difficulty has arisen on Eyre Peninsula. I do not object to the increased jurisdiction on this ground, but I am surprised that members of the public do experience difficulties in this regard. After all, Eyre Peninsula has full jurisdiction courts at Port Lincoln, Ceduna, Streaky Bay, Cowell and Minnipa, and in these days of fast and efficient postal services little difficulty should be experienced by anyone asking for a summons to be issued out of one of those full jurisdiction courts.

No great problem arises with service, because virtually wherever a police constable is located a summons can be served without extra expense and, of course, any court, whether of limited or full jurisdiction, can hear an unsatisfied judgment summons. However, I accept the statement of the Minister that difficulties have arisen, because this could be so in certain cases. The extension of this jurisdiction to the figure mentioned should meet all the difficulties in that regard. I have much pleasure in supporting the second reading and I will raise the question of the retention of the magistrates' jurisdiction up to £100 when the Bill reaches the Committee stage.

The Hon. R. R. WILSON secured the adjournment of the debate.

HOSPITALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 581.)

The Hon. G. O'H. GILES (Southern): I rise to support the Bill, and in doing so I agree with the remarks of my friend the Hon. Mr. Bardolph. I do not intend to elaborate greatly on the amendment contained in the Bill. Simply put, it seeks to alter section 16 of the Act and remove any doubt that exists about the power of the Director-General of Medical Services to control various aspects of hospital administration. As the Minister of Health has already told the Council, a problem exists relating to the grounds of the Mount Gambier Hospital and, in particular, to the control of vehicles in that area. Section 16 of the Act already empowers any hospital board of management to exercise control over various aspects of hospital administration. This amendment is necessary to give the Director-General (Dr. Rollison) specific power in these matters, because no board exists in relation to the Mount Gambier Hospital. My only comment on this is that it might be a good idea if a board were appointed at Mount Gambier. I believe some Government hospitals in country areas do have such boards of management, but the Mount Gambier Hospital at present has no such board. I believe it is desirable that a local board should annually draw up a budget for the ensuing year's expenditure, and I think that it is right that such budgets should be submitted to an authority—in this case the Minister of Health and his department—and be pruned according to the money available for the hospital for the period under consideration. Further, I believe that such boards of management should then be capable of controlling their expenditure according to the recommendations from that authority. There is some virtue in having local knowledge available to help with proper hospital administration in a particular area. Applied on the

broader field, it seems that allocations of money are apportioned each year in, say, the fields of education and hospitalization, and if budgets from different areas are considered and properly pruned in all cases, these boards of management should be capable of exercising proper administrative control within the limits of those budgets.

The people of Western Australia are extremely proud of the Perth Royal Hospital, and I believe it enjoys a great deal of goodwill from the medical fraternity. The method of administration of this hospital is by a central board of management comprising Government, independent, honorary and other types of efficient representation. However, the cost per bed does not compare favourably with the existing cost in South Australia. A report from the Perth Royal Hospital states that the cost per bed per day is £6 19s. 7d. at that hospital, and in spite of the fact that it is a teaching hospital (which adds to costs), this appears a very high figure.

I am sure all honourable members would agree with me that it is important that proper use should be made of taxpayers' funds in terms of value per bed. The use of funds for hospitalization in this State is very efficiently handled, and a great deal of the credit for this state of affairs must go to the Minister of Health and the officers of his department, particularly as subsidized hospitals in this State play such an important local part in caring for people in ill health. It is mainly due to our subsidized hospitals that we achieve in this State the best utilization of public moneys in terms of the number of beds available. It is with pleasure that I support the Bill.

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

REGISTRATION OF DEEDS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 581.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I do not think this is a very important Bill, and I cannot see any possible objection to any of its clauses. I think it has only two provisions; the first is to enable the registration of the appointment of new trustees relating to personalty only, and the second is to enable a deed poll or an instrument to be registered relating to a change of name. Regarding a change of name, I have had occasion to look into the law on this question in the past. I have not brushed up my recollection of it because it has not been necessary, but if I remember rightly, under the old English ecclesiastical law you could not change your baptismal or Christian name legally, whereas you could change your surname. Your surname is what you are known as, but your baptismal name sticks for ever, although in practice Christian names are changed less than surnames. The fact is, whether it is legally right or not, Christian names are usually not changed. Whether a deed is registered or not to change a Christian name, it might well be ineffective. My reaction to this Bill when I first read it (and I speak briefly on it because it is not important) was to wonder how we have got on for 125 years without it. Then I thought probably some pedant might have been at work with a new interpretation or construction of the law. That may well be the case because in the second reading speech appears:

> 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.

I do not know precisely what the last few words mean: "due effect is given to the deposit". I do not think, from reading clause 5, that the effect of depositing a deed changing a Christian name will be any greater than it has been in the past. Again, that is by the way. Personally, my inclination would be to tell the powers-that-be to go on registering documents as they have done in the past, and have done with it. However, that might merely be the sort of attitude of a back-bencher who has no particular responsibility in the matter. I have no objection whatsoever to the Bill if it is thought necessary to introduce it, and I shall certainly support it.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Enactment of s. 35a of the principal Act."

The Hon. C. D. ROWE (Attorney-General): I agree with the remarks of Sir Arthur Rymill in that probably nothing serious would have happened if we had not introduced this legislation. On the other hand, it is generally agreed that the office of the Registrar-General of Deeds in South Australia has operated efficiently and satisfactorily for a long period.

It has maintained a very high standard and its officers have given good service to the community. We should always endeavour to keep that reputation and see that the high standard is maintained. For that reason I felt it correct to put the matter on a proper basis.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

SALE OF HUMAN BLOOD BILL.

Adjourned debate on second reading.

(Continued from August 21. Page 582.)

The Hon. M. B. DAWKINS (Midland): This Bill is necessary because of the expiration of the Commonwealth patent regarding extraction of human blood. It is needed in the first instance to protect the Red Cross blood transfusion service so that it can continue to provide the public with readily available free blood. The Minister of Health explained the Bill clearly and said that it was the result of Commonwealth-wide consultation and consequent recommendation that such legislation should be introduced throughout Australia. I believe that it is highly desirable that the provision of the blood bank in South Australia should be on a voluntary basis as at present, and that it should remain so. It is the result by and large of unselfish and thoughtful actions by citizens on behalf of their fellows. The Bill is designed to ensure that this state of affairs continues. I agree with the Hon. Mr. Bevan that the Bill appears to cover the situation adequately and that we must thank the Red Cross Society for what it has done and is doing.

In many places last Sunday week was celebrated as Red Cross Sunday and the work of this great society was praised, as it should be. One of the most important and valuable aspects of its work is covered by the blood transfusion service. The general work of the Red Cross Society is known far and wide, and the blood transfusion service cannot have too much publicity and support. In South Australia last year through this service more than 34,000 pints of blood were supplied to patients needing it. The society now has more than 22,700 donors in this State. This work needs more assistance and certainly not the possible competition of commercial interests, which unhappy situation might occur if this Bill were not supported. I commend the Government for its forethought in introducing the legislation.

The fact that the Red Cross Society needs more support, and will continue to need it, is underlined by the following figures. In 1950 the demand in South Australia was for 6,000 pints of blood. In 1962 more than 34,000 pints were required. By 1975 it is expected that more than 80,000 pints will be needed. For these reasons the Red Cross Society needs constantly to increase its panel of blood donors, and we should do all we can to assist in extending the service to the community. It would be most regrettable if this wonderful work were to be commercialized or subjected to competition; therefore, I commend the Bill to members and support the second reading.

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

ADJOURNMENT.

At 3.34 p.m. the Council adjourned until Tuesday, August 28, at 2.15 p.m.