HOUSE OF ASSEMBLY.

Tuesday, November 6, 1951.

The SPEAKER (Hon. Sir Robert Nicholls) took the Chair at 2 p.m. and read prayers.

POTATO SUPPLIES.

Mr. O'HALLORAN—I noticed in this morning's press a statement by Mr. Strickland, chairman of the Potato Board, that, following the arrival of a shipment of Western Australian potatoes at Wallaroo, supplies should be available in the metropolitan area tomorrow. Can the Minister of Agriculture say if the Potato Board will be responsible for the distribution of the potatoes and, if so, will he see that a quota is made available to country districts?

The Hon. Sir GEORGE JENKINS—I will bring the matter under the notice of the chairman of the Potato Board and bring down a report.

SWEETMAN'S ROAD DRAIN.

Mr. FRANK WALSH—Will the Minister of Local Government get a report as to how soon the work of constructing a drain at Sweetman's Road will be commenced and completed, and whether Sweetman's Road and Marion Road are to be placed on the main roads schedule?

The Hon. M. McINTOSH—I will obtain a report from the Highways Commissioner and get the exact position regarding the matter. The main roads schedule involves hundreds of roads, and at this stage even the Commissioner would not be able to say which roads are contemplated for inclusion and which will be approved. I will get as much information as I can and make it available to the honourable member this week.

MOONTA BAY WATER SUPPLY.

Mr. McALEES—In January last, during the water shortage, a promise was made that a pressure tank would be installed at Moonta Bay with a view to supplying water for local residents and tourists. Can the Minister of Works say what has been done in the matter?

The Hon. M. McINTOSH—The honourable member is correct in saying that at that time it was said that a pressure tank would be put in at the earliest opportunity. Following on his representations and my reply, in February, 1950, a tank was ordered. It has now been received but because of the steel shortage the contractors have not been able to supply the necessary 20ft. tank stand. It has therefore been arranged by the department to undertake the fabrication of the stand at its Crystal Brook workshops when the steel becomes available. The steel for the stand has not come to hand, but the district engineer has explored the use of substitute sections and has arranged to begin the work. It is expected that the erection of the tank will be commenced early in 1952.

SPOON DRAINS IN BOTANIC PARK.

The Hon. S. W. JEFFRIES—Has the Minister of Lands obtained a report regarding the spoon drains in Botanic Park?

The Hon. C. S. HINCKS—I have received a report to the effect that it is now considered by the Board of Governors of the Botanic Garden that the spoon drains constructed on Park Road have achieved their object. The Board has therefore decided to put Botanic Drive and Plane Avenue Drive in order as soon as a contractor is available.

CANBERRA REPATRIATION CONFERENCE.

Mr. MACGILLIVRAY—Has the Minister of Lands anything to report concerning the conference held in Canberra last week, which he attended as Minister of Repatriation?

The Hon. C. S. HINCKS—The conference was arranged in the first place to enable the new Commonwealth Minister in charge of soldier settlement, Mr. Kent Hughes, to get to know the State agent Ministers and their officers, and then to discuss repatriation problems, some of which have presented themselves recently. All the problems were fully discussed, but no decision was made on some of them. It was decided that a further conference would be held in this State in three or four weeks time to go further into some of the problems. The conference was held at Canberra on Monday, October 29, when matters concerning war service land settlement were discussed. The three States concerned—South Australia, Western Australia, and Tasmania—agreed that eligibility under the War Service Land Settlement Scheme should be extended to members of the Korean and Malayan campaigns, and to members of the B.C.O.F. It was also agreed to extend to settlers under the scheme the right to freehold. In South Australia this will operate after the land has been held under perpetual lease for 10 years, or earlier in special cases approved by both Governments. This does not apply to irrigation areas, as no power exists under State law

to permit freeholds of such land. The Tasmanian law allows freeholding after six years. A Bill is now being considered by the Western Australian Parliament to allow freeholding after 10 years. The decision made some time ago to include the widow of a deceased settler as an eligible person was also confirmed. It was also decided that blocks in Tasmania surplus to requirements for Tasmanian ex-servicemen should be made available in the following priority: (*a*) to ex-servicemen of other States, (*b*) to British migrants, and (*c*) to civilians. It appears that in Tasmania the Government has proceeded with development of land on King and Flinders Islands and that there are not sufficient applicants for the land which has been prepared. That is the reason why some of it is to be made available to ex-servicemen in other States.

Other matters discussed were the existing ceiling price for the purchase of properties for war service land settlement permitted by the Commonwealth and the time at which and the basis on which valuations of holdings should be made for allotment and for the purpose of write-off as between the State and the Commonwealth. Agreement on these two matters was not reached and they will be further discussed at a conference of officers to be held in Adelaide about the end of November. Further matters raised only by South Australia included the position which arose when there was a difference of opinion between State and Federal officers as to the suitability of properties, for I felt that at times there was some injustice. Further discussion will take place on that question in Adelaide in the near future. The conference discussed the difficulty of obtaining Australian fencing materials. This difficulty has been increasing and only recently one of the main firms manufacturing fencing wire returned an order to this State pointing out that it was unable to supply any wire as defence had priority over fencing materials. The difficulty of obtaining suitable heavy tractors for developmental work was discussed. We have had a very large number of heavy tractors—some up to 140 horsepower—on order for some time, and these have not been made available. We had a number listed under the million dollar loan, but that particular make was required by the U.S.A. for its war effort, and the order was cancelled, as the U.S.A. will not permit those tractors to be shipped to Australia. That is aggravating the position with regard to the State's requirements for tractors. The conference also discussed the purchase of dairy propositions of a lower carrying capacity than that required by the Commonwealth at present, which would enable properties to be purchased which could be worked by the settler himself without the employment of labour. I took up this matter because I felt that, although the Commonwealth has laid down that any dairy proposition should be on a 50 to 60 milking cow basis, that is very high unless the dairyman can secure an employee to help him. I felt a discussion would be worth-while on dairy propositions of 35 to 40 cows which men might be able to handle by themselves. That may seem harsh, for it is a seven day a week job, but I thought it worth-while mentioning. It will be considered at the conference to be held in Adelaide towards the end of this month.

MILK PRICE.

Mr. MOIR—Can the Minister of Agriculture say when the milk industry's case for an increased price will be considered, as there has been a stiff rise in the cost of wages, tyres and petrol? I understood the price increase would be arranged by the Milk Board when necessary and not by the Prices Commissioner?

The Hon. Sir GEORGE JENKINS—No request has come to me, as Minister, in regard to an increase in the price of milk. I presume that any approach would be made to the Milk Board, and I will ascertain whether such approach has been made.

BRICK SUPPLY.

Mr. HUTCHENS—An article in yesterday's *Melbourne Herald* reads:—

The Premier, Mr. McDonald, said today that an English firm interested in making bricks here used a new technique. The Victorian Government was very anxious to persuade the firm to set up a plant in Victoria because of the acute shortage of bricks. Mr. McDonald said he had few details of the technique, but he knew it centred around the generation of heat from oil. The firm is the London Brick Company. A London cable says the firm will fly a representative to Melbourne this month to put a proposal to Mr. McDonald.

Will the Premier have this matter investigated with a view to persuading this company to operate in South Australia and help alleviate the grave shortage of bricks?

The Hon. T. PLAYFORD—Although the honourable member has given no name and consequently I cannot positively identify the firm, I believe it has already arranged to visit and discuss this matter in South Australia. Whether they have any concrete proposal to put forward when they arrive and what is its nature I am not in a position to say.

ROYAL VISIT: PUBLIC HOLIDAYS.

Mr. TEUSNER—With reference to the proposed visit to the Barossa Valley on March 13 next year of Her Royal Highness, Princess Elizabeth, will the Premier consider declaring that day a public holiday for residents of the Barossa Valley and adjoining districts so that they may be given the opportunity, particularly the children, to take part in the celebrations?

The Hon. T. PLAYFORD—The question of public holidays has already received some consideration by the committee appointed to arrange the itinerary of the Royal Tour. It has been decided that a public holiday will be declared for Adelaide and surrounding districts on the Saturday, when the Royal progress will take place, and that special arrangements will be made for suitable holidays to be proclaimed in areas where the Royal Visit takes place on other days. For example, Port Lincoln will not have a holiday proclaimed on the Saturday, but on the day on which the Royal Visit is made to that town. Similar conditions will apply to Whyalla and surrounding areas. With regard to the Barossa Valley I will take the honourable member's question into consideration and see what will be a suitable arrangement.

Mr. Macgillivray—What about Renmark?

The Hon. T. PLAYFORD—It will be treated in the same way.

OIL EXPLORATIONS.

Mr. RICHES—Can the Treasurer advise whether any oil explorations are taking place in South Australia at present and, if not, has consideration been given to the question of conducting such explorations by air in the Lake Frome area?

The Hon. T. PLAYFORD—At present no company is undertaking any exploration, and as far as I know no search rights have been taken out recently under the Mining Act. A geophysical survey will be started almost immediately on Eyre Peninsula dealing particularly with iron ore deposits, and that will be extended to other parts of the State. I am not sure whether the instruments available would be suitable for oil exploration work, but I will inquire and let the honourable member know.

Mr. FLETCHER—I understand that some time ago a company was granted a lease to search for oil in the South-East. Can the Premier say what progress has been made in that search?

The Hon. T. PLAYFORD—As far as I know, there are no leases outstanding at present, but the honourable member will realize that this matter is under the control of the Minister of Mines, so it is just possible that a lease may be in existence although nothing very active is being done in connection with it. I will obtain a report for the honourable member.

HILTON BRIDGE.

Mr. FRED WALSH—In yesterday's storm a considerable portion of the Hilton Bridge was broken down. This is not an unusual occurrence—indeed it is frequent and must cost the department a considerable sum of money because of the labour which must be used to patch it up from time to time. I have suggested to the department more than once that it erect fences along both sides of the Hilton Bridge similar to that in existence on the southern side of the western approach to the bridge—a fence made of old railway lines, bolted together, which gives a substantial post and rail type fence. I suggest that the same type of fence be erected for the full length on both sides of the bridge, with a covering of cyclone wire mesh for the protection of children looking at trains. It was suggested that this was not desirable because engines passing under the bridge would frighten horses. That is not a good argument because on one section of the bridge over the south line there has been a wooden fence for many years. Will the Minister of Railways consider my suggestion for a new fence of the type mentioned being erected on the Hilton railway bridge?

The Hon. M. McINTOSH—I will take it up with the Railways Commissioner. In general, we are living from hand to mouth and doing first things first. In the absence of sufficient manpower to go around it is a question of which work shall be proceeded with in order of precedence, and not so much of taking the long view. We can only keep pace with present-day conditions, but I will bring down a full report from the Railways Commissioner on the honourable members' suggestion.

GOODWOOD-MARINO LINE DUPLICATION.

Mr. FRANK WALSH—Will consideration be given to making the open railway crossings when the Goodwood-Marino line duplication is recommenced, such as at Marion Road, South Road and Sixth Avenue, the full width of the road instead of creating bottlenecks with narrow crossings, thereby impeding the flow of traffic?

The Hon. M. McINTOSH—I will take up the question with the Railways Commissioner.

SITE FOR PROOF RANGE.

Mr. MACGILLIVRAY—Has the Minister of Lands a reply to the question I asked last week about the possibility of using land adjacent to Renmark and Berri as an artillery proof range, instead of land at Tungkillo?

The Hon. C. S. HINCKS—The chairman of the Land Board reports:—

When giving consideration to suitable sites for a firing range as alternatives to the Tungkillo area, the river districts were included in the survey. The suggestion that an area in the vicinity of Renmark would be suitable does not impress. The land north and west of Renmark is too heavily timbered to produce the open features (savannah type) required for observation, whilst the topography is of monotonous regularity—gently undulating and/or sandhills. East and south of Renmark the land is closely settled and it is difficult to imagine an area of 50,000 acres therein, which, if used as a firing range would not seriously upset a thriving rural community. The Board can think of quite a number of localities in the State which it would suggest are much more suitable than the Renmark area.

ICECREAM AND COOL DRINK PRICES.

Mr. MOIR—Has the Premier a reply to the question I asked last week about increases in the sales tax on cool drinks and icecream?

The Hon. T. PLAYFORD—I think the honourable member is aware that the Prices Commissioner has been absent from the State at a conference of State Commissioners, who have been dealing with the question of sales tax. I expect Mr. McCann to return to Adelaide tomorrow and the question raised by the honourable member will be discussed with him.

BANNING OF LOTTERIES.

Mr. QUIRKE—I have been recently informed that what were known as guessing competitions, and have become known as estimating competitions, such as people being asked how many peas were in a bottle after having been shown and told the number of peas in another bottle, have been banned on the grounds that they are illegal. Further, the time-honoured method of amusing children by placing parcels in sawdust, known as the bran pie, has also been declared illegal in one part of the country. I understand that the prizes of a bran pie dip were sold at the prices placed on the tickets, and this was looked upon as illegal. Can the Premier say for how long these harmless activities have been deemed illegal, and who is responsible for this latest pussy-foot action?

The Hon. T. PLAYFORD—As far as I know, there has been no alteration in the law in the last six to eight years. The law is clear and says that the holding of any lottery is illegal; it does not say a large or a small lottery. If one is held and an officer takes action against anybody all that is necessary is for him to convince the court that an offence has been committed. The court decides whether it was a lottery.

Mr. Pattinson—There is usually commonsense in administration.

The Hon. T. PLAYFORD—I think commonsense is used in the matter. When Parliament passes a law providing that lotteries are illegal anything constituting a lottery is illegal and action can be taken against the person holding it.

Mr. QUIRKE—Can the Premier say whether the bran pie, which we have known for generations, has been declared a lottery in South Australia?

The Hon. T. PLAYFORD—I cannot add anything to what I have already said. As far as I know, no action has been taken in the last five years by a Government department against anything of that sort. Whether or not something is a lottery is decided by the court. In many instances what is held by some people to be a lottery is considered by the court to be trivial, and no penalty is imposed.

Mr. Whittle—The first arbiter is the local policeman.

The Hon. T. PLAYFORD—As I have said, if a police officer believes that an offence against the law has been committed he has the right under the Police Act to lay a charge.

Mr. Quirke—Is it possible to get the matter defined?

The Hon. T. PLAYFORD—It is not the duty of the Government to advise everybody about the law of the land; that is something which everybody must decide for himself. I do not know of any action being taken against the holding of a bran pie.

RAMPS ON PORT AUGUSTA-WOOMERA ROAD.

Mr. RICHES—Will the Minister of Local Government call for a report on the reason for the delay in placing ramps in some of the fences on the road between Port Augusta and Woomera? In nearly every case where the responsibility is on the station owner the ramps have been put in, but I have been given to understand that in other instances, where the

responsibility rests on the Engineering and Water Supply Department, there has been considerable delay in installing them.

The Hon. M. McINTOSH—Yes.

USE OF VICTORIAN RAILWAY TRUCKS.

Mr. QUIRKE—It is customary when sending freight from South Australia to New South Wales *via* Albury for consignors to be required to load it into Victorian trucks. As the supply of those trucks in country areas is strictly limited it causes exasperating delays in sending freight to New South Wales. Can the Minister of Railways explain why this condition is necessary, and is there any possibility, in the near future, of the necessity being done away with?

The Hon. M. McINTOSH—It is obvious that economics demand that wherever possible Victorian trucks should be used to take freight back to that State. As nearly as possible, each railway system tries to regulate things accordingly; otherwise there would be empty trucks returning to Victoria and *vice versa*. If the honourable member will give me details of any case where waiting for Victorian trucks has caused not merely delay, but serious loss I will take up the matter with the Railways Commissioner in order to avoid losses.

RACING OFFENCES.

Mr. FRED WALSH—Has the Premier obtained a reply to the question I asked some weeks ago regarding prosecutions being launched against persons for alleged doping and using of batteries on race horses at race meetings?

The Hon. T. PLAYFORD—I have a reply in connection with the matter which I will make available to the honourable member. The matter has been taken up with the South Australian Jockey Club, and as a result of the honourable member's question there will be in future a much closer liaison between the Police Department and the stewards.

LICENSING OF MENTAL HOSPITAL.

Mr. MOIR—Can the Minister representing the Minister of Health say whether it is permissible for a private hospital to change to a mental hospital without seeking a further licence to treat mental patients, or overcoming objections by neighbours to this change over?

The Hon. T. PLAYFORD—Speaking offhand, I believe it is not permissible, but I would like to confirm that. I will get a reply for the honourable member.

COUNTRY ELECTRICITY SUPPLIES.

Mr. GOLDNEY (on notice)—

1. How many applications for assistance have been received by the Treasurer under the Electricity Supplies (Country Areas) Act, 1950, from (*a*) municipal or district councils, and (*b*) groups of persons in sparsely settled areas?

2. Have any applications been approved under either of these headings?

The Hon. T. PLAYFORD—The replies are:—

1. (*a*) and (*b*) The Treasurer has had six applications from municipal or district councils for assistance under the Electricity Supplies (Country Areas) Act, 1950. Two applications have been approved and one application approved in part. Assistance has therefore been approved for three authorities. Three applications were not approved as the Electricity Trust reported that the authorities could finance the extension without assistance and without charging higher than average tariffs. Part of another application was not approved for the same reason. The Government subsidy in these cases totals £18,550.

2. Owing to the extreme shortage of materials for transmission and distribution lines (especially cable), the Trust has had to concentrate on extension of power lines in the country where materials can be used to serve the greatest number of consumers. The Trust has applications before it which may come under the Act. This can only be determined after investigation. Investigations are being made as rapidly as the limited staff available will permit.

HOUSING TRUST OFFICES.

Mr. LAWN (on notice)—

1. Did the Adelaide City Council offer the Housing Trust a portion of the north-west parklands for use as a site for offices?

2. Since then did the Housing Trust propose purchasing a property worth many thousands of pounds in Brougham Place, North Adelaide, for use as offices?

3. Was it intended to purchase this property with money voted by the Parliament for the purpose of building homes for the people?

4. Did the Housing Trust seek permission of the Adelaide City Council to use this building as offices, and was permission refused by the Adelaide City Council?

The Hon. T. PLAYFORD—The chairman, South Australian Housing Trust, reports:—

1. Some time ago the South Australian Housing Trust discussed with the Adelaide City

Council arrangements under which the Trust would use for office purposes an area of land of the South Australian Railways Commissioner at North Terrace and now occupied by a city council depot. The area in question is not parklands. The proposal then contemplated would have involved the building of a timber frame office building in order to provide extra office accommodation for the Trust which is urgently necessary.

2. The Trust was approached by the agents of the vendor of a large house at North Adelaide with a view to its purchase by the Trust and its use as an office. The Trust in turn approached the Adelaide City Council to ascertain whether such use would be contrary to the by-laws of the council restricting certain areas to residential purposes. On being informed that the building was in an area so restricted by by-law and that it was not the policy of the council to waive the by-law, the matter was not taken any further by the Trust.

3. Moneys advanced by the Treasurer to the Trust are advanced for the general purposes of the Trust and expenditure for the provision of office accommodation and other necessaries is obviously within those purposes as well as expenditure for the provision of housing.

4. See reply to question No. 2.

STUDENTS' TRAMWAY CONCESSION FARES.

Mr. O'HALLORAN (on notice)—

1. Is the Government aware that railway concession passes are available to *bona fide* students without age limit and that similar concessions granted by the Municipal Tramways Trust are not available to students over 18 years of age?

2. Is it the intention of the Government to make representations to the Municipal Tramways Trust to extend students' concession passes to *bona fide* students over 18 years of age?

The Hon. T. PLAYFORD—The replies are:—

1. Yes.

2. The financial position of the Trust is such that the Government cannot make any representation on this matter.

STUDENTS' BURSARY MAINTENANCE ALLOWANCES.

Mr. O'HALLORAN (on notice)—

1. Is the Treasurer aware that maintenance allowances payable in connection with bursaries were fixed at £10 per term in 1947 and have not been increased since then?

2. Is it the intention of the Government to increase bursary maintenance allowances?

The Hon. T. PLAYFORD—The replies are:—

1. Allowances to bursars are of two kinds—a maintenance allowance of £30 per annum, and a living away from home allowance of the same amount. Thus a bursar living away from home would receive £60 per annum or £20 per term. These amounts are fixed by the Education regulations, Part XXI/14.

2. The Government has already approved increases in these allowances, and the amendments to the regulations will be gazetted at an early date.

PETROL SUPPLIES AND PRICES.

Mr. PEARSON (on notice)—

1. What was the retail price of motor spirit as fixed by the Prices Commissioner when purchased from petrol pumps on 1st November, 1951—(*a*) in the Adelaide metropolitan area; (*b*) in the township of Port Pirie; and (*c*) in the township of Port Lincoln?

2. Is the whole of the motor spirit required at Port Lincoln for the town and the districts to which distribution is made from Port Lincoln conveyed to that port by tanker coming direct from refineries?

3. If not, what percentage of these requirements is so supplied?

4. Is the bulk installation at Port Lincoln owned by a major oil company capable of catering for the whole of the motor spirit required for Port Lincoln, and the districts to which distribution is normally made from that port?

5. If not what is the percentage of the total of these requirements for which it is capable of catering?

6. Upon what reasons are based the Prices Commissioner's approval of a price at Port Lincoln for motor spirit, higher than the price approved in the Adelaide metropolitan area?

The Hon. T. PLAYFORD—The replies are:—

1. (*a*) Adelaide metropolitan area, 3s. 3d. gallon; (*b*) Port Pirie, 3s. 6d. gallon; (*c*) Port Lincoln, 3s. 10d. gallon (all prices prevailing as at November 1, 1951).

2. No.

3. Fifty-two per cent is supplied through Shell installation on behalf of that company and for Vacuum and C.O.R. (limited quantities only) in agreement with Shell, but even the latter company is forced to consign petrol in drums *ex* Port Adelaide to Port Lincoln and other outports.

4. Shell claims that it could not cater for the total requirements of Eyre Peninsula.

5. Sixty-three per cent.

6. Upon actual cost of transportation as charged by the Adelaide Steamship Company,

plus wharfage, stevedoring and cartage to and from wharf at both ends, current cost exceeds 7d. per gallon for motor spirit.

GREATER PORT ADELAIDE HARBOUR SCHEME.

Mr. TAPPING (on notice)—

1. Is the Minister of Marine aware that residents of Largs North and Outer Harbour areas are perturbed at the acquisition of property and probable eviction from houses in accordance with the Harbors Board improvement scheme?

2. Is he able to state how the plan will develop, and in particular, when and which section or sections will be commenced first?

The Hon. M. McINTOSH—As the Harbors Board improvement scheme does not involve the acquisition of property at Largs North it cannot be seen that residents in that locality have any reason to be perturbed. They will neither be disturbed nor evicted from their property. The land to be acquired on LeFevre Peninsula comprises portions only of the area extending from near Taperoo northwards to Outer Harbour. It is not intended to acquire lands on which permanent structures are erected, but the comparatively few blocks on which temporary structures, such as shacks are erected, will be acquired. After the purchase of these latter properties the owners will be permitted to remain in occupation by paying the Harbors Board a rental for such reasonable time as will give them the opportunity to find other places in which to live, or other land to which they can remove their present dwellings, if they so desire. Landholders in the LeFevre Peninsula area are in general co-operation with the board in its acquisition of their property with the result that considerable areas of land have already been purchased. If any landholders are in doubt as to whether their property will be acquired or not, they should be advised to either inspect the plans available at the Harbors Board offices at Adelaide and Port Adelaide, or communicate with the Harbors Board. At this stage it is not possible to say where the work is likely to be commenced.

CONSTITUTION ACT AMENDMENT BILL, No. 2.

Returned from the Legislative Council without amendment.

EXCHANGE OF LAND: TOWN OF ALFORD.

The Hon. C. S. HINCKS (Minister of Lands) moved—

That it is desirable for the Minister of Education to make available and transfer the fee simple of allotments 11, 12, 13, 14, 35, and 36, town of Alford, containing 1½ acres to Mr. A. B. Johns and for him on his part to make available and transfer to the Minister of Education the fee simple of allotments 9, 10, 15, 16, town of Alford, containing one (1) acre as shown on plan laid before Parliament on September 18, 1951.

Motion carried.

EXCHANGE OF LAND: TOWN OF MANNAHILL.

The Hon. C. S. HINCKS (Minister of Lands) moved—

That it is desirable for the Crown to transfer the fee simple of allotments 44 and 45, town of Mannahill, containing half an acre to Mrs. C. Davis and for her on her part to transfer to the Crown, the fee simple of allotments 13 and 14, town of Mannahill, containing half an acre as shown on plan laid before Parliament on August 21, 1951.

Mr. O'HALLORAN (Frome—Leader of the Opposition)—I do not oppose the motion; in fact, it should be carried as early as possible. It should have been carried 12 months ago for the interests of the Crown to be adequately secured, because a school has been erected for at least a year on the land to be transferred by Mrs. Davis, which was more or less arbitrarily seized by the Education Department, in exchange for the blocks on which the former school, which was burnt down some time ago, was erected. The transactions do not seem to reveal any great business acumen on the part of Government officials, and I hope that in future when similar exchanges of land or negotiations are being conducted a little more of it will be displayed.

Motion carried.

EXCHANGE OF LAND: HUNDRED OF KENNION.

The Hon. C. S. HINCKS (Minister of Lands) moved—

That it is desirable for the Woods and Forests Department to make available and transfer to Mr. K. J. Stuckey the fee simple of sections 212 and 215, hundred of Kennion, portion of forest reserve containing 812½ acres and for him on his part to surrender to the Crown, perpetual lease 4133 and part perpetual lease 12497, sections 25, 39, and 59, hundred of Kennion, containing 1,853 acres as shown on plan laid before Parliament on June 27, 1951.

Mr. O'HALLORAN (Frome—Leader of the Opposition)—A considerable area of land is involved in these transfers and I think the House is entitled to more information. I assume that Mr. Stuckey has to transfer 1,853 acres of leasehold land for 812½ acres of freehold.

The Hon. S. W. Jeffries—And his land is held under perpetual lease, too.

Mr. O'HALLORAN—Yes. That is almost as valuable as freehold land and I cannot imagine anyone consenting to such an exchange unless there were a big difference in the value per acre of the two areas. Can the Minister explain the circumstances?

The Hon. C. S. HINCKS—The proposal provides for the Woods and Forests Department to make available and transfer to Mr. K. J. Stuckey the fee simple of sections 212 and 215, portion of forest reserve, containing 812½ acres which comprises mostly heath flat and suitable for pasture development, but is of doubtful value for forest planting, and for him on his part to surrender to the Crown perpetual lease 4133 and part perpetual lease 12497, sections 25, 39 and 59, containing 1,853 acres comprising soil types suitable for the production of pine timbers. The question of exchange was fully investigated by the Land Board, which recommends the exchange. The Board values the land to be given in exchange at £1 10s. an acre and the land to be obtained at 10s. an acre. Mr. Stuckey has agreed to the exchange and as he is to receive the fee simple of 812½ acres, whereas he is to surrender his interest only in the 1,853 acres, he has agreed to pay to the Crown £535 2s. 3d. as equality of exchange. In the circumstances I ask members to agree to the motion.

Motion carried.

EXCHANGE OF LAND: HUNDRED OF HALL.

The Hon. C. S. HINCKS (Minister of Lands)—I move—

That it is desirable for the purpose of re-locating a section of the Port Wakefield-Saddleworth main road that the Crown transfer the fee simple of section 636, hundred of Hall (formerly school reserve Crown lands and closed road) containing 9¾ acres to Mr. W. P. McPharlin, and for him on his part to transfer to the Crown, the fee simple of portion of section 364, hundred of Hall, containing approximately 3½ acres as shown on plan laid before Parliament on October 31, 1950.

The proposal is for the purpose of re-locating a section of the Port Wakefield-Saddleworth main road and it is proposed that the Crown transfer the fee simple of section 636 containing 9¾ acres (formerly school reserve, Crown lands and closed road) to Mr. W. P. McPharlin and for him on his part to transfer to the Crown the fee simple of portion of section 364 containing approximately 3½ acres. A report from the Surveyor-General indicates that there is no objection to the proposal. The question of exchange was fully investigated by the Land Board and a report submitted states that it is considered that Mr. McPharlin should pay the sum of £10 in cash to equalize such exchange. The Board values the land to be given in exchange at £4 an acre and the land to be obtained from section 364 at £7 5s. an acre. Mr. McPharlin has signified his agreement to the proposed exchange and has agreed to pay the sum of £10. The district council of Balaklava has stated it is agreeable to the proposal.

Motion carried.

TRAVELLING STOCK RESERVE: NORTHERN AREAS.

The Hon. C. S. HINCKS (Minister of Lands)—I move—

That it is desirable that the travelling stock reserve running north from Willochra through the hundreds of Boolcunda, Kanyaka, and Barndioota to Hookina, containing an area of 4,370 acres approximately as shown on the plan laid before Parliament on June 27, 1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

An inspection by a member of the Pastoral Board revealed that owing to its extremely rough nature and the limited amount of country served by it the reserve is of no use for travelling stock; in fact, inquiries revealed that it had not been used for over 20 years, and probably much longer. Contact was made with local landholders, drovers of the district, stock agents, the Crown lands rangers at Quorn and Hawker, the clerk of the district council of Kanyaka, and the manager of Partacoona Station, and all were emphatic that the reserve was of no further use for travelling stock. It was ascertained that stock travelling from the north used the three chain road which runs approximately parallel, to the east, and meets the railway line 2½ miles north of Willochra. Stock then cross the line to follow the three chain road on the east side for a mile, then cross again and follow the one chain road west for three-quarters of a mile to Willochra bore for water. It appears that this road provides ample accommodation for the comparatively small number of stock which now travels south from the pastoral country. As far as could be ascertained the only stock travelling south since 1946 were 200 head of cattle and 2,000 sheep from Nilpena Station, and they followed

the eastern track which has become the recognized route for stock to travel. The Stockowners Association has advised the department that there is no objection to the land being resumed.

Mr. O'HALLORAN secured the adjournment of the debate.

TRAVELLING STOCK RESERVE: HUNDRED OF BLACK ROCK PLAIN.

The Hon. C. S. HINCKS (Minister of Lands)—I move—

That it is desirable that an area of approximately 70 acres of the travelling stock reserve between sections 137, 142, and 143, hundred of Black Rock Plain and the railway line, as shown on the plan laid before Parliament on June 27, 1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purposes of being dealt with as Crown lands.

The land in question is cut off by the railway from the balance of the travelling stock route and, following on inquiry from a settler to lease the area, investigations were made by the department to ascertain whether the area was still required. Reports from the Surveyor-General and the district inspector indicate that the area is fenced off and is not used by travelling stock, a small portion at the south end being fenced in with the parklands adjacent to the town of Black Rock. The Stockowners Association has advised the department that there is no objection to the land being resumed.

Mr. O'HALLORAN secured the adjournment of the debate.

TRAVELLING STOCK RESERVE: HUNDRED OF AYERS.

The Hon. C. S. HINCKS (Minister of Lands)—I move—

That it is desirable that section 900, hundred of Ayers, containing 17 acres which is set aside as a travelling stock reserve as shown on the plan laid before Parliament on July 24, 1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

The land in question is withheld as a camping ground for travelling stock and, following inquiries from settlers to lease the area, investigations were made by the department to ascertain whether it was still required. A report from the district inspector indicates the land is on the side of a hill sloping south towards a creek that runs along the south-eastern boundary and is only suitable for grazing. At the north-eastern end of the section the creek is very rocky with a small cascade formation. This portion could be used to hold water with very little expense. At present the only value in the holding for watering is whilst the creek is running and for a while afterwards until the rock holes dry up. The clerk of the district council of Burra Burra advised the inspector that the council would offer no objection to the disposal of this section, for the reserve had become a stamping ground for stray stock and for people moving stock without legitimate reasons. Some of these persons had a 1,000 sheep on the reserve for a week at a time and the council was constantly receiving complaints of damage to fencing and slight losses from local flocks. Rabbits, too, had been bad, but recently the council had cleared the warrens. For these reasons the council would welcome the allotment of the land. The Stockowners Association has advised the department that there is no objection to the land being resumed.

Mr. O'HALLORAN secured the adjournment of the debate.

YOUNG MEN'S CHRISTIAN ASSOCIATION OF PORT PIRIE ACT AMENDMENT BILL.

Mr. PATTINSON brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report ordered to be printed.

Bill taken through Committee without amendment; Committee's report adopted.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

Second reading.

The Hon. T. PLAYFORD (Gumeracha—Premier and Treasurer)—This is probably one of the most important measures to be introduced this session. It deals with a matter in which Parliament has to try to arbitrate between two sections of the community. Therefore, I have prepared a longer statement than usual and have tried to set out as clearly as possible the issues involved. The Bill makes a considerable number of amendments of importance to the Landlord and Tenant (Control of Rents) Act, 1942-1950, in order to carry into effect the recommendations of the committee which recently made its report to the Government. It will be recalled that, as a result of a motion passed by the House of Assembly during last session of Parliament, the committee was appointed to inquire into the necessity or otherwise of the continuation

of the Landlord and Tenant (Control of Rents) Act in its present form and to inquire into the circumstances associated with that legislation. The committee consisted of Mr. W. C. Gillespie, S.M., who was chairman, Mr. A. W. Bowden, the Public Actuary, and Miss Ruth Gibson. At is inception Sir Oscar Isaachsen was also a member of this committee but, after his unfortunate death during the progress of the inquiry, Mr. M. H. E. Mackay was appointed in his place.

The committee made an exhaustive and careful inquiry into the matters referred to it and has presented an extremely well reasoned and valuable, and I might add, eminently readable report. The Government accepts all the recommendations of the committee and they are incorporated in the present Bill. In addition, some other amendments, not considered by the committee, are made by the Bill but these are of a minor or drafting nature and do not affect the policy of the legislation. They will be referred to in some detail in due course. The history of the present legislation is set out in full in the report of the committee and it is unnecessary to state again what is set out with clarity in the report. The report also sets out the reasons of the committee on which it has based its various recommendations and it is obviously unnecessary to repeat what is stated so clearly in the report. However, as members are aware, the existing legislation providing for the control of rents has been in force in this State since 1942 and, with minor exceptions, the basic scheme of that legislation continues to apply. Since 1942 the scope of the legislation has been extended and the legislation in its present form now deals with a number of important topics apart from rent control, and the Act now provides: firstly, for the control of rents of dwellinghouses and other premises; secondly, for the control of evictions from premises; thirdly, for the control of rents of caravans; and fourthly, for the control of rents of licensed premises. The committee has recommended some very important amendments to the present law relating to the control of rents and evictions but does not suggest any alteration in the law, dealing with caravans or licensed premises. It may be convenient if, at present, I deal with some of the general proposals made by the committee before dealing with its detailed recommendations.

As regards control of rents the committee has reported that it is necessary that the control of rents of dwellinghouses should be continued and the effect of its recommendations is that, in general, the existing method of rent control should be continued. However, the committee has made an important recommendation on the question of the rental standards to be applied when fixing rents. As members are aware, the existing scheme under the Act is as follows: as regards dwellinghouses the Act provides, in effect, that rents of dwellinghouses are to be those prevailing at the commencement of the legislation in August, 1942. The rent may be varied by a determination of the Housing Trust made on application by either party. When fixing the rent of any premises the Trust is, under the legislation, required to fix the rent according to the rental standards prevailing for that type of premises at August, 1942, and those, in effect, are the same as the rental standards of September, 1939. Although the legislation provides that rents are to be fixed according to the level prevailing before the commencement of the war, in point of fact, as I will mention later, the Trust has in recent years based its rents on something more than the 1939 levels. Whether or not the rental level on which rent fixation should be based should be altered or not was, of course, one of the most important matters to be considered by the committee and that committee has recommended that as far as dwellinghouses are concerned rent should be fixed on the basis of the rental levels prevailing at September, 1939, plus 22½ per cent. The amendment to give effect to that recommendation is contained in paragraph (*d*) of clause 8. It provides that in fixing the rents of dwellinghouses the Housing Trust is to fix rents in accordance with the general level of rental values for comparable premises prevailing at September 1, 1939, plus 22½ per cent. I wish to make it plain, however, that this does not mean that, if the clause is passed, rents of dwellinghouses will be automatically increased by 22½ per cent. In the first place, the provisions of the Act which state that any rent now in existence cannot be increased without a determination of the Trust, still apply and before any rent can be increased to conform with the new basis for rental fixation there must be an application to the Trust and the Trust must fix the new rent. In the second place, for some time now the Trust, with, I may mention, the knowledge of the Government, has been fixing rents on something more than 1939 levels, and many landlords who have had their rents fixed during the last year or so have had a rent fixed which is

above the 1939 level. In such a case it follows that, if the landlord makes an application for a further fixation of rent, the Trust will, of necessity, have to take into account any increase in rent which he has received in the past and in instances it will be found that a landlord has possibly already had a substantial part of the increased rent to which he is entitled under this provision. In the third place, if the owner of a dwellinghouse which has been let for some years has not applied to the Trust to have the rent fixed, it has been found by experience that such a rent is, in very many cases, appreciably above the prevailing rental levels for the same class of premises; that is, in many cases where the landlord has not approached the Trust to have the rent fixed he has been charging a rent which is above the 1939 rental levels. In the event of an application being made to fix the rent of premises of this kind it will, in many cases, be found that, if the landlord is entitled to any increase, it will not amount to the full 22½ per cent. Thus, the general effect is that the rental basis on which rents are to be fixed will be 22½ per cent above the 1939 levels but, to repeat, this does not mean that all rents can or will be increased by 22½ per cent.

As regards business premises the committee's report is given effect in clauses 3 and 8. The committee has recommended that where business premises are let after the passing of the Bill to a new tenant, then those premises shall cease to come within the Act either for the purpose of rent control or for the purpose of the control of evictions. The effect is that if, for instance, a shop becomes vacant in the future and a new tenant takes up the tenancy of the shop, the parties will be able to make their own arrangements for the rent and there will be no control at all over the rent and the tenant will not have any of the special rights given by the legislation relating to evictions. That is, there will be a complete de-control of premises of this kind and this de-control will apply to all subsequent tenancies of those premises. As regards business premises which are now subject to a tenancy it is provided that, if the existing parties enter into a new lease for two years or more, then this lease and any subsequent lease of the premises will also cease to be subject to control of any kind. A further provisions is made that where there is a lease in existence between a lessor and a lessee and they agree in writing to the amount of rent then, whether that rent has been subject to a fixation by the Housing Trust or not, the provisions of the Act relating to control of rents will not apply to that lease nor to any future leases of the premises. Thus, to sum up, the Act will now provide, as regards business premises, firstly, that all tenancies between new parties after the passing of the Act will be completely decontrolled. Secondly, that if the parties to an existing tenancy enter into a fresh lease for two years or more then the Act will not apply to that or any subsequent lease and, thirdly, that if the existing parties to a tenancy agree in writing as to the rent, then the Act will cease to apply to the rent of those premises and they can subsequently make any other arrangements they care to as to the rent, but the provisions of the Act as to the control of evictions will continue to apply.

Another important alteration is made as regards the determination of the rents of business premises by the Housing Trust. Although, as is apparent from what has just been said, the field for the control of the rents of the business premises will be diminished and will continue to diminish from time to time, there will still be some premises which may be subject to rent control. It is provided in paragraph (*d*) of clause 8, that where, in the future, the rent of business premises is fixed by the Trust, the basis upon which those rentals are to be fixed is to be the general level of rentals for comparable premises prevailing at the time of the rent fixation which is the result of agreement between lessors and lessees. The effect of this is that, as regards those business premises still subject to rent control, the Trust will fix rents in accordance with the rental level for the time being which is brought about by agreement of parties to leases not subject to rent control. It may be expected that the freeing from control of a substantial number of business premises will bring about some increase in the rents of this kind of premises and if the trust is required to fix the rents of business premises its rent determination will conform with the rental levels fixed by private agreement which, as before stated, can be expected to rise above those now prevailing. There is also a number of other matters dealing with the control of rents which will be dealt with later.

At this stage, however, it may be desirable to give some details as to how rent control has operated since January 1, 1943, when the present legislation came into force. Since that time until September 30 last, the Housing Trust fixed rentals in 25,387 cases, of which 23,663 related to dwellings. Of the applications made

to the Trust, something over two-thirds have been made by lessors. As has been previously menioned, the trend of the Trust's rent fixations during the past few years has been to lift the rental levels prevailing at the time rent control was first brought into operation. This has been done gradually. During the first nine months of the present year, 1951, rents were increased in 2,636 cases of premises used as dwellings and the following table gives the percentage increases so granted, the percentage being the increase of rent provided for above the rents payable before the rents were fixed.

	No. of increases.	Percentage increase on previous rent. Per cent.
Cottages	1,972	17.9
Flats	303	17.2
Shared accommodation	236	20.0
Shops and dwellings	125	27.6
	2,636	18.6

The following table also gives information as to the trend of rental fixations during the whole of the period from 1943. This table relates only to premises used as dwellings.

Year.	No. of final determinations.	No. of cases where rent increased.	Proportion cases where rent was increased. Per cent.
1943	2,015	719	36
1944	2,181	421	19
1945	1,877	464	25
1946	2,161	934	43
1947	1,969	1,010	51
1948	2,702	1,776	66
1949	3,430	2,528	74
1950	3,694	2,767	75
1951 (to September 30, 1951) ..	3,411	2,636	77

The next important topic dealt with by the committee relates to the law dealing with the control of evictions and in this regard the committee has come to the conclusion that it is still essential to continue general restrictions on the right of an owner to recover possession of his premises, although, as it will be seen, the committee proposes some appreciable relaxation in this regard. The committee has also recommended that there should be a relaxation of these provisions as regards shared accommodation. Under the Act at present, a landlord can only give notice to quit on one of the grounds set out in section 26n of the Act and he must comply with certain other requirements as to the period for which notice is given and other matters. The committee has suggested that, as regards shared accommodation, there should be an appreciable relaxation of this provision and its recommendations are given effect to in clause 21 of the Bill. This clause provides that, as regards shared accommodation which is subject to an existing tenancy at the time of the passing of the Bill, the lessor may give notice to quit to the lessee without specifying any ground, that is, he does not have to specify, as is now required by section 26n, that he relies upon one of the grounds in that section such as that he needs the premises for his own occupation or for a member of his family or for any of the other purposes set out in that section.

A notice to quit under clause 21, however, cannot be given to a tenant in occupation at the time of the passing of the Bill unless the notice given is for not less than two months and unless at the time of the giving of the notice and during the year preceding the tenant and the landlord were the only occupiers of the dwellinghouse and unless the landlord has lived in the house for at least 12 months and during the six months preceding the giving of the notice has not received as rent any amount which is an unlawful rent. On the hearing of the proceedings the court is not to take into account any of the matters affecting hardship and the other things mentioned in section 26u but will make the order in accordance with the ordinary law relating to landlord and tenant. As regards future lettings under the circumstances already mentioned, that is, where a person lets part of a house to one tenant but to no others, the notice to quit may be given on the same conditions as those specified except that the rent of the premises must be fixed by the Housing Trust or on an order of the local court and notice in such a case need only be given for 30 days. The practical effect of these provisions is that, where a person living in a dwellinghouse, chooses to let part of it to one tenant and to only one tenant he will, subject to compliance with the provisions of the clause, be able to give notice to quit to his tenant if for any reason, subject to the conditions of the lease, he desires to terminate the tenancy, and the general provisions of the Act for the protection of tenants will not apply in these circumstances and the landlord will be able to succeed in proceedings for the recovery of possession of the premises. Those referred to are by no means all the amendments to the law relating to evictions which have been recommended by the committee, but these other amendments will be referred to later.

The other important topic upon which alterations of the law are proposed relates to protected persons. At the present time the definition of "protected person" in the Act is extremely wide and includes discharged members of the forces who have been discharged for five years or less, persons in receipt of pension of any kind or entitled to receive medical attention as the result of war service, family dependants of discharged members of the forces, and parents of such members. The Act provides that where proceedings are taken against a tenant who is a protected person for the recovery of the possession of the premises leased by him then, subject to some exceptions, the court is not to make an order against the protected person unless reasonably suitable alternative accommodation has been available to him or unless he has refused an opportunity of buying the premises or has sublet the premises and is residing elsewhere. The committee has recommended important alterations of these provisions. It has suggested that the categories of protected persons should be restricted to discharged members of the forces who have not been discharged for five years or more, to war pensioners, who are defined as persons who are in receipt of pension, whether from the Commonwealth or any other part of His Majesty's Dominions, of an amount equal to 50 per cent or more of the pension payable for total or permanent incapacity, to the wives of war pensioners who are residing with their husbands, and to the widows of any members of the forces who are wholly or partly dependent on pension paid to them in consequence of the death of their husbands on war service. It is also proposed that war service shall be limited to service during any war between September 3, 1939, and the passing of the Bill. The effect of this limitation is that, if a war were to break out, it would be necessary for Parliament to reconsider the matter and decide what, if any, special rights in this regard should be given to members of the forces in such a war. The amendments dealing with the categories of protected persons are contained in clause 32.

Mr. Shannon—Would members of the forces engaged in the Korean war be covered?

The Hon. T. PLAYFORD—The protection recommended only relates to the period from September 3, 1939, to the passing of the Bill. Clause 34 provides that if proceedings are brought against a protected person and the court is satisfied that, on the relative hardships as between the landlord and the protected person, the hardships favour the landlord but it is not established that reasonably suitable alternative accommodation has been available for the lessee the court may give notice of that fact to the Housing Trust and at the first reasonable opportunity at which the Housing Trust has premises available for letting under section 26 of the Building Materials Act, that is, the emergency housing accommodation, the Trust is to offer the tenancy to the protected person and if he refuses the offer then the court may in its discretion make an order giving possession against the tenant.

In addition to the matters already mentioned the committee has recommended a considerable number of other amendments to the Act, many of which are of considerable importance. In addition, some other amendments are made by the Bill which are of a relatively minor character. However, the various amendments are such that it is probably necessary that each should be referred to specifically and consequently it may be desirable to refer to all the clauses of the Bill so that it may be pointed out which are recommended by the committee and which are not, and the general significance of those amendments.

Where an amendment has not been expressly recommended by the committtee, that fact will be mentioned, and unless it is so pointed out it should be taken that the particular amendment was recommended by the committee.

Mr. Pattinson—Some of the amendments have not been recommended by the committee?

The Hon. T. PLAYFORD—That is not quite the way to put it. The landlord and tenant legislation is very involved, and after the committee's report had been received I asked the Parliamentary Draftsman to draw up a Bill to give effect to the committee's recommendations. To avoid any misunderstandings I asked Mr. Cartledge to confer with Mr. Gillespie when preparing the Bill, as the committee did not say in every case how its recommendations should be given effect. After the Bill had been settled I received a letter from Mr. Gillespie which, perhaps, I should place before the House. It was as follows:—

Pursuant to your letter of September 11, I have conferred with the Assistant Parliamentary Draftsman on a number of occasions on the draft Bill to give effect to the recommendations of the committee. In my opinion the Bill, as drawn, substantially gives effect to the committee's recommendations. Minor deviations from the committee's recommendations have been made in the Bill to facilitate the putting into operation the main body of recommendations, for instance—

(*a*) Clause 9 of the Bill reduces from six months to three months the period

that must elapse under the Act in its present form between a determination of rent and an application for a further determination in cases where the earlier fixation was made before the passing of the Bill and the later one after the passing. The committee's recommendation No. 3 suggested that in those circumstances the existing provisions of the Act should not apply. (See paragraph 77 of the report), but after conferring with the Assistant Parliamentary Draftsman I am of the opinion that the provision included in the Bill is suitable.

(*b*) Clause 6 of the Bill, which deals with the subject matter of recommendation No. 5, provides that in giving notice of a final determination of rent the Trust shall supply to the parties the information mentioned in the recommendation only where the final determination differs from the provisional determination. The recommendation was that the information should be supplied with notification of all determinations. I think that clause 6 adequately gives effect to the purpose which the committee had in mind in making the recommendation.

The Bill also contains provisions that were not the subject of any recommendation by the committee. They are contained in clauses 11, 12, 18 (*f*), 19, 25, 28, 29, 30, 31, 36, 37, 39, 41 and 45. In my opinion the amendments to be effected by those provisions might properly be made. Clause 19 was inserted at my request after consultation with the Local Court Judge, in order to confer on a special magistrate, sitting in chambers, the powers conferred by section 26v of the principal Act upon a local court. I am authorized by the Local Court Judge to state that he considers that the amendment is necessary. In recommendation No. 55 the committee recommended that the sections of the Act should be re-numbered. Clause 45 of the Bill deals with that recommendation by providing for re-numbering if the Act is reprinted pursuant to the Amendments Incorporation Act, 1937. The committee hoped that the Act would be consolidated and re-numbered when the amendments that it had recommended were incorporated in it. The Assistant Parliamentary Draftsman has intimated to me that the Act will be reprinted, pursuant to the Amendments Incorporation Act, 1937, next year. If that is done the committee's recommendation will be complied with.

All the alterations have been made with the concurrence of the chairman of the committee. They have not been included against his wish, but merely cropped up in the course of drafting the Bill. It should be mentioned that the Bill has been drafted in close consultation with the chairman of the committee, Mr. Gillespie, and that he agrees that the amendments included in the Bill and not referred to by the committee are proper amendments to be made. In most cases, I would mention, these amendments are of a drafting nature and are of such a kind as would not be expected to have been considered by the committee. It should also be mentioned that Mr. Gillespie is satisfied that the Bill gives substantial effect to the recommendations of the committee and that the various clauses of the Bill drafted for the purpose adequately carry out the intentions of the committee. It should be understood that, in instances, the recommendations of the committee did not extend to the exact method by which they should be given effect and it was partly for this reason that Mr. Gillespie was asked to take part in the drafting of the Bill. The Government is indebted to Mr. Gillespie for the work performed by him in this regard in addition to the task carried out by him and the other members of the committee in carrying out their inquiry and compiling their report.

The following is an explanation of the clauses of the Bill which have not already been referred to. Clause 2 merely makes some consequential drafting amendments of the Act. Clause 3 has already been explained.

Clauses 4 and 6 deal with the machinery of rent fixation. When the rent is provisionally fixed by the Trust it must give notice of its rent fixation to the parties and later, when the rent is finally fixed, it must also give notice to the parties. Clauses 4 and 6 provide that in the notice so given, the Trust is to give a break-up of the amount fixed showing which part of the rent relates to increases in rates and taxes and increased cost of maintenance, etc. Clause 5 also deals with the procedure to be followed in fixing rents. Under the present Act, after notice of a provisional fixation of rent is given to the lessor and the lessee by the Trust, each of them may object to the Trust in writing. Clause 5 provides that when such an objection is made the party making it must give a copy of the objection to the other party who may, if he so desires, reply to the objection by notice in writing given to the Trust. It has been claimed that under the existing provisions, if either party to the lease objects to the rent provisionally fixed the other party does not know what is comprised in the objection and has no opportunity of making an answer to it. These provisions will enable this to be done.

Clause 7 provides that where the local court hears an appeal from rent determinations of the Trust the court is not to be bound by the ordinary rules of evidence or procedure.

Clause 8 has already been referred to but in addition to the matters dealt with earlier it gives effect to other recommendations made by the committee. The present provisions of the Act requiring the Housing Trust or the court, in fixing a rent, to have regard to increases in costs of maintenance and other out-goings, are re-drafted to make it quite plain that any increase in costs beyond that which would be incurred for the purpose of providing for maintenance, the payment of rates and taxes and other out-goings on September 1, 1939, are to be added to the rent. Paragraph (*c*) of the clause was not considered by the committee but, as previously mentioned, this provision has been considered by the chairman of the committee and is considered by him to be in conformity with what should be done. Section 21 of the Act now provides that in fixing the rent of any premises, the Trust or court is to have regard to additions or improvements made to the premises by the lessee with the written consent of the lessor. It sometimes occurs that, although not obliged to do so under his lease, a lessee does work on the premises leased by him and it is obviously fair and reasonable that he should be given credit for this when the rent of the premises is to be fixed. The limitation in this provision that the consent of the lessor should be in writing is considered to be harsh, and it is provided that this consent may be either express or implied.

Another provision in clause 8 recommended by the committee deals with premises which, though built as a shop, have, either with or without the consent of the lessor, been used as a dwellinghouse, and it is provided that, in fixing the rent of premises of this kind, the rent is to be fixed on the basis of the rent which it would command as a shop. Section 25 of the Act provides that if the rent of any premises is fixed, no fresh proceedings for the further fixation of rent can be brought within six months except in circumstances such as where a change has occurred in the premises or an error has occurred. Clause 9 gives effect to the recommendation of the committee that, in order that the new rental levels proposed may be applied without delay as regards premises the rents of which were fixed before the passing of the Bill, fresh proceedings for a further rent fixation may be taken within three months instead of six months. Clauses 10 and 11 make drafting amendments only. These amendments were not considered by the committee, but have been suggested by the Crown Solicitor. Clause 12 also was not considered by the committee. The Act at present provides that where a caravan is let for holiday purposes the provisions of Part IIIA., under which rents of caravans are controlled, is not to apply. Part IIIA. of the Act deals not only with the rent of caravans but with the rent of land which is used for the occupation of the caravans and the existing exemption in the Act does not extend to rent of land so used. The purpose of clause 12 is to provide that the exemption for holiday caravans is to extend also to the land used for their occupation.

Clause 13 deals with the grounds upon which a notice to quit may be given. At present it is a ground to give notice to quit that the lessee has been guilty of conduct which is a nuisance to neighbours. This is extended to include conduct on the part of persons residing or lodging with the lessee. Up to 1949 it was provided by section 26n that a notice to quit on the grounds that the lessor wanted the dwellinghouse for his own occupation could only be given where it was reasonably required for his own occupation. In 1949 the word "required" was altered to "needed" but the word "required" occurs in other provisions of the section such as where the premises were occupied in the course of his employment by a former employee of the lessor and are now required for occupation by another employee, and the committee has recommended that in every one of these provisions the word "needed" be substituted for the word "required." A further ground for giving notice to quit is also included by clause 13, namely, that the premises, being a dwellinghouse, the lessee, by subletting or taking in boarders or lodgers during a period of six months prior to the receiving of the notice to quit, or at the time of the notice to quit, is making a profit which, in regard to the rent paid to the lessor, is unreasonable.

Clause 14 deals with the form of notice to quit. At present the general law is that a notice to quit must expire upon the end of a rent period but the committee has recommended that this should not apply to a notice where the lease in question is fortnightly or periodical tenancy. Thus, the effect of clause 14 is that if, say, the landlord is required to give 14 days' notice to quit to his tenant he can give notice for that period irrespective of whether it expires upon the end of the rent period or not but, of course, the full 14 days' notice must be given. Clause 15 provides that where a notice to quit is given it must bear

on its face an endorsement that the lessee is not required to comply with the notice unless ordered by a court. It has occurred that some lessees, without knowledge of their legal rights, have assumed that the giving of a notice to quit must, of necessity, be obeyed and the purpose of this recommendation of the committee is to attempt to protect lessees in these circumstances. Clause 15 also repeals section 26p of the Act which the committee considers to be unnecessary. The section provides that if the lessee of any premises has applied to have the rent of the premises fixed, the lessor cannot, except with the consent of the Trust, give notice to quit to the lessee on a ground such as that he needs the premises for his own occupation. Whether or not a lessor, in giving notice to quit, is prompted by the fact that the lessee has sought to have his rent fixed by the Trust may be safely left as a matter for consideration by the court. Section 26r of the Act provides that where a notice to quit is given on any ground and proceedings are subsequently taken to enforce the notice to quit, the lessor must, in the proceedings, rely on the same grounds as those stated in in the notice to quit. Clause 16 carries out the recommendation of the committee that proceedings may be taken on any ground permitted by law, whether included in the notice to quit or not.

Clause 17 makes an amendment which is consequential on clause 20. Clause 18 carries out a number of important recommendations of the committee for amendment of section 26u of the Act. Section 26u is the section which lays down the matters to be considered by the court in proceedings for recovery of possession of premises and among other things provides that the relative hardships of the parties are to be considered. The clause makes the following amendments:—It provides that when the court makes an order for possession it may make it subject to such conditions as the court thinks fit. At present the court is empowered to refuse an order subject to conditions but not to import conditions into its order when it decides in favour of the lessor. The section now provides that, in assessing the relative hardships of the parties, the fact that the owner is deprived of the possession of his premises is not to be taken into account as a factor of hardship. This provision is repealed.

Section 26u provides that where proceedings are taken against a tenant on the grounds that he has sublet the premises the court, in general, is to make an order unless satisfied that the subletting was in the course of a business of subletting carried on by the lessee. Paragraph (*c*) of clause 18 provides that, in addition, this business of subletting is to be carried on with the express or implied consent of the lessor. At present the section, as amended in 1950, provides that the hardship provisions may be disregarded in cases where a notice to quit is given on grounds such as non-payment of rent or failure to observe covenants of the lease and the like. This is amended to provide that, in certain circumstances, the court is not given discretion as to whether it may disregard the hardship provisions but it is provided that the court is not to take them into account. This is to apply in cases where, as regards shared accommodation, there has been conduct which is an annoyance to neighbours or where, as regards other premises, the lessee has been guilty of an offence or the premises are being occupied in the course of his employment by a person who has left his employ and are now needed for another employee of the lessee or where the premises, being let as a shop, have been converted into a dwellinghouse. Thus, in these circumstances, the tenant will lose the benefit of what might be called the hardship provisions.

A further important provision deals with the rights of protected persons. It will be recalled that in 1950 it was provided that if a person had owned the house for five years, had no other house available for his own occupation, had not sold a house since house sale controls were lifted, and gave a year's notice to his tenant on the ground that he wanted the house for his own occupation, the hardship provisions were not to apply and, in effect, the court would be required to make an order for possession. It is provided by paragraph (*i*) of clause 18 that a protected person is to have rights similar to those already described except that the limitation of five years' ownership is not required. The clause makes other amendments of a minor nature recommended by the committee which do not require special attention.

An amendment is made by paragraph (*f*) which was not considered by the committee. This provides that, if any proceedings are taken for the recovery of possession of premises and it is proved that at the time of the giving of the notice to quit the tenant was in arrears with his rent, the court may disregard the hardship provisions if it thinks fit notwithstanding that the rent has been paid prior to the hearing of the proceedings. It sometimes occurs that

a notice to quit is given and proceedings started against the tenants who are in arrears with rent but payment of the arrears is made before the actual hearing of the case. Sometimes this occurs on two or more occasions. It is considered that any such conduct should be a matter which should entitle the court to disregard the hardship provisions.

Clause 19, which amends section 26v, was not considered by the committee. Section 26v authorizes the local court to do such things as adjourn proceedings for recovery of possession of premises, to postpone the date for execution of a warrant, to extend the period of a warrant and so on. Clause 19 provides that this power may also be exercised by a special magistrate in lieu of the matters being dealt with formally by the court. Orders of this kind are usually made by a magistrate in chambers and the amendment will authorize this practice to be followed when orders are sought under the section. Clause 20 is of a drafting nature and gives effect to the recommendation of the committee as to the power of the court to extend the period for which warrants for possession may be enforced. Clause 21 has been earlier referred to in detail. Clause 22 repeals section 26aa which provides that, where a lessor has obtained possession of the premises by fraudulent misrepresentation, the lessee can recover damages. The committee's view is that these provisions are unnecessary.

Section 26ab provides that if a lessor, who has recovered possession of premises on the grounds that he needs them for his own occupation, sells or lets the premises, he shall, except in certain circumstances, be guilty of an offence. The penalty for this offence is now fixed at £50. The committee has recommended that the penalty be £500 and this alteration is made by clause 23. Section 26ad now provides that where notice to quit is given the notice is not invalidated if rent is received within six months after the giving of the notice. This limitation of time is removed by clause 24. Clause 25, which was not considered by the committee, amends section 26af of the Act. That section provides that where proceedings are taken against a tenant and the tenant dies, any person in possession of the premises is to have the same rights as the tenant. The section is intended to provide that in a case such as where notice to quit is given to a man who dies, his wife will, for the purposes of the proceedings, have the same rights as those of her late husband. The effect of clause 25 is to provide that this position is to apply both before and after notice to quit is given. The clause, as drafted, is similar to a provision in the Victorian Act of 1948.

Clause 26 provides that where proceedings are taken for the recovery of the possession of premises on grounds such as non-payment of rent and breach of covenant and the like, the costs of the proceedings shall be in the discretion of the court. At present the Act generally provides that no costs are to be allowed. Section 26ah provides that the Housing Trust may intervene in eviction proceedings although, of course, it is not a party to those proceedings. In point of fact, the Trust has never exercised this right and the committee recommends that the section be repealed. This is done by clause 27.

Clauses 28, 29 and 30 deal with exclusion certificates. Section 26ai and 26aj provide that the Housing Trust may, in certain circumstances, give a certificate to a lessor which has the effect of providing that the eviction provision will not apply to any lettings of the premises in question. Clauses 28 and 29 provide that in each case the certificate given by the Trust may be extended and as regards section 26aj, which is now limited to dwellinghouses in which there are not more than three residential units, that this legislation shall be removed. The amendment relating to the extension of exclusion certificates was not considered by the committee.

Clause 30 deals with a legal matter arising out of the issue of these exclusion certificates and provides that, if a lessee remains in possession after the expiration of the certificate, then notice to quit may be given and proceedings may be taken within three months of the expiration of the certificate and for the purposes of the notice to quit and the proceedings, the provisions of the Act restricting the right to obtain an order for eviction are not to apply. Clause 31, which was not considered by the committee, enables the Governor to make regulations prescribing forms of notices to quit and thus to reduce, in some degree, the technical difficulties associated with these documents.

Clause 33 makes a number of amendments to section 26an of the Act. This section deals with the rights of protected persons. Paragraph (*e*) of the clause makes an amendment which is of some importance. As has been previously mentioned, a protected person, in certain circumstances, cannot be evicted from his dwellinghouse unless reasonably suitable

alternative accommodation has been available to him and subsection (6) of section 26an contains a definition of what is such accommodation. This definition is struck out by clause 33 (*e*) as the opinion of the committee is that what is reasonably suitable as alternative accommodation can safely be left to the court instead of being defined with such particularity. At present the alternative accommodation must be available at or after the time of the giving of the notice to quit. It is provided that it should be considered by the court whether the alternative accommodation was available before or after the giving of the notice to quit. Under the section, a protected person, in effect, loses his protection if he has an opportunity to buy the premises in question at a fair price but has not done so. Two important amendments are made to this provision. In the first place, it is now open to doubt whether the price at which the house is offered to the protected person tenant is to be the price with vacant possession or subject to tenancy. Clause 33 makes it clear that the price is to be the price subject to the protected person's tenancy. In the second place, the verbiage of the section is altered to provide that the court is to consider whether the protected person had reasonable cause not to accept the offer of the house. Subsection (7) of section 26an now provides that where the lessor is a person who served abroad in any war, the provisions of the section, in general, do not apply to the lessee who is a protected person. The committee has recommended that this provision be repealed and this is done by paragraph (*g*) of clause 33.

Section 26ao enables a protected person to apply to a court for an order giving him possession of a vacant house. Subsection (4) provides that, with certain exceptions, it is to be an offence to let the house to anyone else until the application is disposed of. Clause 35 repeals this provision as, in the opinion of the committee, an order of the court, if made, can be enforced without any other sanction. Clauses 36 and 37 were not the subject of the recommendations of the committee. They deal with sections 27 and 28 of the Act which provide that it is an offence wilfully to demand rent in excess of that which is lawful to be paid under the Act or wilfully to make a false record in a rent book. The effect of the word "wilfully" is that the prosecutor must prove affirmatively that the defendant knew he was breaking the law by doing the action in question and it is provided by clause 36 that, instead of the term "wilfully" there should be substituted in each case the words "without reasonable excuse." Clause 38 repeals subsection (2) of section 29. That subsection makes it an offence to refuse to let any premises to a person if the reason for the refusal is that the person had made an application for rent fixation under the Act. Section 30 of the Act prohibits the payment of key money. It has been found in practice that the information about this offence is rarely given within the six months which, under the ordinary law, a complaint must be laid and it is therefore provided by clause 39 that the time within which complaints may be made under this section are extended to 12 months. This amendment was not considered by the committee. Clause 40 makes a drafting amendment to section 31.

Clause 41, which was not considered by the committee, amends section 31a. This section provides that, where a lessor deprives a lessee of the use of such as portion of the premises or of any furniture or goods let with the premises the court may make an order requiring the lessor to permit the lessee to have the use of the premises or furniture or goods in question. There is no sanction for the order of the court and clause 41 makes it an offence to fail to comply with an order of the court. Section 33 authorizes the members and officers of the Trust to inspect any premises for the purpose of carrying out the Act. The committee has recommended that this power should be limited to premises which are actually the subject of a lease. This is done by clause 42 and, in addition, the power of the Trust to require information is extended to apply to information relating to the use of the premises by lodgers and the amounts paid by them. Section 35a of the Act provides that in certain circumstances the local court may make an order authorizing the lessor to enter the premises leased by him and to carry out repairs, etc. Clause 43 provides that the cost of any such proceedings shall be in the discretion of the court.

Clause 44 also deals with the same matter and provides that the lessor, in addition to having the right to enter the premises in accordance with section 35a, shall have the right, after giving at least 48 hours' notice to the lessee of his intention so to do, to inspect the premises at any time between 9 a.m. and 6 p.m. for one hour. This right of inspection may be exercised at intervals of six months. If, without reasonable excuse, the

lessee prevents the lessor from exercising these rights, the lessee will be deemed to have committed a breach of his lease. Clause 45 extends the operation of the Act for a further year until December 31, 1952. Clause 46 provides that, if the Act is reprinted under the Amendments Incorporation Act, the sections, parts, and other provisions of the Act may be renumbered. The Act has been amended very considerably, with the result that for the purpose of numbering the sections, the alphabet has been used and re-used. This causes some degree of confusion and the legislation would be much clearer to the public if the sections and other provisions were numbered in numerical or alphabetical progression, as the case may require. It is intended that the Act, as amended by the Bill, will be reprinted at the end of the Parliamentary session and included in the Annual Volume of Statutes for 1951. The effect of this clause, therefore, is that in this reprint the various sections may be re-numbered with the result that references to such as section 26ab and similar references will disappear and each section will have a number without an alphabetical addition. The clause also enables the various cross-references in the Act to be altered in conformity with any alteration in section numbers. Members will see from my report that the committee which was appointed pursuant to a resolution of Parliament last year has gone into this matter very thoroughly. It is open to every member to agree or disagree with the recommendations, but I do not believe any honourable member will doubt that the committee was sincere in trying to formulate workable legislation which would to the best possible degree solve the problem which confronts us. I move the second reading.

Mr. O'HALLORAN secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 1. Page 1077.)

Mr. HAWKER (Burra)—We are indebted to the State Traffic Committee for its work in formulating the proposals in this amending Bill. Its recommendations give us a better picture of the position than would have been available without its assistance. Several authorities have expressed grave doubt whether some of the road traffic legislation passed last year would be practicable. I refer particularly to the short righthand turn at intersections having traffic lights. I pay a tribute to the authorities for the way they have co-operated to make the alteration work effectively. I particularly mention the Lord Mayor of Adelaide, who, after the Bill was passed, expressed grave doubt whether that portion would work in Adelaide, but said he would do his best to see it did work. He has certainly carried out his promise. The handling of traffic in Adelaide has improved considerably during the year.

Mr. Pattinson—I think he is satisfied now.

Mr. HAWKER—I believe so. The police are now doing a much better job in controlling traffic. Their interpretation of the law has made the position more flexible and traffic gets away much quicker. Road transport in South Australia is making rapid progress, but I am afraid the Act has become fairly complicated. We have not yet all the answers to traffic problems, and it will be a year or two before we have suitable legislation, but we should endeavour to get uniform traffic laws throughout Australia. In his speech on the second reading Mr. Pattinson mentioned that a Federal body was inquiring into this aspect and he instanced how hard it was to get uniformity; that a Federal body suggests something is no reason why it should be adopted. I know of many instances where South Australia has been on its own for some time and has eventually proved to be correct. Some fairly drastic alterations to the law are suggested in the Bill, particularly concerning drunken drivers, and everyone will agree that something must be done in this regard. Mr. Pattinson mentioned the question of the right-of-way at intersections. At present a vehicle approaching on the right has the right-of-way, but another section of the Act provides that an approaching vehicle about to turn to the right must stop if there is danger of a collision. I do not propose to read the letter received from the Royal Automobile Association, which Mr. Pattinson read, setting out its view, which is tantamount to saying that the right-of-way of the vehicle approaching on the right should be strengthened rather than the reverse. Because of the fast-moving traffic of today drivers should know beyond doubt which vehicle has the right-of-way at an intersection irrespective of whether one or the other desires to turn to the right; doubt creates potential danger of accident. The amendment breaks down the rights of the driver approaching from the right. Special provision is made in the law to deal with traffic crossing over Anzac Highway and the Port

Road. At a general intersection the vehicle approaching on the right should have the right-of-way because the driver of the other vehicle has no means of knowing whether the vehicle on his right is going straight ahead or is about to turn to the right, because any hand signal will be made on the opposite side of the approaching car.

Clause 26 deals with defective vehicles on the road. I have received complaints from several prominent garage owners that some lorries which come in for overhaul are not safe to go on the road because the brakes do not work, or the lights do not operate, and often a vehicle is overloaded. Mr. Jack Winnall, of Keith, who has had much experience of attending accidents on the Duke's Highway, has made a careful study of the circumstances surrounding such accidents. He says that quite a number were due to overloading. He presented a case to certain members of Parliament, the police and other officials and also submitted a formula to the State Traffic Committee under which it would be simple to calculate the allowable weight for any vehicle. That part of our legislation dealing with the width of tyres is out of date. I understand it was included simply to protect our roads. If a vehicle is overloaded to such an extent that the tyres or some other part of it will fail it is a potential danger not only to the driver himself, but to other road users. The width of tyres provisions do not cover the position adequately. For instance, the gross laden weight allowed by the manufacturers of a 1 to 4 ton truck fitted with 7.50in. x 20in. tyres is 16,000 lb. Such a vehicle would have 5in. rims and the width of tyres legislation would permit a weight of 26,880 lb. to be carried, which is 67 per cent above that specified by the manufacturers. A 5-ton truck fitted with 8.25in. x 20in. tyres and 6½in. rims may carry a gross weight of 17,400 lb. according to the manufacturers, but under the width of tyres provision it may carry 34,944 lb., about 100 per cent more. A semi-trailer with 10 wheels may carry 47 per cent more than the weight approved by manufacturers without contravening the law. The question of gross vehicle weights requires investigation by experts. I understand the State Traffic Committee has considered this matter, but had so many different opinions from so-called experts that it felt it could not make any recommendations at present. However, this is a matter that should be kept under review.

When the lights of a motor car fail it is usually easy to park it on the side of the road so as not to interfere with traffic, but it is not easy to park a heavy vehicle or semi-trailer out of the way when its lights fail. Vehicles standing on the road without lights create a great danger and perhaps legislation could be passed to require heavy vehicles to have emergency lighting equipment. Vehicles parked on the road are especially dangerous when a road user is approaching another coming from the opposite direction, because he may be dazzled. The member for Goodwood referred to the hazard created by vehicles having one bright light and one dim light, but I think the English cars which are fitted with a light that can be turned to the left and dipped are well equipped. I agree with the clause providing heavier registration fees for compression ignition engines using diesel fuel, because at present they do not contribute to the petrol tax from which the States get much of their road funds. The member for Stanley may be correct in saying that diesel vehicles do not damage the roads as much as petrol trucks do because of their limited speeds, but the fact remains that the operator using diesel fuel does not contribute to the road fund. To impose a tax on a flat rate would not be the best way to overcome this question, but I see no way to tackle it except as provided in the Bill. Generally speaking, the measure improves the Road Traffic Act. There are many more vehicles on the roads and casualties are increasing, whereas they should be decreasing. I have noticed an improvement in road manners during the last 12 months, but the Australian driver has much to learn from the Asian drivers I saw on my recent trip, for road users in Ceylon and Malaya display more courtesy and a better use of signals than those in South Australia. I support the second reading.

Mr. CHRISTIAN (Eyre)—I pay a tribute to the members of the State Traffic Committee. I do not know many of them except by repute, but I believe they are experts in their respective fields and devote much time and the benefit of their knowledge to traffic problems. Generally speaking, the amendments they suggest from time to time improve the law, although sometimes we do not see eye to eye with them. This is inevitable in such a controversial subject as traffic legislation, but the amendments proposed by this Bill are, in the main, sound. It is particularly important that the question of dealing with drunken drivers should be handled with the gloves off because today the risk is far too great to be lax. The high-powered motor vehicle of today moves so quickly that an accident or an emergency may

occur before one knows what is happening. Road users must be constantly on the alert, so more drastic provisions are justified in dealing with the menace of persons driving under the influence of intoxicating liquor.

I might be alone if I opposed the provision to increase the registration fees on diesel-powered vehicles, but some members might overlook one or two important aspects. Some years ago I, with others, strongly opposed a proposition to increase the registration fees on diesel vehicles. We were successful, but I am afraid on this occasion the cards are stacked against us. There should be some differentiation in imposing increased registration fees on these vehicles because many of them play an important role in the development of our outback areas. Were it not for the cheaper form of transport obtained by the use of diesel fuel much developmental work would not be taking place today, or only at greatly increased cost, which would ultimately make the work too costly. Heavier fees could result in over-capitalization which would be reflected in cost of production. While prices of primary commodities are high everything in the garden is lovely, but one day we shall come back to earth with a thud. Cheap transportation will then be a vital issue in the development and servicing of our remote, outback localities. The transport of their commodities may entail heavier costs than their industries can bear.

I should have thought we could overcome the problem of obtaining greater contribution from diesel vehicles by a different method. Of course, it is so simple merely to double their registration fees by a dragnet provision applicable all over the State. The clause will apply not only to commercial vehicles, but to any motor cars powered by diesel engines, and to tractors used to some extent for road haulage, but the issues involved are not so simple that they can be disposed of by one stroke of the pen. We should encourage the greater use of the less refined fuels, for throughout the world one of the tremendous problems is the inability of refineries to supply sufficient petrol. The greater use of distillates or fuel oils would relieve the strain on liquid fuel supplies. Further, it would cheapen the cost of our transport services. Today we are faced with ever increasing costs of transportation and price rises in fuel, maintenance, tyres and other things. These costs amount to a colossal figure at the end of the year and if we can cheapen costs, even in the direction of using cheaper and more economical fuels, we should do so. I am afraid that the new impost will have a serious effect on the greater change-over to diesel propelled vehicles, a move which is progressively gaining considerable ground. In the last year or so there has been a great tendency to install diesel powered engines in ordinary motor cars. The installation of such engines would be reflected in much cheaper running and the call on the more highly refined fuel would have been reduced. Everybody would benefit by such a change, but with the proposed increased registration fee a considerable blow will be struck at this favourable tendency. It has been generally stated, and it is the reason for the introduction of this proposal, that the diesel-powered vehicle does not contribute sufficiently towards the building and maintenance of our roads. These vehicles certainly do not contribute anything to the fuel tax, except 10 per cent primage duty on import.

Mr. O'Halloran—How much a gallon does that represent?

Mr. CHRISTIAN—I do not know because the landed costs vary from time to time. Apart from that, the diesel engine also carries a much higher import duty than the petrol engine. Let me illustrate that by reference to a 36 h.p. popular make of diesel engine in a car used for transport work today. The duty on it is £149, whereas the duty on a corresponding petrol engine of similar horsepower varies from one-half to two-thirds of that amount, depending on the landed costs. Diesel engines also carry a much higher tariff duty and contribute to Federal revenue a far greater sum than other engines. Revenue from that source is not directly used on road construction and maintenance, so it is assumed that owners of diesel engines do not contribute as much, by comparison, as petrol engine users. Much of the damage to our roads is caused by interstate hauliers who will not be touched by this proposal; in fact, they will get off scot free. Consider the tremendous damage that is done to our South-East and interstate roads. There have been periods when the railways were unable to cope with interstate traffic because of rail stoppages and so on. Interstate hauliers have come to the rescue and still have an important part to play in the removal of goods interstate, but there is no question that they have done tremendous damage to our roads, which are unable to carry today's heavy loads. I would have thought that the authorities, the Government and possibly the State Traffic Committee would have examined the

question of some contribution being made by interstate operators by some other means. The Transport Control Board issues permits or licences to interstate road operators and we could have recouped ourselves to some extent, by charging them higher fees. It might be pointed out that the Government has recently recovered a lot by way of fines for breaches of our traffic laws.

The Hon. M. McIntosh—It is only because they did not apply for licences.

Mr. CHRISTIAN—It is only a temporary thing and has nothing to do with the real point at issue. A permanent charge could have been levied on interstate operators, which would have been just as substantial a contribution towards our roads fund as is expected to be received from the proposal in the Bill. Instead of levying say 5s., £1, or £5 on interstate hauliers for a permit for running on our roads a much greater sum could be levied.

The Hon. M. McIntosh—That matter has been referred to the State Traffic Committee.

Mr. CHRISTIAN—Has no recommendation been made on it?

The Hon. M. McIntosh—The matter is still being considered.

Mr. CHRISTIAN—Before we agree to the drastic provision proposed on diesel powered vehicles we should examine the possibility of collecting something from interstate hauliers by way of a higher permit charge.

The Hon. M. McIntosh—It will have to be done in two ways.

Mr. CHRISTIAN—If a sufficiently strong case can be made out I will not have any objection, but I do object to making a State-wide 100 per cent increase, regardless of road conditions. I have mentioned the development of outback areas where the increased charge will be a heavy impost.

The Hon. M. McIntosh—Have you heard that a man with a diesel engine carts less than a man with a petrol engine?

Mr. CHRISTIAN—I know it is the case in my district where diesel-powered units have undertaken transport work which petrol transport has never looked at. It is a big factor in the development of our outback areas and should not be overlooked. Some method of zoning the State, or exempting certain classes of transport operators, should be considered before we agree to such a sweeping measure, leaving no exemption. Consider farm tractors as another illustration. Under the Act a man, by paying 25 per cent of the registration fee, can haul his farm produce to the local railway siding or port. The reason for this concessional registration is that the work is purely seasonal. He uses his tractor on local roads usually at harvest time; a few weeks of cartage for 25 per cent of the full amount of registration. Under the proposal he will be called upon to pay up to 50 per cent of the registration fee. A typical farm tractor, with a 50 h.p. diesel engine and weighing 3½ tons, giving a power weight of 120, would have to pay £29 for registration, but under the Bill he will pay £14 10s. to use his tractor on the roads for only a week or so each year.

The Hon. M. McIntosh—Is much of that done in your district?

Mr. CHRISTIAN—No, but it is growing. Travelling at 15 miles an hour the cartage of farm produce today is a payable proposition, but in the days when only five miles an hour could be done it could not be looked at. With the higher gears producers can do a lot of road work.

The Hon. M. McIntosh—Shouldn't they be placed on the same plane as petrol driven engines?

Mr. CHRISTIAN—No.

The Hon. M. McIntosh—Those men contribute towards the cost of the roads.

Mr. CHRISTIAN—The vehicles are only used for very brief periods during the year. If the fee is doubled it will add seriously to transportation costs. They should be specifically exempted from the increase, and the matter should be carefully considered. When will the new provision come into operation? According to the Bill it will have immediate application, but I suggest that it should apply only on the expiration of current registrations. That would make the law more simple to administer and everyone would understand it. Nobody would be in bother as to the increased amount to be paid. There will be tremendous confusion if the Bill passes as drafted because scores of operators will not know anything about the new law, but they will be required to pay forthwith the additional fees.

The Hon. M. McIntosh—Has the honourable member checked that?

Mr. CHRISTIAN—No, but that is my reading of the Bill.

The Hon. M. McIntosh—I suggest that you check it.

Mr. CHRISTIAN—There is nothing in the Bill to say that the provision shall apply only on the expiration of current registrations.

When the 25 per cent cut in registration fees was restored there was a specific provision that the increase would apply only as registrations became due for renewal. Regarding the transfer of concessional registration, there is an aspect which should be considered. At present there is confusion as to whether share-farmers can get the concessional registration. Some get it without much trouble, but with others there is a good deal of argument as to whether they are entitled to it. If a man is engaged in primary production as a share-farmer and uses his vehicle in the same way as the owner of the land uses his, he should get the same concession. It is strange if the share-farmer has to pay the full registration whilst the owner of the land gets the concession. It does not make sense and is not fair. The Registrar of Motor Vehicles has been very considerate in this matter, but he has had to use his judgment as to whether a man was a share-farmer or an employee of a farmer. He set up his own rules to clarify the position and to enable him to judge the matter. I gather that in many cases the final consideration was whether the share-farmer worked under the direction of the owner of the land or whether on his own account. The Registrar assumed that if the man worked under the direction of the farmer he was not a share-farmer, but an employee, and as an employee he could not get the concession. If the share-farmer derives his living from a share in the proceeds of the sale of a crop, or the sale of wool from sheep, or the sale of sheep, he should be regarded as a share-farmer, and if he uses his vehicle in the same way as the owner of the land uses his, and it is certified by the local police officer, he should get the concessional registration. I have handled many cases which have been argued before the Registrar. In some cases he granted the concession, but in others did not, but I do not blame him in any way because the law on the point is not clear.

Mr. Pearson—Would you say that the man should get the whole of his living or only a part of it as a share-farmer?

Mr. CHRISTIAN—Part of it. Many farmers pay wages to a man in order to ensure, if the crop returns are poor, that he gets at least a living. The practice has been in force for years, and it is sound and fair. The income from shares and wages must be taken together. A man share-farming, and using his vehicle as I have said, should get the concession. I am whole-heartedly in accord with the provision dealing with the dipping of headlights. There is provision in the Act now, but the position is made clearer by the Bill. Members will recall efforts I made as far back as 1938 to get compulsory dipping of headlights, but Parliament would not listen to me. I do not know why, because my experience has satisfied me that glaring headlights are an absolute menace, particularly on wet nights. I am glad to know that some years later Parliament agreed to a small amendment which gave regulation-making powers to the authority in this matter. The new provision is better and clearer than anything we have previously had on the subject and I support it.

Mr. O'Halloran—Including the provision that a driver must dip his headlights in badly lighted streets because there are street lights there?

Mr. CHRISTIAN—I have driven a good deal around the metropolitan area and I find I do not need my long beam anywhere, my short beam being quite adequate.

Mr. O'Halloran—But this law applies to the whole State?

Mr. CHRISTIAN—I think most towns have some lighting, and the short beam, if properly focussed, is quite adequate in any built-up area. Of course it depends on the power of the lights. Some lights have such low candle power that whether on the long or short beam they would be of very little use. The remedy lies in attention to the globes used rather than in deciding whether a short or long beam should be used. Generally speaking, the provision is quite sound. I support the Bill in the main with the reservations I have indicated.

Mr. TAPPING (Semaphore)—I support the Bill and believe it is a step in the right direction. The Act is one of those which come up each year for amendment. I commend members of the State Traffic Committee for their excellent work over a number of years performed without reward. I believe they put much time into their meetings, and their deliberations generally result in much wisdom being handed to this House for endorsement. In most cases, because they have been considered so seriously by the committee, its recommendations are given a ready blessing by this House. I pay a tribute to the National Safety Council which has done its best for many years not only in South Australia but all over Australia to point out to people in general and motorists in particular the need to preserve life. Through its various committees taking evidence and giving information over radio stations, that body has rendered excellent service; but despite that the loss of life is

appalling and increasing annually. The following is an extract from the annual report of the National Safety Council which sums up the position rather aptly:

The question of safety is not just a human problem, it's an economic one also. It is human to the extent that in the four years ended June, 1949, 17,788 persons were killed from all sources of accidents in Australia; of this number over 6,000 were killed in road accidents. It is an economic problem because the loss to the nation in terms of money is stupendous, made up in damage to property, production loss of the injured, medical expenses, etc.

The preservation of life is very essential and we should give it our whole-hearted consideration by seeing in what ways we can minimize the shocking figures which bank up from year to year.

Clauses 9 and 10 refer to the issue of drivers' licences. At present these expire on June 30 each year. Clause 10 is to be commended because it will have the effect of staggering renewals and making it easier for both the department and those renewing licences. At present renewals are made towards the end of the financial year and it is almost beyond the physical capacity of officers of the department to keep pace with the applications. Therefore, delays have occurred in forwarding renewals and drivers have been inconvenienced to an extent which should be considerably minimized by the new system. I also commend clause 11 which refers to motor vehicles which are 7ft. or more wide or which carry a load 7ft. or more wide. Some omnibuses of the Tramways Trust have used a mechanical signalling device for many years and some other vehicles have used it for the last few years. To make it mandatory that every vehicle in this category should have such a device is a step in the right direction. In some cases drivers with huge loads have had no hope of indicating to other drivers that they were about to turn, because the views of other drivers have been obstructed by the load; but under this system any motorist would know that a huge motor vehicle was about to turn.

Clause 14 refers to the punishment of drunken drivers. For a number of years in this House I have referred to drunken driving—a practice which seems to be growing rather than decreasing. This clause provides for a fine or imprisonment for the first offence, but makes it mandatory on the magistrate to send an offender to gaol on a second offence. Each year more stringent provisions are being made with regard to drunken drivers who are doing so much to destroy rather than preserve life. The Act provides for the suspension of a licence; but from time to time the press reports cases in which a police magistrate has imposed a suspension of only 14 days. More stringent action must be taken if we are to eradicate traffic offences, so that offenders will see that law-makers are determined to stamp out such offences. If a magistrate takes from a driver his right to drive for six or 12 months, it may be some deterrent to others. When I spoke in the Budget debate last week I drew the Premier's attention to the question of referees who would determine whether a driver was intoxicated. I pointed out the huge task confronting Dr. Welch, the recognized police doctor for the metropolitan area. I said that in my district men had been apprehended for driving under the influence of liquor, but a considerable time had elapsed before Dr. Welch could attend. He is doing an excellent job, but it is beyond his physical capacity to exercise his prerogative throughout the whole metropolitan area. Therefore, we should relieve him and show the public that we mean business in suppressing this offence by having referees established at Port Adelaide and in other large towns. In his reply the Premier indicated that the formula adopted might be different. Dr. Welch might have one formula in deciding whether a man was under the influence of liquor, whereas another doctor might not carry out a similar test. I feel that a charter should be laid down whereby doctors would be able to decide whether a man was affected by liquor. I know the police on occasions have been disappointed when they felt sure a man had committed an offence because the time elapsing before a doctor could be called to make an examination had enabled him to escape without a conviction. I hope the Government will consider the appointment of local referees for this important work.

I am very impressed with clause 26, which gives the Registrar of Motor Vehicles or the Commissioner of Police, or persons nominated by them, power to inspect the vehicle considered to be unroadworthy. Under the proposed law if a vehicle is in such a bad state of repair that it is unsafe to be on the road the registration can be withdrawn until the vehicle is put in a satisfactory condition. From time to time one sees motor cars of the 1914 or 1916 vintage that are not safe to be on the roads. Generally, they are most unreliable. Because they are unable to keep

pace with modern cars, they obstruct traffic. No provision is made in the Bill to deal with taxi drivers who drive at excessive speed. Although I have no desire to castigate all these drivers there are some whose licences should be taken away. Their only aim is to make money, and in doing so they disregard the preservation of human life. The police should give more attention to this class of offender who rush people to the racecourses and return at high speed to the city to get another fare. It is true that we have a speed limit, but some of these drivers appear to be a law unto themselves. Although motorists generally do everything for the safety of others, many taxi drivers adopt the bad practice of trying to race everyone in getting to the front. I am surprised that more accidents have not occurred because of their dangerous driving. The police should watch this position more rigidly and make taxi drivers realize that they have a duty to try to preserve human life. I was interested to read the analysis of road accidents in South Australia during the year ended June 30, 1950, appearing in the annual report of the National Safety Council of South Australia. During the year there were 16,830 road accidents, resulting in 170 people being killed and 3,578 being injured. These figures compare with those of the previous 12 months as follows:—12,441 accidents, 119 killed and 3,164 injured, an increase of 4,389 accidents, 51 killed and 414 injured. The figures for accidents, deaths and injured for the year 1949-50 were the highest yet recorded in the State. We must untiringly do all we can to suppress the increase in mortality as a result of road accidents. I support the second reading and trust that the House will accept the Bill.

Mr. WHITTLE (Prospect)—I join with other honourable members in eulogizing the work done by the State Traffic Committee. It is a highly efficient body and a great asset to South Australia. I do not know whether a similar organization operates in the other States. I feel sure that the attention its members give to their duties is reflected in the road courtesy which is generally extended in South Australia. I have driven in other States and consider that South Australian drivers compare more than favourably with drivers there. Some features of our traffic laws are not uniform throughout Australia. For instance, there is nothing in the Bill dealing with the compulsory stopping of motor vehicles when persons are entering or leaving tramcars. Experience has proved, and this is supported by evidence collected by our police officers in the other States, that our system which permits a motorist to pass a stationary tram at a speed of six miles an hour is a better safeguard to the public than the practice in Victoria and New South Wales where a motorist is compelled to stop if a tram is stationary. I am pleased that the South Australian authorities are standing their ground on this issue. I feel there will be benefit to all concerned if the present practice is continued, as very few accidents occur here under our law in this regard. The member for Glenelg, to whom the community is under a great debt of gratitude for the time he spends on traffic matters, has just told me that this matter was again considered by the State Traffic Committee and that it was decided not to alter our Act to introduce that system. The provision that drivers must dip their lights when driving in streets lit by lights placed at distances of less than 100yds. apart is an excellent amendment and will bring satisfactory results. Many timorous drivers want to use the light from street lamps and the high beam of their own cars in order to let people know they are on the road, but they create a great traffic hazard. I have frequently seen cars approaching me on well-lit thoroughfares, such as the Prospect Road, a quarter of a mile away with their lights on the high beam. When I flash the high beam of my lights at them they rarely take any notice.

Mr. Shannon—That is an offence today.

Mr. WHITTLE—Yes, but this provision will make it an offence to drive on the high beam on a road having street lights less than 100yds. apart.

Mr. Stephens—Many motorists drive along the Port Road or the Anzac Highway on the high beam.

Mr. WHITTLE—Yes, but those roads are divided by a plantation so the danger is not as great as on the Prospect Road. I realize that old cars are not so well equipped with lighting devices as the modern car, but this provision is a worthwhile attempt to overcome a serious traffic problem. The menace of persons under the influence of intoxicating liquor driving or attempting to drive motor vehicles is well-known, and I approve of the provisions on this subject.

Another amendment requires vehicles more than seven feet wide to be fitted with warning devices. Similar provisions should be enacted to apply to drivers with physical disabilities.

I would not suggest that a person who was deaf and dumb should not be allowed to drive, for the use of a motor vehicle might be necessary for business reasons. However, his vehicle should be fitted with a special device to indicate when he wished to turn, as well as side vision mirrors. I was driving along O'Connell Street, North Adelaide, and had with me a person going to the Royal Adelaide Hospital for treatment. A car was on my left about half-way between the gutter and the tram line and well away from my car. The driver could not have seen my approach in his rear vision mirror and when halfway between two streets he turned across my path. I blew the horn furiously but he did not hear and crashed into the back of my car. Afterwards I found he was deaf and dumb and the other occupant of his car suffered the same disability. If that driver had a side vision mirror on the right of his car he would have seen me before turning. When the authorities issue driving licences to persons with physical disabilities they should take every precaution to see that accidents are avoided.

Like the member for Burra, I cannot see how the provisions of clause 21 will be carried out. It has always been the rule that one must give way to the vehicle on the right. A person turning right into the stream of traffic therefore has right of way. Most drivers exercise that prerogative cautiously in the interest of their own safety, particularly if turning into a busy thoroughfare. The amendment provides that a person wishing to turn, say, from a minor road, right into the stream of traffic must give preference to traffic approaching on his left. Take the side streets along Prospect Road. How can a man approaching from the left know which way the other driver is going?

Reference was made to the debate here last session when the short righthand turn was first instituted. It is to the credit of Parliament that it held to the idea of uniformity and said that if the short righthand turn was to be the practice in suburban streets it should apply within the city of Adelaide. The Adelaide City Council traffic committee opposed the proposal and claimed that it would not work in the busy Adelaide streets, but it has worked most successfully. Police officers deserve special thanks for the way in which they educated motorists in the new practice. It has speeded up traffic and motorists have realized that they must be wary at all times. I heartily support the Bill and reserve any further remarks until it is in Committee.

Mr. STEPHENS (Port Adelaide)—I support the Bill. Much work will have to be done when the measure is in Committee to make it workable, easily understandable and of benefit to motorists as well as preventing accidents. No matter how careful we are in making laws we will never prevent accidents. There are young motor cyclists, with their girl friends on the pillion seat with their arms and legs thrown round them, who try to show everybody how fast they can drive. Some pass other vehicles, waving their hands to friends and showing off generally. There is another sort of driver who tries to be clever. On one occasion I heard a motorist say to another "You think you are that clever you can go so close to another car that you can take off the varnish without touching the paint." That man is frequently the cause of danger to others. Reference has been made to taxi drivers. I have seen taxi drivers rush up to an intersection, suddenly apply the brakes and pull up almost to a dead stop. Another driver, fearing an accident, stops and the oncoming vehicle crashes into him. On one occasion a driver behind me ran into my car. All he seemed to worry over was the fact that the insurance company would pay for any damage. A driver of that kind should not be allowed to get off scot free with the insurance company having to foot the bill.

Doubtless many of us have been spoken to by police for not stopping at "Stop" signs, some of which are real traps and frequently cannot be seen. I was speaking to a motorist who had interstate visitors with him and he told them he was going to break the law and asked them to tell him when he broke it. He then went past a "Stop" sign without stopping. The visitors asked where the "Stop" sign was and when they went back it was found to be practically hidden from view. A "Stop" sign is erected at the approach to a bridge near Gawler. It is mixed up with other signs, giving the distance to different towns. A motorist could easily be caught there. "Stop" signs should not be used as a trap for a man who desires to do the right thing. Near where I live there is a "Stop" sign. Because I know it is there I always stop, but many other people do not stop because of its being hidden by another vehicle. I ask leave to continue my remarks.

Leave granted and debate adjourned.

ADJOURNMENT.

At 5.52 p.m. the House adjourned until Wednesday, November 7, at 2 p.m.