

HOUSE OF ASSEMBLY.

Tuesday, November 13, 1951.

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

TRAMWAYS TRUST FINANCES.

Mr. O'HALLORAN—I noticed from this morning's press that the Lord Mayor stated at a meeting of the Adelaide City Council yesterday that the financial position of the Municipal Tramways Trust was under consideration by the Government. I ask the Premier whether this is so and, if it is, has any decision been reached to give financial assistance to the trust, or has any policy been formulated on this matter?

The Hon. T. PLAYFORD—I think that probably the Lord Mayor's remarks have been misinterpreted. I think he was referring to the fact that some time ago a request was received from metropolitan municipal authorities that a committee be appointed to examine the trust's finances. That suggestion was supported by the Tramways Trust Board, and in due course a committee was appointed to examine the financial position of the trust and its future policy, which involves big questions. The committee is working on its inquiry, but no report has been received yet. It certainly does not contemplate financial assistance from the Government.

ABATTOIRS DISPUTE.

Mr. MICHAEL—Industrial trouble at the Metropolitan Abattoirs seems to occur almost every year at this period when lambs are coming in in large numbers, resulting in considerable losses not only to growers but in meat supplies when meat is scarce. A constituent of mine has written to me regarding this matter and has suggested that it might be an opportune time to have a general inquiry into conditions at the Abattoirs to see whether there are factors other than irritation tactics causing industrial trouble almost every year. Has the Minister of Agriculture any further information to give the House about the present trouble, and will he consider bringing before the Government the question of a general inquiry into conditions at the Abattoirs?

The Hon. Sir GEORGE JENKINS—I do not think there is any justification for a special inquiry into Abattoirs conditions. Industrial matters are decided by the tribunal set up by Parliament for that purpose and the wages

board decided that certain conditions shall apply in respect to employees at the Abattoirs who are members of the Meat Employees' Union. Yesterday morning the Abattoirs Board, on which there is union representation, decided unanimously that it would accept the decision of the wages board or other industrial tribunals. This was conveyed to the men by the chairman and two other representatives of the Abattoirs Board yesterday. They also conveyed to the men that they would oppose any application to vary the decision given recently by the wages board. I was informed this morning that the men went to work about 1 o'clock, but that they told the Abattoirs Board that they would continue their irritation tactics. This morning only 16 loads of meat were delivered to the metropolitan area. The Abattoirs Board accepts the decisions of industrial tribunals and asks the other side to do the same.

PENSIONERS' WATER AND SEWER RATES.

Mr. FRANK WALSH—I have been asked, in view of the hardship suffered by old age and invalid pensioners purchasing or owning their own homes from the increased water and sewer rates, whether the Government would permit these people to be charged the former fees until their properties have changed hands?

The Hon. T. PLAYFORD—That would not be in accordance with legislation passed by Parliament. Parliament has provided that the charges for water shall be levied under a rating system, which stipulates how the rating shall be applied and the method of valuation. Under the Act there is a right of appeal against any rate considered to be too high. From time to time many members in this place have pointed out that the water and sewerage facilities are provided in this State at extremely reasonable costs. As a matter of fact, the base rate for water has not gone up in the last 13 years to my certain knowledge, and it may be that the same rate has existed for 25 years, so it cannot be said that the rates charged for water are too high. Recently the Public Works Committee, in a report, drew attention to the fact that the services we provide are in many instances below cost and that the matter should receive the consideration of Parliament in due course. Under these circumstances I cannot agree that the rates are too high, and so, automatically, I cannot agree that there is any necessity to act in the matter.

CLAY IMPORTS.

Mr. DAVIS—Has the Premier noticed the following article which appeared in the *Advertiser* of last Thursday?—

Steel fencing posts and steel sheets comprise the majority of the cargo of the freighter *Herefordshire*, due at Port Adelaide today from New York. The freighter is also carrying resin, clay, and oil.

Does he know whether this is a special type of clay which cannot be obtained in Australia, and for what purpose will it be used?

The Hon. T. PLAYFORD—I presume that the clay is of a special type; otherwise the expense of bringing it from New York would scarcely be justified. A number of industries are being established in South Australia and some of them require clay for specialized purposes. In South Australia we have rich deposits of various types of clay and when its properties are sufficiently known, as well as the methods of blending, we can overcome the difficulties of importation. Until the information is available to us I believe it will be the practice for certain specialized classes of clay to be imported for our ceramic industries. In conjunction with the C.S.I.R.O. we have established a laboratory in Adelaide, and it has the support of the Commonwealth Government. We have secured an expert from overseas and practical tests are being made in connection with the industries. We have in South Australia some outstanding valuable clay deposits, yet in Australia large sums of money are being spent on the importation of high grade ceramic material. For example, high voltage insulators are being imported to the value of about £2,000,000 a year. There is no reason, given adequate knowledge, why these insulators should not be provided from Australian resources. At present we are purchasing clay from other countries, Japan in particular, and it would be to our advantage if we could make our industries self-supporting in this important line.

SLOW TURN-ROUND OF SHIPS.

Mr. STEPHENS—Early in this session we were told that there was a slow turn-round of ships at Port Adelaide, and the waterside workers and others were blamed a good deal for it. The Premier told us that Mr. Bishop, Auditor-General, had been appointed to inquire and report on the matter, but no report has yet been received. This morning I visited the Port Adelaide wharves and at berth 11 I found that the shed contained cargo from three vessels. The first cargo was put in a fort-

night ago, and then, because it had not been removed, the cargo from a second vessel was put on top of it. Now cargo from a third vessel is being placed on top of the other cargo. The shed is stacked with goods in some places from 15ft. to 20ft. high, and there is not one door of the shed through which cargo is being taken. Only one hatch is working on the ship and the men cannot do their usual work because the trolleys which haul the trucks cannot get into the shed. They were discharging cement this morning. It was being tipped off trolleys on to the roadway, where the men picked it up and put in on hand-trucks to be taken into the shed. I was told that several times yesterday one sling of cargo was hanging on the hook, one was on the wharf and another at the shed waiting to go in. This caused delay, and no worth-while work was done. As a result the waterside workers are not doing as much work as they used to, and it is unfair to them when such statements are made. I believe the Premier wants to do the right thing. Will he have an inspection made of wharf sheds by some of his officers? It would be better if the Premier himself could go down. If any member of this House is prepared to go down I will take him and show him the position. Will the Premier see if something can be done to have the sheds emptied more quickly in order to have a better turn-round of ships, and not have the waterside workers continually being undeservedly blamed?

The Hon. T. PLAYFORD—The problem of handling cargoes at Port Adelaide has been under the close survey of the Auditor-General, Mr. Bishop, and he has been in consultation with me almost every week, since his appointment, on various aspects of the work. I am certain that he will make significant recommendations towards improving the position at Port Adelaide when he makes his report. I have also had the advantage of discussing this matter with the officer brought from overseas by the Commonwealth Government to investigate the Australian shipping position generally, for the problem in South Australia is only part of a general problem. It is sometimes necessary to have action taken in the other States if we are to get the full benefit of a better method of unloading ships here. I assure the honourable member that the things mentioned are under observation and from day to day steps are being recommended and taken to try to improve the position. We found at one time that certain Adelaide

merchants were using the wharf cargo sheds at Port Adelaide as warehouses for their commodities, and in some instances were seeking to merchandise articles from the cargo sheds. That position was met at the time by providing for steeply rising charges after cargo had been in the sheds for a certain time.

Mr. STEPHENS—Are you aware that many of the men being taken on at the wharves as waterside workers are transport workers?

The Hon. T. PLAYFORD—I understand there is a resistance to certain men going on at Port Adelaide. It may be necessary to do what has been done in Victoria where, if goods are not taken delivery of from the cargo sheds after a certain time, they are automatically pushed out of the sheds at the cost of the owners, who then have to take responsibility for them. We have to clear our cargo from the ships or we cannot stay in business as an exporting and importing country. I can assure the honourable member that all possible steps will be taken to straighten the matter out.

TRAMWAYS TRUST INQUIRY.

Mr. STOTT—The Municipal Tramways Trust is engaged in taking up the road in Franklin Street to lay a new tramline. Has the committee inquiring into the operations of the trust considered the question of providing diesel buses along this route to avoid the necessity of putting down a new tramline in the square mile of the city which will only be adding to traffic problems?

The Hon. T. PLAYFORD—The terms of reference of the committee which were suggested by local governing bodies and the trust were of the widest character. Personally, I had grave doubts when the committee was appointed whether the terms were not so wide as to make it almost impossible to conclude the inquiry. The wider the terms of an inquiry, the longer the wait for a report. It would have been much simpler and better if the terms had been confined to the immediate problem of the finances of the trust. The terms of reference of the committee are sufficiently wide to take into account all the matters mentioned.

Mr. MOIR—In view of the fact that some members of the Metropolitan Tramways Trust Board will come up for re-election this year, can the Premier say whether the report of the committee of inquiry will be tabled this session?

The Hon. T. PLAYFORD—I doubt very much whether it will be presented during the present session. As I pointed out in reply to a previous question the terms of reference to the committee are very wide and involve all

aspects of the future development of the Tramways Trust. It stands to reason that no reputable committee would report on that matter until it had made a very wide investigation. I know the investigations of this committee have already extended to other States and that it will visit other States.

LICENSING OF MENTAL HOSPITAL.

Mr. MOIR—Has the Premier a reply to my question of last week as to whether it is permissible for a private hospital to change to a mental hospital without seeking a further licence to treat mental patients?

The Hon. T. PLAYFORD—I have received the following report from Dr. Birch, Deputy Director-General of Medical Services:—

It is not permissible for a private hospital to change to a mental hospital without seeking a further licence to treat mental patients in accordance with Part VII.A (licensing of private mental homes) of the Mental Defectives Act, 1935-50.

CONCESSIONAL RAILWAY FREIGHT RATES.

Mr. LAWN—Are concessions granted to consignees of certain goods on the railways, and, if so, can the Minister of Railways indicate the classes of freight on which such concessions operate and give an estimate of the amount involved?

The Hon. M. McINTOSH—The question is very wide, as the schedule covering railway rates is contained in a volume almost as large as a bound sessional volume of *Hansard*. The general principle is that the freight system is so assessed that the goods best able to pay in the main pay the higher freight, having regard always to the primary importance of having the lower rates for such essentials as superphosphate, firewood and agricultural machinery. Every rate is fixed on the basis of a fair charge for a fair service. If the honourable member has in mind any particular item I will try to get the information he requires.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

Mr. MACGILLIVRAY—During the week-end an officer of the Berri Co-operative Union asked me what progress had been made with the Industrial and Provident Societies Act Amendment Bill introduced earlier this session. I was unable to give any information other than that it had been given a very lowly position on the Notice Paper. Can the Premier say whether the Government intends to proceed with this Bill this session?

The Hon. T. PLAYFORD—As drafted the Bill was introduced at the request of a co-operative society which desired additional capital. It appeared to the Government to be satisfactory in every way in as much as it did not affect any society which did not desire to take advantage of its improved conditions, although any society so desirous could do so. The friendly societies asked for an adjournment of the debate to enable them to make up their minds on it, but up to the present I have not heard their opinion on the subject, except that one friendly society thought it would be a good thing to refer the Bill to some committee for consideration. In those circumstances, and in view of the late stage of the session, I doubt very much whether the Bill will be passed this session.

METROPOLITAN WATER SUPPLY.

Mr. HUTCHENS—It has been reported to me from many parts of my district that the water supply this year is not as good as that in previous years. There is an impression that the supply is adjusted by the turncocks. I have written to the Engineer-in-Chief with regard to this matter, and now ask the Minister of Works whether it is correct that the pressure is reduced by turncocks so as to preserve the supply? If not, can the Minister state any other reason for the general decline in the metropolitan water supply?

The Hon. M. McINTOSH—It is incorrect to say that there is a general decline in our water supply; indeed, the position is actually the reverse, because returns each month show an increase over the corresponding period last year. There may have been increased building activities in many parts of the honourable member's district, with more people to draw on the water supply, which would have the effect of reducing the pressure in those areas. If he has any specific area in mind where residents feel they are getting a lower pressure than circumstances warrant, he should get in touch with me and I will take the matter up with the Engineer-in-Chief in an effort to find a remedy. Our reservoirs are full and weirs are flowing over, and there is no suggestion of curtailing supplies by the action of any turncock. In fact we are turning the surplus water underground to make a reservoir for the future.

INSECTICIDES AND FUNGICIDES.

Mr. QUIRKE—For some time I have sought information regarding a standard to be used in the formulae upon which insecticides and

fungicides are compounded. Has the Minister of Agriculture a report on this matter?

The Hon. Sir GEORGE JENKINS—Progress has been made towards the purpose of amending the Pests Destroyers Act in as much as valuable data have been collated from various sources. The present position is that a specialist committee comprising representatives from this department, the Department of Chemistry and the Department of Public Health has been formed to give this matter urgent attention.

POLIOMYELITIS: TREATMENT OF PORT AUGUSTA PATIENTS.

Mr. RICHES—Has the Premier a reply to my question of a fortnight ago regarding the possibility of physiotherapists from Port Pirie or Adelaide visiting Port Augusta to obviate the necessity of patients from that district travelling south for treatment?

The Hon. T. PLAYFORD—The matter is being examined but a report is not yet to hand.

MOTOR CAR INSURANCE PREMIUMS.

Mr. CHRISTIAN—In July I raised the matter of motor car insurance premiums because it was then proposed by insurance companies, by interstate agreement, to increase insurance premiums by 25 per cent all-round. Can the Premier say whether that increase has taken place, whether the inquiry by the Prices Commissioner which he promised has been made and whether such premiums are to be brought under price control?

The Hon. T. PLAYFORD—The Prices Commissioner reports:—

One in every four vehicles insured under comprehensive insurance is involved in an accident in South Australia. The loss ratio of tariff companies, representing 62.5 per cent of total business, increased from 56.8 per cent in 1950 to 71 per cent in 1951. On the basis of overhead costs as ascertained from the Government Statist this represents a loss of 10 per cent on all comprehensive insurance. Combining tariff companies and Lumley's (Lloyds), the coverage of this investigation has been 75 per cent of total comprehensive insurance in this State; the latter company's loss ratio for the two periods exceeded the experience of the tariff companies. No decision has been reached in other States to de-control this type of insurance, but two States have requested that this matter be reviewed at next Ministers' Conference in Hobart. Since July, 1950, repair costs have increased by 35.5 per cent, the major factor in building up cost of claims. South

Australian premiums are lower than those prevailing in New South Wales, Victoria, and Western Australia, viz.:—

	Private Vehicle, First £100.			Country.		
	City.					
	£	s.	d.	£	s.	d.
South Australia .. .	9	2	0	5	19	0
New South Wales ..	12	11	6	8	9	0
Victoria .. .	12	0	6	8	4	9
Western Australia ..	13	2	6	11	5	0

Similar pro rata rates, in comparison, apply in the case of other types of vehicles.

The honourable member will see that the Prices Commissioner has not found any ground upon which to take action.

TREATMENT OF POLIOMYELITIS PATIENTS.

Mr. QUIRKE—Recently the Premier promised to inquire into the statements I made regarding the treatment of poliomyelitis patients at the Northfield Hospital. What progress has been made on this matter?

The Hon. T. PLAYFORD—The investigation is proceeding. Some reports have been furnished to the Government, but I am awaiting others. When all the reports are available I will advise the honourable member.

SAW MILLS IN SOUTH-EAST.

Mr. MOIR (on notice)—

1. Is it the intention of the Government to build several large additional saw mills in the South-Eastern areas of the State to mill logs in that area?

2. Is the Government aware that certain interstate interests intend building saw mills in the same area?

3. Are South Australian timber companies desirous of building saw mills in the area?

4. Does the Government intend to control the price at which any private miller may sell timber to Adelaide box manufacturers?

The Hon. Sir GEORGE JENKINS—The replies are:—

1. The Government has recently referred to the Public Works Committee a proposal to erect a large sawmill to take care of supplies that can now be made available from State forests. When other supplies are likely to become available, the Government will give consideration to methods of handling them.

2. No.

3. South Australian timber companies at the present time own sawmills, and also have other sawmills working on contract for them in the South-East.

4. The price at which any private miller may sell timber to Adelaide box manufacturers is controlled by the Prices Commissioner.

SALE OF HOUSING TRUST HOMES.

The Hon. S. W. JEFFRIES (on notice)—

1. How many houses was the Housing Trust obliged to sell below cost under long term agreement?

2. How many of those houses were timber-frame houses?

3. Does the Government consider that it is safe financially for the trust to sell timber-frame houses costing approximately £2,000 each on a deposit of approximately £200 under long term purchase agreements with a maximum of 35 years?

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

1. 136.

2. 136.

3. The average price of the houses above referred to was £1,724 and the terms for the agreements range from 26 to 32½ years, the average term being approximately 28 years. The average deposit was £217, which amounts to 13 per centum of the purchase price. In view of the fact that, under the Homes Act and the Advances for Homes Act, advances may be made up to 90 per centum of the security, it is considered that the margins provided by the deposits paid to the Housing Trust are safe.

DAIRY HERD TESTING.

Mr. Macgillivray for Mr. FLETCHER (on notice)—

1. How many stud dairy herds are under official test in South Australia?

2. How long has official testing been in operation in South Australia?

3. Have all herds under test shown a marked improvement in production as a result of information gained by testing?

4. Has consideration ever been given to requiring a herd to be up to a standard test before being admitted to official test?

The Hon. Sir GEORGE JENKINS—The replies are:—

1. Seventy-one (71).

2. Since 1923.

3. No. An analysis of official herd test production records reveals that only 41 per cent of pure-bred herds under test have shown an overall improvement in production over a period. Of the remaining herds 27 per cent have failed to show any significant or maintained improvement, while 32 per cent have actually regressed in production.

4. No.

CLERKS' AWARD.

Mr. HUTCHENS (on notice)—

1. Is the Minister of Industry aware that in the clerks' determination, 1951, No. 18, delivered September 19, 1951, the court refused to adjust marginal rates prescribed by it in 1948 in accordance with the rise in the cost of living in the meantime, and to meet variations in the real value of money?

2. Is the Minister aware that at the same time Mr. President Morgan also recommended increases in the salaries of Supreme Court Judges on the grounds of the fall in value of money since 1947?

3. Is the Minister in a position to explain to the House such discrepancies?

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

1. Yes.

2. Mr. President Morgan, in recommending increases in the salaries of Supreme Court judges, took into account principally the rates of judicial salaries in other States as well as the fall in value of money since 1947 (see second reading speech August 16, 1951). The salaries of judges do not fluctuate with alterations in the living wage.

3. Although the Full Industrial Court in the clerks' case decided that the marginal rate for clerks should not be adjusted in accordance with the rise in the cost of living, the court did not decide that no increase should be granted. This will be determined by Mr. President Morgan who is now hearing the case. His decision has not yet been given. I do not agree, therefore, that there is any discrepancy. I may add that the Government does not question the propriety of decisions made by the Industrial Court.

AIRFIELD ON KANGAROO ISLAND.

Mr. Shannon for Mr. BROOKMAN (on notice)—Has the Land Development Executive considered the growing importance of the air transport of freight and the desirability of providing an airfield on Kangaroo Island on the Crown lands being prepared for soldier settlement?

The Hon. C. S. HINCKS—The Lands Development Executive has given full consideration to the growing importance of air transport of freight on Kangaroo Island. An airfield suitable for freight planes requires long and well-prepared air strips, which are very costly, and the Cygnet River drome, which has been well established, meets the requirements. The

existing drome is located in a favourable position on the island and in no case would the lift of freight from the farm to the drome exceed a distance of about thirty (30) miles. It is, therefore, considered that the high cost of establishing an additional drome further west to save a few miles additional truck transport would not be necessary, and the cost not warranted.

SALE OF WALLAROO GRAIN DISTILLERY

Mr. McALEES (on notice)—

1. What was the price paid by the South Australian Government to the Commonwealth Government for the grain distillery at Wallaroo?

2. Did the Commonwealth Government pay £20,000 for a boiler?

3. Was the sale conditional on the State Government placing a worth-while industry at Wallaroo?

4. If not, what precisely were the conditions of sale?

5. What was the total sum received by the State for equipment sold from the distillery?

6. What was the amount paid by the following companies and departments for equipment from the plant:—(a) Pascoe & Co.; (b) the Electricity Trust of South Australia; (c) the Mines Department; (d) the Waterworks Department; (e) the Railways Department; (f) Charlicks, Ltd.; and (g) any other firms who have purchased goods from the distillery?

7. What is the value of equipment held by the Chief Storekeeper?

8. What is the value of buildings still held by the Government?

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

1. £105,000.

2. The Commonwealth Government as a condition of the sale insisted on removing one boiler for use at Heidelberg Repatriation Hospital. The Commonwealth Government's price for the sale of Wallaroo distillery land and premises was originally £125,000, but was reduced to £105,000 on removal of this boiler.

3. The Commonwealth Government sold the Wallaroo distillery to the State on condition that the State Government made every reasonable effort to secure a suitable industry to use the buildings at Wallaroo before any of the buildings were removed or sold for removal.

4. See above.

5. Total proceeds of sale of equipment, after allowing for costs of sales, were £121,183.

	£
6. S.A. Refractories Ltd.	2,027
Electricity Trust of South Australia	78,964
Mines Department	11,021
Engineering and Water Supply Department	9,005
Railways	13,460
Charlicks Ltd.	5,700
Others—	
Tarac Manufacturing Ltd. £170	
F. J. McLeod 6	
M. A. Kenny 415	
MacDougalls Ltd. 15	
Jeffs Bros. Ltd. 1,201	
	1,807
	121,984
Less expenditure by Public Stores Department as cost of sales . .	801
	£121,183

7. Approximately £50.

8. No assessment has been made of the value of the buildings.

Mr. McALEES' (on notice)—

1. What are the terms of the £65,000 guarantee given under the Industries Development Act to South Australian Refractories Ltd.?

2. Is the repayment of moneys lent or guarantees given fully provided for?

3. If so, into which fund is it proposed to pay the surplus accruing to the State from the sale of equipment from the Wallaroo grain distillery?

4. Is the Treasurer prepared to consider a suggestion that this surplus be earmarked for the purpose of financing exploration and development of copper deposits in the Wallaroo district?

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

1. A copy of the report of the Industries Development Committee will be made available for the honourable member's perusal.

2. Yes, the loan is to be repaid over a period of 20 years and the Treasurer's interests are fully secured by a first debenture over the assets of S.A. Refractories Limited.

3. All moneys arising from the sale of equipment from the Wallaroo grain distillery have been paid to the Loan Fund.

4. The House has before it a Bill to transfer part of the proceeds of such sales to the Country Secondary Industries Fund.

PORT AUGUSTA C.W.A. HOSTEL.

Mr. RICHES (on notice)—

1. Has the Government promised a pound for pound subsidy to the Port Augusta branch of the Country Women's Association for erection of a cottage hostel for outback families?

2. If so, what amount was available to the association for this purpose as at November 8, 1951?

3. What provision has been made in the Estimates?

4. Can this sum be increased to match increased sums of money raised by the association?

The Hon. T. PLAYFORD—In 1948 the Government approved of the South Australian Country Women's Association's application for assistance to erect at Port Augusta a hostel for the accommodation of waiting mothers prior to entering hospital, and placed £375 on the Estimates for that project. The association was advised that a pound for pound subsidy would be made available, provided the Government approved of the plans and the price agreed upon. No such plans or prices have been submitted, but the £375 has been re-voted year by year in case it is needed for that purpose.

PERSONAL EXPLANATION: FLYING DOCTOR SERVICE.

Mr. CHRISTIAN—I ask leave to make a personal explanation.

Leave granted.

Mr. CHRISTIAN—It concerns certain statements involving myself made in the House last Wednesday during my unavoidable absence in my district. During the discussion on the motion of the member for Stuart regarding Government assistance to certain medical services which operate in my district, the Treasurer stated that no-one, apart from Mr. Riches, requested in this year's discussion on the Estimates any assistance for the flying doctor service in that district. I can only say that I was not permitted to discuss the Estimates, being tied up in the chair as Chairman of Committees during the whole of the discussion of the Estimates. Had I been free to participate in these discussions I most certainly would have strongly supported the appeal for assistance for the flying doctor service in that area, as should be well-known to the Treasurer and members of the House. I make this statement so there shall be no misunderstanding either

in my district or in the House. I fully appreciate the assistance the Government has given to the hospitals at Ceduna and Wudinna, which were built by the local councils and now come under the Bush Church Aid Society. I accept the Treasurer's assurance that full consideration will now be given to assist the Bush Church Aid Society Flying Doctor Service as well.

SURPLUS REVENUE ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended to the House the appropriation of such amounts of the moneys of the State as were required for the purpose mentioned in the Surplus Revenue Act Amendment Bill.

MINING ACT AMENDMENT BILL.

Introduced by the Hon. T. PLAYFORD and read a first time.

CATTLE COMPENSATION ACT AMENDMENT BILL.

The Hon. Sir GEORGE JENKINS (Minister of Agriculture) moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—

That it is desirable to introduce a Bill for an Act to amend the Cattle Compensation Act, 1939-1951.

Motion carried. Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

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

Adjourned debate on second reading.

(Continued from November 6. Page 1113.)

Mr. FRANK WALSH (Goodwood)—This may be termed a landlords' Bill, because under it the tenant is a secondary consideration. It gives the Housing Trust the right to increase rents 22½ per cent above the 1939 rents. In that year rents were first controlled. I am concerned about the proposed percentage increase. It may not seem a large one, but it could operate detrimentally. The following example of how the proposals in the Bill

could operate is contained in paragraph 76 of the report of the Landlord and Tenant Inquiry Committee:—

1939 rent, £52.			
Cost of repairs, £8 per annum.			
Rates and taxes, £7 per annum.			
Insurance, 12s. 6d. per annum.			
1951—		£	s. d.
1939 gross rent (£52), plus 22½			
per cent	63	14	0
Increased annual cost of repairs			
and maintenance (£8 x 1½)	12	0	0
Increase in rates and taxes (60			
per cent of £7)	4	4	0
Increased cost of insurance ..	0	5	0
1951 rent	£80	3	0
Increase on 1939 level, approximately			
per cent.			54

The landlord who did not keep his premises in good order would not get the same increase. The Bill will have the effect of increasing rents steeply in cases where more than £1 a week is being paid. As the Housing Trust is the chief house-letting organization in the State, it is not the proper body to fix rents for other peoples' houses. I believe a fair rents tribunal would be more suitable. In recent years the trust has based rents of its own houses on something higher than the 1939 level. What is that something? Has it already made decisions which provide for a 22½ per cent increase on the 1939 figures? It is well-known that increases have been made in individual cases, but they vary. In general terms the Bill provides for the control of house rents, a control which will favour landlords, but the trust will be required to determine each case on its merits. This may result in some delay, and undoubtedly some tenants will benefit by such delay, but it is to be hoped that some of the rents pegged as at 1939 will remain. I refer to houses which are without a bathroom, laundry and other conveniences. Clause 3 provides that rents of shops let after the present leases expire will not have their rents fixed. I do not know that we are called upon to defend those who rent shops, but it is to be hoped that the changed circumstances will not unduly increase shop rents and, in turn, result in increased costs of commodities to consumers. Mixed businesses serve a useful purpose, but the attitude seems to be growing that service to the community is not an important consideration. I do not know whether the change is due to certain councils not wanting trading in their areas at week-ends, whether some of the people in these mixed businesses consider the shorter working week should also be extended to them, or whether they have been able to build up such a profit

in a shorter working period, irrespective of the service they render to the community, that they can afford to close earlier than has been the practice. It may be that penalty wage rates under awards preclude them from operating as long as they otherwise would. If that is so, consideration should be given to the position by some authority other than the Housing Trust. At the beaches at certain periods of the year these mixed businesses are open for long hours to meet the public's requirements. I hope that any decontrol of shop rents will not result in increased costs to consumers, thereby adding to their cost of living. Sections of the Act are indicated not only by numbers but also by letters of the alphabet and this makes it very difficult for laymen to follow. There are instances of tenants sub-letting premises, resulting in their making more money than they pay to their landlords. I do not agree with that practice. Often, in sub-letting, these people overtax the facilities provided, such as water, gas and other conveniences. Members on this side of the House do not favour such a practice, being opposed to the exploitation of owners in this way. Clause 14 deals with the period of notice to quit and states:—

If any premises to which this Act applies are let upon a fortnightly lease or upon a lease for any less period, a notice to quit in respect of those premises shall not be ineffective by reason that the period of the notice to quit does not expire upon a day coinciding with the expiration of a period of the lease.

I should like to know what the common law provides in this regard and whether the High Court has ruled that a notice shall expire at the end of a fortnightly lease.

Mr. Pattinson—The High Court has already given a ruling on this point and it is still the law.

Mr. FRANK WALSH—I appreciate that information. Can we afford to be out of step with that decision? Should we not try to maintain uniformity in the light of common law and High Court decisions in this matter? It may be necessary in Committee to consider the advisability of retaining the present provision.

Clause 15 which repeals section 26p, which the committee considered was being unfairly used by certain tenants, but is that a real argument for its repeal? I believe that clause 18 will give owners an advantage in the consideration of hardship. In the past, some members by strenuous efforts, have succeeded in including certain factors of hardship in the Act, and I believe any relaxation in them may

lead to the eventual abandonment of the hardship provisions. Paragraph (g) provides for the insertion of the following subsection:—

(4a) If, on the hearing of any such proceedings where application is made on a ground specified in paragraph (e), (k), or (p) of subsection (5) of section 26n or on a ground specified in paragraph (d) of subsection (5) of section 26n in respect of premises being shared accommodation, the court is satisfied that the ground has been proved, the court shall not take into consideration any of the matters referred to in subsection (1) of this section.

While I do not maintain that any lessee who has been convicted of any offence arising out of the use of the premises for any illegal purpose should be protected, there may be cases in which a person who has taken employment with housing provided is entitled to some consideration. Such a person may have left reasonable accommodation to take up such employment, but after a few weeks in the job may have a difference with his new employer and be forced to vacate the employer's house on his dismissal. Section 26n (5) (p) refers to premises let as a shop or business premises which have been converted by the lessee without the consent of the lessor into a dwelling-house. In the past this House has agreed to the use of any accommodation to house our people, but now, irrespective of the size of a family or how long they may have lived in a shop or business premises they are to receive no consideration on the grounds of hardship. Paragraph (f) of clause 18 amends section 26u to provide that consideration shall be given by the court to whether a lessee is in arrears with his rent. It may well be that a lessee is in arrears because of unemployment or sickness, but under the clause that reason is not to be considered by the court in deciding an action. I do not wish to extend protection to all tenants who are behind with their rent, but there may be some reason why a tenant is in arrears which should be considered by the court.

Clause 21 requires special consideration by Parliament. It deals chiefly with shared accommodation, on which the committee reported, *inter alia*:—

We recommend that where a lessor of any shared accommodation resides in the dwelling-house of which the shared accommodation is part, he shall have the right, upon giving notice to the tenant to quit, and without assigning any ground or reason therefor, to obtain possession of such shared accommodation.

I am concerned that the owner of a property who has owned it for 12 months and lived in it for that time and who has let accommodation

in his house under one tenancy only will be able to give two months' notice to the tenant to leave. Further, where the tenancy is entered into after the Bill is passed the period of notice will be only one month. If we lift the protection to tenants having shared accommodation, we shall meet our Waterloo. A comprehensive report from the Housing Trust should have been obtained on the number and type of cases of shared accommodation. Many tenants will be thrown out on the streets. I will not accept any statement that clause 21 offers an inducement to property owners to offer shared accommodation on the ground that, if they become dissatisfied with their tenants they will be able to give them one month's notice to leave and not have to go to the court. Many young married couples are renting a room and the use of a kitchen. Members know it is extremely difficult to find accommodation for married couples with families. The taxi trucks operating in Adelaide will be very busy next year shifting the belongings of people who have been given notice to quit their shared accommodation. This clause is a step in the wrong direction. Many house owners are eagerly awaiting their chance to give notice to quit to their tenants, not so much because of any hostility towards them as because, if they get rid of them, they will be able to dispose of their property with vacant possession at high prices. I realize that it is proposed to increase to £500 the maximum fine for obtaining vacant possession under false pretences, but this clause will provide a loophole. There will be nothing to prevent the owner of a house from turning out his tenant and, after continuing to live in it for a few weeks, selling it with vacant possession. Clauses 32, 33, and 34 deal with protected persons. Paragraph 140 of the committee's report states:—

It has been urged upon us by an ex-servicemen's organization that statutory provision should be made to continue the special protection of ex-servicemen to co-exist with protection afforded to tenants generally under the Act and that special protection that has already terminated by effluxion of the five-year period should be revived and continued. This, and all other aspects of the protection of ex-servicemen and their dependants, is a most contentious matter upon which many and varied views are held by responsible persons.

That indicates that at least one ex-servicemen's organization desires protection to be continued for a further 12 months at least. Sweeping changes of the law are made by these clauses; in future there will be very few protected persons. How will the Housing Trust provide accommodation for those who find themselves

without a home? Further, how can it allocate houses to them consistently with its policy of providing homes on the basis of greatest need and date of application? A pensioner in receipt of a 50 per cent incapacity war pension would probably need medical attention. I presume that if he loses his tenancy the Housing Trust will find him an emergency home. Many people in emergency homes are still awaiting such things as electric light, and in some emergency and trust areas there are no proper means of transport. People living in these areas should get better consideration. On the one hand the Bill provides for protected persons, but there are numerous ex-servicemen, recently married, living in undesirable conditions whilst waiting for a trust home to rent, or even an emergency home. Must they wait longer for a house in order that the trust can abide by court decisions to provide accommodation for protected persons who are to be evicted? The Premier should have told us the number of persons affected in this matter: I will not hazard a guess. When persons registered with the trust refuse to take emergency accommodation they disqualify themselves from getting any accommodation, and this savours of regimentation. People are being told how and where they are to live.

The Bill will not solve our housing problem. It only scratches the surface. Its provisions upset the previous practice of the trust to consider the degree of hardship of an applicant, and the length of time he has been living under undesirable conditions. It seems that the person who has been living under these bad conditions must give way to the protected person who has been living under good conditions. The matter needs serious consideration. I support the second reading, and have not indicated any amendments, but in Committee many matters mentioned in the Bill will need to be explained.

Mr. PATTINSON (Glenelg)—One hundred and five years ago, Lord Macaulay, one of the most brilliant of British essayists, historians and parliamentarians, delivered in the British Parliament a memorable speech which is pertinent to this Bill. He said:—

The details of the Bill, Sir, will be more conveniently and more regularly discussed when we consider it in Committee. Our business at present is with the principle; and the principle, we are told by many gentlemen of great authority, is unsound. This, they say, is one of those matters about which we ought not to legislate at all; one of those matters which settle themselves far better than any Government can settle them. Now it is most important that this point should be fully cleared up. We

certainly ought not to usurp functions which do not properly belong to us: but, on the other hand, we ought not abdicate functions which do properly belong to us. I hardly know which is the greater pest to society, a paternal Government, that is to say, a prying, meddling Government, which intrudes itself into every part of human life, and which thinks that it can do everything for everybody better than anybody can do anything for himself; or a careless, lounging Government, which suffers grievances such as it could at once remove, to grow and multiply, and which to all complaint and remonstrance has only one answer: "We must let things alone: we must let things take their course: we must let things find their level." There is no more important problem in politics than to ascertain the just mean between these two most pernicious extremes, to draw correctly the line which divides those cases in which it is the duty of the State to interfere from those cases in which it is the duty of the State to abstain from interference.

I quote Lord Macaulay at length because it seems to me that the problem which faces this Parliament with reference to this extremely controversial legislation is to endeavour as best we can to draw correctly the line which divides those cases in which it is the duty of the State to interfere from those cases in which it is the duty of the State to refrain from interference. Since its inception this legislation has been the subject of bitter controversy. Slanderous suggestions have been made that Parliament has been pandering to the tenants because they are more numerous than the landlords. Absurd allegations have been made that it is socialistic or communistic legislation. I claim to have made as close a study of the principles and practices of Liberalism as any member of this Parliament and, in fact, most residents of this State. I claim that the Government in introducing this legislation has displayed a proper conception of the true principles and practises of Liberalism. I repudiate the suggestion that Liberalism espouses the cause of unrestricted and uncontrolled freedom of enterprise. The true Liberal conception is the encouragement of the initiative and decision of individual enterprise, but subject to such constraints as are from time to time considered necessary in the public interest according to changing circumstances. Unrestricted freedom of enterprise is merely the law of the jungle, the survival of the fittest.

This type of legislation has been in operation in Great Britain and New Zealand for more than 30 years, and in force throughout Australia since shortly after the outbreak of World War II. In Australia it was admit-

tely an emergency measure to limit as far as possible the economic dislocation of the impact of war on the community. But whereas the emergency of war has fortunately passed away, or at least receded, the economic dislocation caused by the war has not been by any means entirely dissipated. The housing shortage has been for several years, and still is, the most acute problem in Australia, particularly in the metropolitan areas surrounding the capital cities. There are numerous causes. There was a dearth of house building during the depression years, and a complete cessation of home construction during the war, but there was a rapid acceleration of early marriages during the war owing to young men joining the services at an early age and also owing to the high level of employment and the highly remunerative rate of employment amongst the civil population during the war. Considering the shortage of manpower and materials, there has been a commendable house building programme since the advent of peace, but it has by no means caught up the lag: it has barely matched the current demand. It has been unable to cope with the high level of immigration, which has brought to this State 30,000 new Australians, the average age of whom is between 20 and 40—the child producing age. For these and many other reasons it has been found necessary to continue rent control to prevent undue bargaining and excessive exploitation concerning the inadequate supply of housing accommodation with consequent inflation of rentals. It has also been necessary to give a measure of protection to tenants to prevent their arbitrary eviction. It has been proved that rent control and eviction control must go hand in hand, because one would be ineffective without the other. However, it is generally conceded that this type of legislation should not be retained on the Statute Book any longer than is justified by the prevailing circumstances, that it should be reviewed from year to year, that it should be relaxed whenever possible and that it should be wholly discontinued when economic stability is restored.

In view of the criticism which has been levelled against this legislation, the Government made a wise and prudent decision in appointing an independent committee to inquire into and report upon the necessity or otherwise of its continuation. The Government also displayed remarkable judgment and a proper sense of fitness in choosing the personnel of this

committee to undertake a task of great magnitude and heavy responsibility. Each member of the committee is a well-known public figure, possessed of outstanding attainments and a high sense of public responsibility. The chairman and members of the committee and the secretary are entitled to the gratitude of the Government, Parliament and the general public for undertaking and discharging with such clarity and distinction such a monumental work. I have devoted considerable time and attention to a detailed analysis of the committee's report and recommendations, and I congratulate the chairman and members of the committee on producing such an extraordinarily able and easily readable document. The quality of the committee's report is in keeping with the calibre of its members, particularly of its chairman, Mr. Gillespie, a man of outstanding ability and considerable experience. Much publicity has already been given to the committee's report and recommendations, but the two fundamental recommendations have not been sufficiently stressed. The committee's terms of reference were extremely wide, namely, to inquire into all the circumstances and report as to the necessity or otherwise of the continuation of the landlord and tenant (control of rents) legislation in its present form. The present legislation involves the control of rents and control of evictions. The committee recommends the continuation of both these controls. Its report is a vindication of the decision of the Government and of Parliament to continue this rent and eviction control legislation from year to year. Little excerpts from the report taken from its context would suggest that this committee is in some way out of step with Parliament, but on the basic fundamentals, namely, control of rents and control of evictions, the report is a complete vindication of the attitude of this Parliament, and particularly of the Liberal Government and the members behind it. It is a strong vindication in the face of unjust and unfair criticism from members of their own Party in spheres outside Parliament, and I am very pleased to have this opportunity to speak early on the Bill and place on permanent record in *Hansard* just how striking is the vindication of this Parliament in its continuation of this very necessary and very humane legislation.

Paragraph 24 of the report reads:—

It is not possible to reach any conclusion other than that continuation of the statutory control of rents of dwellinghouses is essential in the interests of the community.

In paragraph 86 of the report it is stated:—

As far as dwellinghouses are concerned, it is quite unthinkable at the present time that restrictions upon the owner's right to recovery can be entirely removed, for the simple reason that great numbers of tenants would be dispossessed and be unable to be otherwise accommodated on a humane standard.

In paragraph 185 it is stated:—

At one stage of our deliberations we were disposed to recommend a fairly general decontrolling of business premises, *i.e.*, as regards both rent and the right of lessors to recover possession. Upon further reflection we have formed the opinion that such a step could be used in a way that would be harmful to the interests of the community and that in many instances it would be so used.

Later the same paragraph states:—

Whenever such a prospective tenant encountered an avaricious landlord the outlook for the tenant in occupation would not be attractive and the results of their union would probably be economically harmful.

Paragraph 187 states:—

We are of the opinion that the situation will fairly well be met if the present control of recovery of possession and of rents is continued with respect to existing tenancies of business premises but we recommend variation of the basis upon which rents of such premises shall be determined when either party applies.

It will be seen, therefore, that all the members of this independent and responsible committee endorse the decision of this Parliament, of all the other State Parliaments of Australia and of the Parliaments of Great Britain and New Zealand, to continue the practice of rent and eviction control for so long as "circumstances exist which would operate, if unfettered, to the serious detriment of the community as a whole or of a substantial part of it." The committee's fundamental decision is that a "sufficient reason to justify the imposition of restraints upon the exercise of free bargaining between people is, if the advantage on the one hand and the disadvantage on the other hand is so great in extent and its consequences are likely to be so far reaching and serious that, in the interest of good government, effective regulation is called for." I respectfully agree with that decision. Subject to one or two exceptions, I consider that the committee has ascertained and fixed with a fine sense of judgment the just mean which divides those cases in which it is the duty of the State to interfere from those cases in which it is the duty of the State to refrain from interference. Where the committee has been unable to hold the scales with exactly even balance it has properly allowed them to tip in favour of the owner. In

the main I agree with the committee's conclusions, and with minor reservations I propose to support its recommendations, which have been faithfully incorporated into the Bill.

Dealing firstly with the control of rents, I regret that the committee has felt obliged to rest on the general standard of rents prevailing in 1939 as the basis upon which to recommend a percentage increase. In spite of price control and wage control there was a gradual increase in the cost of living even during the war years. At the end of 1945 real incomes were generally higher than at the end of 1939. In succeeding years controls of wages and of many commodities have either been removed entirely or considerably relaxed, and there has been a general decrease in the purchasing power of money. Therefore, quite apart from the increased cost of repairs, maintenance, rates, taxes and insurance which landlords have been obliged to incur, the rents which they have received from their properties have lost their purchasing power. Consequently, I should have felt happier if the committee had devised some scheme for the adjustment of rents to provide the landlord with something approaching the equivalent of his purchasing power in 1939. A landlord is not entitled to be placed in a more favourable position than other sections of the community, but he should not be obliged to shoulder an unnecessarily onerous burden. It should not be his particular responsibility to stem the tide of inflation any more than it should be the responsibility of other sections of the community. Nevertheless, I realize that it would be both difficult and speculative to embark upon another system of assessing rents on some new basis which requires the calculation of present-day values. In all the circumstances it is probably prudent to continue with the system with which the Housing Trust and the public have become familiar.

However, I am far from convinced that the committee arrived scientifically or arithmetically at the figure of 22½ per cent increase on the 1939 standard as bringing the net return of the average landlord to a reasonable figure. To me this figure smacks of compromise. I have been a member of numerous committees where, after long disputation, a spirit of compromise has prevailed. Recently, in company with some other members of this House, I attended a conference with members of another place where the matter in dispute was the difference between £10 and £12. After hours of discussion the conference finally arrived at the Solomon-like decision of £11. That is my most

recent experience of this kind of compromise, and I have a real suspicion that members of this committee were divided in their opinions between a 20 per cent and a 25 per cent increase and compromised at 22½ per cent. In my opinion 25 per cent would have been a more equitable increase upon the basic starting point of the rental value of a dwellinghouse in 1939.

On the other hand I am inclined to think that the committee has gone a little too far in the other direction in fixing, as the basis of rents of business premises, the level of rents generally prevailing as a result of free bargaining between owners and tenants of premises of comparable rental value. During recent years there has been probably a greater demand and a more limited supply of business premises than of dwelling premises, particularly in the metropolitan area, because of the growth of industry and the almost complete embargo on the erection of new office and shop buildings.

Mr. Lawn—Factories are being erected every week where homes once stood.

Mr. PATTINSON—I am not talking about factories, because there has been no undue difficulty in getting permits to build them, but there has been an almost complete embargo on the erection of new offices and shop buildings in the metropolitan area. Consequently persons engaged in uncontrolled luxury industries in particular have paid extravagant rentals for some of the limited number of business premises which have from time to time become available for renting. If this recommendation is agreed to, I sincerely hope that the Housing Trust will have a proper appreciation of the term "rent generally prevailing" and not be led astray by the abnormally high rentals now being paid by some persons engaged in highly profitable businesses which are of very little value to the community. In Committee I propose to develop this argument more fully. The number of business premises which are free for bargaining between landlord and tenant as to rent is very limited. I suggest that most of them have been bargained for by people in highly profitable and luxury industries who are selling goods at uncontrolled prices and making excessive profits, and who are prepared to pay highly extravagant rents; but, as I understand the Bill, the Housing Trust will be obliged to take those few illustrations as the basis on which to fix rentals of commercial premises. The landlords and tenants will be free to agree upon their own rentals but in the case of a dispute between them some tenants will get the

shock of their lives, because if the Housing Trust is called in at the request of either the landlord or tenant it will be obliged by the terms of this clause to fix the current rent on the level of rents prevailing as the result of free bargaining between other owners and tenants on premises of comparable rental value. In my opinion that definition goes too far and will do much harm, as it will increase the rentals of business premises by far too much and have an inflationary tendency and a deleterious effect on the cost of living.

On the subject of the recovery of possession of premises there is no doubt that the Committee has recommended a large, if not a surprisingly large, number of relaxations of control in favour of landlords. In the main these relaxations are probably justified or at least justifiable. But in two cases at least I am definitely of the opinion that they go too far, that they are too sweeping, that they will cause unnecessary hardships and that they will place unnecessary burdens on the Government and the Housing Trust in providing emergency accommodation. In these two cases I respectfully suggest that the committee has paid too much respect to unproven and speculative legislation enacted by the Parliament of Western Australia less than a year ago. I do not regard such legislation as a good precedent, because I do not think that Parliament has had sufficient Australia-wide experience of these problems and because the Act has not been in force long enough to be proved wise. I believe it is in the nature of a speculation which will prove harmful to the community.

My first objection is to clause 21, which is based on the committee's recommendation concerning proceedings for recovery of possession of shared accommodation already leased. I listened with attention to the remarks of the Deputy Leader of the Opposition on this subject, and in the main I agree with him. I can readily agree with the statement contained in paragraph 111 of the report that the subject of possibly the most bitter complaints received by the Committee is the inability of the owner or lessor of a dwellinghouse, who has let or sublet portion of it to one or more tenants, to regain possession when bad feeling has arisen between him and his tenant. But obviously the committee heard only one side of these complaints. I believe it had evidence from a large number of disgruntled landlords, but little opposing evidence from tenants.

Mr. Shannon—Might it not be that few tenants are suffering great hardship in this regard?

Mr. PATTINSON—No; I think it was because tenants are not a cohesive combined body as are landlords. Quite frequently the nuisance and annoyance is deliberately caused and the bad feeling deliberately engendered by the owner or lessor with the definite object of making living conditions unbearable for the tenants. Often the plan of the owner is to force the tenant to vacate the premises so that he (the owner) can sell the premises at an inflated price for vacant possession or so that he can take in a new tenant at a black-market rental.

Mr. Macgillivray—Isn't that a rather extreme statement?

Mr. PATTINSON—If the honourable member objects to the word "often" I would say that on many occasions the plan of the owner is to force the tenant to vacate the premises so that he can sell them at an inflated price for vacant possession, or take in a new tenant at a black-market rental. In a considerable number of cases which I have personally investigated the conduct of the owner to the tenant, particularly the female tenant, has amounted to the very refinement of cruelty. This sweeping provision to virtually exempt shared accommodation from the provisions of the Act will occasionally give an unfair advantage to purchasers of houses subject to tenancies at inflated prices.

Mr. Macgillivray—I hope you remember that ownership still means something in this country.

Mr. PATTINSON—I certainly do.

Mr. Macgillivray—I have not heard anything to that effect from you yet.

Mr. PATTINSON—The honourable member, unfortunately, did not hear my opening remarks when I indicated that I agreed with 202 of the 204 paragraphs of the committee's report. I believe two of its recommendations are too sweeping, but I would agree to them if they were modified, and I hope they will be in Committee. I think I am in good company in disagreeing with them. In many instances purchasers had no legal or moral claim to obtain vacant possession, but the tenants voluntarily and at great inconvenience made available a considerable portion of the premises to the purchaser. Frequently I have suggested to tenants that they might make room for new owners. Under the Bill their generosity will be rewarded by their being deprived of any protection from the Act. The landlord will be able to summarily eject them after two months' notice without any rhyme or reason. In other cases courts, after full investigation, have decided that the solution of a claim between

owners and tenants for possession was that the two should share the house in two almost entirely self-contained apartments; yet because they share some small portion of the accommodation these decisions of the courts will be arbitrarily set aside and the owner will be entitled to take possession of the whole premises. "Shared accommodation" is rather loosely defined by the Act:—

"Shared accommodation" means any premises to which this Act applies which are leased, or intended to be leased, for the purpose of residence and forming part of other premises, but does not include any premises forming a complete residence in themselves.

"Complete" is the vital word. Unless premises are divided into two entirely self-contained flats this clause will apply if any portion of a residence is shared.

Mr. Shannon—That is not a loose but a tight definition.

Mr. PATTINSON—That is so, but the point is that there are very few domestic premises entirely separated. In most cases some of the accommodation is shared to some extent at least.

Mr. Shannon—Certain conveniences are usually shared.

Mr. PATTINSON—Even if only a passage-way is shared it is not a complete separation. In some cases owners have invited friends and acquaintances to share accommodation with them. They have made their premises almost self-contained, but some of the accommodation is shared. In some instances the tenants have sold their homes or voluntarily given up other accommodation to accept these offers of sharing another house with the owner. Most members must know of instances where that has occurred. It has suited the common purposes of the owner and the prospective tenant to share accommodation. Often the request to share accommodation has come from the owner, and the tenant gave up another residence. If this clause is passed in its present form many of these unfortunate tenants will fall between two stools. I do not think the committee has given sufficient consideration to this problem or has obtained sufficient statistical information as to the extent of the sharing of accommodation, particularly in the metropolitan area, or as to the type of the majority of tenants who share accommodation with the owners. Of the scores of cases of which I have definite knowledge the majority of such tenants are elderly couples, widows, spinsters, superannuated persons, old age and invalid pensioners and other persons in straitened circum-

stances. Many of them would not qualify for a trust home because of the limited numbers in the family and they could not afford to pay full board and lodging. A great burden will be placed on the Government to accommodate them if they are arbitrarily dispossessed of their accommodation as a result of the sweeping nature of this recommendation which has been translated into the Bill. I am quite prepared to give the courts a discretion to ignore the questions of lack of alternative accommodation and general hardship in regard to shared accommodation, but I am confident the committee has made a mistake and that Parliament will make a mistake if it arbitrarily forbids the courts to take any of these matters into consideration.

My only other objection to the Bill is in regard to clause 24, which embodies the committee's recommendation on special accommodation being made available by the Housing Trust to protected persons. About three years ago I stated in this House that I did not consider that in all cases the Housing Trust allocated houses on the basis of the greatest need. Perhaps I did not qualify my statement sufficiently, for the press interpreted it too generally. I did not mean that in all cases the trust did not allocate houses on the basis of the greatest need. That statement was not intended as a criticism of the chairman or members of the trust, who could not be expected to know the details of the many thousands of applications in their files, nor was it intended as any reflection on the general manager for whose outstanding ability I have the highest regard and in whose integrity I have the fullest confidence. However, I considered that many applications did not receive the investigation which they deserved and that some priority was given to the claims of others. This resulted possibly from the over-zealousness of some of the trust's officers, one or two of whom have been transferred to other fields of endeavour. I feel in duty bound to say that in recent years I have had no cause for complaint concerning any decisions of the trust on applications in which I have been interested. I obtain success in only about one in ten of the applications which I support, but I am satisfied that all these applications receive careful and sympathetic consideration. The plain truth is that there are not sufficient houses to accommodate the thousands of deserving cases requiring accommodation. That leads me to the point I desire to make, namely, that the Premier has stated on numerous occasions that

the trust is independent of the Government and of Parliament in relation to the allocation of houses to individual applicants. I agree with that policy so long as allocations continue to be made upon the basis of the greatest need. But this clause 34 cuts straight across this established policy. The trust has always shown the greatest sympathy to the claims of returned servicemen for both purchase and rental homes. I believe that at least 75 per cent of all trust homes are allocated to them according to their respective necessities, but under clause 34, after a somewhat irrelevant inquiry by a magistrate as to the respective hardships of a particular landlord and tenant, the trust shall be obliged to make available a suitable dwellinghouse to the protected person. I realize that the clause contains a safeguard in as much as the trust will only be obliged to make such dwellinghouse available "at the first reasonable opportunity." But I consider it connotes a somewhat dangerous form of compulsion to be exerted on the trust to consider the applications of these particular persons who may never have been applicants for a trust home.

Mr. Frank Walsh—They will only get emergency homes.

Mr. PATTINSON—They may get a purchase or a rental home, but there will be a measure of compulsion on the trust to supply these people with a suitable home in preference to the greater needs of other persons whose applications have been of longer duration.

Mr. Macgillivray—That is probably because the committee realized the community had a responsibility in housing returned soldiers.

Mr. PATTINSON—The honourable member probably holds that view with greater strength than I do, but the point is that there are many hundreds of deserving ex-servicemen who are not adequately housed and who have never been adequately housed since being discharged. I am not blaming the Government or any authority for that, for the truth is that there are not enough houses to go around. Many deserving returned soldiers have had applications with the trust for some time, but under this clause those who have been adequately housed for years will be given preference.

Mr. Macgillivray—Are you in favour of a priority for returned soldiers?

Mr. PATTINSON—Undoubtedly, and the trust gives that. Further, ex-servicemen are catered for by the War Service Homes Division, the Savings Bank, and other institutions, but this puts on a high degree of priority the man who since his discharge has not endured any hardship because he has had accommodation

and he may not have made any application to the trust. In any event the magistrate would have found that it would impose a greater hardship on the landlord than on the tenant, and willy-nilly the Housing Trust would be obliged at the first reasonable opportunity to find this person a home before providing for the thousands of deserving cases already on its books. In a given case the court could force the trust to house a person who has never suffered hardship and who has not made reasonable efforts to find alternative accommodation, in preference to other returned servicemen who have endured considerable hardships over a long period. I hope I have made myself clear on this point. There is no lack of desire on my part to help the ex-serviceman in general, but there is a lack of desire to see one man assisted in preference to more deserving cases.

The only two clauses to which I object, because I think they are wrongly based and will cause injustice, are the two sections borrowed from the 1950 legislation of Western Australia. I have respect for the Western Australian Parliament, but I do not think this legislation has been sufficiently proved. I would like Western Australia to gamble with the two sections for another year before they are included in our legislation without safeguards. I want to refer to several other matters. One deals with the method to be employed by the trust in dealing with the many applications which will be received for rental increases. Some of the applications will of necessity be considered early, whereas others will be unduly delayed. It would seem proper that when all applications are finally approved the increases should date back to the dates of the lodgment of the respective applications. Another suggestion I have is that in order to avoid unnecessary delays in determining increases of rental, landlords and tenants could get together in an attempt to settle the matter themselves.

Mr. O'Halloran—In the remote eventuality of a reduction of rental being granted do you think it should date back to the date of the lodgment of the application?

Mr. PATTINSON—Yes. This 22½ per cent increase will not bring all the beneficial results that some people think it will bring. It will be found that there are some cases where the tenants have already received more than a 22½ per cent increase. My second point is that there will be a long delay in dealing with applications. I understand that the trust will be bound to make an inspection in every instance

and I wonder whether it would be permissible for landlords and tenants to endeavour to clear the deck themselves. They should endeavour to agree upon an increased rental, according to the three bases contained in the Bill. There are many reasonable landlords and tenants and I suggest that they arrive at what they consider to be the correct rental increase and then lodge a joint agreed application with the trust so that, if considered proper after due investigation, the trust can approve the increase. I do not suggest that they be allowed to increase the rental beyond an additional 22½ per cent.

Mr. Shannon—Is it not the common practice in the courts today to allow the parties to confer?

Mr. PATTINSON—Yes. With business premises it is the law, and I suggest it may be worth considering an amendment along these lines. I do not suggest that the landlords and tenants should be allowed to agree to an unduly inflated rental.

Mr. Shannon—There are many tenants who would be prepared to confer with the landlords.

Mr. PATTINSON—Yes. We hear a lot of talk about the discord which exists between landlords and tenants, but it is exaggerated. I know hundreds of landlords and tenants who are the best of friends and there is a happy combination of interests. I deplore the exaggerated statements made from time to time that landlords and tenants are at daggers drawn. In most cases landlords and tenants could arrive at an agreement on the correct rental, but naturally that agreed rental must be referred to the trust for investigation. Paragraph 109 of the committee's report refers to the landlord being given the right at a hearing to rely on grounds additional to those contained in the notice to quit. I agree with that. On occasions it has imposed a hardship on the landlord when he has been restricted to the grounds set out in the notice, because sometimes a new ground has arisen. An amendment of the principal Act is required. The Act sets out that the notice to quit shall specify the grounds relied upon and that it shall give particulars thereof. Technical decisions have been given by our Supreme Court and the Supreme Courts of other States, which have required the delivery of particulars in almost the same detailed form as is required in some highly expensive and complicated civil proceeding. I have been engaged on cases on appeal to the Supreme Court, and fortunately I have scraped through with my particulars, and held the decisions on appeal, but if we go so far as to say that a landlord shall not

be restricted to the one ground set out in the notice he should not be tied down to the particulars of that one ground. A consequential amendment is needed.

Paragraph 88 of the committee's report supplies a welcome amendment. I heard Mr. Frank Walsh refer to it today. The Act provides that the tenant must receive a notice of minimum duration and, in addition, the notice must expire on the day of the expiration of the period of tenancy. With weekly and fortnightly tenancies in particular, and perhaps where there have been changes in ownership or tenancy, it is extremely difficult to know on which day of the week the tenancy actually expires. The rent day may have been changed from time to time. When the notice to quit is framed, at least 30 days' clear notice must be given, with the last day coinciding with the day of the week on which the tenancy expires. A large number of cases have been lost by landlords because of this technicality. Some smart lawyer or "smart alec" has been able to prove that the notice did not expire on the expiry day of the tenancy. When I have been acting for tenants I have on occasions, perhaps by a mere fluke, arrived at a happy result, and had cases struck out because of this technicality. However pleased I was at the time, because I was the paid servant of the tenant, I did not think it was natural justice, provided the tenant had ample notice. Paragraph 87 of the committee's report refers to the new proposed requirement of the endorsement of the notice to quit that the tenant is not legally obliged to comply unless ordered to do so by the local court. There is no doubt that there has been confusion in the minds of tenants when they have received a notice to quit. I have had this brought under my notice both as a solicitor and as a member of Parliament. People have come to my home in distress saying that I must do something for them with the trust because they have had an eviction order. When I finally get down to the trouble I find that they have received a notice to quit giving them 30 days to vacate the premises, and they have regarded it as an order from the court requiring them to get out of their premises on a certain date. The same type of people have come to my office. When I ask whether it is urgent they say they have an order to be evicted from the house. Actually, it is only a notice to quit. When landlords have asked whether they have a chance to win their case I have said, "You have not a dog's chance of winning on the merits, but if you like to spend

a couple of guineas I will prepare and have served on the tenant a long and fearsome-looking document which, in effect, is only a note from the lawyer, but will confuse and bamboozle the tenant." On a surprisingly large number of occasions the bluff has worked. I am entitled to give advice to my clients, but I think there should be a change as I have suggested. It was a brainwave on the part of the committee to think of it.

Mr. O'Halloran—I think you will find it was suggested by Mr. Condon and me.

Mr. PATTINSON—Whoever suggested it it was a good idea. There are several other clauses to which I desire to refer, but I shall defer that until the Committee stage. I agree with Mr. Frank Walsh that the legislation should be reprinted at the first opportunity. It is extraordinarily difficult for judges, magistrates, and lawyers to understand. There is more weeping, wailing, and gnashing of teeth among the legal profession on its meaning than on any other legislation I know of, and confusion becomes confounded because of the way the sections are indicated. There are English numerals, Roman numerals and also letters of the alphabet. I do not criticize anyone for that; it is just the way the legislation has grown following the taking over of Commonwealth regulations on the subject. I have much pleasure, for all the reasons I have given, in supporting the second reading.

Mr. CLARKE (Burnside)—After listening to Mr. Pattinson's speech, one is constrained to say very little on the Bill. I consider that members have never heard a better explanation of such a controversial and involved Bill than that given by the member for Glenelg. Perhaps no legislation passed by this Parliament has had such a far-reaching effect in so short a time as that dealing with landlords and tenants. Before it was introduced the notion had been fostered for centuries that an Englishman's home was his castle, his to live in and protect to the limit of the law so long as he did not interfere with the liberties and rights of others. Landlord and tenant legislation has seriously changed that outlook. I have no intention of decrying rent fixation as an economic instrument in times of national crises and acute shortages of houses. I support it. As the member for Glenelg said so clearly the report of the committee vindicated the policy of the Government; but we must beware of forming an attitude of mind which accepts a housing shortage as a permanent feature of our economy and the responsibility of one section of the community doing more than its share in meeting that shortage.

I have said before in this House that the part most landlords have played in subsidizing the cost of living of many thousands of tenants, consequently helping to slow down a rising price level, deserves the highest praise. Whether such an effect would have been apparent if we had not had landlord and tenant legislation is beside the point. Landlords in the main have played more than their part in the past 10 years or so. I hope it will be recognized by all other sections that the contribution of landlords in meeting some of the social problems of the post-war years has been a very real and, to many of them, a very costly and onerous contribution.

The Bill before us is based on the report of the committee of inquiry, and to that committee is due the thanks not only of the House, but of landlords and tenants. I do not propose to deal with the report except in broad outline. Quite properly the Government has introduced a Bill giving effect to the recommendations of the committee. Its findings need no reiteration. Some of the features of the report which do not appear in the Bill are perhaps of equal importance. Whereas they may not be subjects for which legislation is necessary, they express views which must receive consideration. The committee says at page 6:—

Control of rents cannot be justified and is unnecessary unless circumstances exist which would operate, if unfettered, to the serious detriment of the community.

That does not envisage rent control as a permanent feature of our economy. Further on the report says:—

Well-informed opinion does not provide any basis for the expectation that equilibrium between the housing requirements and accommodation available will be reached for a number of years.

They are two important features of the report which the House must consider. First, there is the expression of the unwisdom of rent control when it is not absolutely necessary. The second point is that the committee did not have before it authoritative material on which it could base an estimate of how long rent control would be necessary. The latter extract does not make it easy to say that rent control can go in, say, three years or less, as one would like to be able to say. However, it does leave room to say that we should closely examine the subject and endeavour to set a time table which would enable the progressive withdrawal from control over some pre-determined period. This would be a much more desirable proceeding than the welcome, but rather hotch-patched method of

relief which has been given within the last year or so. I should like to see a careful study made of housing needs, say, in the next five years compared with our building programme and the amount of rental accommodation available.

I am in complete agreement with the committee in its view that "removal of all existing controls now would be speedily followed by a great increase in the general standard of rents," and for that reason I support the continuance of control. The removal of some of the restraints on landlords—I refuse to call them "concessions"—is welcome. The recognition of some of the very harsh effects of the legislation is overdue. I shall refer briefly to some of them which have weighed very heavily on certain classes of landlords. The first is the inability to eject objectionable tenants where part of the home of the landlord is let and he lives in the remainder. The second is where an owner is unable to get possession of his house when he is paying a substantially higher rent than he receives for the house he is letting. There he suffers a double disability. He is involved in paying for his accommodation far in excess of what he receives from his own house, and on top of that he is compelled to pay taxation on the rent he receives. This income is taxable, whereas the rent he pays is not allowable as a tax concession, as it is regarded as a domestic expense. Another is the case of a tenant who sublets either to boarders or to flat residents accommodation in a house on which he pays a fixed rental. He makes a substantial income of which the landlord does not receive his rightful share. I know of an instance where one of my constituents is suffering very grievously as a result of having his premises sublet at substantial rentals, but my constituent is put into a serious financial position because he cannot share in that revenue which his tenant earns at his expense. All these cases of hardship—and there are many—need redress and this Bill goes some way to doing that.

Another feature of the report about impecunious landlords is well stated. It was once accepted that the ownership of a house to let as well as the house in which one lived provided economic security for old age. A number of worthy people in this State have relied upon that belief to see them through their last years without fear of money worries. They were people whose independence shuddered at the thought of the old age pension, which incidentally I hope before many years are out

will be available as of right to all who have contributed for it during their working lifetime. There are many people today who are now not able to support themselves from the rent of one cottage, and the ownership of such a cottage precluding their taking the old age pension, their plight is very serious. In many cases they are unable to keep the house in the repair necessary to qualify for the full rental for which such a house could be assessed by the trust. These people would be better off if they could sell their house with vacant possession and use the money over the remainder of their lives. I will not debate the means test as it is beyond the jurisdiction of this House, but the Bill now before us in its fullest implications suggests that a modification of the means test is long overdue. I have spent a little time on this aspect of the report as it is easy to condemn rent control because it does not permit a person to be able to live in retirement on the rental of one cottage. As the report says the real source of hardship in such cases is an insufficiency of worldly assets. This, too, is a part of the report which necessarily does not find remedial treatment in the Bill before us, but it is a symptom of our economic illness.

I can see some anomalies arising in the operation of rent variation which attempts to take into account costs of painting and repairs. Although the recognition of such expenses is most proper, there will be many difficulties in the application of this principle. A landlord who has regularly painted his house every three years or so and did so last year may be at a disadvantage from the point of view of the rent fixed compared with the landlord who at a higher price paints his house for the first time in six or seven years, in the current year. That, however, is a practicable problem for the Housing Trust, and it would be almost impossible to write an acceptable formula into the Act which would apply generally. On the well supported assumption that this Bill will pass I am anxious to look ahead to the next step. I do not think one should take a complacent view of these matters and be thankful for the small mercies which by force of circumstances can now be granted to home owners. We have all agreed to the control of rents as being a necessity in these times, but that control must end completely in due course. I would like to see some plan or the outline of a plan which would enable us to withdraw entirely from the field of rent control in a period of years. I know that in some quarters there is a strong plea for a fair

rents court. I agree that possibly the Housing Trust is not an ideal authority to fix rents, but I think the acceptance of a fair rents court would give an air of permanence to this legislation which it should not possess.

Mr. Pattinson—It is a little late now to establish such an authority.

Mr. CLARKE—Yes. Other suggestions which have been put to me envisage a rent fixing tribunal shorn of the legal formalities of a court and functioning in somewhat the same way as income tax boards of review in which the appellant may appear in his own behalf and in which cases are heard without the costs usually involved in court proceedings. I note from the remarks of the committee that the Local Court should not be bound by the technical rules of evidence in hearing these cases; but whatever the rent fixing authority there should be, in my view, greater flexibility in the arrangements between landlord and tenant whereby it is possible to come to a voluntary agreement. If there was some latitude in this and a board to hear appeals were appointed, many cases of frustration and annoyance would be overcome without either party taking an undue advantage of each other, and incidentally more accommodation might be made available. I think it is an undesirable feature of the present legislation that, where a tenant enters into occupation of a house which has not previously been available for letting and agrees to the landlord's terms, he should subsequently—and often does—go to the trust and ask for a determination in respect of the agreement into which he has freely entered. In such cases I think the landlord should have the right to avoid the tenancy.

One other point in the report attracts my interest. I lean towards the minority view of one member of the committee who regards the five years necessary ownership before notice for possession is given by an owner who needs his house as too long. One point of great practical importance is the committee's recommendation that the Housing Trust should organize its machinery to give effect to the recommended increase in rent with the greatest expedition. A great number of applications are expected, and I suggest it might greatly simplify not only the task of the trust but also that of applicants if a form could be devised in which all the information needed by the Housing Trust could be set out. I hope that all adjustments of rent approved by the trust will be made retrospective to the date of the landlord's application or to the date of the proclaiming of the amending Act. I support the Bill.

Mr. TAPPING (Semaphore)—I support the Bill to which I subscribe in the main, but I reserve the right to criticize where I think it necessary. I commend the committee which carried out much work in an excellent manner. Its deliberations were to the advantage of South Australians generally and of this Parliament in particular. If I have any complaints with regard to its functioning it is that not many tenants availed themselves of the opportunity of giving evidence before it, but I do not blame the committee for that. Some tenants had a fear complex or for other reasons did not see fit to give evidence, and generally speaking, the evidence came from landlords. I feel that this legislation is only necessary whilst housing is in short supply. I listened intently to the member for Burnside, and I think he is an optimist if he thinks the necessity for this legislation may end in three years, for the housing position has deteriorated in the past five years. The Housing Trust have about 7,500 on the waiting list for emergency homes and between 19,000 and 20,000 applications for permanent homes. This position is understandable because of immigration and the increased number of marriages each year. I think members agree that as soon as we have enough houses to satisfy the requirements of our people this legislation could be repealed, for it is based on supply and demand.

I admit the need for increasing rents, as many landlords have been penalized for a number of years. Members on this side support the view that where some section of the community is not receiving a just deal steps should be taken to adjust existing anomalies, and therefore in the main we subscribe to this Bill. Another feature with regard to the insufficiency of rents is the depreciation of the pound, and the landlord has a case in this regard. I am concerned about sub-standard homes, and must refer to houses in my district and that of Hindmarsh as well as other poorer parts where some houses have been occupied for as long as 75 years. The purchase price of some of them has been paid many times by the rents received. If we are to assess a fair and reasonable rent we should take into account how long a house has been constructed. The owner of a recently constructed house deserves greater consideration than the owner of one constructed say 70 years ago. In his second reading speech the Premier said that the number of increases by the Housing Trust of rent in respect of cottages during the first nine months of this year was 1,972, the percentage increase on the previous rent being 17.9. That proves the rents will be close to the per-

missible maximum after allowing for the 22½ per cent increase. It is true that if the landlord or tenant is dissatisfied with the rent either has the right of appeal to the trust. Many have taken advantage of this provision. On any appeal the trust sends an officer to inspect the premises. Often an increase is granted, but the landlord or tenant can lodge a further appeal if dissatisfied. On the first occasion the trust's officer inspects the inside and outside of the premises. He notes the amenities provided and the condition of the dwelling and then assesses the value of the house. I have no complaint about that practice, but after an appeal another officer visits the dwelling, but does not enter the house at all. No man can assess the true value of a dwelling unless he makes an internal and external inspection. On September 12, one of my constituents was served with a notice by the trust that his rent had been increased from £1 10s. a week to £1 12s. 6d. The landlord appealed and after an inspection on October 18 the tenant was informed that the rent had been increased by another 5s. a week. My constituent has therefore had an increase of 25 per cent in his rent. I must assume that under the provisions of this Bill my constituent will benefit by having a 2½ per cent reduction in his rent.

Some landlords have put their tenants in difficult positions. Usually when an order is made by the court for possession the tenant desires to meet his obligations. However, the landlord may refuse to call on him and when the tenant visits him he will not accept the rent. After three months the tenant may not have been able to secure other accommodation and can state his case to the court for an extension of the order. Landlords know that if their tenants get four weeks in arrears in payment of rent they have no grounds upon which to appeal to the court. I am pleased that the Bill will overcome any difficulties in this matter. Clause 12 refers to holiday caravans. They are now exempt from the provisions of the legislation, so the owner can charge whatever rent he desires. In future, however, the land on which caravans are parked will also be exempt. There have been abuses from time to time. I know that people have rented a caravan for four weeks at as much as £3 10s. a week. Having found no other accommodation they have had to renew the contract at that rate. There should be some means of protecting these people and preventing abuses. The control of caravan rents has

worked satisfactorily. Previously some caravan owners charged exorbitant amounts, but now the usual fee is £1 a week, and more if amenities are supplied. I hope Parliament will continue controls over caravans.

Clause 18 provides grounds for possession in the case of misbehaviour of tenants or their causing annoyance to neighbours. I agree with this provision. Landlords should have such protection and other tenants should not have to put up with annoyance from their neighbours. Clause 19 refers to court proceedings. At present legal action can only be taken in a local court, but under the amendment cases may be heard by a special magistrate. This provision is necessary because so many cases have come before the court and often proceedings have been delayed. Clause 22 repeals section 26aa, but I take strong exception to this. If fraudulent means are used to obtain possession of a house the person who has been evicted should be able to obtain damages. We would be very unwise in removing the protection of the tenant. A maximum penalty of £50 is at present provided for any contravention of section 26ab, but the Bill raises the amount to £500. This is too drastic, although £50 may not be enough. Under the Building Materials Act if any person builds a home of a greater area than 12½ squares without a permit he can be fined up to £100 for a first offence and £500 for a second. Anyone committing a breach of the Building Materials Act in this regard commits a greater offence than the person who gets possession of his own home by a false statement. I admit that a magistrate may not prescribe a fine of £500, but Parliament must fix a maximum which it considers fair. I hope the Government will reconsider this clause in Committee.

I welcome clause 25, dealing with proceedings against a tenant who dies. Sometimes tenants die when proceedings are before a court and under the amendment the person occupying a home will have the fight to continue in possession of the premises as the lessee would have had if he had not died. I have had cases brought under my notice where persons have died and those left behind have been treated as trespassing on the property. The provision dealing with the rent of shops used as dwellings is too harsh. It states in effect that when assessing the rent of a shop used as a dwelling regard shall be had to the value of the shop as if it had been used as a business proposition. Many lock-up shops are being used as residences because the owner has perhaps found

his business did not pay or was good enough to allow a person who did not have a roof over his head to use it as a home. Some such shops provide only substandard dwellings not worth 15s. a week, but the trust may decide that if used as a shop it would be assessed at £2 15s. a week. Paragraph 76 of the committee's report refers to the formula to be used in the fixation of rent. A hypothetical case has been cited and includes cost of repairs at £8 per annum in 1939. The allowance for repairs in 1951 is £12. Even although landlords may have kept their houses in reasonable repair they will be allowed to spend perhaps £40 or £50 in one year on repairs. Let me give an illustration. An old house may be let to a tenant for 10s. a week, and in one year £50 may be spent on maintenance. That makes a total of £75, and £1 9s. could be added to the rent of 10s. This would mean that £1 9s. per week would be paid by the tenant because of the maintenance work carried out. If my concern about this matter is unnecessary I hope the Premier will put me right. Some of the landlords, knowing that they can recover money paid out in maintenance, may go to extremes, which will mean rents which the tenants cannot afford to pay. In the main, I commend the Bill.

Mr. SHANNON (Onkaparinga)—The report of the committee is a vindication of the action taken last session by Mr. Dunks, who is absent because of illness. It is a pity that he cannot be present during this debate to partake of this small portion of the fruits of his labours, because I do not think the Bill goes as far as he and I think this contentious legislation should go. For years Mr. Dunks and other members have tried to get justice for landlords who let properties. When we have tried to get rent increases on a percentage basis we have been told that it would be impracticable, and that it was not the right way to approach the problem. We were told that it would aggravate the position of the tenants. I shall not quote extracts from *Hansard* as to what was said on this matter. We do not need to be reminded of what the Premier has said on this topic on a number of occasions. Many times Mr. Dunks has pointed out that a rent increase on a percentage basis is one way to provide immediate relief to landlords who have had people in their houses for many years. It is one way to cure to some extent a wrong under which landlords are operating. Paragraph 53 of the committee's report says that landlords' complaints

that the net return to them is not now adequate are based on the following facts:—

(1) The weekly basic wage for Adelaide in September 1939 was £3 18s. It is now, in August 1951, £9 4s.

(2) The market selling price of a vacant dwellinghouse is now a number of times greater than it was in 1939.

(3) The market price of a tenanted dwellinghouse in 1951 is very considerably higher than it was in 1939.

(4) The cost of constructing a dwellinghouse in 1951 is in the neighbourhood of three times the 1939 cost.

(5) The level of prices generally has risen greatly since 1939.

The committee added:—

The sum total of these and other facts of the same kind is that money is now worth considerably less than it was in 1939; in other words, that inflation of the currency has taken place. The process continues with increasing momentum.

My comments in this matter relate to the unfortunate section of the people who have invested money in properties as a means of earning a livelihood. They live in a community where the inflated currency applies to their means of livelihood in the same way as to other people who from time to time enjoy increases in their emoluments because of rising living costs. These people depend on the rents from their properties and they have no such amelioration. They have had to carry on with rents fixed on the 1939 basis, despite increased living costs. Legislation of this kind must of necessity benefit one section of the community and create a hardship for another. From time to time, in order to keep the cost of living within reasonable bounds, Governments have provided subsidies for producers. It seems to me that, as rent is one of the items considered in assessing the cost of living, it is not unreasonable for Governments, in order to keep rents down, to subsidize people who provide homes for others.

Mr. O'Halloran—There was a suggestion that the Commonwealth Government would do that.

Mr. SHANNON—I do not know about that, but it has not been done. Mainly, the burden of providing cheap housing has fallen on people who before the war invested their money in properties as a source of income. Not many people are today interested in buying houses to let for a return less than they could get from investing the same money in gilt-edged securities. Even after this legislation is passed the landlords who let houses cheaply to tenants, and they are doing it in a field where Governments have failed to recognize their responsi-

bility, will in effect be subsidizing the tenants. We should look at this problem from the point of view of the rank and file. Parliament has no right to make laws to provide an unequal distribution as between sections of the community. We have no right to make it obligatory on certain people to provide a service to other people at less than cost, but this is being done under the present law. Even in war time good old British justice as between individual citizens of the realm is not a bad basis on which to start. If there is a section of the community in financial difficulties because housing is short and costly, the Arbitration Court will give it from time to time what it requires to get a living wage. The cost of living is not assessed solely on the fixed prices of the commodities included in the "C" series, because information is obtained about black-market prices. I do not suggest a black-market in connection with rentals, but black-market prices aggravate the cost of living position.

Sitting suspended from 6 to 7.30 p.m.

Mr. SHANNON—The report of the committee is a very illuminating and fair approach to this difficult problem. I call members' attention to the percentage increases on gross rent set out in the report on page 15. Paragraph 75 includes the following:—

The cost of repairs and maintenance is now, at least, two and a half times what it was in 1939 and is still rising.

That is one of the problems facing every property owner. The ever-increasing costs of maintenance are almost a nightmare to the majority of them, particularly those who have only a few properties and perhaps no other considerable assets upon which to call to meet the costs of maintenance. In other words, they have to depend on the income the property produces to maintain it. A handy man who can attend to many of the household repairs can maintain a property at a much lower cost than one who employs a tradesman to do the work. To me, justice suggests that these latter costs should be taken into account when considering the costs of maintenance. Although the committee has assumed in its illustration on page 15 that the cost of maintenance in 1951 is one and a half times as much as it was in 1939, I am sure from the experience of my own home that the figure is nearer two and a half or three times as much. The cost suggested by the committee would not be nearly sufficient to meet the charges for painting, plumbing, and so on. It must be remembered that during the period covered by the

committee's figures wages and the cost of materials increased by about 300 per cent. Although the Building Materials Office issues permits for the use of guttering, downpipe, and galvanized iron for urgent repairs, it is most difficult to obtain the Australian manufactured goods. If it happens that iron is required for roof repairs because there is the danger of the ceiling being seriously damaged because of rain, the owner will not wait some months to get local materials, but will incur the added cost of using imported materials.

If any member has any doubts as to the cost of keeping a home in repair, I shall quote accounts that a person in my electorate has received for the upkeep of two cottages at Henley Beach. He receives £2 2s. a week for one unfurnished cottage and £2 12s. 6d. for one partly furnished. From those figures it will be realized that they are not elaborate buildings, because for anything like a home at any of our seaside resorts the charges would be much higher. In the 12-year period from 1939 to 1951 his council rates for the two properties increased from £15 12s. 4d. to £21 17s. 5d.—about 40 per cent. He had to install a new chip heater, a tap, and some lead piping at a cost of £6 18s. There was also some general repair work, including painting, plumbing, and carpentering on the two cottages, which cost £842. Some may say that he spent his money foolishly and could have had the work done at a much lower cost. I assume that these repairs were an accumulation due to a number of years of neglect, first, because he could not get the materials, and secondly no labour was available during the war years. Since the conclusion of the war the shortage of materials, plus the difficulty of getting labour, has resulted in a serious lag. It cost him £9 to have flywire put in 11 window screens and then have them painted. These figures are some indication of the increases in recent years. Today a tradesman will not give a price for a job, but will undertake it only at an hourly rate, plus travelling time to and from the job, and the amount soon adds up to a big figure for what appeared to be only a small job. When one wants a few lengths of water-piping it is not a question of what the pipe costs, but what the plumber charges to lay it. Generally, he charges so much a foot. The lowest estimate I could get for laying a $\frac{1}{2}$ in. pipe was 3s. 6d. a foot, including labour and material, and the highest was about 6s.

Although the report of the committee is, by and large, a fair approach to the problem,

there are certain aspects which it did not fully assess. I support Mr. Pattinson in his criticism of the committee's accepting, almost without query, certain changes in the law that had been adopted by Western Australia in the last 12 months. In its report the committee came to the conclusion that the increase in rent over the 1939 level should be 54 per cent. That takes into account the cost of repairs being one and a half times more in 1951 than in 1939. As I said before, I consider it should be nearer two and a half or three times as great. A proper assessment by an accountant of landlords' accounts over a period of years would disclose that the actual increases in total costs to property owners over this 12-year period would be nearer 100 per cent than the 54 per cent suggested by the report. The committee, having assessed the position on what it considers a conservative basis at 54 per cent, immediately set about arbitrarily arriving at the figure of 22½ per cent which should be allowed as increased rent. The member for Glenelg drew attention to a happening this session when representatives of the two Houses arrived at a compromise to decide an issue. My own view in regard to this matter is that a compromise should not be permitted to decide an issue so important to people who own property. It is bad luck for the person whose major livelihood comes from property investments when people, sitting around a table discussing his problems, decide on an arbitrary figure merely because someone says he ought to get 54 per cent whereas another holds out for 15 per cent and they compromise on less than half—actually about 40 per cent. When I say that this Bill is half a loaf perhaps I am being a little mean to the property owner, for it is less than half. This is a major item and, as we heard when the Treasurer introduced the Bill, it does not mean a flat 22½ per cent increase irrespective of present rents; he explained that already some owners have had a portion of that 22½ per cent, and some few may have had the whole of it since 1939.

Mr. Whittle—Also some portion of the allowance for repairs and rates.

Mr. SHANNON—Quite true. To get the picture clearly we have to recall the situation in 1939. Most of us have vivid and unhappy recollections of the early 30's; that was the start of the sorry day when people had to come to the Government for sustenance; of the time when the Government gave to tenants who were being evicted a sum of 30s. to walk the streets in order to find another home, and

when whole pages of the *Advertiser* were taken up with advertisements of properties to let. With the picture of the 1930's in mind it will be conceded, I think, that the 1939 level was not a fair one, generally speaking. It is not many years since it was considered that 8 per cent return on house property was the minimum acceptable. I think any real estate agent who has been in business for a quarter of a century will verify the fact that investors invariably looked for a minimum of 8 per cent, and preferred nearer 10 per cent on cottage investments in order to show a return commensurate with other investments. With that in mind my view is that the 1939 level of rents, upon which we based the whole of this legislation, was in itself fictitious. This report points out—and I cannot understand it, although it is an aspect which strikes me as having some significance—that the War Service Homes Commission grants terms to ex-servicemen for the purchase of homes and charges either 3½ per cent or 3¼ per cent on the balance outstanding. Do members realize that we are penalizing the ex-serviceman by approximately 1½ per cent at least in his interest rate? In other words, private owners are in most cases getting about 2 per cent net on their capital, so it would appear that the civilian enjoys a privilege which the ex-serviceman cannot. These are figures which any committee of inquiry should have taken into account; it should have said that the property owner is entitled to at least as high a return on his investment as the War Service Homes Department. Had that been done I am certain that 22½ per cent increase would not have met the bill, or anything like it.

Another point on which Mr. Pattinson also touched, although I do not see eye to eye with him on it, is the problem of the person willing to let portion of his home to some other person. Mr. Pattinson reminded us that the definition in the principal Act is meticulous; everything other than a complete unit with all conveniences is described as shared accommodation and the honourable member has raised a point which should be clarified, for I know there are cases where old homes, which may have had two bathrooms and one lavatory, have been divided, the main entrance hall being made to serve both the flats thereby created. Due to the almost impossible position in securing materials for a second lavatory the original lavatory has to serve both flats, and for this reason the two flats are classified as shared accommodation. These tenants,

whom I think the average member feels should have some protection from eviction will, as the honourable member pointed out, be subject to an eviction notice within two months if we pass the Bill in its present form.

Mr. Pattinson—Even the shared hall without the shared lavatory brings it within the definition.

Mr. SHANNON—Even a shared laundry, which is more usual. This is a point which should not be overlooked in the Committee stage in order to make certain that we do not do an injustice to one section of tenants. On page 21 of its report the committee, referring to the incompatibility of tenants, says, "We have no doubt that such conditions cause hardship." All sorts of things create incompatibility, especially when two women are involved, one the wife of the house owner and the other the wife of the tenant, both having to share kitchen or laundry. When they fall out things which the average man would brush off without a second thought loom large by virtue of the fact that they are cooped up in the house day after day, until ultimately the irritant makes contact between the two almost unbearable. The committee came to the conclusion that it was wise to give some relief to the property owner in such circumstances. I suggest that shared accommodation might very well be decontrolled. I admit that some changes in tenancies would follow, but in most cases they would be by virtue of that very incompatibility which the committee saw and understood. It would not result in that portion of the house being withdrawn from occupation by other people, but simply mean that the owner, realizing he was again master in his own home, would take the risk of accepting another tenant knowing that he could get him out if he proved undesirable. Indeed, I believe it would lead to an increase in the number of shared tenancies. The law court section of the daily press is full of stories of people who solemnly vowed that they will live together "until death do them part" being unable to do so amicably. Surely people who live in the same home but who have no such ties should be entitled to freedom if they want it. Who would be willing to take an incompatible person into his home knowing that later he may not be able to get rid of him? The landlord should be given the right of judicial separation so that both he and the tenant may live happily. The committee says that if this factor is properly handled more shared accommodation will become available. It stated:—

We are of opinion that circumstances such as these call for special attention in the Act,

mainly for the reason that the type of hardship that is imposed upon a lessor by being compelled to continue residing in close contact, in his home, with persons with whom unpleasant relationships exist is more harrowing than the hardship that is usually occasioned to a lessor by his inability to obtain possession of a separate tenanted house that he owns.

I agree with that comment. The fact that a landlord cannot get possession of his home because the tenant's case is one of greater hardship is nowhere near as harrowing an experience as to have in his own home people whom he dislikes. For that reason, if for no other, I suggest the time has arrived when we can discard all control on shared accommodation.

Earlier I promised the House one or two examples of what is happening today and what will happen in regard to rentals in the event of this Bill being passed. The following example is of a shop and dwelling on the Henley Beach Road, for which the rent has been fixed by the trust at £2 5s. a week, or £117 per annum. The following expenses are incurred in connection with it:—Water and sewer rates £8 2s. 6d., land tax 10s., insurance for fire (policy valued at £1,100) £2 10s. 5d., insurance of plate glass in shop front £1 16s. 6d., repairs (estimated conservatively) £20, collection fees £5 17s.; total £38 19s. 5d. The net receipts on the property are £72 3s. 7d. The property was recently sold for £3,800. On these figures the return on that capital value to the owner was £1 18s. per cent. In the event of this Bill becoming law, the gross rent will be increased to £143 6s. 6d. per annum, collection fees will be £7 3s. 4d., and, with other expenses the same as at present, the net receipts will be £97 3s. 9d., which will show a return on today's value of the property of £2 11s. per cent—not a great return in view of the fact that the Commonwealth Government recently had to increase its loan rate in order to encourage people to meet the demand of the Commonwealth Government for funds for its public works.

The owner of this property has given me figures to show that the actual cost of repairs today has increased since 1939 by considerably more than the one and a half times suggested by the report. In 1939 it cost £25 to paint the house, today it costs £75. In 1939 a new galvanized iron cistern cost £3 10s., today it costs £7. Whereas in 1939 one length of guttering cost 2s. 6d., today it costs £1. The cost of general plumbing has risen by two and a half times. My informant quotes water servicing at 2s. 6d. a foot, but I know of no contractor who would do the work at that

figure. Recently I was told by a contractor that the plumbing of an average five-roomed cottage costs £300.

Mr. O'Halloran—That sounds like a plum of a job to me.

Mr. SHANNON—Yes, but there are so many plums about, that contractors can name their own price. The people we are penalizing under this legislation must keep their houses in a sanitary condition and cannot avoid these costs, or else the health authorities will soon send them a notice to effect repairs. Property owners do not complain about that but point out that these costs are an extra charge to be carried by them. This Bill is an indication that we are gradually getting away from the necessity of this unhappy type of legislation which tries to cure one ill by creating another. We have been passing laws for the amelioration of certain conditions and so that people may be able to enjoy a house at a lower rental but forgetting that other people must foot the bill. I am not altogether dissatisfied with the Bill. It has many good features, some of them giving relief to property owners who have suffered for many years at the hands of most unsatisfactory tenants. I agree with the member for Glenelg that the majority of landlords and tenants are on the friendliest of relations, but there are glaring examples of certain types of individuals who, knowing the law gives them some protection, go out of their way to indulge in annoying, pin-pricking and upsetting tactics.

Mr. O'Halloran—That remark applies to some landlords as well as tenants.

Mr. SHANNON—Yes. It appears to me that we could have a serious falling off in our national income from three major sources—wool, wheat and meat. If the prices of those commodities, for world reasons over which we have no control, suddenly drop to anything near pre-war levels, instead of the Commonwealth enjoying a national income of between £800,000,000 and £900,000,000 from the primary industries including dairying, we might be back to what we used to regard as the reasonable level of between £100,000,000 and £150,000,000.

Mr. Quirke—We will not get back to that in the next hundred years.

Mr. SHANNON—I do not think the honourable member is any more accurate in his prognostications than any other member, but he is bolder. I know from speaking with people who should be in a position to give information about overseas trade that they are very cautious in expressing any view as

to the future. In the event of something happening in world markets to reduce our national income to a figure approximating that of pre-war years there will be plenty of houses to let.

Mr. Quirke—Not a one.

Mr. SHANNON—Does no member remember or are all too young or simple to remember that this is not the first boom we have had? We had one in the late twenties, and all members know that certain real estate agents cut up land far and wide around Adelaide to an extent which everybody said would not be required for 100 years. Thousands of building blocks were cut up and sold to unsuspecting people. Members will recall that we were in a depression a few years after the boom when wheat fell to 1s. 9d. a bushel and wool sold at 6½d. lb. There were plenty of houses to let; the press had full-page advertisements of them, yet some members have the temerity to tell me that in the event of a fall in our national income to something approaching the pre-war level there will not be houses to let! They are wrong. Governments, like people, have falls. This might be a warning to those in charge of our housing programme. Not one thing is happening today that cannot be found in recorded history, which extends over several thousands of years.

Mr. MACGILLIVRAY (Chaffey)—There is an old saying that those who sit on the side lines see most of the game. I am doing members of the Labor Party no injustice by saying I expect them to be 100 per cent behind this type of legislation because it is part of their programme. It is surprising, however, to hear Government supporters approving of it. I have recently found the following quotation in the Parliamentary library:—

I know thy works
That thou art neither cold nor hot;
I would thou wert cold or hot;
So then, because thou art lukewarm
And neither cold nor hot,
I will spew thee out of my mouth.

That quotation aptly fits the remarks of certain Government supporters who say they will support the legislation and then add, "It is most unfortunate that the Englishman's house is not always his castle." They are neither cold nor hot; they adopt the miserable attitude of being lukewarm and landlords must, of necessity, spew the Government supporters out of their mouths. The Bill will do what we have done for years—deal with effects and not causes.

Mr. Pattinson—We copied this legislation from Scotland.

Mr. MACGILLIVRAY—I wish we would copy a little more from qualities of the Scottish people, such as thrift and initiative, but evidently those things have gone to seed in Australia. This legislation dates back to the 1930's, where we have to look for the root of the evil.

Mr. Pattinson—It was the law in Scotland in 1919.

Mr. MACGILLIVRAY—Probably, but what effect has that on this legislation? If we had all our active tradesmen building not only homes but schools and hospitals in the 1930's, together with the full equipment needed, this kind of legislation would be unnecessary. If we are to fulfil some of the ideals of Government supporters, who say they hope that in the not too far distant future this type of legislation will be unnecessary, they should first understand the root causes of it. If we are to carry on under the present financial system this kind of legislation will still be necessary, even in a thousand years; we might as well say to infinity. We are not holding our own in providing houses for the people today. On one occasion the member for Unley made a most noteworthy statement—we are not catching up with the demand for houses, but are actually falling back. The Government should be kicked into some form of activity and allow private enterprise to go into this thing. Recently the House had legislation dealing with building materials before it and the acting Leader of the Opposition moved an amendment to the effect that no person in South Australia should be allowed to enter into speculative building. The Government accepted it. The result is, in practice, that the Housing Trust, a semi-Governmental undertaking, has a monopoly of house building.

Mr. Clarke—Weren't more than half the houses built by private enterprise last year?

Mr. MACGILLIVRAY—I do not know, but the amendment accepted by the Government has stopped competition with the Housing Trust. That is the beginning, but where will the end be? A limitation is placed on building houses for sale. The Housing Trust has practically the same monopoly that exists in Russia. We are getting that here under a Liberal Government. It is barefaced deception for a Party to be elected on one platform and then introduce legislation of opposite nature. Doubtless landlords supported the Liberal Government because they believed that Liberals stood for two principal things—the right of the individual and the sacred rights of property. Take

them away and the death knell of democracy will be sounded. There is an old saying that fools build houses for wise men to occupy. The truth of that saying has been instanced dozens of times in recent years. I cannot imagine anybody who has capital to spare putting it into housing projects. I do not think it is exaggerating to say that the landlord is looked upon as a leper was in the middle ages. He is the equivalent in our country of the Jew under Hitler's regime. If the Government brought down legislation to brand every landlord with a yellow spot to let people know they should not fraternize with him, I believe members sitting behind the Government would support it.

It has been asked why the landlord should be asked to play the great part he has in retarding the rising cost of living. Frankly, I do not know the answer, and I challenge Government supporters to tell me why landlords more than any other section of the community should be called upon to carry such a great burden. Parliament has been told that as an act of generosity they will be allowed to increase their rents by up to 22½ per cent, provided that any increases since 1939 must be taken into account. All other sections of the community, including members of Parliament and the worker, have had their incomes increased by well over 100 per cent. We, who have had big increases in salary, say to the person who has invested his money in a legitimate channel for the purpose of housing the people that his income is to be restricted. Those who invest in houses do so for security in their old age, just as the public servant invests in a superannuation fund. In South Australia the Government, the great advocate of private enterprise, will not allow landlords to reap their just rewards. Can any Government supporter justify an increase in rents of only 22½ per cent? The last speaker said he looked on this legislation with favour, but it is a travesty of justice, and if any Government supporter knew what the Liberal Party stood for he would stand up in his place and condemn the Bill or blush for shame for supporting a Government introducing it. We have been told that more generous treatment of landlords would result in great hardship on the working section of the community. I deny that. It should be obvious even to Government supporters that rents are considered in fixing the basic wage. If rents were increased the basic wage would increase. In effect the whole community could help to pay the landlord for providing houses for the people. Perhaps

it has not occurred to Government supporters that the burden can be passed on to the community instead of remaining with a small, defenceless section. Landlords are defenceless because the Government knows that 90 per cent of them vote for Liberal candidates irrespective of what they are likely to do. Landlords are in a cleft stick because if they vote for Labor candidates they vote for a Party pledged to socialism. However, this type of legislation provides its own punishment because it merely drives private capital from supplying houses. Throughout the British Empire it has been private enterprise that has built homes for the people. What has this Government done in this direction? Has it caught up with the housing lag? Are we better off for virtually handing over the provision of houses to the Housing Trust? I am not criticizing the trust but the Government, which has given a monopoly to this body. I have been informed by the Premier that the Government desires to have the Bill passed this evening, but was also told by a member that it was the intention of the Returned Soldiers' League to meet returned soldier members and any others who might be interested with a view to placing the league's views on protected persons before them. I have received a summary of the league's criticism.

Mr. O'Halloran—How many members have received it?

Mr. MACGILLIVRAY—I do not know. I only received it this afternoon. On page 25 of its report the committee referred to protected persons as members and former members during the 1939-45 war of the defence forces of the Commonwealth, the United Kingdom, the Dominions, His Majesty's Allies in war, and of any foreign authority recognized by His Majesty as competent to maintain naval, military, or air forces . . . I find that rather interesting because the R.S.L.'s letter states:—

This is the first time I, and perhaps many others, knew that members of the forces of the United Kingdom, Dominions, Allies and foreigners were ever protected persons.

Mr. Pattinson—Then the league's officials did not read the Act.

Mr. MACGILLIVRAY—It is their job to know it. When I moved last year to afford protection to qualified ex-servicemen for as long as this legislation was on the Statute Book the Premier said the definition of "protected person" was too loose because it covered people who served in the forces of overseas dominions and even Czechs and Serbs. He practically promised me that if the Government

would not accept my amendment he would investigate the matter and I understood he would bring down a new definition of "protected persons." I do not know what may happen in Europe, but I admit it is reasonable to assume that some people who fought with the Allies in the 1939-45 war could be potential enemies. Now, however, I find that the rights of protected persons will be whittled away even more. They will not even extend to members of the Australian forces. The committee stated in its report:—

The paramount purpose of special protection is to provide ex-servicemen with a reasonable opportunity after discharge of making provision for their housing needs and the housing needs of their dependants where they were affected to their detriment as a result of absence on war service.

The conclusion to be drawn from the committee's recommendations is that returned soldiers have had their opportunity, but I point out that servicemen are usually young men. A man of 19 or 20 called up towards the end of the war was faced on his discharge with controls over building materials. As a result, he was not eligible to build a house. Because of his youth and the circumstances over which he had no control he could not be housed. Now his protection is to go because he has been out of the army for five years, and that is unjust. To put it crudely the opinion of the committee is that as the war ended five or six years ago and these people have not housed themselves it is futile for anybody to worry any more about them, but that only sidetracks the matter. Definite pledges were made to ex-servicemen and they have not been fulfilled. Until they are, Parliament must abide by them. Usually the ex-serviceman wanting a house is on a small income and has not enough in the bank to enable him to buy one. In war-time a civilian is usually able to save money and he can get a house more easily than an ex-serviceman. I entirely disagree with the contents of paragraph 142, which says:—

There are two outstanding facts that must be kept prominently in mind if this problem is to be considered with reason and fairness. The first is that the Landlord and Tenant Acts are not intended to deal with the repatriation of former servicemen.

At best that is only a half truth. The paragraph goes on:—

That subject is the province of the Commonwealth Parliament and is covered by the legislative code contained in the Australian Soldiers Repatriation Act, 1920-1950. It is in that Act that there is found the means that the people of Australia, through the Parliament of

the Commonwealth, consider appropriate for the rehabilitation, as far as that can be achieved, of ex-servicemen in need of assistance in that direction. It covers war pensions, service pensions, medical treatment of disabilities caused by war and those not caused by war, medical benefits to widows and children, re-establishment and repatriation benefits, grants for furniture, soldiers' children's education scheme, funeral benefits, and motor car facilities for the seriously disabled.

Although repatriation is primarily the responsibility of the Commonwealth Government, has the State Government no responsibility in the matter? Has not our Government said many times that its policy is to properly repatriate ex-servicemen? If that is so, the point has been missed in paragraph 142. Paragraph 143 says:—

The second is that the South Australian Act, in company with comparable Acts of other States, casts upon a limited section of the community the obligation of supplying special protection to ex-servicemen irrespective of any hardship thereby caused to the members of such section and does not distribute the incidence of that burden over the community generally.

In other words, the committee says that it is not fair for the landlords to bear the cost of housing ex-servicemen. It is a pity the committee did not have that in mind when it limited the rent increase to 22½ per cent. If it wanted to give justice to the landlords in the matter of rents it could have suggested a greater increase in the rents, but it is only when returned soldiers come into the picture that the question of unfairness to landlords arises. Anyone can see how false is the reasoning of the committee. Paragraph 143 goes on:—

The former of the abovementioned facts does not need elaboration. As to the second, it must be conceded that, if it is practicable to bring it about, the burden of relieving or avoiding special hardships that are likely to accrue to ex-servicemen as a consequence of their absence on war service should be borne by the whole community.

There is one practicable way to achieve it, and that is by giving all the houses built by the trust to ex-servicemen.

The Hon. S. W. Jeffries—The War Service Homes Division builds a lot of houses for ex-servicemen, and the Housing Trust gives them a priority.

Mr. MACGILLIVRAY—I do not know that the War Service Homes Division builds a lot of houses. I have the idea that it is not as active in South Australia as we would like.

The Hon. S. W. Jeffries—Why?

Mr. MACGILLIVRAY—It may be due to a shortage of materials, or its activities may be overshadowed by those of the trust. I have

heard people say that when they apply to the division for a house they meet with difficulties. If the housing of ex-servicemen is the responsibility of the community as a whole, one way to achieve it is to give ex-servicemen all the houses built by the trust.

The Hon. S. W. Jeffries—The community as a whole is doing something for ex-servicemen through the activities of the trust and the War Service Homes Division.

Mr. MACGILLIVRAY—Yes, but I am querying whether we are doing all we can in the matter. When our lads first went overseas in 1939 many promises were made and they should not be forgotten. I know that young people who did not have the opportunity to take part in the war are growing up and wanting houses, but the ex-servicemen must get special consideration because they were the people who offered their lives in defence of those who stayed at home. It must not be forgotten that, but for these ex-servicemen, there would be no other section of the community. That is why the Returned Soldiers' League has taken exception to limiting the period of protection. I am surprised that the committee should dare to make the statement it did in paragraph 147. The paragraph reads:—

During the war years there were also many civilians whose duties connected with defence projects necessitated absence from their homes for extended periods; for example, members of the Allied Works Council. They are not "protected persons." It is true that they could not be called upon to bear arms nor engage in combat whereas a member of the forces could but the housing of themselves and of their families was no less disturbed than was, in many instances, that of protected persons.

It is an atrocity and an insult that any responsible committee should compare men who offered their services to fight for their country anywhere in the world with those who worked for the Allied Works Council. I ask members to consider the difference between the income received by soldiers, the majority of whom were of necessity privates, and members of the Allied Works Council. The latter, if they saved, would have finished with a substantial sum, whereas privates would have very little because they did not receive enough to enable them to save. I do not know when I have read a report from a responsible committee which disgusted me more than this particular report in its reference to ex-servicemen. Paragraph 148 of the report states:—

We feel obliged to state, also, that we believe that some protected persons unfairly shelter behind their special protection in the same way as many tenants who are not protected persons

take unfair advantage of their protection to deprive owners of the occupation of their houses, with full knowledge that suffering is caused and even though, in the case of protected persons, many of them could without occasioning hardship to themselves acquire ownership of homes with the assistance of the War Service Homes Commission or otherwise.

I would be the last to suggest that because a man is an ex-serviceman he is a paragon of all virtues, but I would say that as a body ex-servicemen compare favourably with any other cross-section of the community. The report goes on to say that these men could acquire homes of their own, but if one attended their sub-branch meetings one would hear how difficult this was. Paragraph 149 of the committee's report includes the following:—

We believe that it is correct to say that, in general, ex-servicemen tenants and their families are not, at this stage, in any worse situation as regards housing than they would have been had they not been members of the forces.

Surely that is idle speculation. How can anyone say they are no worse off than if they had not been members of the forces? I do not think this committee or anyone else could tell what their position would have been had they not joined. The point is that they should be better off. Surely the services they have given to Australia should of necessity command that they are better off than some of those who did not join the forces? The paragraph goes on to say:—

It would be easy and pleasant for us to recommend, on grounds of sentiment and patriotism, that protected persons, within the meaning of the current definition should continue indefinitely or for a further fixed period to enjoy special protection.

That shows the whole trend of the committee's thoughts when it uses the words "recommend, on the grounds of sentiment and patriotism." In the first place ex-servicemen do not want sentiment. All they ask is justice—quite a different thing. Why does the committee use the word "patriotism"? I should like to know whether their meaning of the word is the same as that of the famous Dr. Johnson, "Patriotism is the last refuge of a scoundrel"? I was so struck to see the abuse of this word that I went to the dictionary and found the following included:—

Patriot—French *pater*, father. A person who loves his country and zealously supports and defends it and its interests. Patriotism—the qualities of a patriot; love of one's country; the passion for the welfare of one's country.

Is that not in essence what every soldier practices even if he doesn't realize what he is

doing? I would not suggest that before he joins the forces a soldier goes to the dictionary to find out the meaning of "patriotism." Whether or not he understands what he is doing in practice he is a patriot. He is showing in practical form the love he has for his country. He is prepared to defend it against its enemies, and this committee says it does not desire to make any suggestion of giving preference to returned soldiers because it might savour of sentiment and/or patriotism. Surely if there were ever an abuse of the word "patriotism" this is it. Even Dr. Johnson could not put a lower interpretation on this feeling which is supreme above all others in the man who is prepared to give his life so that others might live. I would ask the Government and its supporters, if they are allowed to do anything about it, which I doubt, to recognize the fact that what they are deliberating doing in this legislation is to exclude over 90 per cent of returned soldiers from any protection whatever. I know that at election time the returned soldiers, their numbers being infinitesimal, can be ignored, but broadly speaking about 90 per cent of our forces have been discharged from the army for more than five years and therefore the percentage which will get whatever little protection this Bill envisages will be very small. In paragraph 163 the committee says:—

We have experienced the greatest difficulty and we venture to suggest that all who are called upon to consider seriously the matters we have discussed will experience the same difficulty, in endeavouring to separate sentimental from rational conclusions. We know of few subjects where that task is more difficult than in those relating to persons and the dependants of persons who served their country, in very many instances, at the risk of their lives.

The returned soldier does not want this type of sloppy sentiment, but he does want common justice and I see no difficulty in giving rational consideration to it if the facts are faced. I therefore propose, with the help of the Parliamentary Draftsman, to draft an amendment on the lines of what I tried to do last year, namely, to ensure that as long as this type of legislation exists all ex-servicemen of the 1939-45 war and the Korean war will be protected. Mention of the word Korean raises another point. This Bill includes persons engaged* in the 1939-45 war and any other war up to the passing of this legislation. If we pass this Bill tonight any soldier engaged in Korea to the date of the passing of the Act will be protected, but anyone who serves in Korea or in any other

front after the passing of this Act, although he fights in the same war, and on the same front and in the same unit would not be protected. I shall endeavour to frame an amendment to correct the anomaly.

Mr. STEPHENS (Port Adelaide)—This Bill is generally looked upon as a measure to grant an all-round increase of 22½ per cent on 1939 rents, but when allowance is made for rates and taxes and repairs I think the increase will be nearer 25 per cent and that that figure will be of general application. I fear that the Housing Trust will have a very busy time in dealing with all the applications which will come before it, and I should therefore like to know whether it will have power to make the increases retrospective. Moreover, will it be able to deal with those cases where landlords have received more than 22½ per cent increase since 1939, and I know of many. Whatever the general increase it will be reflected in the cost of living figures, which will have to be adjusted in the following quarter. Following this increase in wages the cost of living will raise again and so, although the Government is trying to prevent inflation, this very Bill is another step towards inflation, for house rents will not fall as quickly as commodity prices. This measure is supposed to operate for only 12 months, but I am convinced it will last for another 12 years for I have no hesitation in saying that the demand for houses is greater today than ever before, and is becoming more acute. Mr. Macgillivray mentioned the housing of returned soldiers and their families. Recently I have been dealing with the cases of two returned soldiers who are living in hovels. They have had applications with the Housing Trust for many years, and their cases were passed on to me after the death of the Hon. E. A. Oates. I have gone into the matter thoroughly and find that these men have no hope of receiving a home for a long time. One of them was a member of the 2/27th Battalion for five years and served in the Middle East and New Guinea.

Mr. Quirke—Have these men families?

Mr. STEPHENS—Yes. In one case the family cannot live with the father because there is insufficient room available. The letter from the other returned soldier states:—

I am an ex-serviceman with more than five years service, particulars of which are:—Enlisted June 15, 1940; discharged November 6, 1945; wounded in action October 17, 1943; discharged with rank of sergeant; discharge certificate No. 316053; army No. SX5472; full name William Bascendale Staveley; wife's

full name Betty Lorraine Staveley; children's full names Lorraine Kay Staveley, 5 years 3 months; Robert William Staveley, 4 years 3 months. I was a member of the 2/43rd Aust. Infantry Bn. for the full time of my service. I am wondering if you can assist me in procuring a Trust home for rental. I have an application in for both permanent and temporary homes. My application for permanent residence has been in three years last June and temporary application form has been in since the beginning of June, 1951.

I can only tell that man that his application for a temporary home will be considered. Hundreds of our people are living in hovels and the position is getting worse. Returned men are looking for shelter for themselves and their families, but they cannot find it, although at the same time we are promising immigrants homes. In opening Parliament a few years ago His Excellency the Governor said that the Federal Government was arranging for ships to bring migrants and that the State Government would arrange for their housing requirements. At that time I asked how the Government proposed to house those immigrants and was told that arrangements had been made. We have seen how some of those immigrants have been cooped up in the wool stores at Port Adelaide. Immigration should be restricted until our own people are better housed. Immediately prior to elections we hear statements of what will be done for the returned men. When they went away they were told their interests would be looked after, but since they have returned to their country they have been unable to get decent housing conditions for themselves and their families. Members are beset with applications from people wanting homes. I hope that in Committee legislation will be framed, not only for the next 12 months, but for a long time to come, because I believe it will be some years before it will be removed from our Statute Book. The problem of inflation should be seriously considered before this Bill is passed.

Mr. QUIRKE (Stanley)—I feel I cannot let a Bill of this importance pass without expressing an opinion on the matters contained in it. I made certain remarks when the honourable member for Onkaparinga was speaking, and I say again that while we live under the system of finance operating in this country and throughout the world generally, we will continue to have this legislation with us. It is useless to think that in passing this Bill it will be necessary for only a year or two. We are only deluding ourselves if we think that. One has only to appreciate existing conditions to know that the demand for houses

is thousands in excess of the possible supply for the next 10 years. That is no overstatement. As long as the position continues this type of legislation must continue.

Like other members, notably the member for Chaffey, I believe that unless we preserve some rights in the present democratic set-up democracy will disintegrate. This legislation is not born as a result of war; it predates the war, particularly as regards rents. The whole basis of proposals in the Bill is rental values in 1939, but that year does not represent fair rental values. They were beaten down values consequent on the depression. Thousands of landlords through sheer necessity—and I am not detracting from those who did it out of sheer charity—reduced the rent of their homes to make the burden on the people as easy to bear as possible. Rents of 1939, six years after the depression, had not appreciated to any great extent. The values are really 1933 values. Much of the Housing Trust's activity in fixing rents has been through lifting rental values out of the trough of depression.

Rents were pegged at the beginning of the war, not on 1939 values, but on values of 1933 because there was no opportunity of altering them. There had been little progress between 1933 and 1939; the only tangible progress made in 1939 was when war was upon us and we had all the money necessary to fight a war that we did not have six years earlier for building houses. Thousands of unemployed tradesmen in 1933 could have built houses, but did not have the opportunity. They were unemployed and we had no money, but six years later we found nearly £3,000 million for war. What stupidity! Have we taken heed of that lesson? Mr. Shannon said that if anything happened to our export commodity prices there would be houses to burn and thousands more untenanted, as in 1933. That is absolute nonsense. World conditions have changed to such an extent that a repetition of that condition of things, outside of an actual world calamity, is not possible. Prices for commodities produced will not reach the 1933 level. If they do it will be because of stupidity inside Australia and a world-wide calamity outside. The one thing necessary above all else in the world today, which nations are clamouring for and are short of, is food.

Mr. Stott—The international bank will prevent that from happening.

Mr. QUIRKE—I take an extremely dim view of international finance; there is nothing too stupid for international financiers to do. The

“old boys” who were in existence in 1933 are running the show today. I am not too happy about Australia's internal finances. The price of wheat cannot fall to 1s. 6d. a bushel because there will always be an internal price for home consumption, unless we want to smash our internal economy. I think we have learnt our lesson in that direction. Where will the people be who, it is claimed, will be living in the thousands of houses that are available? Is it proposed to again put them on the Torrens banks? This kind of legislation will remain with us and will not be off-set by the possibility of a calamity which will make houses available because people cannot pay the rent asked for them. We have gone far enough to off-set any repetition of such conditions. Nobody today will publicly state that people in Australia should starve because we have no money. People did starve, but a lesson has been learned by those in power. Eleven years ago, when I first entered this House and spoke in this manner, I was laughed to scorn. I was told we could not get something for nothing—the old shibboleth. In one of his books on World War I. Winston Churchill said:—“At the eleventh hour of the eleventh day of the eleventh month war ceased and an armistice was signed.” At 4 o'clock, five hours afterwards, an order was issued, although not by Churchill's Government, that all production must stop. As a consequence, thousands of people were thrown out of work. Churchill said, “For my part, I have never been able to understand why the forces which can make guns and shells and aeroplanes cannot also make houses and equipment and amenities for the people.” I do not think he has learned the answer yet. This legislation will be with us as long as the stupid system is with us.

Sometimes business premises are leased, but only a portion of them are used. The rest of the premises is kept out of use in order to stop competitors occupying it. Can the Act be amended to cover this type of thing? I do not think there is much of this in the city because competition for premises is too keen, but it occurs in some country towns. This is the only point about which I am greatly concerned. The landlord and tenant provisions generally do not worry me. Conditions today and conditions prevailing in 1933 are responsible for this legislation, and whilst those conditions continue we shall have the Act. However, I do not wish it to be understood that I want to perpetuate the legislation, although I am afraid it will remain on the Statute Book longer than I am a member of

Parliament. To base rents on 1939 values is unfair because, in fact, 1939 values were the 1933 values. Rents were pegged in the first place at, virtually, the 1933 values. That is why this legislation hits one section of the community so badly, but I am not so certain that it is a big section. There is something wrong with the person who has not taken the first opportunity to get rid of houses he acquired as an investment. Probably the number of landlords is diminishing, and this is possibly one factor which will lead to the legislation going out of existence. I agree with the member for Chaffey that only two classes of people can build a house today—the person who wants it for his own habitation, and the Housing Trust. It does not matter what resources I may have I cannot even build a house for my son. That is utterly wrong in principle.

Mr. Clarke—A primary producer can build a house for an employee.

Mr. QUIRKE—Yes, but it does not become the employee's house. It is added to the capital value of the farm property and the owner can only sell it when he sells the whole property. Thank goodness the Act does not apply to primary producers' holdings. If the employee leaves he has to get out of the house, and this is all to the good. I understand that in the event of an ex-serviceman being served with an eviction notice certain steps must be taken and if he has had an opportunity to buy a place and has not done so, or has been offered alternative accommodation and not accepted it the court will have to inform the Housing Trust that "at the first reasonable opportunity" the trust must make available for letting to the protected person a suitable dwelling-house. That means that section 26 of the Act applies to emergency housing and I take it that not one of the usual houses built for letting but an emergency house of two or three rooms will be made available to a protected person. An emergency home, of course, is better than none at all, and the protected person will at least have a roof over his head.

I join with Mr. Macgillivray in my opposition to such a wholesale removal of protective clauses. I draw attention to paragraph 149 which states:—

With these qualifications and at the risk of having our sentiments misunderstood we express the opinion that the opportunities of ex-servicemen of obtaining residential security for themselves are not in the main now prejudiced as a result of their having been absent from their homes on service.

Paragraph 161 says:—

It is doubtful whether persons who joined the forces in the last year or so and those who are now doing so are sacrificing any opportunities of the same kind because so few opportunities exist, or are likely to exist, to be availed of.

If these opportunities do not exist for those who joined the forces in the last year or so they do not exist for earlier ex-servicemen. Where business premises are only partly occupied they should not be kept out of occupancy by the lessee in order to avoid competition. There are instances where part accommodation is being deliberately kept unoccupied because the original lease covered the whole of the premises. An amendment should be carried to overcome this difficulty.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Progress reported; Committee to sit again.

APPROPRIATION BILL No. 2.

Returned from the Legislative Council without amendment.

MAREEBA BABIES HOSPITAL LEASE BILL.

The Hon. T. PLAYFORD, having obtained leave, introduced a Bill for an Act to enable the Minister of Health to grant a lease of the Mareeba Babies Hospital to The Adelaide Children's Hospital, Incorporated. Read a first time.

ADJOURNMENT.

At 10.5 p.m. the House adjourned until Wednesday, November 14, at 2 p.m.