HOUSE OF ASSEMBLY.

Tuesday, September 29, 1953.

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

AGENT-GENERAL ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended to the House the appropriation of such amounts of the general revenue of the State as were required for the purposes mentioned in the Agent-General Act Amendment Bill.

QUESTIONS.

APPOINTMENT OF RAILWAYS COMMISSIONER.

Mr. O'HALLORAN—About a fortnight ago when I asked the Premier when it was proposed to fill the position of Railways Commissioner left vacant by the lamented death of Mr. Chapman, he intimated that the Government had decided to fill it from within the service within the near future. As I find there is considerable interest in this matter, particularly amongst railwaymen, can the Premier indicate when the appointment is likely to be made?

The Hon. T. PLAYFORD—A Bill before Parliament provides for considerable re-arrangement of the various State departments, and the Government is now looking at the problems arising from that re-arrangement prior to taking action in this important matter. The problem connected with this appointment arises, not out of the appointment itself, but out of some other adjustments which may be necessary in the departments that are being examined, but an appointment will probably be made within the next fortnight or three weeks.

TOBACCO AND CIGARETTE SUPPLY.

Mr. WHITE—I have been questioned recently by two storekeepers—both returned servicemen who have gone into business within the last 18 months—about supplies of Australian cigarettes. One can get no supply and the other only a few packets of cigarettes each month. I believe that early in the war cigarettes were supplied on a quota system, and, from what these storekeepers have told me, it appears that this system has not been altered since the war. Can the Premier say whether Australian cigarettes are still controlled under a quota system and, if so, what is the procedure for a storekeeper to adopt to get an adequate supply?

The Hon. T. PLAYFORD—The National Security Regulations controlling this matter of quotas have not operated for at least three or four years, and there is now no official control by the Government, either Commonwealth or State, in this matter. There is a shortage of Australian cigarettes and suppliers have rationed them among customers who have been in business and trading with them over a long period. That is purely an arrangement within the industry; before new customers are supplied old customers are given the first opportunity of obtaining supplies. Where there has been some change in circumstances—for instance at Radium Hill, where a new town came into being and where formerly there was no quota—the industry has listened to representations made with a view to seeing that the town got a fair share of the Australian tobacco and cigarettes offering. However, on a number of occasions when the matter has been taken up purely between merchant and merchant in a town already supplied with its quota the manufacturers have refused to change their present procedure. The question involved is really whether the circumstances surrounding the case are unusual. If they are, my experience has been that suppliers are prepared to make a reasonable adjustment, but where it is merely a case of a new storekeeper competing with somebody who has been dealing in that town previously the suppliers have not been prepared to alter their quotas.

HOMES FOR THE AGED.

Mr. JOHN CLARK—On August 25, in reply to a question from the Leader of the Opposition, the Premier gave some details of the contemplated erection of homes by the Housing Trust for aged people and pensioners. In the course of his remarks he said:—

> The houses are being built to provide for a disclosed need in the metropolitan area, but the Government is prepared to consider country areas in due course.

I have had inquiries from aged people and pensioners in Gawler who are rather concerned about the possible rental charges for such houses in view of the high cost of building. Has the Premier any further information on the scheme, and can he give the approximate rental that may be charged for such homes?

The Hon. T. PLAYFORD—I think I can get some information on the latter part of the question from the Housing Trust, which I will do. The trust has had some estimates prepared of the cost of these buildings and is able, with its present knowledge, to work out the

approximate rentals. As to the other matter, I remember the discussion the Leader of the Opposition invoked in this House. I said the trust would be prepared to examine any country requirements and suggested that they come from some official source such as local government authorities so that we would not have trust inspectors rushing all over the place. I do not know whether the Gawler council has made such a request, but if it has, and the honourable member will give me information on the point today, I will see that any undertaking I gave is carried out to the full.

Mr. O'HALLORAN—Will the Premier also ascertain the type of construction and the floor area of the houses proposed to be built for pensioners?

The Hon. T. PLAYFORD—Yes. As the plans have been completely prepared there will be no difficulty in obtaining that information and I may possibly be able to provide the Leader of the Opposition with a complete plan of the proposals.

URANIUM PRODUCTION.

Mr. DUNKS—I noticed in today's *Advertiser* that the mine at Radium Hill was down 450ft. and likely to go to 700ft. The same article stated that new finds had been discovered in the Rum Jungle area, which was expected to be the biggest uranium producing field in Australia. On the site of the original find seven bulldozers and a force of labourers were tearing up the face of the land to lay bare the uranium rock. Does this mean that the rock comes to the surface and can be worked by open-cut methods as compared with deep mining at Radium Hill, and that thereby Rum Jungle will be a serious competitor with South Australia in the sale of uranium?

The Hon. T. PLAYFORD—I have no direct knowledge of the conditions at Rum Jungle at present. It is nearly two years since I saw the field, and there has been much work undertaken there since and no doubt conditions have completely changed. The press has on a number of occasions mentioned open-cut mining at Rum Jungle, but whether that is cheaper or dearer than mining operations in South Australia would depend on factors such as the quality of the ore, the cost of treating it, the cost of providing services on the field and a hundred and one other things, all of which have a bearing on the ultimate cost of the finished article.

Mr. O'Halloran—And particularly the width of the lode.

The Hon. T. PLAYFORD—Yes, and the availability of the plant to the work. In a wet district such as Rum Jungle there may be considerable interruption of the work through the weather. I have no knowledge of the cost of production at Rum Jungle. The question of competition between Rum Jungle and Radium Hill does not arise. We hope that Rum Jungle will be a tremendous success: in fact, the biggest and richest uranium mine in the world. That is one of the things which will most ensure the future of this country, and particularly of the Northern Territory, and it will not detract in any way from Radium Hill, which is capable of producing uranium at a cost which is acceptable. It has given me and the Department of Mines much satisfaction that on a number of occasions in one way or another we have been able to give minor assistance to the Rum Jungle enterprise, and no doubt those who run that enterprise will be able to assist us on a number of occasions. It is not competition, but merely a mutual programme of development of a national resource.

GALVANIZED IRON SUPPLIES.

Mr. MACGILLIVRAY—This morning one of the larger packing houses on the Murray telephoned me complaining that although it has had very active demand for galvanized iron for roofing of drying racks, houses and sheds, it is practically impossible to get supplies forwarded. A few weeks ago the Premier said in the House—and it was quoted in the press—that the galvanized iron position in South Australia was likely to be very much easier, but according to the telephone communication the position is not getting easier, but worse. I was further informed that big distributing agencies in Adelaide support the statement that galvanized iron is not coming to South Australia. Has the Premier any information on the matter?

The Hon. T. PLAYFORD—It is impossible to keep abreast of shipping arrivals from day to day, but the general position is that since the relaxation of building controls in all States when this material became available for use for all purposes the total production of galvanized iron in Australia has not been nearly adequate to meet the demand. The firms concerned have adopted a system of quota distribution, and are maintaining the allotment to this State on the same basis as under the Commonwealth quota distribution. South Australia is getting approximately 11 per cent of

the total galvanized iron produced in Australia. There is no large overseas export of galvanized iron, although one or two of the minor local markets to which we supplied a small amount during the Commonwealth quota period are, I understand, still being supplied. South Australia has not received its full quota because of shipping problems. Some ships, after being loaded, have been held up, and there have also been loading problems. The last information I had was that we were about 400 tons behind in our quota, which is not a great amount. However, I will ascertain for the honourable member what supplies are likely to arrive in the next few weeks and give him any assistance I can in meeting the demand he has disclosed.

BLOODHOUNDS AND NATIVE TRACKERS.

Mr. BROOKMAN—During the 1950 Budget debate I asked the Premier a question about the use of bloodhounds for finding lost persons. From time to time human lives have been lost through people not being found soon enough by rescuers. I believe a recent tragedy could have been avoided had there been a bloodhound available to follow the trail. These dogs can follow the trail of almost anyone who does not take to a vehicle. Three important considerations are:—(1) They have remarkable powers of following trails many days old; (2) they are docile; (3) they are almost invariably worked on a lead; their trainer travels with them and they are not allowed to follow trails loose. Can further consideration be given to the employment of bloodhounds by the Police Department?

The Hon. T. PLAYFORD—The honourable member made a significant point when he pointed out that in certain instances bloodhounds could be used for the preservation of people's lives. I have always felt—perhaps quite wrongly—an abhorrence to chasing people by the use of hounds, but I will follow up the suggestion of their use in rescue work and let the honourable member have further information in due course.

Mr. O'HALLORAN—At one time police trackers were attached to many country police centres, and they gave valuable help in locating people who had become lost. Some time elapsed before the aid of trackers was enlisted in the search for a person lost recently in the River Murray area. Then the search ended fairly quickly, but unfortunately the victim was found dead. I do not think it would be necessary to have trackers as widely dispersed as before, but it may be possible to have one or two efficient men available for work of this nature, because with modern transport they could be taken to any area in the State quickly.

Mr. Brookman—Wouldn't hounds be more efficient?

Mr. O'HALLORAN—I do not know, for I am not conversant with the efficiency of bloodhounds, but I am with the efficiency of the Australian native. If the hound is better he certainly is a remarkable tracker. Will consideration be given to this matter when the question raised by Mr. Brookman is being considered?

The Hon. T. PLAYFORD—Yes. For many years it was the practice for the Police Department to engage trackers. To what extent that has continued I do not know, but I believe some trackers are associated with the department. When a native becomes civilized he quickly loses his remarkable power of tracking, and now only a limited number of natives have the facility, and that number is rapidly decreasing.

MIGRANTS' ELECTRICITY CHARGES.

Mr. JENNINGS—Has the Premier a report on the question I asked recently about electricity charges to migrants at Gepps Cross?

The Hon. T. PLAYFORD—I have obtained from the trust a full report and shall be happy to make it available to the honourable member. As far as I could see every undertaking by the trust has been carried out in its strict sense; in fact, I believe the migrants at Gepps Cross are getting electricity a shade cheaper than are other South Australian consumers because the trust is buying it in bulk and supplying it through the meters to them. The report does not disclose any disability on this point or any departure from the written terms of the agreement. If, after studying the report, the honourable member desires me to take up further representations I shall be happy to do so.

WHEAT MARKETING AND PRICES.

Mr. HEASLIP—A statement in today's *Advertiser*, under the heading "Victorian Government Firm on Wheat," reads:—

The Victorian Government was sticking to its stand that the price of wheat consumed in Australia should be fixed on production costs, the Premier (Mr. Cain) said today. Then, no matter what happened overseas, growers would be assured of a payable price here, Mr. Cain said.

Wheatgrowers have been asked to produce more wheat, and they are doing so. They get a

payable price for wheat consumed in Australia, but they are producing 170 million bushels, of which only 70 million are consumed in this country. It is the overall price that concerns the grower, and I ask the Premier whether during his visit to the eastern States last week, he obtained any information about the home consumption price?

The Hon. T. PLAYFORD—I broke my return journey from Canberra on Friday last for the purpose of discussing this matter with Mr. Cain, and I had a long discussion with him. It seems to me essential for one or two basic points to be established. Firstly, we should ratify the International Wheat Agreement, otherwise we shall lose a number of our important closer markets that are parties to the agreement and that are at present supplied with flour and wheat from Australia. Secondly, it is essential to have an organized authority to handle the Australian wheat crop and for the Wheat Board to be reconstituted. Legislation should be passed by all States to see that the board is maintained, because I am certain that at present there are not merchant services available to handle the harvest coming forward. In any case, on a delicate world market a number of selling agencies become competitive and help to force prices down. We need to get quick and positive conclusions on those two points, on which I did not find Mr. Cain at all difficult. He seemed to be prepared to legislate for international control of wheat and for the Wheat Board to handle our crops. The difficulty is that some States say the home consumption price should be based purely on cost of production, whereas others maintain that it should give some margin above that as an inducement for greater production.

Mr. Heaslip—The owners of the wheat have not been consulted.

The Hon. T. PLAYFORD—It is not easy in the negotiations to get information quickly from many thousands of people scattered over the continent. The Wheatgrowers' Association has been consulted and is being consulted today, because its secretary is in Canberra today interviewing the Commonwealth Minister. The circumstances in the various wheatgrowing States vary. For instance, Western Australia has a large export of wheat, but only a small home consumption, whereas Queensland has practically all home consumption. I hope we can find a solution of the problem. The proposals submitted to my Government are that we approve a home consumption price of 14s. a bushel and the establishment of a Commonwealth wheat board for the sale of wheat. When the proposal was put forward certain information was found to be contradictory. In any case we desire to avoid differences in prices as between States, which must lead to serious complications and is inherently unsound. It would seriously disrupt in some instances the flour industry, and the biscuit industry would be affected. The Minister of Agriculture is doing his utmost to bring the parties together in order to reach a satisfactory arrangement.

Mr. O'HALLORAN—I understand that the cost of production price of wheat is ascertained by the Commonwealth Department of Agriculture. Does the State Minister of Agriculture know what items are listed in arriving at that price? Do they include ordinary working expenses of tilling the soil, using fertilizer, seed, and other commodities, and is a profit margin allowed? Is any allowance made for sidelines in fixing any profit margin? What was the cost of production price during the last five seasons?

The Hon. Sir GEORGE JENKINS—The cost of production price has been worked out by a committee of the Bureau of Agricultural Economics. I think I have a copy of its findings in my office and shall bring it down for the honourable member.

PRESERVATION OF TREES.

Mr. QUIRKE—In yesterday's *Advertiser* it was mentioned that Professor J. B. Cleland had urged that some sort of reserve be established in the Clare hills to preserve the red stringy bark trees growing there. This is a unique tree and Professor Cleland says it is a relic of forest conditions which existed thousands of years ago. It is desirable that such flora should be preserved. All the country upon which the trees are growing is privately owned, but not very valuable. It is mainly an ironstone range on which the trees grow, and it is adjacent to the remarkable scenic beauty of Spring Gully, which would be a tourist attraction anywhere else in the State, but very indifferent roads now lead to it. Can the Premier say whether the Government has any machinery for providing the necessary money to make such places into sanctuaries for the preservation of flora, and can the local government body give any assistance towards preserving the trees?

The Hon. T. PLAYFORD—On a number of occasions local government authorities have submitted proposals for establishing reserves of one sort or another. I know of no case where the Government considered the proposal warranted assistance in which we ran into difficulty

on the question of having authority to assist. At present the general question of the purchase of land by the Government for forward planning and for reserves is before Cabinet, and a Bill may be brought down this session giving the Government somewhat wider powers. Now it has power to compulsorily acquire land for a specified public purpose, but sometimes when land becomes available, although the Government knows it will require it for one purpose or another in its general development programme it may not be able at the time to give a certificate that it is required for a specific purpose; so we are looking into the matter of giving a more general power. Returning to the honourable member's question, if the local government body submits a proposal on the matter I shall be happy to examine it to see whether effect can be given to it and what resources would be necessary.

METROPOLITAN WATER SUPPLIES.

Mr. STEPHENS—My question relates to statements in the press over the last weekend. In the *Advertiser* of last Saturday, under the heading "Restrictions on Water Likely," a political correspondent said that there is likely to be a shortage of water in the metropolitan area during the summer. In the *News* of Saturday that was contradicted by the Engineer-in-Chief, Mr. Dridan, in a paragraph headed "Water Cuts Statement not Correct." He said that there was no shortage of water, but there had been a shortage of pipes and he asked consumers not to water their gardens during the peak period. In the *Mail* of Saturday there is another reference to the matter under the heading "Water Chief tells of Summer Plans." It said that work was now in progress on the Hope Valley section and that its completion depended on the delivery of steel pipes. Can the Minister of Works say whether the steel pipes must be imported, and whether there is a shortage of cast iron pipes in South Australia because of a scarcity of pig iron?

The Hon. M. McINTOSH—There is no contradiction in terms between the article in the *Mail* and that in the *News*; they are both reports of the same statement, but are prefaced differently. Saturday's *Advertiser* stated:—

Adelaide and suburbs will probably be faced with water restrictions again this summer unless abnormal rain falls during the season. Last year there were no restrictions on the use of water. There was a regulation during a very limited period as to the purposes for which it could be used. In order that women, cooking the evening meal, and men, coming home, and requiring showers, should have adequate pressure from 5.30 to 7.30 p.m., the watering of gardens by hose during those hours was prohibited, but that was in no way a restriction but a regulation, for if the demand required it the garden could be watered by means of a container during that period or by hose before or after it for the rest of the 24 hours. At the end of the year we found we had supplied more water than during any other period in our history—at least 10 per cent more—but that fact remains that, because of the great expansion in home building and the connection of about 9,000 new houses each year, the reticulation pipes are not sufficiently large to give everybody a high pressure at the same time. The supply of cast-iron pipes does not enter into the question because the big mains are not of cast-iron. In order to boost the pressure during the period of the construction of the Mannum-Adelaide pipeline the Government, with the consent of the House, decided last year to make available a sum of money to enable a pipeline to be constructed from Hope Valley into Adelaide and that will result in a boosting of the pressures. Later will come the operation of the Mannum-Adelaide pipeline, which will not only overcome water shortages, but further improve pressures. Mr. Dridan said that the extent, if any, to which the regulation of water would be necessary this summer would depend, not on the quantity of water available, but on the progress made with the new pipeline from Hope Valley and also on co-operation in the use of water for gardening during peak periods when there was a heavy demand for ordinary household duties. Having regard to the fact that this is the only State that has tried to keep up with its servicing of new homes, surely that is not much to ask of the people who already have a supply, so that it can be given to those who have none. Recently the chairman of the Victorian Metropolitan Board of Works said that in Victoria there was a two years' lag between the application for and the supply of a water connection and that the lag was five years in the case of sewerage facilities. We have kept pace with requirements, but we cannot do two things at once—improve pressures and use the same men and materials to bring water in bulk to Adelaide.

Mr. Stephens—My question related to supplies, not of water, but of materials.

The Hon. M. McINTOSH—Pig iron supplies have no relation to the question, for the primary material is steel. This question goes

back to political arguments into which I will not go now. If we can get the steel, we can make the pipes and deliver the water.

EIGHT MILE CREEK AREA.

Mr. FLETCHER—In reply to my question of September 15 the Minister of Lands said he would call for and supply me with a report on the conditions on soldier settler blocks in the Eight Mile Creek area. I have neither seen nor heard any more about that report, but I have received further correspondence from some settlers there, who are very despondent. Clause 13(3) of the schedule to the War Service Land Settlement Agreement Act states:—

In special circumstances and upon conditions approved by the Commonwealth, further assistance may in any particular case be extended beyond the said period of one year.

Will the Minister further consider, in the light of that clause, the disabilities being suffered by these settlers, many of whom have spent their money in trying to establish themselves, but who, under the conditions prevailing there today, are disheartened and threatening to leave the land? Following on the recent visit to the area by the Director of Lands and other departmental officers, will any action be taken to help these men, and if so, when will the Minister be able to advise members of such action?

The Hon. C. S. HINCKS—A visit was made to the area by the member for Mount Gambier and a member of another place about a month ago. I received their report and sent down a number of officers, including the Director of Lands, who were accompanied by the two honourable members, the members of the original committee and members of the local ex-servicemen's association. Their report showed conclusively that there had been a great improvement in the area during the few intervening weeks. Some damage had been caused by the blockage of one drain, resulting in considerable anxiety on that particular settlement, but this morning I received a report which I am prepared to show the honourable member and which suggests that earlier reports were rather exaggerated. I suggest that the finer weather has resulted in a considerable clearing up of the excess water. I also have the report which I promised to get for the honourable member, and will make it available to him if he desires. In those very wet areas there are years when, because of the excess rainfall, much anxiety is caused, as is the case occasionally in the north or on Yorke Peninsula when there is insufficient rain. I can assure the honourable member, in reply to the latter part of his question, that Government assistance has been given on many occasions, and if the men at Eight Mile Creek have played the game and attempted to do a reasonable job and are still unable to meet their commitments, the Government will assist them further to help make a success of their blocks.

NEW INDUSTRY AT WALLAROO.

Mr. McALEES—Has the Government received an application by a new industry for the use of the old distillery buildings at Wallaroo? This is a burning question in my district.

The Hon. T. PLAYFORD—The Government advanced a substantial sum for the establishment of an industry in those buildings and holds a first debenture for its advance, but when the firm ceased to operate it became necessary for the Government to take legal action. The previous agreement is now terminated, a receiver has been appointed and the Government will re-possess the premises. It has received an inquiry for their occupation by a firm, which, I believe, employs about 80 men. Negotiations have been proceeding for several days, and I hope I will be able to inform the honourable member that in the near future a substantial new industry will be located there.

BUILDING PERMITS.

Mr. LAWN—In reply to a question last Tuesday the Premier informed me that since February only nine permits had been granted for the demolition of dwellinghouses in the City of Adelaide, which probably approximated the number issued in the preceding three years. I know that more than nine homes were demolished during 1950-52. If the Premier cannot say whether permits were issued in accordance with the Building Materials Act for the demolition of those buildings, who polices the Act to make sure that homes are not demolished without a permit, what authority issues the permits, and if no records are kept of their issue how would any authority policing the Act know whether a permit had been issued other than by going to the person carrying out the demolition and asking him to produce it?

The Hon. T. PLAYFORD—To obtain the precise information sought would have involved the examination of about 90,000 applications. The Building Materials Office has now ceased operation. There is no staff and the books are closed, and much work would be

involved to establish whether six, eight, or ten permits had been issued. I think the honourable member will realize that such work is neither advisable nor necessary. Since the office has been closed Mr. Pollnitz has been responsible for the issue of permits, and it would be easy for him to check up the number issued since the cessation of general restrictions. Legislation has already been considered by Parliament dealing with substandard houses. We had the position under the Building Materials Act of the Director of Building Materials refusing to give a permit for a house to be pulled down, whereas under the Health Act the local governing authority was ordering its demolition. The honourable member can understand the position of the unfortunate house owner in those circumstances whereby if he turned to the right he broke one law and if he turned to the left he broke another. Parliament considered this matter last session and decided that building materials regulations were not to over-ride any direction given under the Health Act, which is administered by the local governing authority. I would have no information on my files concerning the position, but no doubt the council concerned would provide it on application. The position has been still further complicated by a ruling of the court that hardship must prevail before one can obtain an eviction under the Landlord and Tenant (Control of Rents) Act. It has been held by one of the Judges that where a house has been the subject of an order of the Health Department the hardship provisions of the landlord and tenant legislation no longer apply, because the hardship has not been caused by that legislation, but actually by the health legislation. The matter is very complicated and is one that I have been examining. I had an amendment prepared for consideration by the House, but I am not sure yet of its implications or wisdom. The Health Act intrudes itself into the matter of substandard houses and has implications in regard to evictions and demolition of houses. In both instances it over-rides landlord and tenant and building materials legislation.

OLD LEGISLATIVE COUNCIL BUILDING.

Mr. FRED WALSH—In view of the activity taking place in the city in painting and improving public buildings and business premises in preparation for the Royal Visit, has the Government any plans regarding the demolition of that monstrosity of a structure adjoining this beautiful building—the old Legislative Council Chamber building—or its renovation? The Government may not consider it worth while making renovations if the structure is to be demolished in the not far distant future.

The Hon. T. PLAYFORD—Many leading authorities have expressed great delight at the architecture of the building referred to by the honourable member as a monstrosity and have urged its preservation at all costs. I will not enter into that argument because it is one for experts. Some years ago Cabinet decided that the building should be demolished and that the area should be beautified with possible parking facilities under it for the convenience of motor traffic. That decision was approved, but before it could be effected the exigencies of war made it necessary to retain the building to house a number of Government departments—Commonwealth mainly—which had sprung into existence. The Land Tax Department was forced to vacate the railways building and is now situated in the old Legislative Council Chamber building. There is no other accommodation available nor will there be until the Government completes the construction of the proposed building on the corner of Flinders Street and Victoria Square for accommodating scattered Government departments. It will not be possible to demolish or repair the building in the limited period before the Royal visit.

Mr. Fred Walsh—Would it be possible to renovate it?

The Hon. T. PLAYFORD—Normal renovations will be carried out, but in view of the decision to demolish the building the Government does not propose spending an extravagant amount on its upkeep. The area will ultimately be cleared and the beautiful architecture of Parliament House and, to a lesser extent, the railways building will become more apparent.

HOUSING TRUST RENTALS.

Mr. FRANK WALSH—Will timber-framed houses, now on a rental basis, be considered in the averaging of rents system adopted by the Housing Trust?

The Hon. T. PLAYFORD—I think that timber-framed buildings are subject to a slightly lower amortization rate than brick or cement buildings, but I will endeavour to obtain the information the honourable member requires.

ROYAL VISIT: TRANSPORTATION PROBLEMS.

Mr. RICHES—It will be almost impossible for many children from the north to come to Adelaide during the Royal visit, shortage of

accommodation being one of the difficulties, and the only opportunity they will have of seeing Her Majesty will be at Whyalla. Transport presents a serious problem and it will be beyond the capacity of some districts to arrange it. Quorn has only one bus and many places have none, and other bus services will be strained beyond their capacity. At present school committees and others are investigating ways and means of transporting those who wish to visit Whyalla, but are experiencing considerable difficulty. Can the Royal Visit Committee offer any assistance by providing buses which would not be required in other parts of the State when Her Majesty is in the north, or other means of transport?

The Hon. T. PLAYFORD—In general terms, my answer is that the Government does not propose considering the question of transportation in connection with the Royal visit. That question has tremendous implications. The director of the committee and all associated with the Royal Visit will have their hands completely full without the additional obligation of trying to arrange private transportation. It is not proposed to provide such services, because no doubt the Railways Department and private bus operators will take the necessary steps to cater for the travelling public. South Australia is fortunate because Her Majesty will visit every part of the State during her short visit. The fact that she will visit Port Lincoln, Whyalla, Renmark and Mount Gambier reveals the great care that has been taken in trying to cater for country interests. I do not think it is unreasonable, in those circumstances, that local committees should be formed to arrange necessary transport.

Mr. QUIRKE—In many country areas plans are being made for transporting children to the metropolitan area on the occasion of the Royal Visit. Is it the Government's intention to waive, for the time being, the regulations of the Transport Control Board which provide that permits must be obtained for any vehicles carrying passengers? The position would be extremely difficult if everybody in the country had to apply for a permit.

The Hon. T. PLAYFORD—This is an important question and I will have it examined with the object of getting a satisfactory solution. Not only do the transport control regulations have to be examined, but the question of the insurance of passengers is important. Many vehicles operating on our roads have not an insurance cover for their passengers. I cannot imagine anything that would give rise to greater difficulties than an accident as a result of some negligence on the part of the driver or a defect in a vehicle carrying a large number of children invited to a ceremony at the request of a school committee. We are anxious that as many children as possible shall see Her Majesty. There will be a display at the Wayville showgrounds oval on children's day and I have given instructions that priority of entry shall be given to children. No differentiation in priority will be made between children from State schools and those from private schools.

Mr. RICHES—I was not asking for free transport for people, but whether vehicles could be made available from other parts of the State so that passengers could be transported from railway stations to Whyalla at rates somewhere near normal rates? Many people will probably travel by rail to Port Augusta and require transport from there to Whyalla. Consideration has been given to taking them by water, but is any organization being set up to assist in the provision of vehicles to country centres or to co-ordinate transport, or will the problem of transportation be left entirely to the resources of local people?

The Hon. T. PLAYFORD—I thought I made it clear that the Government did not propose to assist financially in setting up transport services as suggested by the honourable member. No doubt railways and other transport facilities will be available, as well as private bus services. It would not be possible for the Director of the Royal Tour to organize transport for private persons throughout the State. The organization of the tour itself has been an immense problem, quite apart from trying to assist in providing transport. Local circumstances and numbers are known best by local people. Obviously, the local committees are the appropriate authorities to arrange for any special transport requirements needed above those that are available through motor cars and other privately owned vehicles, but it is not proposed by the State Government to assist in this matter. Indeed, I do not know of any other State that intends to organize transportation facilities other than those normally arranged through the railways or other usual services.

IRRIGATION WATER RATES.

Mr. MACGILLIVRAY—Has the Minister of Irrigation a copy of the report I referred to last week relating to irrigation water rates?

The Hon. C. S. HINCKS—I have a report as follows:—

The special committee referred to by the honourable member which was appointed by the Government in 1949 to advise on the charges of lessees in irrigation areas for water and drainage rates included in its report a recommendation that should there be a substantial change in costs, prices, or other factors affecting the industry, the whole matter should be further reviewed. This recommendation was in accord with the practice adopted by the Department of Lands prior to the submission of the committee's report and followed subsequent to it. The charges to be made to lessees in Government controlled irrigation areas for the supply of water for irrigation purposes are decided in April of each financial year, and information relating to costs and and probable crop returns is taken into account before the case for any variation is submitted to the Prices Commissioner and this will be done during the current year.

If any settlers or settlers' organizations have any factual evidence to submit on costs and will do so before the end of March, 1954, their submissions will be taken into consideration when dealing with the rates for the current financial year. Inquiries have shown that in the settler controlled districts of Renmark and Mildura, where four general irrigations are supplied each year, the charges are higher than that made for a similar service by the Department of Lands, the comparative figures being:—

	Per acre p.a. £ s. d.
South Australian Government controlled areas	6 10 0
Renmark Irrigation Trust (£3 10s. per half-year)	**7 0 0**
Mildura Irrigation Trust	8 4 0

AGRICULTURAL SCIENCE.

Mr. MACGILLIVRAY—A few weeks ago I sought information from the Minister of Agriculture about a Commonwealth grant for the dissemination of scientific information to the practical farmer. Has he obtained a reply?

The Hon. Sir GEORGE JENKINS—I informed the honourable member that a grant had been made and that I would get the details for him. I have a report which states:—

A grant of £200,000 was made available to the State Departments of Agriculture to enable them to add to their advisory services by the appointment of additional officers, by the establishment of demonstrations and by the purchase of equipment to be used as aids to effective extension work. The share allotted to South Australia was £18,000 for 1952-53. Temporary officers employed under the grant are as follows:—

1. Information Services.
   - (*a*) Commercial artist who is responsible for the preparation of charts and diagrams for use by officers in addresses to farmers; also slides and illustrations for publication.
   - (*b*) Publicity officer, who undertakes the collection and preparation of material for release to the press and radio.
   - (*c*) Shorthand typiste. This officer transcribes material recorded from officers at bureau conferences and field days, thereby speeding up the process of securing articles for publication.
2. Advisory Services.
   - (*a*) Beef cattle adviser, who is undertaking survey work on the South Australian beef industry with a view to establishing the needs and channels for further advisory and investigational work.
   - (*b*) Field officers. Six such officers have been appointed for general advisory work.
   - (*c*) Agricultural liaison officer, appointed in the Upper South-East. His main responsibility is liaison between the research programmes carried out in this district by both C.S.I.R.O. and this department and advisory officers working in the same area.
   - (*d*) Irrigation advisory officers. These two officers are carrying out demonstration and advisory work in the Lakes district, centred around Milang.
   - (*e*) Poultry field officer, stationed in the Murray mallee district, carries an advisory service to the many side-line poultry producers in the area.
   - (*f*) Field officer in the Horticulture Branch. This officer is conducting a canning fruit survey and is also working in association with the department's potato seed certification scheme.

In addition to employing these officers, equipment to provide demonstrations of irrigation, near Milang, and the use of whale solubles for pig and poultry feeding have been established. Beef weighing scales at two country research centres have been installed to accelerate beef cattle extension work. A series of preserved disease specimens will aid veterinary officers in explaining the control of animal diseases to farmers. A considerable quantity of equipment, including cameras, tape recorders, movie projectors and a mobile film projector unit for country use have been purchased. All these are proving valuable aids to officers in advising farmers and addressing meetings of agricultural bureaux and other farmer groups. A very successful school in extension methods for 40 officers of this department, held in February last, was financed from the grant. The expenses of two advisory officers also were paid from the grant, enabling them to attend an extension methods school in New South Wales. To help provide trained officers for advisory work in the future, under the grant three cadetships have been offered to agricultural science students at the University of Adelaide. Upon graduation, these young men will enter this department to take up extension work.

MANAGER OF INSTITUTE ANIMAL HOUSE.

Mr. FRANK WALSH (on notice)—

1. Was the applicant from the University for the position of manager of the animal house at the Institute of Medical and Veterinary Science managing an animal house for the University prior to the founding of the present animal house?

2. Does he also possess skilled experience in research work involving the use of animals?

3. Is he also a highly qualified laboratory technician?

4. Was the position vacant for six months prior to the appointment of Dennis Patrick Miles, M.B.E., formerly Deputy Commissioner of Police (H.M. Colonial Service)?

5. Were ex-servicemen's preference rights given any consideration when this appointment was made?

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

1. Yes. He was in charge of a small animal house at the University from 1936-1942.

2. His application indicated that he had experience in the preparation of apparatus for animals for teaching classes and for research.

3. His application indicated that he had not passed the Intermediate Examination and he was on this account not eligible for appointment even as a laboratory assistant.

4. No. The vacancy was advertised on November 1, 1952, the previous occupant having commenced sick leave on October 17, 1952, which necessitated his retirement on December 26, 1952. Mr. Miles commenced duty on January 2, 1953.

5. Yes.

BULK HANDLING OF WHEAT.

Mr. CHRISTIAN (on notice)—

1. Does the figure of 5.357 pence per bushel indicated by the State Superintendent of the Australian Wheat Board as being the total cost of shipping wheat through the Ardrossan bulk terminal include interest and amortization on the capital outlay of £250,000?

2. If so, what is the amount per bushel and the total sum of these two items?

3. If interest and amortisation are not included in the above cost what is the amount per bushel of these items?

4. What does the 2½ pence per bushel "Ardrossan Bulk Handling Charge" indicated on growers wheat certificates represent?

5. Is the 2½ pence mentioned above the only charge debited against growers delivering wheat at Ardrossan?

6. If not, what other amounts are deducted from such growers returns?

7. What are the costs to the Wheat Board of transporting and handling bagged wheat from other receiving points to Ardrossan for shipment there as bulk wheat?

The Hon. Sir GEORGE JENKINS—The State Superintendent of the Australian Wheat Board advises as follows:—

1. No.
2. Vide No. 1.
3. This information is not available.
4. This information is not available. The matter is under consideration by our head office.
5. Yes.
6. Vide no 5.
7. These vary according to distances, but in the main are covered by the freight differential which is borne by individual growers.

BROAD GAUGE TRAINS: WORKING COSTS.

Mr. O'HALLORAN (on notice)—

1. What is the average cost per train mile of working broad gauge trains in South Australia?

2. What proportion of this cost represents wages paid to train crews?

The Hon. M. McINTOSH—The Acting Railways Commissioner reports:—

1. The approximate average cost per train mile of working broad gauge trains in South Australia for the year ended June 30, 1953, amounted to 20s. 9.84d.

2. The proportion of train crews wages included is approximately 20.9 per cent. The cost excludes maintenance of permanent way and structures, station staffs, general administration charges, etc., and is computed on total broad gauge train miles, including rail motor services.

WILD DOGS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

BUILDING ACT AMENDMENT BILL.

The Hon. M. McINTOSH (Minister of Works), having obtained leave, introduced a Bill for an Act to amend the Building Act, 1923-1946, and to repeal sections 135 to 138 of the Police Act, 1936-1952. Read a first time.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

Read a third time and passed.

BARLEY MARKETING ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The Bill is introduced following on an agreement between the Governments of Victoria and South Australia concerning an amendment recently made to the Victorian legislation, and contains only one provision, namely, that an officer of the Victorian Department of Agriculture shall have the right to attend all meetings of the Australian Barley Board and inform the Victorian Minister of Agriculture as to the matters coming before the board. Although such a provision may at first sight appear unimportant, it is, in view of the events which have happened, essential to the continuance of the barley marketing scheme.

As members know the Australian Barley Board is constituted under laws of both Victoria and South Australia and the board cannot exist unless both the Victorian and South Australian Parliaments pass identical laws as to its constitution and the two Governments agree to make the necessary appointments. The board consists of five members. There is a chairman, who happens at the moment to be a South Australian, Mr. Spafford. There are two grower representatives from this State and one from Victoria. The other member is a representative of brewers and maltsters, and he is at present a Victorian. Thus, in effect, each of the two States provides two ordinary members of the board, and South Australia the chairman. This arrangement is equitable, having regard to the fact that South Australia produces substantially the greater part of the barley handled by the board. Early this year, however, the Victorian Government decided that Victoria had insufficient influence on the board and introduced a Bill providing for an additional Victorian member to be appointed, and also declaring, in effect, that unless the board were re-constituted with the additional Victorian member before September 7, it would go out of existence. This Bill was passed.

The South Australian Government, which regarded the constitution of the board as satisfactory, did not agree with the Victorian proposal and took no steps to amend our Act in order to enable the ideas of Victoria to be carried into effect. But in order to avoid a breakdown in the barley marketing scheme negotiations have taken place between the two Governments and an agreement has been reached pursuant to which Victoria has further amended its Act so as to repeal the provision for an additional Victorian member, and to substitute in its place a clause stating that an officer of its Department of Agriculture should have the right to attend meetings of the board as an observer. The South Australian Government agreed to amend our Act so as to include a similar provision.

This Bill will carry the arrangement between the Governments into effect, and when passed will be deemed to have come into operation on September 1. Thus, there will be no legal break in the existence of the board, and the barley marketing scheme which has given general satisfaction will be able to continue for the period already approved by Parliament. In discussing this matter with me the Victorian Minister of Agriculture said that his Government felt it had not been getting sufficient information about the operations of the board, and would like to be better informed. As a result of the representations it was agreed that South Australia should allow Victoria to have an observer on the board, which has agreed to furnish monthly to the Victorian and South Australian Ministers of Agriculture information about its activities, so that both Ministers will be properly informed.

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

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

In Committee.

(Continued from September 23. Page 790.)

New clause 7a—"Period of notice to quit."

Mr. O'HALLORAN—I move to insert the following new clause 7a:—

Section 43 of the principal Act is amended by striking out the word "thirty" in the eighth line of subsection (2) thereof and by inserting in lieu thereof the word "ninety."

Section 43 deals with people who after having owned premises for a period of 12 months can give one month's notice to quit, subject to the hardship and other provisions of the Act, and if the court agrees they can obtain possession of the property. The Bill reduces that period of ownership to six months. There was some controversy on another clause in Committee last week on the question of reducing the period of ownership from five years to two years. I accept the Government's proposal that the period of ownership should be reduced from 12 to six months because I realize

that, in addition to having owned property for six months and having given the prescribed notice, it is also necessary for the owner to prove that his hardship is greater than that of the tenant, and that is a safeguard while the law stands as at present. However, the Committee might have some regard to the fact that we are shortening by six months the period for which the owner is required to own the property before he can give notice and thus shortening very materially the protection afforded to the tenant. In my new clause I suggest that the period of notice in these particular cases should be extended from 30 days to 90 days, which would give the tenant the opportunity of making other dispositions. Many tenants realize that once they receive a notice to quit the owner will be able to prove that his hardship is greater than theirs and that the court will grant an eviction order. If only a month is provided it is obvious that, if the court can be convened reasonably soon after the giving of the notice, the tenant would have little opportunity to secure alternative accommodation, but if my amendment is accepted the tenant will have a clear 90 days, plus the period of waiting for the order to be made, in which to obtain other accommodation.

The Hon. T. PLAYFORD—The principle in this clause is not precisely the same as in the clause we discussed previously. In the other clause shortening the period hardship did not have to be proved; it was absolute right of possession. Under this clause the court will have gone into the matter, considered the relative hardships and made an order. Whereas we set out to get away from control as much as possible, the amendment is much harsher than the existing Act, which provides:—

43. (1) The period for which notice to quit shall be given shall be not less than a period of seven days, together with an additional seven days for each completed period of six months of occupation.

(2) Nothing in subsection (1) shall—

(*a*) require the giving of notice to quit for—

(i.) a period exceeding fourteen days if the notice is given on any ground specified in paragraphs (*a*), (*c*), (*d*), (*e*) or (*f*) of subsection (6) of section 42 and not on any other ground;

(ii.) a period not exceeding thirty days if the notice is given on any other ground;

The Leader of the Opposition, in proposing a period of 90 days' notice, substantially reduces any amelioration already given. This case is not analogous to the one previously under discussion, where the Leader of the Opposition successfully moved an amendment, because in this case the court will deal with the matter on the basis of hardship.

Mr. Jennings—Has not the owner only to prove that he has reasonable need?

The Hon. T. PLAYFORD—No, he has to prove hardship. This is not a case where the owner goes in as a matter of right because he has owned the premises for some time.

Mr. O'Halloran—He would have purchased the house subject to the tenancy.

The Hon. T. PLAYFORD—Yes, if the tenant had been in at the time. The honourable member's proposal multiplies the present period by three.

Mr. O'Halloran—That is not a correct statement of the position; the present period is 13 months and under my new clause it would be nine.

The Hon. T. PLAYFORD—That is not quite correct either. The 30 days applies only to a long tenancy. Section 43 (2) prescribes:—

Nothing in subsection (1) shall—

(*a*) require the giving of notice to quit for

(i.) a period exceeding fourteen days if the notice is given on any ground specified in paragraphs (*a*), (*c*), (*d*), (*e*) or (*f*) of subsection (6) of section 42 and not on any other ground;

However, subsection (1) provides that the period for notice to quit shall not be less than seven days, together with an additional seven days for each completed period of six months of occupation, so the term is now seven days except in respect of a long tenancy. I do not think grounds have been established for increasing the period, and ask the Committee not to accept the amendment.

The Committee divided on new clause 7a:—

Ayes (11).—Messrs. John Clark, Corcoran, Davis, Dunstan, Jennings, Lawn, McAlees, O'Halloran (teller), Riches, Stephens, and Frank Walsh.

Noes (18).—Messrs. Brookman, Geoffrey Clarke, Dunnage Fletcher, Goldney, Hawker, Heaslip, and Hincks, Sir George Jenkins, Messrs. Macgillivray, McIntosh, Michael, Pattinson, Playford (teller), Quirke, Shannon, Teusner, and White.

Pairs.—Ayes—Messrs. Tapping, Hutchens, and Fred Walsh. Noes—Messrs Pearson, Travers, and Christian.

Majority of 7 for the Noes.

Clause thus negatived.

New clause 11a—"Recovery of possession where alternative accommodation is offered to lessee."

Mr. HAWKER—I move to insert the following new clause:—

11a. The following section is enacted and inserted in the principal Act after section 55 thereof:—

55a. (1) Notwithstanding section 42 but subject to this section the lessor of any dwellinghouse may give notice to quit to the lessee of the dwellinghouse without specifying any ground therein.

(2) A notice to quit shall not be given under this section unless the lessor offers to make available to the lessee at the time the notice to quit is given reasonably suitable alternative accommodation (in this section referred to as "the alternative accommodation").

Every notice to quit given under this section shall describe the alternative accommodation and shall state where it is situated and the rent thereof.

(3) Section 45 shall not apply with respect to any notice to quit given under this section.

(4) On the hearing of any proceedings by the lessor for an order for the recovery of possession of the dwellinghouse or the ejectment of the lessee therefrom if proof is given (the onus of which proof shall be on the lessor) to the court that the lessor has, at the time of the giving of notice to quit, offered the alternative accommodation to the lessee and if the court is satsfied that the alternative accommodation is reasonably comparable with the dwellinghouse leased by the tenant and that the rent thereof is reasonably comparable with that of the said dwellinghouse and that it is situated at a place reasonably convenient for the needs of the lessee, the court shall make the order without taking into consideration any of the matters mentioned in subsection (1) of section 49.

The effect of the clause will be to enable the lessor to give to the lessee notice to quit without specifying any ground, if he can provide the lessee with alternative accommodation. Paragraph (4) provides that the onus shall be on the lessor to prove that the alternative accommodation is comparable with and as reasonably convenient for the needs of the lessee as the house he occupies at present. I see no objection to the clause which would involve no hardship on anybody.

The Hon. T. PLAYFORD—I do not oppose the new clause.

Mr. O'HALLORAN—I oppose the new clause, which I am afraid may be taken as a direction to the court to lean a little more to the lessor than it might otherwise do, to the detriment of the tenant. Further, considerable use is made of the word "reasonably," reference being made in the new clause to "alternative accommodation reasonably comparable with the dwellinghouse leased by the tenant" and rent which is "reasonably comparable with that of the said dwellinghouse." The court must interpret the word "reasonable" with regard to rent and convenience, and I am not happy about the implications of this provision. Under section 49(1)(*c*), it is incumbent on the court to consider whether reasonably suitable alternative accommodation is available for the occupation of the tenant occupying the premises in respect of which an action is brought, whereas under the new clause great difficulty might be found in interpreting "reasonably" when used in connection with the words "comparable" and "convenient." One court might consider a rent of 5s. a week more for comparable premises as reasonable, whereas another might determine that the rent of the alternative premises should be the same as that under the old tenancy agreement. In view of the difficulties which might creep into the administration of such a provision, the Committee might very well reject the new clause.

The Hon. T. PLAYFORD—The questions of hardship and reasonable rent must of necessity be considered by the court at present, and this provision introduces nothing new in that regard.

Mr. O'Halloran—Then why put it in?

The Hon. T. PLAYFORD—Frankly, the new clause sets out Parliament's intention more clearly than has been done previously. Under it the court must be satisfied that the tenant has been given a fair deal, and, if not satisfied, it will reject the application. If it considers the tenant has been given a fair deal but has refused, for some trivial reason, to move, it has power to say that he has been given a fair deal and to make an order accordingly. The Housing Trust has received many applications for rental houses, because its rents are low, its houses new and its accommodation reasonably good, but I have known of persons who have been qualified for and offered a trust rental home but have refused to move from a private home whose owner required its possession.

Mr. O'Halloran—The court must have had different reasons for refusing to make an order in that case.

The Hon. T. PLAYFORD—Many people living in emergency houses, even if offered permanent housing by the trust, would not accept it.

Mr. O'Halloran—I think it would be a question of rent.

The Hon. T. PLAYFORD—Yes, and a question of shifting. I cannot see that the amendment breaks down the rights of the tenants in any way, but it sets out more clearly what has been attempted on a number of occasions.

Mr. O'HALLORAN—Two points should be emphasized. Firstly, the present provision ensures that the court will consider the availability of alternative accommodation for the tenant or the owner who is seeking to secure possession of his house. If it can be shown to the court by the tenant that the owner had other accommodation available it will decide in the tenant's favour; but if the owner can show that he was able to arrange for other accommodation equal to that the tenant now enjoys then the court will decide in favour of the owner. I am afraid that if the amendment is accepted it will become a test as to whether the owner is able to show that he can arrange other alternative accommodation. The court has to determine whether the other accommodation is reasonably of the same standard that the tenant enjoys, whether it is as reasonably close to his place of employment and whether the rent is reasonably comparable. However, that opens a very wide avenue for differences in decisions by various courts, and I do not think that would be desirable in the latter years of the life of this legislation. The Premier said that Mr. Hawker's amendment expressed what was the real intention of Parliament more clearly than the present Statute did. I do not believe he was serious in that statement, because only two years ago this legislation was subjected to a most exhaustive inquiry by a committee appointed as a result of a motion by the member for Mitcham, being presided over by a special magistrate. Members agreed at that time, because of the period the legislation had been in operation and the number of amendments which had been made from time to time, that an overhaul was necessary. That committee gave full consideration to every section of the Act and, where necessary, suggested amendments. Then our Parliamentary Draftsman who has become an expert in drafting this type of legislation, drafted an amending Bill on the lines of the recommendation of the Committee and the House, with very little opposition, accepted the Bill as drafted. If it were possible to express in clearer language the intention of Parliament, the opportunity would have been taken when the Act was last amended. I think the new clause will make it a little easier for an owner to secure possession of premises which he is not entitled to under the hardship provisions of the Act, and will be detrimental to tenants, and I therefore oppose it.

Mr. DUNSTAN—I support the Leader of the Opposition's attitude. Under the present hardship provisions in section 49 the court has to consider what constitutes the major points of any discussion on hardship. In addition the section provides that the court shall consider all other relevant matters—in other words, it shall consider the question of the hardship on the lessor and of the lessee. On this matter the court shall act, in effect, as an arbitration tribunal and consider everything, and if the balance of hardship is on the landlord's side he will get his premises; and if other things are equal and he has offered reasonable and suitable alternative accommodation to the lessee he will also get his order under the present Act. If the clause is agreed to no other relevant matters will be considered, and all that will be considered will be whether reasonable or suitable alternative accommodation has been made available to the lessee. There may be other people in the lessee's household whose hardship would be considered under the present provisions, but they would not be considered under the new clause. Surely the whole point of the legislation is that the position of all those who might be affected by the making of an order shall be considered by the court? The clause departs from the basic principle of the whole legislation and therefore should not be passed.

The Hon. T. PLAYFORD—The legislation was designed to give tenants certain protection during a period of a great housing shortage. This legislation was designed to meet a critical condition which would arise if tenants were not given certain protection; and they were given that protection at the expense of the house owner because of the circumstances which would otherwise arise. It is true that the court decides which party has the greater hardship, and under the clause if the court is satisfied that the owner has provided a suitable house for the tenant then the conditions of the Act shall not apply, but he must provide a house which is comparable as to suitability, rent and location. Surely then Mr. Dunstan's claim that the principle of the Act was being violated because the owner still had to prove hardship is beside the point. The tenant has the right to another house which the court says is suitable, well located, and made available at a fair rent.

Mr. Macgillivray—It could be better, but it could not be worse.

The Hon. T. PLAYFORD—That is so. I consider the amendment is reasonable. On occasions, and in Mr. Lawn's district, owners have required the demolition of houses for the expansion of factories. Great hardship would have resulted had they not been pulled down. Applications have been made to the Director of Building Materials for permission to demolish houses but the applicants have been asked whether steps have been taken to provide suitable alternative accommodation for the tenants to be dispossessed. The owners have immediately provided alternative accommodation, frequently more favourable to the tenant than the house to be demolished, and approval has then been given for the demolition. When General Motors-Holdens wanted to expand they built new homes and made them available to the tenants in the homes they wanted demolished. That was reasonable and I think this is a reasonable proposition and I support the clause.

Mr. LAWN—The Premier has criticized the Opposition's attitude in opposing this clause.

The Hon. T. Playford—There has been no criticism.

Mr. LAWN—The Premier opposed our attitude and said he could not understand it. In effect he states that the attitude of the Opposition on this matter is unreasonable. There is no disability under the present law in respect of obtaining possession of premises if the landlord offers reasonable alternative accommodation. The Premier referred to General Motors-Holdens and said that permits had been issued for the demolition of houses to enable expansion and that no trouble had been caused the landlord in gaining possession because suitable alternative accommodation had been provided. I have advised all persons under notice to quit who have approached me to accept alternative accommodation if offered them because that would be considered by the court. The present law is working satisfactorily in its application to the landlord but if it is amended in the manner now proposed the court may accept it as a direction not to be as lenient as in the past. This clause commences with the word "notwithstanding," but I have had experience of that word in the Arbitration Court. The court makes judgments which in industrial spheres are referred to as "notwithstanding" judgments. Irrespective of what unions have succeeded in obtaining in their awards the "notwithstanding" judgments supersede it. This clause states:—

A notice to quit shall not be given under this section unless the lessor offers to make available to the lessee at the time the notice to quit is given reasonably suitable alternative accommodation.

The landlord must only prove that he has offered suitable alternative accommodation to obtain possession of his premises. The Premier said that there is no legal interpretation of the word "reasonable" and that it is left to the court to decide. He condemned the court for not evicting a tenant who had been offered a Housing Trust home but he cannot have it both ways. He complained about that judgment and yet he now says he will be satisfied with the court's decision. The present law is ample to meet the requirements of all parties and I oppose the clause.

Mr. HAWKER—I point out that section 49, as quoted by Mr. Dunstan, does not affect section 45, which relates to a man who purchases a house for his own accommodation. Had there been sufficient housing this landlord and tenant legislation would never have been introduced. This clause provides that if the owner can supply reasonable alternative accommodation he can obtain his own house. I see no reason why, in such circumstances, a man should be precluded from obtaining his own house—which he will get sooner or later.

The Committee divided on new clause 11a—

Ayes (19).—Messrs. Brookman, Christian, Geoffrey Clarke, Dunnage, Fletcher, Goldney, Hawker, Heaslip and Hincks, Sir George Jenkins, Messrs. Macgillivray, McIntosh, Michael, Pattinson, Playford, Quirke, Shannon, Teusner and White.

Noes (11).—Messrs. John Clark, Corcoran, Dunstan, Jennings, Lawn, McAlees, O'Halloran, Riches, Stephens, Frank Walsh and Fred Walsh.

Pairs.—Ayes—Messrs. William Jenkins, Pearson and Travers. Noes—Messrs. Tapping, Hutchens and Davis.

Majority of 8 for the Ayes.

New clause 11a thus inserted.

Clause 6 (previously postponed) passed.

Clause 7—"Restriction on eviction"—(previously postponed).

Mr. BROOKMAN—I move—

After "amended" in line 24 to insert the following paragraph:—

(aa) by striking out the word "married" twice occurring in the penultimate line of subparagraph (*i*) of paragraph (*g*) of subsection (6) thereof;

After paragraph (*c*) insert the following paragraph:—

(c1) by striking out the word "married" twice occurring in the penultimate line of subparagraph (*i*) of paragraph (*m*) of subsection (6) thereof.

The Committee recently amended the legislation to allow the son or daughter of a lessor to gain possession of his premises under certain conditions. This amendment alters the grounds of notice to quit. The Committee accepted the principle of making no distinction between married and unmarried sons and daughters.

Mr. O'HALLORAN—I offer no objection to the amendment.

Amendment carried; clause as amended passed.

Title passed.

Clause 11—"Recovery of possession of dwellinghouse for occupation by employee"—reconsidered.

Mr. O'HALLORAN—I move—

To strike out paragraph (*b*).

Last week the Committee reduced the period of ownership from five years to two before the lessor can gain vacant possession of his premises, but agreed to leave the period of notice at 12 months. My amendment is necessary to bring clause 11 into line with clause 10.

Amendment carried; clause as amended passed.

Bill reported with amendments.

AGENT-GENERAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 24. Page 794.)

Mr. O'HALLORAN (Leader of the Opposition)—I whole-heartedly support the Bill. The salary proposed of £2,000 a year, with £1,000 for representation allowance, is not ungenerous. During my recent visit to England I had the opportunity of seeing the work performed by Mr. Greenham. I found in him a worthy successor to Sir Charles McCann, whose fine work as Agent-General was recognized by all South Australians who visited London and by many who have never been there. I am sure Mr. Greenham will carry out his duties in the same diligent and efficient manner and that he will give us excellent representation. The salary may appear somewhat high in comparison with some paid to public servants here for onerous duties, but that is no reason for any objection. However, I am concerned about the general structure of the Bill. I see no reason why it should be necessary to introduce legislation from time to time dealing with a particular salary. Salaries often require to be adjusted, and we might consider this aspect while we are considering the necessity of amending the law to provide adequate remuneration for the Agent-General. The salaries of some public servants, particularly those in high positions, have been reclassified from time to time, but a large number of other officers doing valuable work have been waiting for a long time for a reclassification, and I hope one will not be long in coming. Some members of this Chamber have been waiting for a reclassification of their salaries, but as far as I can see one will not be forthcoming in the near future. These matters should be considered before the end of the session. I support the Bill.

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

PRISONS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 24. Page 794.)

Mr. DUNSTAN (Norwood)—I oppose the Bill. The most important amendment is the one contained in clause 3, and the clue to its meaning is contained in the Minister's second reading speech. He pointed out that last year the Commonwealth requested the State to carry out the sentence of death imposed by the Supreme Court of the Northern Territory on two persons convicted of murder. He said that the seriousness of the request led to a careful examination of the constitutional validity of the matter, and arising out of that instance it is desired to make it clear that it is constitutionally valid for persons in this State to execute persons who have been sentenced to death in other parts of the Commonwealth. Members of the Opposition are irrevocably opposed to the imposition of the death penalty in any circumstances, and to any provision which makes the carrying out of that penalty more easy. I do not believe that any honourable member who has examined the imposition of the death penalty in detail can have any reason to support it any longer. I do not believe that support for the penalty comes from people who have adequately considered its meaning. Every time we execute a criminal, for no matter how foul a crime, we commit an act which strikes at the very basis of our community, and at the principle of a high regard for human life and human personality.

Three arguments are used in favour of the continuance of the death penalty. The first is that if the penalty were not imposed there would not be a sufficient deterrent for persons who might otherwise be disposed to commit murder. Any examination of the facts shows that that contention is completely false. Wherever there has been an experiment the figures disprove the contention utterly. In England in the last century there were many crimes for which the death penalty was imposed, and many for which the penalty was worse than death. I refer to such things as being hung, drawn and quartered, and brought down from the gallows whilst still alive, and disembowelled. Figures show that after the abolition of the death penalty the incidence of crime declined. Let us take the offences of cattle stealing, horse stealing, sheep stealing, forgery, sacrilege, burglary, robbery, arson, felony, piracy and assaults on females. For all these crimes as well as others the penalty was death. In the three years before the repeal of the penalty 7,497 offences of these kinds were committed and for the three years after there were 6,620. Where is the argument that the death penalty is a necessary deterrent? If we go further and compare the statistics for these offences for the three years before the repeal of the death penalty with the three years 1922-24, when there were far more people in Great Britain, we find that in every case the incidence of the offences declined. For instance, in attempts-to-murder cases there were 661 in the three years before the repeal in 1841, and only 101 in the three years from 1922 to 1924. In proportion to population, there were 661 to 37. All the figures show that the death penalty is not necessary as a deterrent. That was contained in evidence submitted to a Select Committee in Great Britain in 1930. It recommended that the death penalty be abolished for a limited period as a trial.

The Hon. M. McIntosh—Thereafter what happened? Was there not a later one which counteracted the first?

Mr. DUNSTAN—No. The recommendations of the committee were not put into effect until a Labor Party Government was in office in Great Britain. Then the Home Secretary refused to have condemned persons executed and the death sentence was commuted. The Criminal Justice Bill passed the House of Commons but was rejected by the House of Lords. It related to the death penalty and the carrying out of the recommendations of the committee. The recommendations have not been tried out, except through actions of the Administration. The evidence placed before the committee was culled from countries all over the world where the death penalty had been abolished. In those countries the ambassadors put the following questions:—

After abolition took place in your country did the volume of murder increase as compared with before the abolition? Did criminals more frequently resort to murder after the abolition of the death penalty than they did before the abolition of the death penalty?

In every country the answer was "No," and those countries included Scandinavian countries, Belgium, Switzerland, and Detroit and Chicago in the United States of America. Such widespread evidence is completely convincing. The deterrent aspect of the death penalty is not one on which we can rely. It is just as deterring to put a man in prison for life as to hang him. Persons who commit murder do not usually stop to consider the consequences. Capital punishment does not deter them from it any more than would any other penalty such as life imprisonment.

The next argument used is completely contrary to the first. It is said, "Yes, it is true that life imprisonment would deter a man more than hanging, but it is cruel to keep a man in prison for life, so it would be kind to hang him." That argument was used by Sir John Anderson in a debate in the House of Commons on the Criminal Justice Bill. It is like saying it is not cruel to the fox to hunt it, but only obliging it. No-one can seriously consider that as a valid argument. The third is that a sentence of death for murder is just retribution, but that is not a valid argument. It is a continuance of the old idea—an eye for an eye and a tooth for a tooth. Because one life has been taken the community must take another to pay for it. That is an extraordinary and barbaric argument. It was used in connection with the Nuremberg trials. It was said that every person convicted there should be sentenced to death, but that is not the correct way to look at the matter. Because these people had been barbarous we should not have been barbarous too.

That is the whole of the case for the death penalty; nobody can adduce any other argument, and when the arguments are examined they add up to nothing. Nobody can argue the death penalty on the figures, because they show it to be wrong on the deterrent aspect. Nobody having any regard for modern civilization can argue on the fox-hunting analogy. What is there left? Nothing. On

the other side of the scale, surely everyone in our community has enshrined in his beliefs a regard for human life. Why should we take lives; isn't it barbaric? Even supposing it were not, think of the injustice that can occur in imposing the death penalty. As it is set out in the slogan of the Road Safety Council, "Death is so permanent."

A court of criminal jurisdiction is a very necessary thing; in order to protect our community crimes must be investigated and action taken to prevent further commissions, but those who have practised in the courts know that criminal justice is at best an approximation, a makeshift. Very rarely in murder trials is there a witness who was on the spot and saw it happen—the court can come to a conclusion only from the surrounding circumstances, the reports of witnesses, and decide on the probabilities. It is often said that a charge must be proved beyond all reasonable doubt, but I can cite many cases in which the verdict has been given against the accused, and he has subsequently been found to be innocent. A flagrant instance of this type is the Beck case in Great Britain. Beck was sentenced to imprisonment for crimes of robbery upon women; he was released and shortly afterwards tried and convicted again. In each case many women came forward and positively identified him as the man who had robbed them; handwriting experts said that his writing was that of the guilty person, and people from the gaol identified him as the person who had been convicted for crimes under the name of Smith. After he had been incarcerated the authorities discovered who had really perpetrated these crimes, because of a certain physical difference of the most intimate nature which occurred to somebody who happened to see him naked, but it was nine years before this prisoner was released and substantial compensation paid by the Home Office. Had he been convicted of a capital crime he would have been executed long before. The member for Adelaide reminds me of the McDermott case in New South Wales. It is only because this case occurred in that State that the man is still alive, because the Public Solicitor investigated the matter and called for a Royal Commission, which exonerated him. In other places there would have been no justice for that man other than the hangman's rope.

Many other cases can be cited, among them the case of a young man called Hobson, who was convicted of murder in Great Britain. The only reason why his sentence was commuted was that he was only 18; had he been of age he would have been hanged. Subsequently, a man named Peace confessed to the crime, and Hobson was released and paid compensation by the Home Office. Had he been 21 he would not have been able to get justice, because Peace's confession would have come too late. No court can ever be so certain of the guilt of an accused person that a hanging can be justified, no man's life should have to depend on the verdict of a jury, because anybody who has practised knows that, although the jury system is necessary, any jury can and does err. There is no member of the Bar who cannot point to a case in his own experience where he is certain that the jury did err. Should a man's life depend on this? Certainly not! Every time we hang a man we are committing one of the gravest crimes possible against civilization, so I appeal to members to reject this Bill because the basic purpose of it is to hang men; that was how the Bill came into being, and unless we reject it we may be carrying out death sentences imposed by courts in other parts of Australia. If that is done it will be on the souls of members as well as the people who sentence these men and the juries who convict them, but upon us more than upon anyone else. I would not like members to have on their consciences such things as the Legislature in New South Wales would have had, for instance, if McDermott had been hanged. I appeal to members to give this matter much consideration, because it deserves that perhaps more than any other measure before the House this session.

The Hon. T. PLAYFORD (Premier and Treasurer)—I have heard a lot of eloquence about this Bill, but frankly cannot get stirred up about it. It is a very small machinery Bill to carry on an arrangement which has been in operation for many years with advantage, not only to the Commonwealth, but also to the taxpayers as a whole. Under Commonwealth law certain crimes are punishable by imprisonment, but the Commonwealth has never had enough cases to require the setting up of a gaol. Also, for many years the Commonwealth has sent to South Australia from the north pesrons suffering from certain maladies, particularly brain diseases, and has paid the cost of keeping these people in institutions here in accordance with what we believed to be the law. Last year there were two convictions for murder in the Northern Territory, and the Commonwealth requested that the convicted persons be

sent here to be executed in accordance with Commonwealth law. We did not want to set ourselves up in the business of being hangmen, so we examined the law, and decided to advise the Commonwealth that we did not have the power to carry out the sentences and did not want it. What the member for Norwood spoke of does not arise.

Mr. O'Halloran—It is not very clear in the Bill, and that is all we have to go on.

The Hon. T. PLAYFORD—It may not be. Leaving aside the necessity or otherwise for capital punishment, we did not desire to set up as hangmen for the Commonwealth. We therefore examined the position to ascertain whether we had the legal authority, and the Crown Solicitor raised a serious doubt as to whether we did have it, so we were able to show the Commonwealth that we had some doubts as to our legal authority. This matter was raised by us because, however necessary capital punishment may be, it is unpleasant. The question also arose of whether we had the authority to keep people in prison after having been properly tried for breaking the laws of the Commonwealth. We decided to make it clear that we had the authority to take persons into prison in this State and for them to serve their sentences here. What we are deciding is whether an arrangement that has been in operation for 40 years should be continued.

Mr. Lawn—Do you include hanging as part of those arrangements?

The Hon. T. PLAYFORD—When the question of hanging came up last year it was decided that that was not specifically our job. That issue arose last year when we were asked by the Commonwealth if these persons could be executed here. We questioned whether it was our function to do so. We did not desire the job of executing the two murderers from the Northern Territory last year, for we considered it a Commonwealth matter.

Mr. Lawn—What happened to them?

The Hon. T. PLAYFORD—I think their case is still subject to appeal.

Mr. Lawn—If this Bill is passed and they are sentenced to death, they will be hanged in this State.

The Hon. T. PLAYFORD—Facilities for the hanging of prisoners were provided at Darwin when we said that we were not interested in the matter.

Mr. Lawn—Therefore, under this Bill the hanging of Commonwealth prisoners would not be contemplated?

The Hon. T. PLAYFORD—That is correct.

Mr. O'Halloran—Then why not exclude it?

The Hon. T. PLAYFORD—I have no objection to its exclusion if members think the terms of the Bill are too wide. For a number of years the Northern Territory administration has had to deal with very few criminals, and perhaps only one or two come down to our prisons each year. The establishment and maintenance of a gaol by the Northern Territory Administration would be both costly and unnecessary. On a number of occasions we have admitted patients from the Territory to our mental asylums, and the Commonwealth Government pays for their maintenance. That is a perfectly logical arrangement.

Mr. Macgillivray—Doesn't South Australia supply most of the educational facilities in the Territory?

The Hon. T. PLAYFORD—The Commonwealth Government asked the State to assist them in that way because of the excessive cost of establishing and maintaining schools there. We have provided the teachers and inspectors who staff those schools, but the Commonwealth Government pays the full costs involved. The implications of capital punishment do not arise in connection with this Bill. It contains no provision for the exclusion of capital punishment and that question does not arise in connection with this legislation, the purpose of which is to enable prisoners sentenced in the Territory to serve their terms in this State.

Mr. O'Halloran—Nobody is objecting to that.

The Hon. T. PLAYFORD—Nor do I think anybody should. So that members opposite may have time to consider this matter and decide whether they should move an amendment, I ask leave to continue my remarks.

Leave granted; debate adjourned.

FRUIT FLY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 703.)

Mr. O'HALLORAN (Leader of the Opposition)—Legislation providing for the adoption of elaborate measures for the eradication of the fruit fly and for the payment of compensation was introduced in 1947, following alarm caused by the detection of an infestation. It is at least doubtful whether the extreme measures taken have been necessary, and it is likely that the huge cost involved could have been greatly reduced if other less panicky steps had been adopted. Other methods have been suggested to the Government but have been disregarded.

I will not elaborate on those points for I spoke at considerable length on them on one or two former occasions, but before the House passes the Bill it should have a look at its implications and the cost to the State of the measures already taken. Between 1947 and June, 1953, the costs, excluding compensation payable in respect of the 1953 infestation, were as follows:—

	£	£
Eradication expenses	537,976	
Compensation	149,356	
Committee' expenses	1,122	
		688,454
Less recoups (hire of plant)		858
Net Cost		£687,596

The following amounts were paid as compensation in the respective years:—

	£
1947	18,288
1948	17,260
1949	50,167
1950	50,516
1951	17
1952	12,748
Total	£149,356

The amount payable in respect of the 1953 infestation is likely to be greater than in previous years. An erroneous impression is abroad that the bulk of the cost of eradication is for compensation to persons whose gardens have been stripped, whereas the bulk of the cost has been in regard to such expenses as the cost of spraying and stripping. I understand that last year one garden in the eastern suburbs was found to be infested with the fruit fly, and as a result the area proclaimed embraced the suburbs of Payneham, Payneham South, North Norwood, Beulah Park, Leabrook, Newstead, Firle, Glynde, East Payneham, Finchley, Murray Park, Koongarra Park, Woodforde, Magill, Rosslyn Pk, Erindale, Kensington Gardens, Tranmere and Peckham. That indicates the wide distribution of the effect of the finding of an infestation in one garden in that area.

The Hon. Sir George Jenkins—There were two infestations some little distance apart.

Mr. O'HALLORAN—Were they 100yds. apart?

The Hon. Sir George Jenkins—No, more.

Mr. O'HALLORAN—That adds point to my plea that members should look at the implications of this legislation. Most members have been inclined to take the view that it is so desperately necessary to prevent this plague from obtaining a footing that any measures suggested should be adopted, but, as the compensation payable this year in respect of this large area will probably be much more than in previous years, it is time we had a real look at this problem to see whether we can reduce the proclaimed area. I do not know whether it is necessary to proclaim an area of a quarter or half a square mile.

Mr. Quirke—Isn't it based on the known capacity of flight of the fruit fly?

Mr. O'HALLORAN—I do not know, but I do know that in the previous year, although the known infestation area was in Hutt Street, Adelaide, people living at Parkside and Dulwich had their gardens stripped, and this despite the wide area of parklands intervening. If it could be shown that it was necessary to proclaim an area, whatever the distance considered necessary, I would be happy to accept it. Then there is the question of how compensation is to be applied for and determined. I understand that when a garden is stripped the officer in charge presents a docket to the owner showing that a certain number of trees have been stripped, and later the owner must apply for compensation on a special claims form. He has to show the variety of fruit trees, the number of trees and vines, their age and approximate height, and the number of bushels of fruit they were carrying. Despite the fact that the officer in charge of stripping makes out a docket showing what trees have been stripped, the owner still has to fill in that elaborate form. He may have claimed £50 compensation and later he gets a statement showing, perhaps, that his claim has been accepted to the extent of £30, but there is no information as to which item has been disallowed or reduced. It would be very simple to add one more column to the form and adopt the practice of the Taxation Department in the compilation of an assessment. The owner's assessment of the value of his fruit should appear in one column, and in the next column the department could indicate in what respect it had reduced his assessment. With those reservations I support the second reading.

Bill read a second time and taken through its remaining stages without amendment.

ADJOURNMENT.

At 5.55 p.m. the House adjourned until Wednesday, September 30, at 2 p.m.