HOUSE OF ASSEMBLY.

Wednesday, December 1, 1954.

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

QUESTIONS.

WOOL PACK SUPPLIES.

Mr. O'HALLORAN—This morning's *Advertiser* contains the following report under the heading "Warning on Supplies of Wool Packs":—

Canberra, November 30.—Woolgrowers should take into stock sufficient wool packs to meet their needs for 1955 and part of 1956, the Acting Minister for Commerce (Senator McLeay) said today. He was issuing a reminder that wool packs would be decontrolled from January 1. Because of the importance of maintaining an adequate reserve, the Australian Woolgrowers' Council had pledged its membership to a voluntary reserve stockpile on farms. The uncertain world situation and domestic industrial troubles had at times resulted in irregular jute supplies, he said. These factors could again curtail supplies unexpectedly.

It seems to me that, particularly in South Australia, in view of the uncertainty of the volume of production, it will be difficult for woolgrowers to maintain adequate supplies of wool packs on their holdings except, perhaps, at great and unnecessary expense. Further, it could lead to the growth of a black market in wool packs, which would be detrimental to woolgrowers. Has the Premier seen this report, and if so, has the Government considered the possible impact on the woolgrowing industry of the absence of controls on wool packs after January 1 and whether some system of organized reserve rather than a disorganized reserve by individual growers should be adopted?

The Hon. T. PLAYFORD—I have not seen the report referred to, but I know something of the background of the marketing of jute in Australia. I doubt very much whether the growers of either wheat or wool have received much material benefit from the kind of organized marketing proposed. From time to time I have made a number of investigations as Prices Minister into the prices charged and I have invariably found them much above world market prices. Inevitably we always seem to have in hand a stock bought at the peak of the market and carried forward to times of depressed prices. For instance, we were selling sacks to the Australian wheatgrowers at over 60s. when the world market price was only something over 40s., and that sort of thing has occurred intermittently and fairly often. It may be that private buyers are more astute than Government buyers in this matter. I doubt very much whether there is any justification for the continuance of controls and I have taken no action with the Commonwealth Government to that end; I consider that normal trading methods would meet the position in this industry. India, which is a big producer of jute, is anxious to get overseas credit and I have no doubt that organization will take place and that sacks will come forward on the due date, probably at competitive prices.

Mr. STOTT—Will the Premier ascertain whether a conference was called by the Commonwealth Government on the matter of jute supplies? Was the conference attended by representatives of the Australian Wheat Board, merchant suppliers and other organizations, and did some of the merchant suppliers indicate that they were keen to have cornsacks and woolpacks decontrolled if the Wheat Board was not able to supply credit facilities under which the cost of the sacks was deducted from the first advance? If the board said that it was not prepared to carry on the credit facilities, did some of the merchants notify the Commonwealth Government that they were in favour of the matter of control being continued? Is it not a fact that if there was a return to open trade conditions they could not provide depot facilities at coastal ports in South Australia, which would create difficulties for wheatgrowers? Will the Premier make inquiries and ascertain whether it would be possible to ask the woolgrowers to keep on hand adequate supplies of packs obtained at their own expense?

The Hon. T. PLAYFORD—I am not conversant with the conferences that have been held. Earlier today I answered a question in relation to the facts as I knew them, following on the many investigations made by me as Prices Minister. We seem to have made large purchases at the top of the market to the subsequent detriment of purchasers of wool packs and cornsacks. When the conferences took place and under what circumstances, I do not know. I have no doubt that the merchants sought to get the best possible arrangement for themselves. If they could get the Wheat Board to finance the purchase of sacks, leaving them with an adequate margin and no problems, I have no doubt that they were in favour of it. I point out that that does not necessarily mean that it was the best arrangement for wool and wheatgrowers.

ADVANCES FOR HOMES.

Mr. DUNKS—I again ask the Treasurer whether, in view of the increased prices of homes today and the difficulty of obtaining finance, he will consider the possibility of increasing the maximum sum that may be advanced by the State Bank for building of homes?

The Hon. T. PLAYFORD—As regards Commonwealth-State Agreement houses, a Bill on this matter has been introduced into this House. With regard to the sums advanced by the State I can only repeat that the sum made available to the State Bank and other State instrumentalities for lending is now being fully taken up, that there are no surplus moneys, and that to increase the maximum sum that may be advanced to an individual would automatically cut out another person altogether. For instance, to increase the maximum advance from £1,750 to £2,500 would mean that about one applicant in three could not be financed; therefore it is not proposed to introduce legislation on this subject this session.

TUBERCULOSIS TREATMENT FACILITIES.

Mr. FRANK WALSH—Yesterday's *Advertiser* contained a letter from Sir Earle Page (Federal Minister for Health) and this morning's *Advertiser* contained another letter from him, a comment by Dr. D. R. W. Cowan, and an editorial, on the facilities available in this State for the treatment of tuberculosis. In the past I have asked a number of questions on this matter. In view of the statement by the Federal Minister for Health that the Commonwealth Government would reimburse the State for expenditure incurred because of the erection of a tuberculosis unit, provided it met with the approval of the Commonwealth Government and its architects, can the Premier, representing the Chief Secretary, say whether his Government has prepared any plan for the erection of such a building, which is needed urgently in this State?

The Hon. T. PLAYFORD—I will get a report for the honourable member.

BULK HANDLING OF WHEAT.

Mr. HEASLIP—It is obvious today that bagged wheat methods are obsolete. Buyers overseas are only interested in bulk wheat. Under our set-up in South Australia it is necessary to transfer into bulk wheat that has been put in bags and carted to sidings. The Public Works Committee in the last few weeks has presented first and second progress reports on a scheme for bulk handling, but nothing has yet been done regarding the proposal. I understand that a report from the Public Works Committee on bulk handling generally is imminent. When it is submitted and if it is favourable can the Premier assure the House, considering the urgency of the project, that no time will be lost in implementing a scheme, even though Parliament may be in recess, that finance will be available for the scheme, and that it would not interfere with Loan moneys for public works?

The Hon. T. PLAYFORD—The two reports referred to dealt with specific projects submitted by a proposed company which wanted a charter to undertake bulk handling in South Australia. The first report dealt with the initial proposal submitted to the Government. It pointed out that the financing of the scheme by means of a toll could not be approved because that was not possible under the Constitution of the State. Following on that report another was submitted dealing with a further proposal for financing the scheme by means of voluntary tolls. On that matter the committee reported that before granting a charter the Government should investigate whether finance would be available to enable the scheme to be carried out; secondly that if the Government financed the scheme, it should have some control over the various matters related to it, and thirdly that Parliament should examine what would be the respective responsibilities of the bulk handling authority, the Railways Department and the Harbors Board. That report became available only a few days ago but since then I have discussed the matter with Mr. Stott and the local manager of the Commonwealth Bank. I also discussed it with chief inspector of the bank, who, on Mr. Stott's suggestion, came from Sydney for the purpose. The Commonwealth Government is prepared to provide financial assistance for the scheme but wants the State Government to guarantee repayment of half the advance if the scheme is run by the proposed company.

There has been a discussion with the company in regard to the composition of the directorate on a rather different basis from that previously discussed. Then it was on the basis of the Government not being financially involved. Now it is proposed that the Government will be involved in a substantial guarantee to the bank, and the company suggested that a number of Government representatives be included on the directorate in addition to the

directors already proposed. The matter is being considered by Cabinet but there is still much material requiring consideration. In regard to finance, the Commonwealth volunteered that if the State Government desired to go ahead with bulk handling money would be available outside the normal Loan programme. We are awaiting a further report from the Public Works Committee. The chairman has informed me that it will be available within a few days. Then I will be able to place the whole matter before Cabinet with some hope of reaching finality. It is not possible to commit the Government to any proposal until we know the nature of the committee's report. When the Government has made a decision on the appropriate steps to take there will be no hold-up in implementing the decision even though Parliament is not in session for consultation or the Loan Council has not provided the money. Either Parliament will be called together again or a direct request made to the Loan Council, if necessary. Generally, provided the economics of the proposal are approved by the committee, the Government believes that bulk handling will be advantageous to the State, and it would support it. Some six or seven years ago it submitted the matter of bulk handling to the committee, so it cannot be said that the Government would not be actively interested.

Mr. McALEES—I ask the Premier whether the evidence submitted by waterside workers at Wallaroo has been considered? There are 350 men on the payroll there and the total wages paid to them over 12 months was £156,100. I admit that some of those men earned money in other work, such as bag sewing, but it seems that many people are wrapped up in getting bulk handling at the expense of some others. In the event of bulk handling being installed at Wallaroo will these men be sacrificed or will the Government make provision for them?

The Hon. T. PLAYFORD—I have not seen a copy of the evidence of the waterside workers at Wallaroo; in fact, the committee's report has not yet been tabled. However, when the matter is being considered the Government will examine that evidence to see whether it can find any way of ameliorating the position that the honourable member has mentioned.

RAILWAY LIFTING EQUIPMENT.

Mr. DAVIS—Has the Minister representing the Minister of Railways obtained a report from the Railways Commissioner regarding the advisability of providing Port Pirie with equipment with a greater lifting capacity than it has at present?

The Hon. M. McINTOSH—The Railways Commissioner reports as follows:—

It is presumed that Mr. Davis refers to the gantry crane situated in the 5ft. 3in.-4ft. 8½in. transfer yard, the lifting capacity of which is 5 tons. A little while ago the Commonwealth Railways Commissioners discussed with me the desirability of increasing the capacity of this crane and the feasibility is at present being examined by the engineer.

BAROSSA VALLEY WATER SUPPLY.

Mr. TEUSNER—At yesterday's ceremony in connection with the opening of the Adelaide-Mannum pipeline near Birdwood the Premier said that it was anticipated that in the near future water from the pipeline would be reticulated in the Barossa and Onkaparinga Valleys. People in the Barossa Valley are very interested in a supplemental supply, as they have for some time been on water restrictions because of the present low holding of the Warren Reservoir—about 500,000,000 gallons. Can the Minister of Works say whether the link-up between the Adelaide-Mannum pipeline and the Warren Reservoir system has commenced and, if so, what progress has been made? Thirdly, when is it anticipated that that work will be completed and, fourthly, will further water restrictions be necessary in the areas reticulated from the Warren reservoir?

The Hon. M. McINTOSH—The Government does regard the connecting of the Warren with the pipeline as of the utmost urgency. The Public Works Committee responded with great speed in presenting a report to the Government to enable the work to proceed. Immediately we had the green light, steps were taken to secure the pipes. Most of the pipes required for the eight and a half miles' extension have been secured and steel plating has also been secured for the remainder of the pipes. Four miles of pipes to that main have been delivered and are on the site. Up to the present, 1¼ miles have been laid and earthworks are in progress ahead of the main. The objective was to have the pipeline operating by the beginning of February next, but an all out effort is being made to complete the work by the middle of January. Whether it will be possible to complete the work in time to avoid further restrictions, which are regrettable but inevitable, will depend greatly on conditions outside the control of the Government. Weather conditions might make it difficult for us to maintain the necessary progress. I might say, on behalf of the Government, workmen

and others concerned, that every effort is being made not only to keep up to the schedule but to beat it by the best part of a month.

BOWMANS MILK SUPPLY.

Mr. GOLDNEY—There are about 20 families at Bowmans, including many young children, who for some years have experienced difficulty in obtaining milk supplies. Three or four years ago a local storekeeper who handled powdered milk was unable to obtain supplies to serve this number of people. About 18 months ago bottled milk was obtained from the city, but I understand it was not transported by rail as a domestic supply. I believe that if supplies of bulk milk were obtained from Salisbury they would be carried by the railways as domestic supplies for railway employees. Will the Minister, representing the Minister of Railways, ascertain if there is any means of overcoming the situation, and whether milk supplies could be taken from Adelaide to Bowmans as a domestic supply for railway employees?

The Hon. M. McINTOSH—I will be glad to take this matter up with the Minister of Railways and I am sure it will be regarded as a matter of priority. It will not be possible to obtain a report by tomorrow because the Railways Commissioner is out of the State, but I will obtain a reply before the House prorogues.

COBDOGLA IRRIGATION AREA.

Mr. MACGILLLIVRAY—Some time ago the Minister of Irrigation arranged a conference between officers of his department and officers of the Engineer-in-Chief's Department at which I was able to present a request on behalf of the Water Board of the Cobdogla irrigation area dealing with the draining of a saline lagoon which was responsible for salt water seeping into the pumping system. Because of this settlers frequently had to use water of a high salt content. I also drew attention to the fact that promises had been made for many years that this state of affairs would be rectified, but that up to that time little of a permanent nature had been done. The settlers asked that this lagoon should be drained from the lower part and fresh water led in from the river along a creek. All that would be necessary is to drain the creek and deepen it. I understood that the Minister and those present at the conference agreed with this suggestion. Can the Minister say what progress has been made in meeting that request?

The Hon. C. S. HINCKS—It is true that a meeting was held in my office to discuss this problem and if my memory serves me correctly three courses were suggested as a means of overcoming it. The saltiness of the intake was originally caused during high river when the banks broke and salt water seeped in. The honourable member will recall that at that conference I instructed the engineers to go into the matter and to report back to me the best and most economic method of overcoming the problem. I have received a report with plans of the scheme the engineers consider to be the most efficient and certainly the most economic.

Mr. Macgillivray—The Minister should know that his engineers are usually wrong.

The Hon. C. S. HINCKS—I do not agree. I have given approval for the bank between the intake channel and the swamp to be raised approximately one foot and strengthened and the Engineer-in-Chief has been asked to carry out the work with as little delay as possible.

Mr. MACGILLIVRAY—Does the Minister of Lands appreciate the fact that the Water Board on whose behalf I was spokesman at the conference he arranged are practical irrigationists, some of them of over 30 years' standing? The officers on whose advice the Minister is now evidently acting are men who have failed to rectify the trouble complained of by the Water Board. Does not the Minister think that, as a matter of courtesy and justice to me as spokesman for the board, it would be fair to give a copy of the report so that I could pass it on to the members of the board and let them see the position? The members of the board give a service in an entirely gratiutous way and their activities are of great benefit to the settlers and the department. Ignoring them as he has done is not fair to them, the department and the Minister himself. Will he make a copy of the report available?

The Hon. C. S. HINCKS—I always extend courtesy to every member in this House. I am prepared to let the honourable member have a copy of the original report. I appreciate the work done by boards of this nature and we take considerable notice of their recommendations, but the honourable member will agree that not on all occasions are they correct in what they say.

Mr. Macgillivray—They are never correct with your officers.

The Hon. C. S. HINCKS—The honourable member does not help when he criticizes the engineers and other officers of the department.

MURRAY BRIDGE WATER SUPPLY.

Mr. WHITE—Last year it was brought to my notice that in that portion of Murray Bridge in which is situated the hospital and high school, there is during hot days such a scarcity of water that septic tank systems will not operate. That complaint also applies to houses in the area. Apart from septic tanks, other conveniences which are necessary in this area are affected. I brought this matter to the notice of the Waterworks Department last year and was told that some rectification of the trouble would be carried out. There have been several hot days this year but the trouble is still present. What action does the Minister of Works intend to take in rectifying this position?

The Hon. M. McINTOSH—I point out that there is no water supply or any other means of transport—for pipelines are only a means of transport of water—which, under severe strain as during hot weather, has not some deficiency. Having regard to the fact that the water supply to a hospital is involved steps are being taken to remedy the position.

The Engineer-in-Chief decided that the best way would be to clean and cement-line the mains *in situ*. They have become corroded and, therefore, their capacity to discharge water is lessened. In the meantime, Cabinet has approved of that work being done. Conditions have worsened and the District Engineer is having difficulty in supplying the hospital. In view of the urgency, Cement Linings Pty. Ltd. has been asked to carry out the work, and this company is already shifting its plant from the Brinkley district for the purpose of cleaning and lining the 5in. main supplying the hospital. I hope objections will not be raised in the Brinkley area because of that fact. Sometimes we have to rob Peter to pay Paul, but that is only done in order that justice may be done and the greatest good given to the greatest number.

BRINKLEY WATER SUPPLY.

Mr. WILLIAM JENKINS—About 12 months ago, following on conferences with the people of the Brinkley district and members of the Minister's department, the Minister sent a gang of men to Brinkley to clean and cement-line pipes so as to augment the water supply. Can the Minister say what progress has been made on this job?

The Hon. M. McINTOSH—I will have to get that information, but as I indicated previously, when we do a job today it is only done at the expense of some other job. All work has to be taken in its order of urgency and priority, and the approval to remove those men from Brinkley to Murray Bridge was given only after the most careful consideration, having regard to the comfort and care of the sick compared with benefit to livestock. However, immediately that urgent job has been finished the contractor—and I emphasize that the men are not Government gangs—will be asked to resume work on the Brinkley scheme.

STEEL WORKS AT WHYALLA.

Mr. RICHES—Can the Premier say whether a date has been set for the next conference with the Broken Hill Proprietary Company Limited on the question of the establishment of an industry at Whyalla and is he prepared to give the House as much information as possible on this question? This is an urgent matter, but it has been left in a state of uncertainty at the Premier's request. The House has not been told whether the negotiations have relation to the establishment of a steel industry or some other industry. Will the Premier give the House the fullest information possible without divulging anything confidential?

The Hon. T. PLAYFORD—The managing director of the company was absent at the time of the last conference and it was arranged that further discussions would be held over until his return from abroad. I think he was expected to return to Australia early in this month. I put up specific proposals to the company, but it took the view that as it was fully conversant with steel production and the production of allied products in Australia the type of project to be established at Whyalla should rightly be submitted by it, not by me. I concurred in that view. I point out that we are not so particularly concerned on whether the project will be an activity of one type of steel production or another. Discussions have centred around the production of steel industry materials, but I cannot take the question any further than that.

PORT LINCOLN HARBOUR IMPROVEMENTS.

Mr. PEARSON—The comprehensive harbour project at Port Lincoln is being considered by the Public Works Committee and an enormous amount of work has been put into this rather complex reference. A number of changes have had to be made to the original plans and this has necessitated extra work and additional time. Residents at Port Lincoln, who have recently seen Harbors Board workmen working on the western side of the

town jetty, have asked me to ascertain whether this indicates a further change of plan. Although I realize that the duty of the chairman of the Public Works Committee is to present his report to the Government, can he assure me that the problems connected with this matter have been ironed out and the way cleared for a firm proposal? Further, can he say when the Committee's report on this project will be available?

Mr. SHANNON (Chairman of Public Works Committee)—In view of the public interest in this matter I will make a short statement on the Port Lincoln harbour project, including bulk handling facilities. The work being done by the Harbors Board there is the result of some change in the layout of the harbour for the purpose of handling wheat in bulk. The original proposal was for an off-shore wharf about 600ft. from the shore line, but as the result of my committee's deliberations and representations by the Harbors Board, it was agreed that a more suitable and considerably less costly structure could be erected on the town (or western) side of the jetty using seaward dolphins. It seemed an unnecessary expense to duplicate the wharf, and therefore the committee agreed to a change in the design of the port. I will not anticipate my committee's report. It has investigated the various aspects of the shore installations necessary for bulk handling, but one outstanding factor has not been resolved by the committee, although it considered the experts' evidence worthy of careful consideration. As a result of a conference I had this morning with the General Manager of the Australian Wheat Board (Mr. Perrott) the committee will be in a position to look at the complete plan for Port Lincoln as soon as the Harbors Board officers present the final plans for the development of the harbour itself. That may be soon because my latest information from the Harbors Board was that the plans were well advanced and that they might soon be presented to the committee together with estimates of cost. When those officers have given evidence I will ask the committee to consider its decision, which possibly will not be delayed too long.

RAIL CARS IN SOUTH-EAST.

Mr. FLETCHER—Can the Minister of Works, representing the Minister of Railways, say what progress has been made on the new rail cars and when it is expected that they will be used on the South-Eastern line?

The Hon. M. McINTOSH—I will obtain the information and let the honourable member have it as soon as possible.

INTERSTATE ROAD TRANSPORT.

Mr. SHANNON—Can the Premier say whether the Government has had an opportunity of considering the difficulties connected with the unrestricted flow of interstate freighters which has followed the Privy Council's recent decision, whether legislation will be required to implement any controls considered necessary, and if so, whether it will be introduced this session?

The Hon. T. PLAYFORD—Yesterday I answered a question by the honourable member for Murray on this matter and expressed the opinion that interstate transport operators would operate moderately and not declare war on the Government or the rest of the community. Further, I said I did not anticipate claims for a refund of licence fees already paid or that this House would have to consider legislation on this matter this session. I must confess, however, that during the past 24 hours I have had to modify these views. Firstly, one interstate company has already declared war on the Government and demanded a refund of the petty licence fees that have been charged in this State. Secondly, we have received reports through the Chief Secretary from police officers, who were instructed to investigate the conduct of interstate road transport under the new system, that over the week-end. 16 grave cases of speeding with heavy loads and 14 grave cases of heavy loading were detected. Therefore, I have asked the Minister of Railways to examine the position with a view to ascertaining whether legislation will be necessary.

Mr. RICHES—I have been informed that within the last three weeks some interstate road hauliers have been heavily fined for carrying goods without permits. In view of the fact that the law under which they were fined is now held to be *ultra vires*, can the Premier say whether they have a claim for a refund of the fines imposed?

The Hon. T. PLAYFORD—I am not a lawyer, but I have great doubts about the matter. It is difficult to see what would be the end of such an argument.

Mr. Riches—What if a gaol sentence had been imposed instead of a fine?

The Hon. T. PLAYFORD—I know of no case where that has happened, but if a gaol sentence had been imposed it could mean the continuance of a penalty now known to be

unconstitutional. There are all sorts of side lights in this matter, and I would not like without further examination to express an opinion as to the guiding principle. I have always supported men who have observed the law, but in this instance a man who has observed the law has been in a disadvantageous position as compared with the man who has flouted it. In these circumstances I doubt whether there is a valid claim for a refund of the fines. There is no case for a refund of the permit fees paid because in this State we did not collect ordinary licence fees from interstate hauliers. They had to get a permit to operate, but in any case the consignee paid the cost. I will examine the matter and ascertain if fines have been imposed and the circumstances, so that I will be able to make a more complete statement as to the position.

Mr. STOTT—In view of the Privy Council's decision regarding interstate transport which, in effect, enables the transport of goods interstate by road to operate unrestricted, can the Premier say whether Cabinet has considered taking steps to meet this competition by reducing railway freights in order to attract custom?

The Hon. T. PLAYFORD—A Railways Commissioners' Conference is being held in Sydney in connection with this matter. Interstate freights are not controlled by South Australia alone, but by South Australia in conjunction with other State railway authorities. The Railways Commissioner is most anxious to retain the present volume of traffic and to meet any competition. He is confident that the railways can provide the service and I am inclined to agree with him. We are not unmindful of the problem, but I pointed out yesterday that until we had witnessed the effect of the Privy Council's decision we did not propose to take any action. Developments of the last few hours and recent police reports on speeding and overloading have indicated that the effect of the decision is rapidly becoming clear. The railways will take such steps as are necessary to meet the competition and to retain the trade.

WATER SUPPLIES IN EDWARDSTOWN.

Mr. FRANK WALSH—Has the Minister of Works a reply to my recent question regarding the poor water supply available to residents of Raglin Street, Edwardstown?

The Hon. M. McINTOSH—The honourable member indicated that the mains in this area were deficient, and investigations have shown that this was no over-statement. There are two old 3in. mains in Raglan Avenue, Harcourt Gardens, and Raglin Street, Edwardstown. This street, although given two names with different spellings, is a through street between Marion and South Roads. To improve the supply in this street and in the district generally a 6in. connection between South Road and Marion Road is required. It is proposed that a 6in. connection would considerably improve the distribution of water and give a much better supply to the consumers in Raglan Avenue and Raglin Street. Approval for this connection has been anticipated and the work is already in hand.

VICTOR HARBOUR CAUSEWAY.

Mr. WILLIAM JENKINS—Has the Minister of Works any information regarding the availability of supplies of material for the repair of the Victor Harbour causeway?

The Hon. M. McINTOSH—Orders have been placed for the red gum piles and jarrah timber required for repairing the causeway from Victor Harbour to Granite Island. The piles are being purchased locally and present indications are that they will be available within the next three months. The supply of the Western Australian jarrah is spread over a period of four months, which contemplates final delivery before the end of March and close contact will be maintained with the Adelaide supplier in an endeavour to ensure that the schedule is adhered to. The repair work will in any case not be commenced until after the Easter holiday period in order to avoid interference with persons wishing to proceed to and from the Island.

LENGTH OF LOADS ON VEHICLES.

Mr. STEPHENS—Some sections of the Road Traffic Act relate to the width and weight of loads which may be carried by vehicles, but I do not know if there is a section applying to the length of loads which frequently exceed the length of vehicles carrying them. Many people have complained that because of the excessive length of loads on vehicles it is dangerous to travel on hills roads. Can the Premier say whether there is a maximum length prescribed for loads and, if not, will he consider introducing legislation this session to prevent vehicles with unduly long loads from occupying roads to the exclusion of other traffic?

The Hon. T. PLAYFORD—All of the matters mentioned are at present set out in the Road Traffic Act. I cannot refer to the

precise sections, but as far as I know there is no need for any amendment. The provision relating to the length of vehicles will be policed the same as the provisions applying to the weight and width of loads are policed. I remember about eight or nine years ago when the honourable member made an eloquent appeal at about 2 o'clock in the morning to have the maximum width of a loaded vehicle shortened by two or three inches. He threatened that if the Committee did not accept his amendment he would move to reduce the width inch by inch. The matter he now mentions is adequately provided for.

VEHICLES TURNING AT INTERSECTIONS.

Mr. RICHES—Many persons, particularly elderly people, are embarrassed as a result of the provision of the Road Traffic Act which permit vehicles to turn and proceed against the red lights at intersections. Can the Chairman of the State Traffic Committee say whether his committee has observed the effects of the amendments to the Act made last year and whether it is satisfied that they are improvements or whether it considers it necessary to make a fresh report upon them?

Mr. GEOFFREY CLARKE (Chairman, State Traffic Committee)—I believe that the amendments made last session to permit vehicles to proceed against the red light have, in the main, contributed largely to the flow of traffic. There are, unfortunately, still some motorists who do not observe the requirement of the Act to proceed against a red light—which they do at their own risk—with caution. Some motorists as a class—and taxi drivers are among the worst offenders—do not observe the requirements. The State Traffic Committee has watched the effect of this law and visitors from States in which it does not apply have suggested that it could be adopted to advantage in those States. The committee is concerned that some motorists do not take the necessary care or show the necessary courtesy for this law to operate satisfactorily.

STOCK AND POULTRY DISEASES ACT AMENDMENT BILL.

The Hon. A. W. CHRISTIAN (Minister of Agriculture) having obtained leave, introduced a Bill for an Act to amend the Stock and Poultry Diseases Act, 1934-1946. Read a first time.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

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

In Committee.

(Continued from November 30. Page 1611.)

Clause 3—"Exemptions from Act", which Mr. O'Halloran had moved to amend by deleting paragraph (*d*).

Mr. O'HALLORAN—I do not propose to occupy much time in urging that my amendment be accepted. I agree with the Premier that this legislation has the effect of holding the balance between two individuals in the community and that, in some respects, it may confer a benefit on one to the detriment of the other. I look at it from the standpoint of on whom the greatest hardship will fall if the amendment is accepted. We accepted a provision relating to a three years' lease last year and I see no reason why we should depart from it now. After all, it is only enabling landlords, who are in the fortunate position to do so, to contract out of the other provisions of the Act and thus derive a higher rental for their premises than those landlords who, for obvious reasons, might desire to remain within the scope of the Act.

The Committee divided on the amendment.

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

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

Pairs.—Ayes—Messrs. Tapping, Dunstan, and Fred Walsh. Noes—Messrs. Dunnage, William Jenkins, and Travers.

Majority of 8 for the Noes.

Amendment thus negatived.

Mr. O'HALLORAN—I move—

In proposed new paragraph (*e*) of section 6 (2) to strike out "one year" with a view to inserting "two years."

I move this way because this paragraph should be consistent with the provision we just passed relating to dwelling houses. The argument in favour of the longer term of lease for shops is at least as strong as it is for dwellings, because the question of goodwill has to be considered in relation to shops.

The Hon. T. PLAYFORD—The Leader of the Opposition could get exactly the same result by striking out this paragraph altogether. The Bill is designed to exempt from the provisions of the Act a lease of two years or more for a dwelling, but of only one year or more for a house and shop combined. I think that is reasonable, and therefore I ask the Committee to defeat the amendment.

Amendment negatived; clause passed.

Clause 4—"Grounds for giving notice to quit."

Mr. O'HALLORAN—This clause should not be permitted to remain. It applies to shops that have been let but used as dwellings. The Act enables a lessor to recover possession of business premises required by him for use as business premises. This clause eliminates that, so that it will be possible for the lessor to regain possession irrespective of what the premises are required for. This squares up with the general policy of the Government to reduce landlord and tenant controls to a minimum and with its principle that there should be no control over shops and dwellings at all, but I do not agree with that principle. If the clause is passed it will be possible for the lessor to regain possession and then let the premises for residential purposes. The ordinary provisions of the Act will not then apply, so no protection will be afforded to the tenant. I ask the Committee to vote against this clause.

The Hon. T. PLAYFORD—Landlord and tenant legislation is the most difficult type that comes before the House, and Parliament decided last year to decontrol business premises, except those being used as dwellings, which was a departure made in the tenant's favour. However, I do not think we would be justified in retaining this exception any longer. Therefore, I ask the Committee to accept the clause.

The Committee divided on the clause—

Ayes (21).—Messrs. Brookman, Christian, Geoffrey Clarke, Fletcher, Goldney, Hawker, Heaslip, and Hincks, Sir George Jenkins, Messrs. Jenkins, Macgillivray, McIntosh, Pattinson, Pearson, Playford (teller), Quirke, Shannon, Stott, Teusner, Travers, and White.

Noes (12).—Messrs. John Clark, Corcoran, Davis, Dunstan, Hutchens, Jennings, Lawn, McAlees, O'Halloran (teller), Riches, Stephens, and Frank Walsh.

Pairs.—Ayes—Messrs. Michael and Dunnage. Noes—Messrs. Tapping and Fred Walsh.

Majority of 9 for the Ayes.

Clause thus passed.

Clause 5—"Period of giving notice to quit in certain cases."

Mr. O'HALLORAN—I oppose the clause. Last year when this matter was being discussed, particularly in relation to the recovery of possession of dwellinghouses that had been owned for a period, we reduced the period of ownership from five to two years and it was suggested that the period of notice should be nine months, but after considerable argument the Government agreed to accept the principle of 12 months' notice. I believe that the notice to quit is the most vital part of the tenant's protection. The rate of building of dwellinghouses has not been maintained during the past 12 months, and the reduction of the period of notice would cause hardship to many tenants.

The Hon. T. PLAYFORD—In view of two other amendments on the file and Mr. O'Halloran's remarks both yesterday and today, I would be prepared to consider nine months' instead of six months' notice. I agree that the period of the notice is important to the tenant: the longer it is, the greater his opportunity of securing other accommodation. I am not, however, prepared to retain the present period of 12 months.

Mr. O'HALLORAN—I am pleased that the Premier has adopted a conciliatory attitude in this matter. His concession is a just one which the Committee may adopt without having any qualms regarding future circumstances. I therefore move:—

In each of paragraphs (*a*), (*b*), and (*c*) to delete "six" and insert "nine."

Amendments carried.

Mr. GEOFFREY CLARKE—I move—

In new subsection (10) after "that" first occurring to insert "the"; to delete "the lessor" first occurring; and after "approved" to insert "by the lessor."

The effect of my amendments will be to make new subsection (10) state—

If in any such proceedings where application is made on the ground that the lessee has sublet the premises or some part thereof by a sub-lease which has not been consented to or approved by the lessor, proof is given to the satisfaction of the court that the lessor has since the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1954, given notice to quit to the lessee for a period of not less than six months, then the court shall not take into consideration any of the matters mentioned in subsection (1) of this section.

Amendments carried; clause as amended passed.

Clause 6—"Period of notice to quit in certain cases."

Mr. O'HALLORAN—I move—

To delete "six" and insert "nine."

This amendment is consequential on my amendment to clause 5.

Amendment carried; clause as amended passed.

Clauses 7 and 8 passed.

New clause 5*a*.—"Recovery of possession of dwelling-house comprised in estate."

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

The following section is enacted and inserted in the principal Act after section 54 thereof:—

54*a*. (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 except subject to the following provisions:—

i. The lessor shall be the lessor of the dwellinghouse as the executor or administrator of an estate in which the dwellinghouse is included;

ii. The gross value of the dwellinghouse shall be an amount which is at least one-half the amount of the gross value of the total estate;

iii. The purpose for which the notice to quit is given shall be to facilitate the sale of the dwellinghouse either for the purpose of giving effect to a testamentary disposition or trust affecting the dwellinghouse or to prevent hardship to any person entitled to a beneficial interest in the estate;

iv. The lessor shall give notice to quit for a period of at least six months.

Every such notice to quit shall, in addition to containing such other matters as are necessary, give notice to the lessee of the matters referred to in paragraphs i, ii and iii of this subsection but if, in any proceedings by the lessor for an order for recovery of possession of the dwellinghouse or for the ejectment of the lessee therefrom, an appearance is entered by the defendant, the validity of the notice to quit shall not be affected by the fact only that the notice to quit has not given notice of the matters aforesaid.

(3) On the hearing of any proceedings by the lessor for an order for the recovery of possession of the dwellinghouse or for 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 was entitled under this section to give the notice to quit, then the court shall make the order without taking into consideration any of the matters mentioned in subsection (1) of section 49.

The new clause is designed to ameliorate harsh effects of the present Act. The Committee has already approved reducing the time for notice to quit in certain circumstances to nine months, but there are circumstances under which that notice could cause great hardship to a widow and/or children of a testator, particularly where a small estate is bequeathed. The new clause reduces the time for which notice can be given to quit where the lessor is an executor or administrator of an estate which includes a house forming at least half the value of the estate. I have made it so that the provisions cannot be used capriciously where a large estate is involved, but can be applied particularly and deliberately to a small estate where a hardship could result from the failure of the trustee, executor or administrator to sell the house where he is directed to do so by the will of the testator, or where it is necessary for him to sell the property in order to give the widow or children something on which to live. I have particularly suggested that the house should be 50 per cent of the value of the estate, because this would preclude large estates benefiting from the provision. The period of effective notice should be six months in these circumstances. There is a provision for an appearance to be made for the defendant in a case and for the lessor to establish proof that he is acting under testamentary direction or administrative authority, or that he requires possession of the house in order to avoid hardship to any person interested in the estate. Let me give an example. The executor of an estate required, in order to carry out the wishes of the testator, to sell a house that was tenanted. It was impossible for him to sell it with vacant possession and the tenant made an offer to the executor for the house to be sold to him at a very reasonable price. It subsequently transpired that it was a very low price indeed for a good house. The tenant was given long terms in connection with the payment of the mortgage on the understanding that he wished to live in the house for the rest of his life. To the surprise of the trustee within 12 months of the date of the sale it was found that the tenant had sold the house for £2,125 more than he paid the trustee. Nothing in the Bill, when it becomes law, can be used to remedy a case like that. Because this matter came under my personal notice I want to be assured that other people do not suffer in the same way. Beneficiaries of an estate can be penalized by harsh provisions of the Act which prevent an executor from carrying out the will of a testator. I move the new clause in an attempt to rectify the position.

Mr. O'HALLORAN—There is merit in the proposal, but it will inevitably result in a few cases of hardship. If the new clause is accepted the responsibility will be on the beneficiary rather than on the tenant, and for that reason I am prepared to accept it. For the sake of uniformity, seeing that we have accepted the principle of nine months' notice in connection with other provisions, the term of notice should be nine months instead of six months.

Mr. GEOFFREY CLARKE—There is a practical reason why that should not be done. From the date of the death of the testator until the time the trustee or administrator came into possession of the house not less than three or four months would have elapsed. In that case it would mean that the legal notice was longer than nine months. In the circumstances it would be proper for the trustee prior to the granting of probate, to say to the tenant, "I cannot give you notice now because probate has not been granted. When it is granted I propose to give you notice." In a case like that the tenant would have more than nine months' notice.

New clause inserted.

New clause 6a—"Recovery of possession of dwelling house in certain cases."

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

6a. The following section is enacted and inserted in the principal Act after section 55a thereof:—

55b. (1) Nothwithstanding 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 except subject to the following provisions:—

i. The lessor shall be the owner of another dwellinghouse in which he resides at the time of the giving of the notice to quit and shall not, at that time, be the owner of any other dwellinghouse;

ii. The purpose for which the notice to quit is given shall be to facilitate the sale of the dwellinghouse;

iii. The lessor shall give notice to quit for a period of at least six months.

Every such notice to quit shall, in addition to containing such other matters as are necessary, give notice to the lessee of the matters referred to in paragraphs i and ii of this subsection but if, in any proceedings by the lessor for an order for the recovery of possession of the dwellinghouse or the ejectment of the lessee therefrom, an appearance is entered by the defendant, the validity of the notice to quit shall not be affected by the fact only that the notice to quit has not given notice of the matters aforesaid.

(3) On the hearing of any proceedings by the lessor for an order for the recovery of possession of the dwellinghouse or for 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 was entitled under this section to give the notice to quit, then the court shall make the order without taking into consideration any of the matters mentioned in subsection (1) of section 49.

This makes a start on breaking down the restrictions on the sale of houses where the landlord has a number of them. The new clause refers to two houses, one in which the landlord lives and the other in which he has a tenant. There are instances of people who are entitled to pensions but cannot qualify for a pension because of the value of the extra house they own. The second house cannot be sold except at a great sacrifice in value because it would be sold subject to the tenancy. In many cases the tenants are hopeful that the sacrifice will become necessary. There may be two houses where the owner has not sufficient capital to keep both in good repair and wants to sell one in order to get capital. Some people desire capital to give to their children for the purpose of building homes and as much as £1,000 may be cut off from the sale price because a house is tenanted. I ask that where only two houses are owned by the one person there will be the right to sell one for sale purposes only.

New clause inserted.

Title passed. Bill read a third time and passed.

WEST BEACH RECREATION RESERVE BILL.

Adjourned debate on second reading.

(Continued from November 25. Page 1555.)

Mr. FRANK WALSH (Goodwood)—I support the second reading but consider that development of the area should be the responsibility of the Government because its existence as a national reserve is fully justified. I am disturbed by the fact that although we have been asked to discuss the provision of this major area of over 300 acres as a recreation reserve, we have not been provided with a map. Although I have some idea of the location of the area, I do not know where the southern boundary will finish. Near this land there is the Glenelg Sewage Treatment Plant, and how much of the land will be needed by the Engineering and Water Supply Department for future extensions to that plant I do not

know, although I believe it borders on the southern boundary. In the area there are many creeks that are effected by the overflow of the Patawalonga at very high tide, and I do not know if anything will be done to deal with this problem. I have heard it said outside the House that flood gates will be installed. This is a most important matter, and for that reason a map should have been provided. The Westward Ho Golf Club, which has its grounds on land from Tapley's Hill Road to the seafront, has the most select portion of the reserve.

The Bill provides that when the trust is appointed it will have control of the foreshore and it may plant it with trees, shrubs or grasses, and may erect any structures for the use of the public. It also provides that any leases given by councils that have had control of the area will still remain. I believe there is a house in the area that is still occupied, but I do not know what tenancy rights the occupants possess. It will be seen that apart from the provision of a map a lot more information could have been given by the Minister, who said in his second reading speech:—

This land was purchased a few years ago by the South Australian Housing Trust and it was intended to develop the land as a large housing area.

I would like to know whether the trust ever surveyed the area and whether it had a plan drawn up for such a scheme. I know that I am not permitted to ask questions now, but the Government could have indicated this. I have been told that it was proposed to construct another runway from the West Beach airport, which will cross the Tapley's Hill Road and go into the proposed reserve. Members should have been told whether the Commonwealth Government intends to insist that a portion of the land be reserved for this purpose. The first requisite in a matter such as this is to have a master plan prepared for the development of the area. Although what I have said may be taken as a criticism, I am only seeking information. I ask whether a master plan has been drawn up and whether it is the intention of the Government that when this Bill is passed and a trust is appointed—

The SPEAKER—Is the honourable member overlooking the fact that we are not in Committee?

Mr. FRANK WALSH—I am not overlooking that fact but the Committee might insist that a master plan is necessary before anything is done. Clause 17 provides for the payment of £20,000 by the Treasurer without further appropriation. I wonder what amount was paid by the Housing Trust for the land and whether necessary adjustments have been made to the satisfaction of the trust. I also wonder whether the Government acquired the land per medium of the trust with the idea of making a payment to it if required. Clause 18 provides that the councils concerned will pay an annual amount of £1,430 to the trust, the first payment for the financial year commencing on July 1, 1955, and similar payments in each of the six subsequent financial years. However, neither council can make a greater payment without the approval of the other which is a most unusual provision.

Clause 4 provides for the appointment to the trust of three members from each of the Glenelg and West Torrens councils. The trust may desire to appoint an alderman from one of the councils as chairman. Clause 8 provides for the term of office of members of the trust. In effect, each council will appoint one member for 12 months, another for two years, and the third for three years.

Originally the Henley and Grange council was interested in this project, but it withdrew because it would have had to spend ratepayers' money in developing the area. It would be easy for ratepayers to protest against money being devoted to this project and to upset the calculations of its council, particularly if roadmaking and other works were necessary within the district. This project could have an effect on the Minister of Education. Some of his constituents are ratepayers in the area and I do not know whether he may move an amendment to provide that the Government shall meet the full cost of the project.

Clause 13 provides for the remuneration of members of the trust. It is a desirable provision because they will undoubtedly earn all they receive. Clause 16 enables the trust to appoint a secretary and any other employees and also enables it to provide for superannuation benefits, annual leave, long service leave and sick leave. I hope that there will be no differentiation between the office staff and daily workers in this regard. The success of the reserve is bound up with the implementation of clause 34 which authorizes the trust to make improvements on the area, and clause 35 enables the trust to lease facilities to sporting and other bodies. If a football club obtained a lease of an oval in the area it should be permitted to make a small charge to persons watching games. I do not think any person would object to paying for his entertainment. If a person

attends an organized sport he should be prepared to contribute to its cost. It may be necessary to provide a car park and a small fee could be charged to motorists using it. The area could become an excellent recreation reserve and possibly a holiday resort and it might be advisable at some future time to erect a modern and up-to-date hotel to provide accommodation for people holidaying there. I support the second reading.

Mr. DUNKS (Mitcham)—I congratulate the Government on its action in this matter. I think it can be said without fear of contradiction that during its term of office this Government has provided more recreation facilities to the public than any other Government that has been in power in South Australia. Although many people advocate the provision of a green belt, we realize how difficult it is to achieve that desirable feature. Every time the Government purchases land for recreation purposes it is a wonderful gesture on its part. It purchased a large area of land near South Road, part of which was made available to the Women's Athletic Association which is doing a wonderful work, and I know that the member for Goodwood (Mr. Frank Walsh) supports the Government's action in respect of that area.

Under this Bill the Government will contribute £20,000 towards the recreation reserve and each of the councils of Glenelg and West Torrens will subscribe £1,430 annually for six years. In other words, they will contribute £17,160 and the Government £20,000. In a way it is a pity that the Henley and Grange Council was not prepared to enter into this scheme, but when it is realized that its district is a long way from the reserve it can be understood that that council would not be as interested as Glenelg and West Torrens councils. Although it was not prepared to enter into this scheme there is provision to enable it to do so later if it desires. The councils are empowered to make further contributions to the reserve without a poll of ratepayers being taken. I advocated something similar during the Address in Reply debate when I suggested that councils, which wished to undertake projects in their areas which would not cost more than a certain amount, should not have to go to the ratepayers for approval. The Bill also provides that if people care to subscribe to the development of this playground they may do so under debenture according to conditions made by the trust which will decide the amount of interest and the time of expiry of the debentures.

I am pleased that this is to be a public reserve. The member for Goodwood suggested that football matches might be played within the area and that the clubs concerned would pay for the use of the ground. I think that would be a mistake because if this is to be a public park and games are to be played there they should be of a nature not involving danger to other persons within the area. If a cricket match is played there, for example, there is a danger of someone being hit by the ball. Any games should be confined to basketball and similar sports which can be restricted to a limited area. It has been suggested that the foreshore will come within the control of the trust. I do not know what "the foreshore" means. Does it refer to the water line or to the sandy part of the beach? Will control of the beach be removed from the councils?

Mr. Frank Walsh—Didn't you read the Bill? The councils will have representatives on the trust.

Mr. DUNKS—I have read the Bill and I listened to the honourable member's speech, but I should say that the beach would be a public place within the meaning of all Acts of Parliament and if I want to walk along the beach or ride a bicycle on it I can do so today without being interfered with by anyone unless there is a council by-law preventing my doing so.

Mr. Frank Walsh—Would you be free to ride a horse along the beach at Brighton?

Mr. DUNKS—Council by-laws control that. I contend that the councils should not have their powers relating to the sea frontage taken from them by any trust operating a public reserve. These beach frontages that are being used mostly in the summer for bathing purposes should be free to the public, as they are today, and should not be handed over to the trust any more than they are to private owners of land with a sea frontage. I agree that racehorses and other objectionable animals should not be allowed on the beach, but the beaches should be freely open to the public at all times. I note that members of the trust are to be paid for their services. I think they will be mostly members of the constituent councils and therefore I would look upon this trust as a subcommittee of those councils. It would be a pity to break down the great idea that we have in South Australia that members of local government bodies are prepared to give their services freely for the

honour and glory of being elected by the ratepayers to represent them on the council—and after all this is only a glorified subcommittee of the councils concerned. If they were paid out of pocket expenses instead of a fixed sum it would be much better and it would obviate any lobbying, possibly by people unsuitable for the job, for appointment to the trust.

Apart from that and the few things I have mentioned I am delighted to know that the Government has gone a step further in supplying recreation grounds for the public, and not simply a place fenced off that can be used only by a limited section. This land is contiguous to the sea and it should be possible to build an open swimming pool on it. That would be an excellent idea because, with the exception of that at Henley Beach, there is no salt water swimming pool within the metropolitan area, and these facilities are most necessary, not only to teach the young people to swim, but to give them somewhere to go at the weekends not so dangerous as the open sea.

Mr. WHITE (Murray)—I am in agreement with the provisions of this Bill and wish to commend the Government on the purchase of this land and its attempt to set up a body that will bring about its development. I presume that most members are acquainted with the area in question which is more or less in its natural state and contains a certain amount of swamp, and it could become an eyesore if left in its present condition. Open country around the city is gradually being built upon and I feel that it is very necessary for the Government and the councils to preserve some of the vacant spaces, because they are needed as playgrounds and breathing spaces for the city folk. If we do not grab them now it will be only a matter of a few years before they disappear. I hope that the Government will extend the same principle and interest to some of the beauty spots in country districts. I have referred to some of these in other debates.

The SPEAKER—I hope the honourable member will not deal with them in detail.

Mr. WHITE—If that is your wish, Sir, I shall not enlarge on that, beyond expressing the hope that the interest that the Government has displayed in this particular ground will become general and that our country districts will benefit. The money involved in this case can be regarded as considerable, but the expediture would benefit many thousands of people in the years to come. I think the proposal should meet with the full support of everybody interested in the development of our town areas. Country people, too, will benefit because they often visit the city on holidays just as, of course, many city people prefer to go to the country. I have pleasure in supporting the second reading.

Bill read a second time and referred to a Select Committee consisting of Messrs. Travers, Hutchens, W. W. Jenkins, Frank Walsh and White; the committee to have power to send for persons, papers and records and to report on Wednesday, December 8, 1954.

LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 23. Page 1470).

Mr. O'HALLORAN (Leader of the Opposition)—This Bill deals with some of the provisions of the Licensing Act and I favour most of the amendments proposed. However, I think that the Licensing Act should be subjected to a much more extensive overhaul than is proposed, and I regret that that attempt has not been made either prior to now or when the Bill was under consideration. It should be possible to get an inquiry by a body representative of the various sections interested in the Licensing Act, and from it much good would result. However, that is beyond the scope of the Bill and therefore beyond the scope of any discussion we might contemplate at the moment. The first amendment deals with what are celled wholesalers' licences. Most of these licences provide for a minimum of either one or two gallons of spirits to be sold. The former provision was that the minimum must consist of one kind of spirit, but it is now proposed to relax that provision so that the wholesaler may make up the minimum quantity in different types of spirit, so long as in fact they are spirits. Of course, there are spirits and spirits, but I am not in a frame of mind to give a dissertation on the various types of spirits that I have in mind. Of course, we are all conversant with the difficulties that arose, particularly during and since the war, as a result of the shortages of some types of spirits and the consequent difficulties in the wholesale trade, but I have no objection to that amendment.

It is also provided that wholesale licences may be moved freely from one local option district to another, and I have no objection to that, for these licences are not the type in which many people are interested. The Government intends to clarify the law in respect of the employment of drink waitresses. The

general employment of barmaids has been prohibited, though I could never see any great virtue in that legislation. I do not think there is much difference between the employment of the wife, mother or sister of a licensee to serve in a bar and the employment of a barmaid not related to him. Many people with more knowledge of the trade than I have say that the employment of barmaids adds to the tone of bar-room service. I certainly think from my experience in other countries that the employment of barmaids adds to the beauty of the service. However, drink waitresses that have been permitted for so long to wait on customers will be allowed to continue their employment.

The next provision extends the time during which liquor may be legally served with evening meals from 8 to 9 p.m. This will be a concession to a fortunate section of the community that can afford to take meals in hotels and to that unfortunate section, such as business men and commercial travellers who, like some members of Parliament, have to travel extensively and live much of their lives in hotels. However, this provision will not extend the ordinary hours of drinking. Whether it would be wise to extend those hours is something on which I have opinions, and I shall await with much interest the proposed emendation of trading hours in New South Wales. In Committee I shall move an amendment with regard to supplying liquor with meals on Christmas Day, which is being celebrated more and more in hotels, mainly because of the shortage of domestic help. If it is proper that the evening hours generally should be extended by one hour, at least the time on Christmas Day, for the mid-day meal, should be extended by one hour. The most important amendment relates to local option polls. Firstly, it reduces the size of local option districts by providing that they shall be subdivisions of electorates instead of whole electorates.

Mr. Fletcher—Suppose there is only one subdivision?

Mr. O'HALLORAN—That might create some difficulty, but at least the provision of subdivisional local option districts is an amendment in the right direction. It has been suggested that we should give the Governor power to subdivide local option districts by proclamation, but I do not agree because they could be made too small, just as they can be too large. If they were too small highly organized groups, either for or against the trade, could obtain results that could not be obtained over a wider area. I have been advocating for years the removal of local option polls from State elections. In the past we have seen dummy candidates nominated so that the compulsory provisions of the electoral law could be invoked in the interests of a particular party interested in the liquor questions. In future, these polls will be held at different times from State elections, which has everything to commend it.

Another amendment will enable a visitor from other States to entertain up to six friends at the hotel in which he temporarily resides. The liquid refreshments will have to be paid for by the guest, but it will be difficult to administer this provision. How can it be ensured that the guest will actually pay for the drinks? I do not think this provision should apply only to visitors from other States. Any South Australian who has travelled a considerable distance should be entitled to entertain guests similarly. In these days of air travel a resident of Rumbalara, which is near the northern border of this State, might travel to Mount Gambier and desire to entertain a business friend in an hotel there, but he will not be able to do so in the same way that a visitor from, say, Casterton or Heywood, which are about 25 miles away in Victoria, will be able to do. I suppose we should be thankful for small improvements, and as the Bill has this effect I offer no opposition to the second reading.

Mr. BROOKMAN (Alexandra)—Most of the changes proposed in the Bill are not major ones. Perhaps the most important is, as the Leader of the Opposition mentioned, an alteration of the size of local option districts. Local option applies to the following:—Publicans' licences, wine licences, storekeepers' Australian wine licences, storekeepers' licences and registration of clubs. At present local option districts comprise the Assembly electoral districts. Under the Bill the areas will be reduced. There are a number of anomalies under the present system. For instance, Kingscote, on Kangaroo Island, is separated from Myponga and Yankalilla on the mainland, although in the same district and have little relationship to one another on the question of licensing. There are many instances where there are big distances between towns in the same district. Bordertown and Coonalpyn are in the same electorate and the same applies to Kingston and Penola, Victor Harbour and Strathalbyn, Copley and Wilmington, Cowell

and Streaky Bay, Port Kenny and Port Lincoln, Edithburgh and Maitland, and Narrung and Bordertown. Even if we reduce the local option districts to the subdivisions of electorates we shall still have the anomalies which existed before, although they may not be as great as regards distances. We will still have Coonalpyn and Bordertown in the same subdivision, Moorlands and Pinnaroo separated by some 60 miles and Narrung and Woods Well, probably separated by 40 miles. Although we may not be removing anomalies, perhaps we are reducing them, but I doubt whether we are doing any particular good. I do not know that local option has much to recommend it. Anyone who takes an interest in this debate should not miss reading the remarks of the Hon. C. R. Cudmore in the Legislative Council last year when speaking on the Licensing Act Amendment Bill he introduced, and particularly his reference to the question of local option. He dealt fully with the problem and in a measured speech indicated some of the great anomalies existing. He mentioned Tailem Bend having one hotel and its efforts to get another, but the people of Mannum, in the same local option district, have consistently voted against the proposed increase, although that town has four hotels. In his speech the honourable member said:—

I am not advocating smaller local option districts for that becomes dangerous. We have got into this trouble, I think, since we made the House of Assembly district single-member electorates, because things seemed to work reasonably well when we had the larger districts with two or three members. As I see it the whole system is wrong, and I am reminded of a remark by Lord Hewart, Lord Chief Justice of England, who, speaking on this subject some year ago, said:—"Unfortunately, in England local option nearly always turned to local coercion of the people who were entitled to amenities by those who were really not concerned."

Since then the wellknown report of Mr. Justice Maxwell on the liquor laws in New South Wales has been published, and I shall give a few extracts from it. Among other things he was asked to decide upon the desirability of reintroducing in the Liquor Act local option provisions which were repealed in 1946. He said:—

Every person who exercised the right to address indicated on behalf of those he represented that they, without exception opposed the reintroduction of the repealed provisions;

In his final paragraph he said:—

It is clear that the only conclusion based upon the evidence tendered in relation to this term must be that it is not desirable to reintroduce into the Liquor Act the local option provisions which were repealed in 1946.

In referring to the removal applications the Commissioner said:—

With respect, I find myself in accord with the members of the Royal Commission on Licensing (England and Wales), 1929-1931, who were unable to acept the contention that "questions relating to the sale of intoxicants are specially suited for local decision by popular vote." I would add to the reasons expressed in the report of that Commission, the opinion that on few subjects would it be easier to raise false issues, to influence votes by vested interests able to devote unlimited resources to achieve a favourable vote, and to make an appeal to self-interest, which not infrequently is in conflict with public interest.

I am satisfied that the decision of a competent and reliable tribunal based upon evidence —especially of "local residents"—tested in open court and arrived at by a judicial approach is more calculated to serve the public interests. In expressing this view I am not unmindful of the need for close scrutiny of removal applications based ostensibly on the needs of the public but, in fact, invariably prompted by commercial considerations and as often opposed by vested interests.

That Commission came to a large number of decisions, one of which was recently endorsed by the people of New South Wales at a referendum. The questions associated with local option are necessarily too complicated to be put satisfactorily to a popular vote. There are five separate types of licences to be considered and there are few who could say what was the definition of each, and I do not believe it is a good thing to put such complicated questions to the popular vote. I draw attention to clause 15 of the Bill, which provides that if a local option vote favours a reduction of licences the number of licences shall be reduced. Such action is obligatory, but there is a distinction when the vote is for an increase in that an increase may be effected. It is not fair to the people if we make it obligatory in one case for effect to be given to the decision and in the other make it optional. The proper way to deal with such a complicated problem is for the whole subject matter to be considered by the District Licensing Court. Such a court being qualified by experience and training, is much more likely to make proper decisions on a difficult matter like this, and certainly there would be no hot-headed propaganda which could influence the decisions of the court.

There is provision for anyone to appear before the court, and that appears to me to be the better way to arrive at a decision. As it is now, we have a number of hotel licences

all over the State which are more or less permanently fixed and cannot be easily removed, because of this business of local options. I am not suggesting it is necessary to remove them, but if such action is desired it is difficult. These licences have grown up in the State's history, and have become, so to speak, frozen to the spot where they were originally established. Last year, Mr. Cudmore mentioned that 8,000 people in Whyalla had three hotels, 600 in Willunga had three, 5,470 in Renmark had one, 1,750 in Burra had five and 3,750 in Berri had one. Certain parts of the metropolitan area had no hotel facilities at all. The licences seem now to be herded into certain districts and fenced out of other districts, and in some cases some of the latter badly need them today.

I welcome the provision that will make it possible for the interstate visitor wishing to return the hospitality of local people to entertain them at his hotel. This provision may at least send some interstate visitors home with the realization that South Australians have a sense of fairness—a realization they may not have had in the past.

Mr. Macgillivray—Shouldn't South Australians who happen to be 50 miles away from their homes receive the same concession as people from other States in this respect?

Mr. BROOKMAN—It is very hard to draw the line, but if the honourable member has any suggestions I should be interested to hear them. The Bill is disappointing in one small regard: it extends the time until which liquor may be served with meals to 9 p.m. whereas it may have been advisable to extend it to 10 p.m. No drunkenness will result from this provision, but possibly 9 p.m. was arrived at as a concession to non-drinkers. After all, however, there is no better way to drink alcohol than with meals, and the type of liquor consumed in this way will be largely Australian table wines which are harmless. Further, we should encourage the sale of such wines in the interests of the national economy. At present it is sometimes difficult to get a table for dinner in a restaurant or hotel before 7.45 p.m., and this leaves very little time in which to take liquor with dinner before 8 p.m., the time after which liquor cannot be served under the existing legislation. I feel that an extension of this time to 10 p.m. would result in no great harm. Members should give this Bill their best attention in an effort to reach a wise decision on it. I support the second reading.

Mr. FRANK WALSH (Goodwood)—Although I do not intend to delay the passing of the measure I feel that, having spoken on the general subject of hotel licences during the Address-in-Reply debate, I should say a few words on this occasion. I have always opposed the practice of holding a local option poll on an election day. In the square mile of Adelaide there are about 100 hotel licences. Recently two hotels have been closed, namely the Prince Alfred Hotel, which has been taken over by the Adelaide City Council, and the Windsor Castle Hotel on the corner of Franklin Street and Victoria Square, which is to be replaced by another building. In the subdivision of Goodwood in my electorate there is no hotel, and I do not consider that one is needed there. In the subdivision of Edwardstown, which extends from the Cross Roads to Eden Hills, there is one hotel, and in the subdivision of Glandore, which has 11,000 electors, there are two, and they are situated very close together in Edwardstown. One is a West End house and the other a Nathan house, and consequently competition is provided. I understand that the accommodation provided by both hotels is to be improved in the near future to a very high standard.

Under the Bill a local option poll may be held in the relevant subdivision, and, although I do not advocate a greater number of licences, I believe that some redundant licences now held in such districts as Burra, where the honourable member for Alexandra (Mr. Brookman) says there are five hotels, should be transferred to other districts. Without imposing a hardship on city residents some of the licences now held within the city square mile could be transferred to certain suburbs that do not at present enjoy adequate hotel facilities. I have in mind particularly the Glenelg district where, despite an enormous increase in population in recent years, no additional hotels have been built. I believe that, if it is decided by local option poll that additional licences should be issued, the court should have the power to determine the location of the hotels as well as the persons to whom licences should be granted. I also believe that some city hotel proprietors could render a better service in the interests of the community by providing drinking facilities and hotel accommodation in certain suburbs, where they could be used by travellers and holiday-makers. In saying this I do not reflect in any way on any licensee. Generally speaking, I appreciate the efforts made by some people to make their hotels more up to date and to provide a proper service, which must mean a

large expenditure for them. A number of the licences in Adelaide could be distributed to better advantage.

Mr. Quirke—What licences have you in mind?

Mr. FRANK WALSH—Hotel licences. All hotel keepers should comply with the legislation. I do not travel to any great extent but not long ago I went to a hotel not far from Adelaide at about six o'clock and wanted dinner. I was told that if I wanted it I should travel a little farther into Adelaide. However, on other occasions I have found that the licensees have been prepared to provide the necessary meal.

Mr. Shannon—It is an offence if they do not supply it.

Mr. FRANK WALSH—Yes. Generally speaking, the hotelkeeper realizes his responsibility to the traveller. I know that it is sometimes difficult for him to distinguish a traveller. A man may be only five miles from Adelaide but he may have travelled 100 miles.

Mr. Quirke—The responsibility to provide a meal does not apply only in respect of the traveller.

Mr. FRANK WALSH—That is so. I support the second reading but I will never be satisfied with the legislation until the Licensing Court is able to carry out its responsibilities. If we provide for the court to examine certain things it should be possible for the court to do so. If I were to travel, say, 60 miles on a Sunday I could get refreshments from a hotel, provided I could prove that I was a traveller, and the same concession in regard to getting refreshments should be available to interstate visitors.

Mr. HAWKER (Burra)—I, too, support the second reading, but I want to make one or two comments on the Bill. Many people hold strong views one way or the other on this matter. The Bill is a good one, however, and no objection should be taken to it. I support some of the comments by Mr. Brookman in regard to local option polls. The Bill is a considerable improvement on the old law, but there are still some anomalies. In the district of Burra there are three subdivisions. One has one town and a hotel, another one town and four hotels, and the other five towns and nine hotels. The distance between the most southerly and most northerly of the towns in the third subdivision is 34 miles. There are many places there where people from a distant place could vote in or out a licence in another area. The time will come when Parliament will have to face the fact that if we are to continue with local option polls the anomalies will have to be removed. There are several improvements in the Bill which will in no way encourage drinking by those people who do not know how to use the privilege. I do not believe that people can be kept sober by means of legislation. I travelled in America shortly after prohibition days and on all sides I heard of the great improvement in the position. People would drink, and in prohibition days it meant bootlegging to a large extent, and large sums of money getting into the hands of the criminal class. Although prohibition made it more difficult to get strong liquor and was intended to minimize drunkenness, the evils more than outweighed the good results. I repeat that we cannot make people sober by legislation, nor is it good for the community to take away all temptation. The provision regarding the granting of licences to storekeepers is a good one.

Mr. TEUSNER (Angas)—I support the Bill. Judging by the few occasions the Act has been before Parliament for review, Governments have been hesitant about interfering with what one eminent Queen's Counsel described as the labyrinthine and draconian code. The first legislation in connection with licensing was introduced in the South Australian Parliament in 1863. It may be of interest to know that it provided for the first time for the granting of permits. The jurisdiction in licensing matters in those days rested with justices of the peace. The next time the Act came under consideration in the South Australian Parliament was in 1880. It laid down the procedure for obtaining new licences and the Governor was empowered to appoint a bench of justices for the various districts in the State. When I refer to districts I mean district council areas. The justices had absolute discretion in the matter of increasing the number of licences. The only limitation on their power was that they could not grant an increase in the number of licences if there were an objection by two-thirds of the number of ratepayers in the district council area concerned. Local options were introduced for the first time in 1891. Each district council and municipal corporation area was made a local option district, and whether there should be an increase or decrease in the number of licences was determined under the 1891 Act by a poll of ratepayers in the area concerned. It was not until 1908 that legislation was introduced making for the first time the electoral districts of the

State local option districts. In 1910 several minor amendments were made to the legislation, and in 1915 a Bill was introduced making six o'clock closing of hotels compulsory. The present Act, passed in 1917, consolidated all previous legislation. Since then, of course, there have been a few minor amendments. The most important alterations provided under the Bill are those relating to local options and permitting the serving of liquor with meals until 9 p.m. instead of 8 p.m. The Bill contains a few minor amendments, the first of which are contained in clauses 4, 5 and 6, which deal with storekeepers' licences, brewers' Australian ale licences and distillers storekeepers' licences. Under the present legislation a storekeepers' licence enables its holder to sell spirits in quantities of not less than one gallon in pints, and the distillers storekeepers' licence and the brewer's Australian ale licence permits the sale of spirits in quantities of not less than two gallons in pints. Clauses 4, 5 and 6 provide that the holders of these licences shall be permitted to sell various kinds of spirits. In other words they are able to aggregate several varieties provided that in the case of a storekeeper's licence not less than one gallon is sold, and in the case of the others not less than two gallons are sold. Under the amendment it will be possible to supply half a gallon of brandy, a gallon of whisky and half a gallon of rum under a distillers storekeeper's licence, whereas in the past the holder of such a licence has been able to supply only one kind of spirit in quantities of not else than two gallons. The amendment is a desirable one, and I cannot see that there can be any objection to it.

The next clauses of some importance are 10 and 11, which permit the sale of liquor with meals until 9 o'clock. I heartily support this amendment. I referred to the desirability of such a provision when speaking in this Chamber a little while ago on the South Australian wine industry. I agree with what the honourable member for Alexandra (Mr. Brookman) said on this subject, that with the inadequate number of hotels in the metropolitan area one must frequently wait a long time before being served with a meal. As he pointed out, it is frequently 7.30 or 8 p.m. before some diners can be seated and it is therefore desirable that those who wish to consume either beer or table wines should have facilities to enable them to be served until 9 p.m.

The next provision of importance is that which makes it possible for a visitor from overseas or another state who is a *bona fide* lodger at an hotel to dispense hospitality to up to six guests. This is also a very desirable provision which should obtain the wholehearted support of members. The Leader of the Opposition said today that if a friend of his from Rumbalara came to the city he could see no reason why that person, if a lodger in an hotel in the metropolitan area, should not dispense hospitality to his friends in the city, and there is some merit in that contention. If my friends from Lake Cadibarrawirracanna came down to the city I would be prepared to accept their invitation if they were prepared to dispense hospitality to a party of six at licensed premises in which they were licensed lodgers. Unfortunately, this measure does not go as far as that.

The most important matter contained in this Bill is clause 15, dealing with local option. As mentioned by the Treasurer when introducing the Bill there are three main disadvantages with the present system. The first is that local option districts as at present constituted are far too large. Provision was made for the first time in 1908 for Assembly districts to be declared local option districts. An attempt to obtain additional licences in one town may be thwarted by an adverse vote in a large town in another part of the same electorate, as has happened in the past. The member for Alexandra pointed out that Mannum, which had a large population but is a considerable distance away from Tailem Bend, was able to thwart the wishes of the electors in Tailem Bend by voting adversely to what the people there desired. I can conceive of other cases. For instance, if the residents of Kangaroo Island desired an additional hotel, their wishes might be thwarted by an adverse vote from the electors in the balance of the electorate on the mainland. Virtually, the present system is not a local option system; that term is a misnomer because it is not local. Under the Act of 1891 district council areas and municipalities were the local option districts and a poll of ratepayers could decide whether an increase in licences in the district was desired, which was a good provision. Clause 15 of this Bill improves the position considerably in that it makes provision for each subdivision of each electoral district in South Australia to be a local option district. The second disadvantage under the present system is that a vote for a decrease in the number of licences really means a vote for a decrease by one third of the total

number of each class of licence. A vote for an increase would mean an increase of one-third in the number of licences.

The Hon. A. W. Christian—What if there is only one licence?

Mr. Macgillivray—If there is a vote for an increase it would mean one extra licence.

Mr. TEUSNER—A vote for a decrease would only apply if there are three or more licences. The position will be remedied under this Bill and it will be competent for electors to decide whether they desire an increase in particular types of licences, which is highly desirable. The other disadvantage under the present system is that polls can be held only on Parliamentary election days, and in some instances this has caused considerable embarrassment to candidates, particularly in view of the fact that very often there has been a confusion of licensing and political matters. I am pleased to note that in this Bill the polls to provide for a change in the number of licences are to be held on the last Saturday in the June following the presentation of a petition. Under the present system, and this is not altered by the Bill, if a vote has been taken and the electors have decided on an increase the licensing court may grant an increase; there is a discretionary power, whereas if the electors have favoured a reduction in the number of licences that reduction is mandatory.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

Mr. TEUSNER—Section 244 of the Licensing Act provides, in effect, that where, as a result of a local option poll, voters have expressed themselves in favour of a reduction in the number of licences, it is incumbent upon the special court constituted under Section 238 to make a reduction. In other words, there is a mandate under section 244 for the court to give effect to the wishes of the electors as expressed at the poll. The word "shall" is used. The court "shall" provide for a reduction in the number of licences. On the other hand, where the electors have decided in favour of an increase at a local option poll, under section 248 there is no mandate for the court to give effect to such a decision. It is a discretionary and not a mandatory power and the word "may" is used. This Bill appears to perpetuate the present provisions of the Act. I draw attention to that because I cannot understand why the provisions originally provided for a discretionary power in one case and a mandatory power in the other.

Mr. Quirke—The word "shall" could be used in both instances.

Mr. TEUSNER—If that were so it would be obligatory for the court to give effect to the will of the electors as expressed at the local option poll. At present it is discretionary for the court to decide whether or not an increase in the number of licences should be granted.

Mr. Quirke—If that is so its powers should be discretionary in relation to decreases.

Mr. TEUSNER—I am drawing the attention of the House to that point. While this Bill perhaps does not go as far as some would like, it nevertheless contains a number of clauses which, if carried, will considerably modify the rigour of certain of the Draconian provisions of the Act and will be welcomed by those who consider some licensing reform to be necessary and due. I have great pleasure in supporting the Bill.

Mr. WILLIAM JENKINS (Stirling)—Most aspects of this Bill have been amply and ably covered by previous speakers. For a long time there has been restiveness in regard to the existing Act, some of the provisions of which have long since become outmoded. This Bill is designed to correct some of its anomalies and is a cautious and restricted approach which will not offend any person of reasonable tolerance on the question of the sale of liquor. I have received several letters from constituents who have gained the impression from certain publicity that permits will be issued enabling shopkeepers to sell single bottles of wine. I am glad that the Bill does not contain such a provision because if it did I could not support it. Any good that such a proposal might do in assisting the sale of wine, and helping those who grow grapes, would probably be more than offset by the bad influence it might have on our community life. Clauses 10 and 11 extend the time for serving liquor with meals to 9 p.m. This is a step in the right direction, but like many others I consider that 10 p.m. would be reasonable. Many sporting bodies hold annual dinners in hotels and if they require liquor, which they invariably do, they must obtain a permit. However, if the time were extended to 10 p.m., in many cases permits would not be required. Clause 11 also provides that liquor cannot be supplied unless a meal costs 5s., instead of 1s. 6d. as now prescribed. The provision conforms to the increased cost of meals and I do not think there will be any complaint about it. The clause which permits visitors from other States and overseas to entertain up to six guests is in keeping with modern demands. The safeguard is the condition that liquor must be consumed on the premises and that the cost must be charged to the account of the lodger.

Mr. Quirke—In other words, the money may be passed under the table.

Mr. WILLIAM JENKINS—That may be so. Clause 15 is one of the best features of the Bill, as it provides that local option districts in future will consist of electoral subdivisions. This will enable the people most concerned to have a reasonable chance of achieving their desires. The anomalies of the existing legislation were ably pointed out by the member for Alexandra (Mr. Brookman). For instance, the people of Parndana on Kangaroo Island who desire a licence could be outvoted by people living at McLaren Vale or Morphett Vale where sufficient licences already exist. I believe the amendments proposed in this Bill are moderate and timely and will be acceptable to most people, including the Licensed Victuallers' Association, religious and temperance organizations and the public generally. I support the Bill.

Mr. TRAVERS (Torrens)—I would like to refer to one or two aspects of this matter which may have given rise to some doubt. One involves the question of the resolutions at local option polls. Section 247 of the Licensing Act states:—

If the second resolution is adopted at a local option poll in any local option district, no licence of any class shall thereafter, whilst that resolution continues in force, be granted in that district.

As has been pointed out by the member for Angas (Mr. Teusner) section 248 provides:—

If the third resolution is adopted at a local option poll in any local option district, licences of any class may, whilst that resolution continues in force, be granted in the discretion of the Licensing Court.

The case of *White* v. *The Licensing Court* was a South Australian case which went to the Privy Council. It was held in that case that the mere fact that the resolution in favour of an increase was carried not only does not make it obligatory upon the court to grant an increase, but it is not material to which the court can advert in support of a claim for an increase. The court must still proceed under section 66 which states:—

(1) No licence shall be renewed nor shall any application be granted as a matter of course; and upon the hearing of any application for the grant, renewal, transfer, or removal of a licence, whether notice of objection has been delivered or not, and whether objection is taken at the hearing or not, the court shall hear, inquire into, and determine the application and all such objections (if any) on the merits, and shall grant or refuse the application upon any ground which, entirely in the exercise of its discretion, it deems sufficient. (2) No compensation shall be payable to any person by reason of the refusal of the court to grant any application.

Mr. Quirke—In that event the court can override the decision of a local option poll?

Mr. TRAVERS—It has been held by the Privy Council that the mere fact that a local option poll has been carried does no more than, in effect, turn the key in the door of the Licensing Court and say "You may enter and apply, but having done that, the onus of proof is upon you to satisfy the court that the granting of a licence is necessary." It does become a serious question as to whether those two sections ought not to be co-ordinated. In the event of a resolution for a decrease being carried, the statute provides that there must be a decrease. It is not referred to anyone. All the court must do is to decide whose licence shall go out. In the event of a resolution for an increase being carried, it is not only not a determining factor, but it is an irrelevant factor. All it does is to provide the court with jurisdiction to grant additional licences, and having provided that jurisdiction the court still will not grant a licence unless the applicant proves—and it is a heavy onus of proof—the need for the licence. He must prove that it is required "for the accommodation of the public." That expression is used in the Act. It seems to me that these two sections should be co-ordinated. I do not propose to make any issue of the matter, nor will I move any amendments. If it can be proved that the disparity in the language of those two sections enables any unsatisfactory working, it should receive attention because it is a very unfair proposition that the two sets of people who may vote upon a matter should have such unequal consequences depending upon the nature of the vote.

Mr. Quirke—If the word "shall" were used instead of "may" would it be obligatory for the court to grant an increase?

Mr. TRAVERS—Yes, but in that event the argument no doubt would be that there is no need for the court because under the new scheme the petition has to be for a particular type of licence. It is not throwing the field open for the granting of all types of licences.

I ask the Premier to consider amending section 202, which states:—

Any person other than an excepted person who during any day or time during which the sale of liquor is prohibited by law—

(*a*) purchases or obtains or attempts to purchase or obtain liquor from any licensed premises;

(*b*) is found drinking liquor in any licensed premises; or

(*c*) is present in any bar-room on any licensed premises or in any place on licensed premises where liquor is kept for sale or stored;

shall be guilty of an offence.

An "excepted person" is defined under the Act as a *bona fide* lodger or a person who has slept on the premises the previous night. In regard to the provision for allowing up to six persons to be entertained by a guest from another State, we might consider first the decision of the Privy Council on freedom of trade between the States. The Bill states that only a person from another State can entertain friends, so he gets immunity in purchasing liquor and the hotelkeeper gets immunity in supplying the liquor, but unfortunately the local people who consume it do not. They will be committing an offence against section 202, so obviously that will have to be amended or some general overriding provision inserted to cover the position. If there is to be any disparity I would favour penalizing the people from other States rather than our own.

Mr. FLETCHER (Mount Gambier)—I support the Bill, the subject matter of which has been debated over a number of years, though I do not think it goes far enough. The Bill enables the transfer of licences from one local option district to another, but in my electorate there are no subdivisions. For instance, people at Port MacDonnell or Nangwarry will be able to vote on the question of increased licences for Mount Gambier or any other town in my district. That is something that should be considered. Like the Leader of the Opposition, I have often wondered what the distinction was between a barmaid and a saloon waitress, but that question has been cleared up by this Bill. Clause 10 permits the sale of liquor in restaurants until 9 p.m., but I am not altogether in favour of an extension of hours from 8 to 9 p.m. I do not know what the effect will be on the staffs in restaurants and hotels. The provision may work satisfactorily in Adelaide, but I do not think it will in country towns.

Mr. Macgillivray—Will the staff be paid overtime?

Mr. FLETCHER—I do not know.

Mr. Macgillivray—I think there is an award covering that.

Mr. FLETCHER—I have been informed by a prominent hotelkeeper in Adelaide who made inquiries in Melbourne that the staff there was satisfied to work longer hours because they got adequate tips, but I do not know whether the staff of South Australian hotels would be satisfied. If they are true unionists they will want to be paid overtime rates. I have never been in favour of drinking in the dining room. I do not think the consumption of liquor should be allowed there after 8 p.m. If diners want to drink after that time they should go into the lounge. I do not agree with the clause that enables a visitor from another State to provide liquor for his friends. Why make a distinction between visitors and our own people? Why should a man who comes from only five or six miles over the border be entitled to entertain friends when a South Australian after travelling hundreds of miles cannot do so? We should seriously consider this clause, for by passing it we would be writing down our own citizens.

Mr. Macgillivray—It is a most invidious distinction.

Mr. FLETCHER—Yes. What is good enough for people from other States is good enough for our people. During the war South Australia's leading tourist bus firm encountered all sorts of difficulties and restrictions and had to pay heavy taxes to South Australia. That firm ran coaches to Mount Gambier but five other firms from Victoria were also sending coaches there, although they were not paying anything towards this State's revenue. Clause 12 is analogous to the restrictions and taxation on that tourist firm, and I oppose it. The question of storekeepers' wine licences should be reviewed. If we are to support our wineries and those returned soldiers who are growing grapes, especially in the river areas, we must find markets for their products. One means would be through granting more storekeepers' wine licences.

Mr. MACGILLLIVRAY (Chaffey)—I have listened with much interest to previous speakers, hoping that someone with more ability than I have would explain the origin of this Bill. Why did the Government see fit to introduce it? I am glad that the member for Mount Gambier (Mr. Fletcher) mentioned what I think was the main reason for its introduction, namely, to give relief to those engaged in grape-growing for what is one of the State's leading industries—the production of wine. During the war most citizens saw that the Commonwealth would have a great responsibility later in repatriating those men to whom we paid so much lip service during the war who gallantly defended the country from its enemies. We all said that when the time came

we would not forget them. One of the tragedies of soldiering is that while we are at war and our people are in danger no promises or adulation can be too extreme. Every section of the community not only gave them lip service, but I believe hoped to be able to implement the promises made under the stress of war. We were prepared to absorb a fair proportion of the men on their return from active service in the production of wine and spirits, but this was not done without opposition. I pay a tribute to the Australian Governments who opposed the vested interests which fought to keep the grape growing industry a closed shop for those already in it. This tribute applies particularly to the South Australian Government. Although this State is not the largest producer of dried fruits, it is by far the most important producer of wines and spirits; so much so that it can be said that South Australia dominates the production of wine in Australia. We stand or fall according to whether we can get markets for our products. The Government provided land so that members of the Second A.I.F. could join with those who returned after World War I in the production of grapes necessary to expand the wine industry.

The SPEAKER—It will help me if the honourable member links up his remarks with the Bill.

Mr. MACGILLIVRAY—I presume the Bill was introduced to help those who grew grapes for the manufacture of wine.

Mr. Quirke—That is what you thought.

Mr. MACGILLIVRAY—And every other honourable member thought so too. They were in agreement that the Government should put men on the land and do something to help them to sell their products. When settlements were coming into production the Federal Government accepted the advice of its responisble departments and the Federal Treasurer saw fit to steeply increase the duty on brandy spirit and spirits for the fortification of wine. Here we have the position of an industry expanding because of the settlement following the war being brought to its knees by the ill-considered and unjust infliction of a duty by the Federal Treasurer. He hoped to increase his Government's revenue, but the net result was he received less, and in doing so unfortunately ruined, temporarily at least, the South Australian grape growing industry, in which we are particularly interested. However, realizing his mistake he reduced the excise on brandy to such an extent that we are now getting a fair share of the Commonwealth sales of spirits. There are two reasons. One is that the price is reasonable and, secondly, the South Australian beverage brandy is second to none in the world, and if we could get it on the world markets at a fair price then I believe we would immediately solve our problem, but these markets are not under the control of the primary producer. I have figures before me from the annual report of the Australian Wine Board showing the quantity of Australian wines in bond as at June 30 during recent years. In 1951 South Australia had in bond 17,500,000 gallons; in 1952, 18,250,000; in 1953, 19,250,000, and by 1954, 20,750,000. In New South Wales the position was not so alarming. The quantity in bond in 1951 was 973,000 gallons; in 1952, 965,000; in 1953, 964,000, and in 1954, 879,000. The position is that New South Wales does not produce very great quantities of wine and also has available the necessary selling points. They have a vast population in Sydney and are able to dispose locally of their comparatively small production. In Victoria the position is somewhat similar to that in South Australia, although not quite so bad. In 1951 they had 1,900,000 gallons of wine in bond; in 1952, 1,800,000; in 1953, 2,100,000, and in 1954, 2,152,000. Production of wine in Western Australia is very small and in Queensland is even less significant.

The SPEAKER—I think that is fairly distant from the Bill.

Mr. MACGILLIVRAY—I should like to quote the total figures for the Commonwealth because I think they are relevant and believe that certain matters in the Bill cannot be debated or understood unless members know what is happening in the wine industry. The Commonwealth figures are:—1951, 20,700,000 gallons of wine in bond; 1952, 21,250,000; 1953, £22,600,000; and 1954, 24,000,000.

Mr. Corcoran—What was responsible for that position?

Mr. MACGILLIVRAY—We have not the selling points. Today the wine industry depends largely on public houses for the sale of its product. The increase of 2,000,000 gallons between 1953 and 1954 arose partly from the increased production from soldier settlements, and we cannot get away from that aspect in considering the Bill. The wine industry has had to absorb large numbers of returned men from World War II, and I pay a tribute to the wine industry for not trying to shelve its responsibilities. I cannot think of any occasion when it was suggested in this House that qualified ex-servicemen should not be absorbed

in the industry. In one year we have an increase of some 2,000,000 gallons. I do not think that is catastrophic or that the wine industry is going to collapse as a result of that increase in one year; but this is a definite trend, and one which cannot be ignored. While the industry can possibly absorb such an increase for one year, if it continues without cessation the money which taxpayers have invested in soldier settlement in this industry will have been largely wasted and will have to be written off. That is not because Australians will not drink our South Australian wines, which compare favourably with any produced elsewhere in the world. The wine industry should be given a reasonable chance of placing its products before Australians in a way that will enable them to buy those products. I represent a district that produces more wine at present than any other in the Commonwealth; as much as 50 per cent of the total income of my constituents is derived from the wine industry. This Bill, however, does very little to relieve the pressing needs of this, the oldest of South Australia's primary industries. The first part of the Bill deals with matters that have no bearing on the problems with which I have dealt, although it may be of interest to publicans, and people employed by publicans, to know who is and who is not a barmaid. It will not help one iota in solving the problem of the disposal of our surplus of 2,000,000 gallons of wine.

Mr. Corcoran—The problem is mainly due to the British Government's embargo on the sale of Australian wines.

Mr. MACGILLIVRAY—That may be so, but we have no control over that and I cannot deal with it in this debate. The question of local option is most important to all South Australians; for years many people have felt that the local option poll has been used in a way not intended. This Bill, therefore, sets out to remedy that anomaly; but in doing so it creates another anomaly because clause 15 provides that "every subdivision of an electoral district shall be a local option district." There are, however, four electoral districts in which there are no subdivisions: Mount Gambier, Wallaroo, Gawler and Chaffey. Therefore, although the Bill seeks to localize local option polls to subdivisions, those four districts will derive no benefit because their electors will still be compelled to vote as a whole. My proposed amendment gives those four electoral districts the benefit to which the rest of the State will be entitled. Another clause in the Bill provides for an extension of the hours during which liquor may be taken with meals, and that clause represents the only direct benefit this Bill will give to the wine industry.

Mr. Stott—Merely a drop in the bucket.

Mr. MACGILLIVRAY—That is so; it means that persons who consume wine with their meals will be given another hour in which to do so provided they can pay 5s. for their dinner. Although I do not suggest that 5s. is an exorbitant sum for a dinner in these days it may debar thousands of people who would like a glass of wine with their meal from taking advantage of this provision. Although 5s. may not be much to those who support this type of legislation, a growing number of Australians are unable to pay 5s. for an evening meal; therefore, they will be deprived of the benefit of taking wine with their dinner.

I will not waste the time of the House in dealing with the rest of the Bill because, although it may be of interest to the lawmakers, it does not mean a thing to the man in the street. As a member with so many wineries and distilleries in his district I have naturally received many letters from winemakers asking me to do all I can to have extra and more satisfactory facilities provided for the sale of wine. Some members who represent grape growing and winemaking districts some time ago approached the Government in an effort to get a concession for these industries. Many concessions have been given by the Government so that new secondary industries could be brought to this State, but we were pleading not for new secondary industries, but on behalf of one of this State's oldest primary industries, of which we may well be proud. The contents of this Bill, however, prove that our efforts have been of no avail. The member for Angas (Mr. Teusner), who is as keen on helping the wine industries as I am, said that this Bill relieved the rigours of some draconian provisions of the Act; but if that is so the position of the wine industry is not relieved. Although Mr. Teusner and I are not interested in the wine industry as such, we are particularly interested in the grape growers whose product is turned into wine.

I believe that a movement is afoot to give a moderate opportunity to our wine industry to place its wares before the consuming public under very strict control. I realize that much prejudice exists on the question of attempts to increase the consumption of liquor, and, although I do not wish to sit in judgment on anybody, I plead with South Australians generally to give serious attention to the provision of extra facilities for the sale of wine. I had

hoped that this Bill would relieve the problem facing the soldier settlers who produce the grapes that are made into wine and spirits. I have tried to get away from the outmoded idea that a glass of good wine will lead headlong to the devil. This idea is perhaps peculiar to South Australia, but I was always taught that the wise use of liquor and temperance in eating and drinking was one of the ultimates in human behaviour. In South Australia, however, there is a strong line of thought that encourages the belief that to take a drink of any intoxicating liquor is something bestial which will lower human dignity. That is a childish idea that we should have outgrown by this time. I have much pleasure in supporting the Bill and I ask honourable members to support my amendment.

Mr. QUIRKE (Stanley)—Although I am frankly disappointed with the Bill, I, too, support it because it is obviously the best that we can get at present. It does not, however, make more than a footling attempt to overcome a big problem in this State. Because of my attention to the amendments it has been necessary for me to wade through the Licensing Act, and I have come to the conclusion that that Act is a hotchpotch of contradictions and antediluvian absurdities. Indeed, I do not suppose that a greater paradise for legal contention has ever been devised by human beings. The Act contains clauses which in the light of present day circumstances are absurd in the extreme and I suggest that, when amendments are again being considered, the Act should be thoroughly overhauled and brought up-to-date because in its present condition it is no credit to this Parliament.

There is not the slightest doubt that the factor which influenced the introduction of this Bill was the desire of some members to do something for one of our great primary industries. The Bill will do practically nothing for the industry. Its influence when needed most in the next few years will be infinitesimal, and because of that I am disappointed. The position at Loxton will continue until we find a solution of the problem of disposing of the products from the area. There is one way now to help and that is by compensating the growers and rooting the vines out of the ground. At present there are 250,000 gallons of wine awaiting disposal. Contracts for the expenditure of £40,000 have been entered into for the building of 30 large steel storage tanks lined with vitrenite plastic enamel. The size of the tanks indicates the problem. It is a mass production place and it is more like a wine silo than a winery as we know it. Increased production figures have been 25,000 gallons in 1953 and 200,000 gallons in 1954 The expected increase in 1955 is 325,000, 500,000 in 1956, 750,000 in 1957 and 1,000,000 in 1958. What is to be done with this extra production? Is it to remain there until there is a relaxation of the duty in England? It is our responsibility and we should not expect anyone to lift the burden off our backs without doing something ourselves.

Clause 3 deletes from the principal Act the words "and local option districts". The local option districts are to be made smaller, but already it has been found necessary to place an amendment on the file providing for districts where there is not more than one sub-division. Clause 4 deletes from the Act the words "one kind of". This refers to storekeeper licences which now allow the sale of one gallon of one kind of spirit, whereas under the amendment the gallon can be made up of two kinds of spirits. The same position applies to the two-gallon Australian brewer's ale licence, and to the distiller's storekeeper's licence, but in these cases they are two-gallon licences. The only benefit is in connection with the storekeepers' licence. In the main the change in the distiller's licence is not worth anything to a winery that is manufacturing only brandy and spirit. Under the Bill it will still be necessary to sell two gallons of brandy. Most of the wineries do not manufacture and sell whisky and gin. The two gallons in connection with the distiller's licence should be reduced to one gallon. When a winery sells direct to a hotel the hotelkeeper must take one dozen bottles, equivalent to two gallons, of brandy. For the majority of the small hotels that is a large quantity. Even with the best of intentions the amendment in regard to the distiller's licence is not worth much. Clause 7 means the amendments will apply to the wholesale licences mentioned and future licences of the same type. Those mentioned are the storekeeper's licence, the distiller's storekeeper's licence, and the Australian brewer's ale licence. It is possible to transfer these licences, but there can be no transfer of a storekeeper's wine licence. So where are we getting and what is the value of it all to the industry? We manufacture many kinds of goods in factories. What is the purpose of their manufacture? They are made in order that someone shall make use of them. If there is no market for them the production will cease, but they are distributed through various storekeepers. There are distribution centres by

the thousand throughout the State for these goods.

Mr. Travers—Do you suggest that people who do not drink should be taught to drink wine?

Mr. QUIRKE—If anyone does not want to wear boots he can go barefooted. If anyone does not want to drink wine I do not expect him to do it, but those who want it and desire to have access to it outside hotels, and their numbers are legion, should have that access available to them.

Mr. Corcoran—In order to remedy the position what should be the consumption of wine?

Mr. QUIRKE—The surplus is about 3,000,000 gallons. I think the consumption of a bottle every three weeks by 3,000,000 people would meet the position. I gave the information during the Address in Reply debate. The wine people want an avenue of sale in the same way as the manufacturers of goods. They should not be told there is only one avenue through which their wine can be sold. I wish this country would grow up. The other day I was talking to one of the distinguished American visitors to South Australia. I asked him how he liked Australia and he said he liked everything about it but its licensing laws and he said "Brother, they are lousy," That is the opinion of people who come here from overseas. If a man comes from overseas by ship and lands at Outer Harbour is he a visitor from another State, or must he land in Perth, Sydney or Melbourne and then come to Adelaide in order to be an interstate visitor?

Mr. Travers—The Bill does not refer to interstate visitors. It mentions people who ordinarily reside outside the State.

Mr. QUIRKE—Does that apply to overseas people?

Mr. Travers—Why not?

Mr. QUIRKE—I hope it does. One of the greatest slurs has been cast on the South Australian people by this type of legislation. It has meant a deliberate writing down of the State. We cannot do the things that people who do not ordinarily reside in this State can do. I often wish to entertain interstate visitors as they can entertain me when I go to the other States. They can do for me in this State what I am not permitted to do for them. These things are just nonsense. Nobody can tell me that what is right for the people of New South Wales, Great Britain and America should be denied to the people in this State. We should be the hosts, but we are denied that right. The honourable member for Torrens (Mr. Travers) has already drawn attention to a fault in the drafting of this Bill, and I thank him for doing so. If a poll is taken and it results in a decision in favour of an increase the court in its discretion can say that no more licences will be granted, yet if there is a vote for a reduction that must be abided by. In this way it is possible to make whole districts in South Australia dry, and while this anomaly exists there is a danger in this measure. By interjection I asked the honourable member for Torrens what would happen if the word "shall" were placed in this measure instead of "may." I take it that would mean it would be obligatory for the court to give recognition to a decision at a poll. The sooner we do away with all these factors surrounding local option polls the better, because they belong to the past. What we want is a licensing authority that will do all things in relation to licensing as ordained in a measure passed by this and another House and will have control over these things.

The extension of time to 9 o'clock for serving liquor with meals is a step forward, although it could have been better. I have no objection to clause 9, which refers to females serving liquor outside bar-rooms. Restaurants do not have to have a local option poll to obtain licences; they can obtain them by applying to a special magistrate. These licences are issued for a period of 12 months and apply only to dry wines. They are an excellent type of licence and I note that more opportunity is being taken by people to avail themselves of them. The Act provides that the wine shall not exceed 25 per cent proof spirit, which is not a very highly alcoholic wine. It also provides that cider shall not exceed 12 per cent proof spirit. It is wrong to think that 25 per cent proof spirit means a quarter of the total volume. It is really only about 15 per cent of the total.

Mr. Dunks—What is the lowest alcoholic content of any wine?

Mr. QUIRKE—About 10 per cent by volume would be the lowest under South Australian conditions. I am not satisfied with the measure, apart from the social amenities it will confer on people. I now come back to the point I made first, and sale points should be brought into existence to enable these products to be more readily accessible to the consuming public. This Bill will not do much in that direction. Under the measure it will cost £50 to initiate a local option poll by those desiring either an increase or a decrease. I do not

object to the power to decrease but I think the obligation should be equal. Whilst the obligation is unequal it is all politics and it is certainly unfair to the people who must pay £50 to unlock the door, the expression used by the honourable member for Torrens, not knowing whether it will bring about an increase or not. If a man has spent £50 to reduce the number of licences and is successful, his money is not wasted. We should approach these matters like grown people living in 1954 and not in a period a long time past. I suggest that when next we tackle this Act we make it a licensing Act and not a lawyer's paradise.

Mr. STOTT (Ridley)—Although this Bill is a step in the right direction, it is a very small step indeed. However, it provides the opportunity for some action to be taken to bring the licensing laws up to date. The population of the city and suburbs has increased to an alarming extent and the accommodation is already overtaxed. We have reached a stage of development that has attracted visitors from overseas and other States, and there is not sufficient accommodation for them. Despite the fact that the population has increased and more people are being attracted here by our industrial growth, the number of hotels has decreased. The Prince Alfred and the Windsor Castle hotels have been closed in a very short space of time but no provision has been made to compensate for their loss. I think it is true to say that there is no really first-class hotel of international standard in Adelaide, and I think this Parliament will have to consider that position and bring the licensing laws more into line with modern requirements than is attempted under this Bill. The change in the provision relating to local option polls from the farcical position that has obtained hitherto is very desirable. The district that I represent is divided into two subdivisions, Loxton and Waikerie. This Bill will not improve the farcical position in that district, because people living within seven miles of Tailem Bend in the subdivision of Waikerie will have the right to vote on whether there shall be an increase in licences at Waikerie, nearly 90 miles away. The Bill will divide the district into two subdivisions, but it will not improve the position because it will divide it longitudinally instead of across. The honourable member for Chaffey (Mr. Macgillivray) has an amendment on the files that would improve the position by giving power to the Governor in Executive Council to make a local option district smaller on application.

In respect of the subdivision of Loxton, people living at Peebinga near the Victorian border would have the right to vote as to whether or not there should be an increase in licences at Loxton, but those people rarely visit Loxton. The provision in the Bill relating to local options does not remove the anomalies that exist in my district. An attempt should be made to bring that provision in line with the purpose of the Bill. If Parliament is prepared to accept that provision it should go further and remove the anomalies I have mentioned. For many years the residents of Loxton have been attempting to obtain a club licence. An application was made to the Licensing Court some years ago. A local option poll had carried a resolution for an increase in licences but when the application was lodged the court refused it because of the technicality that the list of members was not in order and did not conform with requirements.

Mr. Travers—That is an understatement. The application was refused because the court could not ascertain who were the alleged members.

Mr. STOTT—A move was subsequently made at Waikerie for a club licence and the people there satisfied the court and obtained the licence. Loxton is particularly keen to procure a club licence and this Bill will enable a local option poll to be held within the subdivision of Loxton but, as I pointed out, people at Peebinga will be able to vote at the poll. They are not concerned with whether or not a licence is granted. The town they normally visit is Pinnaroo which is within the electoral district of Albert.

Some members have referred to the wine industry. This Parliament, in the Estimates, approved of the expenditure of £150,000 at the Loxton distillery. The member for Stanley (Mr. Quirke) has indicated that by 1958-59 the production at that distillery will be 1,000,000 gallons. That means that this Parliament, in effect, has in its wisdom seen fit to encourage the soldier settlers at Loxton to increase their production of wine. What will Parliament do to provide a market for that wine? This Bill is not worth a cracker in relation to increasing the availability of markets. The only possible provision which may increase wine sales is that which provides for the sale of liquor with meals until 9 p.m. I point out that until 8 o'clock mostly sauterne, sherry, burgundy and on occasions champagne is consumed with meals. The general practice after dinner is to consume liqueurs and the provision will not have much effect on the consumption

of wine although it is a desirable amendment from the point of view of convenience. Instead of people being hurried from the dining room they will be able to remain and will not suffer embarrassment.

Unless Parliament is prepared to provide greater facilities for the sale of wine the increased production at Loxton will remain in the distillery. Members who do not favour the increased production will suggest that something should be done about having the tariff duties removed on the United Kingdom market which hitherto accepted a large quantity of Australian wine. I have had experience of international conferences and immediately one puts forward the question of another country taking his goods he is told "What have you done to put your own house in order?" That was thrown at me at the international wheat conference in Washington when we were arguing about prices. What is the use of our sending delegates to the United Kingdom to ask for the tariff duty to be reduced on wine if we are not prepared to do anything about increasing their marketing facilities here? This Bill falls down in that respect. I was hoping that it would show that the Premier was prepared to allow Parliament to say whether it would honour its undertakings to the soldier settlers in the Loxton area. Much money has been spent in putting them on blocks and on improving the blocks. A distillery has been constructed to which they take their grapes, but we have not provided a market for the wine. If the position does not improve the prophecy of the member for Stanley will come true and we shall have a silo at Loxton full of wine, but no market for it. It is illogical to vote money to increase the production of wine without creating a market for its sale.

I favour the hotel hours that exist in the United Kingdom. Hotels there are closed between 2 and 4 p.m., when they open again until 9 p.m. That is a sensible arrangement that meets with general approval. One finds few people under the influence of liquor in England, or in Sweden or Denmark. In the United States of America the laws vary between the States. I travelled across the United States in the Santa Fe express. In some States one is allowed to consume liquor at meals or in the parlor coach until 11 p.m., but in Kansas one cannot consume liquor after 6 p.m. When crossing the border the waiter says, "We are in Kansas now and we have to remove all glasses. You will not be able to get another drink until about 11 p.m., when we shall be out of Kansas." Recently a referendum held in New South Wales indicated that public opinion had swung strongly in favour of extending the hours for the consumption of liquor. I think the last referendum on this subject in South Australia was held in 1916, when there was a strong vote in favour of 6 p.m. closing. That referendum was held many years ago and South Australians should be given another opportunity of expressing their views. I wish the Government had included a clause to enable a referendum to be held. When the Premier was pressed on this question by me he said he had received no request for a referendum from any section, but surely the time is ripe for the people to say whether our drinking laws should be brought into line with modern requirements.

I support the second reading, but I hope that amendments will be made to the Bill in Committee or that additional clauses will be inserted, for it does not meet the requirements of my district. The Government has done a magnificent job in co-operating with the Commonwealth in establishing soldier settlers on the land in the river areas, but the Bill does not go far enough. I do not think that wine licences should be handed out willy nilly, but grocers should be enabled to apply to the Licensing Court for them. The members for Chaffey and Stanley have pointed out that hotelkeepers are not very interested in selling wine. The bar trade is their primary concern; in fact, many hotels are tied to the breweries, and many hotelkeepers could not care less about pushing the sale of wine. The Licensing Court should have the power to grant wine licences to grocers in country areas. That does not mean that all grocers in small country towns would get a licence, but that people could get a bottle of wine from a grocer to take home. In the districts where wine grapes are grown many New Australians are employed during the harvest in picking grapes. Many of these new Australians are particularly fond of wine, but do not like beer. People in the wine industry have recommended that Parliament should do something to relieve the present chaotic position by providing greater marketing facilities and granting grocers' licences for the purpose. That would be a step in the right direction, although I do not say it would solve the whole problem. For instance, it would not put the industry back where it was a few years ago, but it is no use sitting down and doing nothing and, like Micawber, waiting for something to turn up and expecting the United Kingdom to come to the rescue.

Some honourable members may say "This is only a passing phase. We have overproduction now. We have had it before and in time it will right itself." In 1933-34 the wine industry was in a serious plight and we got the Federal Minister for Customs to come to South Australia to see what he could do to improve the position. Among other things discussed were decreased duties and the sending of delegates to the United Kingdom to see whether the consumption of our wine could be increased. There was some success. Many growers in the Berri area had to wait for three to five years before they got payment for their stored wine, and now in 1954 we are having the same trouble. Large sums have been spent in providing distilleries, but nothing has been done to find markets. Those who say "Something will turn up" have overlooked the fact that wine production has tremendously increased since 1933-34. I hope members will do something in Committee in regard to markets. If that is not done the position will gradually get worse. By 1957 there will be greatly increased production at Loxton, in 1958 the position will be worse, and by 1959 it will have deteriorated still further. It would be better to take steps now to relieve the position and then the industry will not be in such a bad state in 1958 and 1959, when it is expected that 1,000,000 gallons will be produced at Loxton alone. It is illogical to be spending thousands of pounds on placing soldier settlers on blocks to produce wine grapes unless we are prepared to do something to provide markets, and this Bill does not attempt to do anything about that. I support the second reading and hope that in Committee we can improve the Bill.

Bill read a second time.

Mr. STOTT—I move—

That Standing Orders be so far suspended as to enable me to move a motion without notice for an instruction to the Committee.

The SPEAKER—I have counted the House and there is not a constitutional majority present and unless I have a constitutional majority I cannot accept the motion.

Motion lapsed.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Brewer's Australian ale licence."

Mr. QUIRKE—I move—

After "amended" to insert " by striking out 'two' in the fourth line of subsection (1) and inserting in lieu thereof 'one' and"

During the second reading debate I drew attention to what was happening in relation to the type of licence governed by clause 6, and, although the licence governed by clause 5 is a different type, in order to be fair I desire to amend this clause. I have informed members of what is happening regarding the distiller's storekeeper's licence. Clause 6 will be of no use in regard to a winery that makes only brandy, and I wish to amend that clause so that it will be of some use in that respect. Further, I move to amend clause 5 in order to be consistent and so that I will not be accused of picking out the distiller's storekeeper's licence for special treatment. As a result of my amendment section 22 (1) of the Act will state:—

Every brewer's Australian ale licence shall authorize the person thereby licensed to sell and dispose of liquor on the premises therein specified in quantities of not less than one gallon of spirits . . .

The Hon. T. PLAYFORD (Premier and Treasurer)—The honourable member seeks to amend clauses 5 and 6 so that the present two-gallon licence will become a one gallon licence. The present two-gallon licence was provided so that the transactions would be wholesale transactions, but the amendment could make what was a licence issued for a wholesale transaction into a licence for a retail transaction. That is my objection to his amendment, which applies not only to brandy but to all other alcoholic liquors; therefore I ask the Committee not to accept it.

Mr. MACGILLIVRAY—The member for Stanley (Mr. Quirke) said he was not particularly interested in amending section 22 but that he did it simply in justice to all licence holders. The brewer's Australian ale licence is not relevant to the real case before the Committee: it is only a question of whether some injustice may be done by not amending clause 5, which governs that type of licence. The Premier said the reason for issuing this licence for wholesale trade, was that publicans and other retailers should not be able to buy less than two gallons. That is all right as far as it goes. The Premier is not very conversant with what happens in the spirit trade. Holders of storekeepers' licences can sell brandy to the grape suppliers. It is too much for an individual to buy two gallons of brandy, and in any case who would want such a large quantity for family use? The Committee must consider whether quantities of not less than one gallon should be sold. This should not affect the retail trade because there the brandy is sold in bottles. I support the amendment.

Mr. TRAVERS—I cannot support the amendment because there is a clear distinction in the Act between the licence of a wholesale character and that of a retail nature, although those expressions are not used in the Act. For a

brewer's licence and a distiller's licence no particular kind of premises is desired, whereas with other licences the plans of the premises must be approved by the Licensing Court.

Mr. Shannon—What do you mean by premises?

Mr. TRAVERS—Buildings. Under the Act the retailer must incur much capital expenditure in providing suitable premises, but that is not so with the wholesaler. It would be undesirable to have people who do not have to indulge in large capital expenditure competing with those who do. If a wholesaler is to compete with a retailer he should have had to incur the same expense; otherwise the competition is unfair. It has been suggested that the two gallon quantity should be reduced to one gallon, and that then there should be a breaking down of the one gallon of one kind to one gallon of any kinds. There are four different kinds of spirits commonly consumed, whisky, brandy, gin and rum. If the amendment is accepted the wholesalers who heretofore have had to sell not less than two gallons of one kind of spirit will be able to sell four bottles of any kind. That will then be in competition with the retail trade. Section 13 (2) says:—

No licence shall be required under this Act by any person who is the occupier of a cider factory, vineyard or orchard for the sale or delivery by himself or his servants in quantities of not less than two imperial gallons. . . .

Therefore, if we break it down in one place we must break it down everywhere. We must call a halt somewhere and be fair to those who have invested capital in premises for licensing purposes, and we must retain the present distinction between wholesaler and retailer.

Mr. QUIRKE—Obviously the honourable member talks for the retailer, whereas I talk for the producer.

Mr. Travers—I do not talk for anyone.

Mr. QUIRKE—We all know whom the honourable member talks for. I am prepared to withdraw my amendment to clause 5, and I ask permission to do so.

Leave granted; amendment withdrawn.

Clause passed.

Clause 6—"Distiller's storekeeper's licence."

Mr. QUIRKE—I move—

After "amended" in the first line of the clause, to insert "by striking out the word 'two' in the fourth line of subsection (1) and inserting in lieu thereof the word 'one' and"

The purpose of the amendment is to enable a variety of spirits to be sold under this type of licence. Under the amendment two gallons, made up of one gallon of whisky and one gallon of brandy, could be sold. The clause will have no value as applied to a winery making only brandy because two gallons of brandy would still have to be sold.

Mr. Travers—I would like to get this clear. You are asking for a limit of two gallons, not necessarily of one kind of spirit.

Mr. QUIRKE—No, my amendment seeks to reduce the two gallons to one gallon.

Mr. Travers—So that two bottles of spirit of one kind can be sold.

Mr. QUIRKE—Distilleries making gin, whisky and brandy could sell two bottles of each, and I see nothing wrong with that. The vast majority of wineries make only brandy. Allowing a mixed sale will not benefit them because they will still be required to sell two dozen bottles of brandy. I remind the honourable member for Torrens that wineries have a capital value that transcends that of any hotel in Adelaide and what is more they are the manufacturers and the product comes pure and unsullied from them. They pay £25 a year for a licence and one can purchase two gallons of wine from them. I do not propose to alter that or to change the provision relating to two gallons of wine in the case of a distiller's licence. These people supply to growers and hotelkeepers in little country towns who do not want a dozen bottles of brandy and they are prohibited from selling to their own growers in less than a dozen bottles.

Mr. Travers—But that is not so under the amendment. Clause 6 is for the very purpose of alleviating that situation.

Mr. QUIRKE—Where does it alleviate it? All it provides is for a mixing of the types of spirits. It has no effect when only one kind of spirit is manufactured; a dozen bottles or two gallons still have to be sold. If a winery manufactures brandy and whisky it can sell a gallon of each and this breaks down the honourable member's argument. If the types are mixed a gallon of each can be sold, but if only brandy is manufactured two gallons must be sold. Distillers have to sell a dozen bottles of brandy to the growers and the inevitable result is that one man will buy a dozen bottles but as he would not require this himself he disposes of it to others and thereby becomes an illegal supplier. Six bottles of brandy is an easy matter, and that is what I want.

Mr. MACGILLIVRAY—I support the amendment because the provision relating to mixed types of spirits is of no value to the main producers of wine and brandy. We, who

represent the grape growing industry, hoped that this Bill was intended to help them and we hoped we would get some sympathy so that *bona fide* sales could be made in a manner to help these men. The honourable member for Torrens made a great deal of play about the amount of money that has been invested by publicans to carry on the sale of liquor. I do not deny this, but I wish to add that whatever amount of money any publican has invested the wine industry has invested immeasurably more. It is not true to suggest that because a brandy manufacturer will be permitted to sell quantities of one gallon it will interfere with the retail trade. How many people go to a public house to obtain a gallon of brandy? How many people go to any retail shop or store and order such a quantity? If this Committee wants to help one of the oldest primary industries in this State, of which we should be proud and not ashamed, it will support this amendment.

Mr. TRAVERS—There might possibly be something in what the members for Stanley and Chaffey are attempting to do if their facts were right. They referred to the vineyards having licences to do this, that and the other, but section 23 has nothing whatever to do with vineyards.

Mr. Quirke—We never mentioned vineyards. We referred to winemakers.

Mr. TRAVERS—Section 23 is limited to distillers and has nothing to do with winemakers, wineries or vineyards. The position with regard to the winemaker is catered for in section 13—

Mr. Quirke—Nonsense!

Mr. TRAVERS—It is not nonsense.

Mr. Quirke—It is time you learnt your subject.

Mr. TRAVERS—If that is the attitude of members I will not continue to debate the matter.

Mr. BROOKMAN—It seems to me that all this amendment seeks to do is to make it more practicable for people living near wineries or premises which hold distillers storekeepers' licences to obtain liquor in reasonable quantities instead of their having to take it home in wheelbarrows. I can see no harm whatever in the amendment. It will mainly affect the wine producers and those living in wine producing areas. It will assist the industry in a small way. It will not work wonders, nor will it have the slightest effect on the retail trade and because of that I support it.

Mr. QUIRKE—Before the member for Torrens (Mr. Travers) resumed his seat I said that he was talking nonsense, and I will prove it. If he will come to a winery in Clare or any other district I will show him a distillery inside a winery. The provision we are discussing permits the sale of two gallons of spirits and so many bottles of wine, etc., all manufactured on the same premises. My amendment relates only to the sale of spirits and does not affect wine sales. Both products are made in the same place. Every winery of any size at all has its own distillery and makes both brandy and fortifying spirit.

Progress reported; Committee to sit again.

FRUIT FLY (COMPENSATION) 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 Bill.

TOWN PLANNING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 26. Page 516.)

Mr. GEOFFREY CLARKE (Burnside)—Any Bill which seeks to do something in the interests of the community inevitably provokes a conflict of views. There is on the one hand a general recognition of a problem—in this case the disorderly sprawl of a growing city and suburbs—and on the other hand, equally important to the people directly concerned, but less widely appreciated, the problem arising from the use of authority to deny people the right to put their property to the use they wish. Such conflicts of interest—the community *versus* the individual— cannot be resolved hastily or with dogmatic determination. Therefore, in my view, this legislation must not be regarded as the last word on the subject of town planning. It could well come up for review in a year or so after we have had practical experience of it. It will probably be found then that some amendments will be necessary in the light of practical experience. There is no doubt that some legislation on these matters is long overdue. This is not the occasion for one, even if he were well versed in town planning, to discuss the principles of town planning. This is a Bill to set up an authority and define its duties.

Clause 3 sets up the Town Planning Committee, and projected amendments on the files will provide that serving members of local government bodies may be appointed to it.

However, I make a strong plea to the Government that this essentially technically competent committee should include representatives of one or more of the bodies that are directly interested in town planning. Several of these bodies, all of which are held in high repute, have made contributions towards forming public opinion that has brought this Bill into being. Among them are the South Australian Institute of Architects and the Town Planning Institute, which was responsible for bringing to Adelaide the graphic illustrations and plans of what is being done elsewhere. The Real Estate Institute and the Institute of Surveyors have also played a part in bringing this measure into existence.

Clause 4, which relates to approval to subdivisions, could, unless a minor amendment were made to it, nullify a good deal of expensive work which has already been done on a subdivision. The subdivision, to all intents and purposes, might have complied with the Act in its present form, but through some circumstances beyond the control of the owner it might not have been finally approved by the Town Planner. This position could arise in the following circumstances. The usual procedure to comply with the Act is for a licensed surveyor to lodge with the Town Planner on behalf of the owner a proposed plan and an "outer boundary" survey. The proposal is then considered by him and he forwards a copy to the local municipality and the Engineering and Water Supply Department.. Provided that these authorities approve of the plan, they advise the Town Planner accordingly. If the plan meets with other requirements of the Act and the "outer boundary" is found on checking to agree with other surveys in the immediate area the Town Planner issues his approval in what is known as form A.

If the proposal does not suit the local municipality and the Engineering and Water Supply Department they refer their requirements back to the Town Planner and an amended plan incorporating their requirements is usually lodged. As some councils meet only once a month a long delay may result if, for example, the Engineering and Water Supply Department requests changes in the design, which must then be resubmitted to the council. On receipt of form A the surveyor completes his survey of the subdivision, all blocks are pegged and permanent marks sunk in concrete and he lodges at the Lands Titles Office his final plan, which shows accurate measurements and angles for every block in the subdivision. When the data supplied on this final plan have been checked in the Lands Titles Office and the permanent marks have been approved by the Surveyor-General the plan is given a number and becomes what is called a "deposited plan." Because of the Lands Titles Office procedure the time lag between the issuing of form A and the obtaining of a number for the deposited plan may be some weeks. Under clause 4 it is proposed that on the passing of the Bill any plan that is not deposited but for which form A has been issued shall not be so deposited, even though considerable time, money and trouble have been expended up to that stage by the owner, the surveyor, and the Lands Titles Office staff. This means, in effect, that any form A approvals that now exist will be cancelled if the Bill becomes law. I therefore suggest that when a plan of subdivision has been approved by the Town Planner under form A this provision shall not apply if the final plan is deposited at the Lands Titles Office within two months of its passing. There is an amendment on the file in the name of the member for Torrens (Mr. Travers) which should remedy this position and avoid a very large amount of work and expenditure being completely wasted if recognition is not given to the form A that has already been issued for subdivisions which have almost reached the stage of receiving the final approval of the Town Planner.

It seems to me that clause 6 will entail some hardship, too. During the debate on the Address in Reply, following on a statement in the Governor's Speech that the Government intended introducing town planning legislation, I said that interferences with property rights must not be sanctioned too hastily. To what extent individual rights must give way to the State is always a matter for a wide variety of views, not the least important being the views of the man who is compelled to give up his rights in the interests of the community. Clause 6 makes the Land Board the sole judge of what is a reasonable price. It also makes it compulsory for the owner to offer land to the Government and the local council. Provided that the price is regarded as reasonable by the Land Board, and the Government and the council do not wish to buy, approval may be given for the subdivision, but what if the price is not regarded as reasonable? There could be two views, either of which might be right. The Land Board will obviously say, "This is now primary-producing land worth, say, £100 an acre." The owner may say, "I have been looking forward for 20 years to selling this land as a subdivision." I believe there should be some other authority to which reference could

be made in the event of a dispute. This is one question that will arise in practice, and all the theorizing imaginable cannot make nearly such a strong plea for a modification of the clause as will practical experience. It is 100 chances to one that some members will be called on to take up the case of an aggrieved constituent who disputes a valuation, but who can find no authority to whom he may appeal.

Some criticism has been made, too, that the minimum requirements for road-making are too high. Again, this question will have to be looked at after some experience of this legislation. Perhaps bitumen will not be readily obtainable and consequently sealing may not be possible within a reasonable time. During the debate on the Address in Reply I pointed out that in the past many people had bought land some distance from existing services of light, water and sewers. Two factors may have prompted the purchase of this land. Firstly, the view might have been better or, secondly, the land might have been less costly because these services were not available. Then, as members have found, the new owners have exerted pressure through their member or councillor to have services connected immediately. Of course, this has not always been possible. Every public authority must plan its work. Its expenditure is limited by its loan allocations and budget appropriations. A properly conducted public authority must spend its funds to the best advantage. Many houses could be serviced in a properly planned subdivision for the same amount as would be required in a locality where houses were scattered or where the topography was difficult. The requirement that the committee shall take into account the provision of public services, such as sewers, water supplies, transport, and electricity and gas supplies, is a proper one, but approval for a subdivision should not be withheld if a satisfactory septic tank system is possible in localities where sewers may not be installed for some time for physical and financial reasons. There is provision in the Local Government Act for councils to require a septic system to be installed and I think it will be found that when this Act has been in operation for a year or so it will be necessary to modify the strict interpretation of the provision that sewers must be connected or be about to be connected as one of the conditions of granting approval for subdivision.

In the interests of prospective home builders and the public purse generally it is desirable that buyers of newly subdivided land should be left with no doubts whatever about the provision of essential services. If for some reason these services cannot be supplied until a certain date, this should be clear to all parties to a subdivisional transaction. In the past many people, if not actually deceived, at least misunderstood the position and believed that essential services would have been provided at a much earlier date.

Proposed section 35 of clause 9 of the Bill gives rise to some concern. Power is given in this clause to prohibit subdivision in certain cases by proclamation. This in itself is not objectionable. In many instances it may be highly desirable. But—and it is a very big "but"—this could cause a very great hardship to the owner of the land. It may be because of some system of rating, it may be because the fertility of the land has declined, or the occurrence of some plant disease has made it necessary to give up the use of the land for primary production and the owner wishes to sell it. It may be a perfectly proper reason for selling. The owner may wish to retire and live on his resources, or perhaps the obligations of a will demand that the land in question shall be sold.

What is the position of the owner? Must he keep the land out of production because he cannot afford to work it, or it is not practicable to do so? This case certainly needs very thorough examination.

It seems to me that in due course it will be essential to give consideration to the setting up of a fund to provide compensation for owners of land who do not desire to retain it for primary production, but wish to sell it, but the State says "No. The price is not suitable and we will not buy it at that price," and the Land Board's valuation is not acceptable to the owner. In such cases there must be some means by which the community will compensate the person for foregoing his natural right to sell his land as and when he pleases. In other parts of the world and in other States of Austraila it has been found necessary to provide funds for the purpose of compensating owners who are denied the right to do as they wish with their land, and realize its value for some purpose they think is good and is in no way improper. In the main the Bill is a very useful beginning to our second town planning era. The genius of Colonel Light—soldier, planner, surveyor, explorer, and artist—was very nearly sufficient to carry our metropolitan development to its present stage. Our duty to posterity is to plan now.

The committee set up under this Bill will not have an easy task. If the problem had been easy it would have been solved before this. There will be critics of what is achieved. Provided that the criticism is well founded, we cannot complain. Then by trial, and we hope not too many errors, Adelaide may in due time again be held up as a model of town planning. To paraphrase the immortal words of Colonel Light, whose great talent and amazing foresight have inspired the town planning movement in this State—"'We leave it to posterity to decide whether we are entitled to praise or blame.' I support the Bill.

Mr. HUTCHENS (Hindmarsh)—I feel that this Bill is a move in the right direction. There is need to examine such Bills because of the type of town planning we have had in operation for a long time. I submit that the Housing Improvement Act, which was framed some 12 years ago, was designed to bring about the demolition of many of the sub-standard homes in the metropolitan area and provide better types of dwellings, as well as gardens and playgrounds. However, nothing has happened since. Excuses have been given for the inactivity, and possibly with some reason. When that Act was passed there was a great demand for it, but I am afraid that the passing of the present Bill will do nothing to appease the people and there will still be inactivity. There is a grave shortage of recreation grounds where people can enjoy competitive sport. There have been huge industrial developments in my district and recently there has been a move to take away the only remaining recreation ground in a ward of the Woodville Council. Whether it is successful remains to be seen. The area was a gift of the late William Thomas Foster. People around this area paid prices for land far in excess of its real value in the belief that the area would be a recreation reserve for all time, but because of a desire to develop an industry an endeavour is being made to take from the people this valuable reserve on the pretence that if the industry cannot get it it will remove to another State. If we allow that to happen under this measure, it will be worth exactly nothing, and the people will have been deceived. It is to be hoped that the land will be reserved for recreational purposes and gardens so that the people may have somewhere to go in their own locality to enjoy open-air sports without travelling long distances. Today there is a greater need for recreation grounds than ever before. Although all industrial employees work shorter hours than they did years ago, today they are lonelier than ever before because they have to forever answer the monotonous grind of the machine. The purpose of this Bill is to provide for a green belt and a proper system of town planning.

Mr. Dunks—Which clause refers to the green belt?

Mr. HUTCHENS—The green belt is involved in town planning and has been mentioned by previous speakers in this debate. Proper town planning cannot be carried out without green belts and recreation grounds. With the greater mechanization of industry working hours will be reduced and there will arise a greater necessity for men to spend more time in healthy outdoor occupations rather than to loll around lazily watching others play. In the hope that this Bill will achieve its object I support the second reading.

Mr. FLETCHER (Mount Gambier)—I oppose the Bill because it deals only with the city of Adelaide. Although I do not begrudge the city anything it may obtain, the time has long since passed when we should have introduced something along the lines of the Victorian Town and Country Planning Act, which gives country towns the right to plan for the future.

Mr. Davis—Haven't they that right now?

Mr. FLETCHER—No. Only last week a witness before the Public Works Committee complimented the Harbors Board on its 50 year developmental plan for Port Adelaide. That plan, which is gradually being implemented, is something of which this State can be proud. It is the work of the Government, but can any country council plan 50 years ahead? No.

Mr. McAlees—We won't be here then.

Mr. FLETCHER—It doesn't matter whether we are here or not: we should have vision because where there is no vision the people perish. Country towns are entitled to the same privileges as the city. Australia is only a young nation in its swaddling bands, and town planning should be put on a State-wide basis.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"'Town Planning Committee.''

The Hon. T. PLAYFORD (Premier and Treasurer)—I move—

After subsection (1) of new section 8 to insert the following new subsection:—

(1*a*) Any members appointed by the Governor may be persons who, at the time of their

appointment, are members or officers of councils.

My amendments arise out of suggestions of a committee of the Municipal Association of South Australia which was appointed by that association to examine the Bill and has made a number of suggestions for its amendment. Clause 3 provides for the appointment of a Town Planning Committee to whom will be entrusted the duties of dealing with plans of subdivision and of preparing the developmental plan for the metropolitan area. The committee is to consist of the Town Planner, who is to be the chairman, and four members appointed by the Governor. The amendment provides that any of the members appointed by the Governor may be members or officers of councils, that is, persons closely associated with local government. The duties to be performed by the committee will affect local government to an appreciable degree and it is considered that some of the members of the committee should have associations with local government.

Amendment carried; clause as amended passed.

Clause 4—"Approval to subdivisions, etc."

Mr. TRAVERS—I move—

After "passing" in new subsection (2) enacted by paragraph (*d*) to insert "or is not within two months thereafter."

This will preserve the situation of landowners who have taken steps for the subdivision of land. Under the principal Act, when one wishes to subdivide land and sell it as such one takes the preliminary survey steps, makes application to the town planning authorities, and obtains Form A. Then, after completing Form A one gets final approval. However, in getting Form A considerable expense is incurred. If the clause is accepted as it is a person obtaining the form will just pour his money down the sink and get nothing, and have no rights of redress. Section 22 of the principal Act shows the position Form A occupies in the scheme of things.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—"Grounds upon which approval is to be withheld."

The Hon. T. PLAYFORD—I move—

At the commencment of paragraph (*i*) before "that" to insert "if the land is situated within a municipality."

This is a drafting amendment.

Amendment carried.

The Hon. T. PLAYFORD—I move—

In paragraph (i) to delete "the area in which the land is shown in the plan is situated" and insert "that municipality."

This is simply a drafting amendment.

Amendment carried.

The Hon. T. PLAYFORD—I move—

In paragraph (i) after "council" where last occurring to insert "and all necessary bridges and culverts to carry every such roadway have been constructed."

This amendment relates to the necessary expenditure in the contruction of roadways.

Amendment carried.

The Hon. T. PLAYFORD—I move—

In paragraph (i) after "council" where last occurring to insert "and every such bridge or culvert will, at the cost of the applicant, be constructed."

This relates to the same matter as the previous amendment.

Amendment carried.

Mr. TRAVERS—I move—

To delete subsection (2) of proposed new section 12*a*.

It seems to me that if the design of the Bill is simply to put these things on an economic basis and nothing more this subsection might have something to recommend it. What will be the test as to whether or not "land can be advantageously and economically sewered."? We are, in effect, surrendering everything to the Engineer-in-Chief. We do not say "You shall commit yourself to writing in saying whether the land can be advantageously and economically sewered." His mere inactivity is sufficient to prevent a landholder from making any use of his land. The subsection does not provide that the committee "may not" approve of the plan, but "shall not." This type of legislation should not be approved.

Mr. Macgillivray—The Minister comes into it.

Mr. TRAVERS—The Minister may consent to the giving of approval, or, in other words, may overrule the Engineer-in-Chief. I suggest that members accept my amendment. It is not a proper thing to give such power to the Engineer-in-Chief. He should be permitted to express an opinion as to why something should not be done, but that should not be the final pronouncement. Although the Minister may overrule the Engineer-in-Chief, there is no provision for getting the matter before the Minister and it is rather difficult to expect him to overrule the Engineer-in-Chief when that officer is given such power. I suggest that

this Bill contains far too many blank cheques and this is one of the blankest of a blank lot of blanky cheques.

The Hon. T. PLAYFORD—I find myself strangely at variance with my colleague on this matter. This subsection has a long history. In the past people have cut up land which could not possibly be drained, sewered or provided with water and as a result the taxpayer has been required to pay heavily in providing those services. The Public Works Standing Committee has repeatedly reported that this is a matter in respect of which Parliament should take immediate action.

Mr. Travers—Then why not let Parliament do it and not the Engineer-in-Chief?

The Hon. T. PLAYFORD—The procedure to be followed under the Bill is that if the Engineer-in-Chief certifies that the land can be advantageously and economically sewered or watered, the committee goes ahead. I point out that Parliament has always exercised its control through a Minister responsible to the House. He answers members' questions to the best of his ability and I am sure that if the honourable member considered a certificate should have been issued in respect of land that could be sewered he would be the first to direct a question to the Minister. Time and time again land has been sold—and I do not suggest under misrepresentation—to persons who have been led to believe that it was or would be provided with water and sewerage, but in some instances not only was the land not going to be serviced but it could not be economically serviced. In some cases where the Public Works Standing Committee has reported to Parliament that services should be provided it has only been done at enormous cost to the State. Town planning should surely take notice of the elementary matter of whether sewerage and water can be provided on land which is to be subdivided for town purposes. I hope this clause will not be thrown out because it has a long history. I believe it has been the subject of reference to the Public Works Committee on five or six occasions. On a number of occasions land has been subdivided on which undoubtedly the Public Works Committee will report in similar terms, because when it was subdivided it was very difficult to provide water and sewerage. This can only be done at expense to the community, which is not warranted in many instances.

Mr. SHANNON—The Public Works Committee has had a number of these matters before it. In the district of Ottoway an expensive sewerage system had to be undertaken because that was a settled area. It was low lying country and a pump had to be installed to pump the sewage to a level from which it could be taken away at very great cost. On a number of occasions the committee made recommendations that this question should be considered from the point of view of giving greater authority to the Town Planner to confer with various departments representing essential services in order that such subdivisions would not take place. On a recent visit to Darlington, when considering the metropolitan water supply, members of my committee saw notices on land where a subdivision was proposed. Our attention was drawn by a high-ranking officer of the Engineering and Water Supply Department to an advertisement in the press relating to the sale, and in very small print appeared the words "Water and sewers will not be available yet." This officer informed us that water and sewerage could not be applied to this land at any future time because the levels prohibited them. Obviously this land should not have been subdivided, yet it was offered for sale. The Public Works Committee has to face this sort of thing from time to time, and the State has to face it in the final analysis because of the tremendous cost of providing services. I suppose what the officer meant was that it was economically impossible to provide services, because water would have to be pumped, and I do not know how the area would be sewered.

The honourable member for Torrens complained that the Engineer-in-Chief could, by inactivity, prevent a subdivision, but I point out that it will be the duty of the proposed subdivider to secure his consent if there is any doubt about the land. He is the one with the axe to grind because he is seeking to make a profit so it will be his duty to see that the certificate is given that the land can be sewered and watered economically. I look upon this clause as one of the best features of the Bill from the point of view of saving the State unnecessary expense.

Mr. TRAVERS—I do not dispute a single word of what the Premier put. Indeed, it was a masterpiece of special pleading, and the only complaint I have to make is that it simply did not touch any part of the case I presented. I did not present a case for improper subdivisions, and I heartily agree that many should not have been made. Hard cases make bad laws and it seems that they are well on the way towards making a bad law in this clause. It provides that one simply cannot get anywhere with a subdivision unless

the Engineer-in-Chief takes the positive step of certifying favourably. He is not subservient to the subdivider, who has no means of moving him into activity. Even if he had the Engineer-in-Chief could simply fail to certify that land could be advantageously and economically served. What is the yard stick by which he will measure that? Is it by comparison with some other subdivision, is it by virtue of the stringent financial position the State may happen to be in at the moment, or what? Although we have set up committees under this Bill there is no right of appeal even to them. I do not like that type of legislation, and I ask this Committee to disallow it.

The Hon. T. PLAYFORD—The reason why the Committee is not the authority to consider the matter is that these things would not be within its knowledge. They are engineering problems and obviously only within the knowledge of the Engineer-in-Chief and his officers. It is entirely wrong to say that he is the final authority. The final authority is the Minister and the moment he is brought into the matter Parliament is immediately brought into it. Assume that some person applies for a subdivision and writes to the Engineer-in-Chief applying for the necessary certificate and the Engineer-in-Chief has a programme of inactivity and does not take any action. How long would it be before the applicant applied to his member of Parliament setting out that he had made an application?

Mr. Davis—Five minutes.

The Hon. T. PLAYFORD—Yes, and within 10 minutes a question would be asked about it. Mr. Travers started off by saying that the whole principle was wrong, but later he completely changed his ground and said that perhaps the drafting or the wording should be altered. If the wording is not to his satisfaction, with all his legal knowledge he could easily move an amendment to put the provision precisely in the form he wanted. I assure him that provided he does not break down the principle involved I would not object to a verbal amendment, but the Committee would be ill-advised to break down the principle.

Amendment negatived.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 11.16 p.m. the House adjourned until Thursday, December 2, at 2 p.m.