

HOUSE OF ASSEMBLY.

Thursday, June 16, 1955.

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

BULK HANDLING OF GRAIN BILL.

His Excellency the Lieutenant-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 specified in the Bill.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL.

His Excellency the Lieutenant-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 specified in the Bill.

QUESTIONS.**SITTINGS OF HOUSE.**

Mr. O'HALLORAN—Can the Premier say whether it is the Government's intention to ask the House to sit late next Tuesday and Wednesday evenings?

The Hon. T. PLAYFORD—Not, I think, on Tuesday evening, but the Government is anxious to have consideration of the Bulk Handling of Grain Bill continued as soon as the Public Works Committee's report on bulk handling is available and that may necessitate sitting on Wednesday evening. The report is not expected before Wednesday.

FLOODING OF SEWERS.

Mr. FRANK WALSH—I have had a series of telephone calls this morning from constituents in Ascot Park and Ackland Gardens who are in difficulties because of floodwaters. I visited some of the areas affected and found that it will be practically impossible for the residents in Ackland Gardens to get into their homes tonight. I have been informed by one of the engineers of the Sewers Branch that the sewers blockage at Ascot Part near Sweetman's Road has been caused by the flooding of the underground drain which is unable to discharge water into Sturt Creek because that creek is in flood. The sewers system is so badly affected that householders will be unable to use their services. I am also informed that there are a number of people in the higher areas who break the regulations by diverting floodwater from their roofs and tanks into the sewers, thereby overtaxing the mains in the lower parts. Would it be possible for the department to issue appeals to the public to

refrain from this practice and, in addition, could the department provide pumping facilities to endeavour to get some of the water away from the Ascot Park area?

The Hon. M. McINTOSH—I am surprised to hear that the practice of diverting water into the sewers may have grown up in that area.

Mr. Frank Walsh—Not only that area but generally.

The Hon. M. McINTOSH—It is not the case in my own locality and, of course, it is a serious matter in the lower levels where the drainage is not so good. I will certainly ask the Engineer-in-Chief to make a close inspection and warn people that not only is it an offence against regulations but an offence against civic pride and the rights of other people. Every possible step will be taken to remedy what has occurred in the past and prevent a recurrence in the future.

IMPORTED PREFABRICATED HOMES.

Mr. JENNINGS—In reply to questions I have been told on many occasions by the Premier, relaying information he has received from the chairman of the Housing Trust, that the rents of imported timber-frame houses are arranged scientifically on an amortization period at a figure that covers only capital cost, interest, depreciation, etc. In view of this, will he endeavour to get an explanation of how it is that some imported houses have been re-let to new tenants at a considerably higher figure than the original rent?

The Hon. T. PLAYFORD—The Act under which the trust was created enables it to fix rents, to adjust rents from time to time, and to make adjustments upwards to equalize rents. It frequently happens that where an equalization is necessary the trust does not disturb an old tenancy, but if a new tenant is going in the trust takes advantage at that time to make adjustments, if necessary, overall. If that were not done we would have tenants living in houses built pre-war, or in the early days of the war, paying fantastically low rents and people living in houses built at present paying exorbitantly high rents. The trust tries to adjust rents overall to provide a fair return to the trust, but at the same time to have some basis of equality for the tenants as a whole. It does not always disturb a rent, which may require slight adjustment, until it becomes necessary to deal with a substantial class. Without getting a report from the trust I think that is the explanation, but I will make a check to make sure I am right. The honourable member knows that the trust

is the authority to fix rents and the Government does not know the conditions which apply in any particular case.

WATER STORAGEES.

Mr. GOLDNEY—Can the Minister of Works give any figures regarding the intake of water into the metropolitan and country reservoirs?

The Hon. M. McINTOSH—Up to this morning in the metropolitan area the quantity of water stored was 7,036,000,000 gallons as against a capacity of 14,000,000,000 gallons. Yesterday the increase was 269,000,000 gallons, and if the intakes are as I expect within the next few days the increase will be, I hope, 1,000,000,000 gallons. In connection with country reservoirs, not much has happened on present information, but Warren and Barossa reservoirs are gradually gaining. There is in Barossa 432,000,000 gallons, and it is about half full. In the Warren reservoir there are 438,000,000 gallons. Unfortunately that is only about one-third of the capacity. In each case the position is safeguarded to some degree by the throwing in, particularly in the Warren reservoir, of water from the Morgan-Whyalla and the Mannum-Adelaide pipelines. The position is very much improved and I think it will continue to improve with these glorious rains.

ADDITIONAL HORTICULTURAL ADVISER FOR UPPER MURRAY AREA.

Mr. MACGILLIVRAY—Has the Minister of Agriculture obtained information in reply to the question I asked on June 14 about the possibility of having an extra horticultural adviser placed in the Upper Murray irrigation areas?

The Hon. A. W. CHRISTIAN—I have obtained the following reply from the Director of Agriculture:—

The present establishment of horticultural advisers in the Department of Agriculture provides for a separate adviser to serve the Renmark-Cooltong area. This position has been advertised without success and is unlikely to be filled until such time as the department has one of the cadets or trainees available. As soon as trained personnel are available re-arrangement of staff may be possible to put an experienced man in the Renmark-Cooltong area. In the meantime, the department is endeavouring to give the fullest possible service with the existing horticultural advisers on the river settlement.

Under the cadet scheme, we have a number of young men attending the University taking the course of agricultural science. We also have trainees at the Roseworthy Agricultural College training for employment in the department.

PASPALUM VAGINATUM.

Mr. PEARSON—Has the Minister of Agriculture a reply to my question of Tuesday regarding the salt water plant known as *paspalum vaginatum*?

The Hon. A. W. CHRISTIAN—I have obtained a report on the grass, and as I said on Tuesday I thought the department would have knowledge of it. The report I now have bears out the fact that the department is not only up to date on the subject, but has already done a good deal of experimental work on it, as it usually does on any new fodders or introductions. The report from the Director of Agriculture includes the following:—

The grass was first grown by this department at the Berri Experimental Orchard in the 1930's, and grew strongly on an extremely saline patch of ground. Roots were taken and planted on salt-affected lands and coastal sands subject to drift in the northern districts at Gumbowie, Appila, Gulnare, Bute, Bowmans, at Streaky Bay and Perilubie on Eyre Peninsula, and at Point Pearce on Yorke Peninsula. It was also distributed to salt-affected areas along the Murray, particularly at Mypolonga, where it persisted and thrived under irrigation, and later has been one of the first types of salt-resistant plants introduced to samphire country bordering the lakes and river since the completion of the barrages.

Being a summer-growing perennial, the plant did not persist in the north and west districts, except where some irrigation water was available. Under irrigation the plant compares poorly with *paspalum distichum* (water couch) in vigour and bulk growth, and is therefore not popular for feed production, and for the same reason does not prove useful as a sand binder.

PORT PIRIE HIGH SCHOOL.

Mr. DAVIS—Has the Minister of Works a reply to my recent question regarding drainage at the Port Pirie high school?

The Hon. M. McINTOSH—I have received the following report from the Architect-in-Chief:—

Proposals for improvement to the Port Pirie high school grounds have been discussed by the Architect-in-Chief's officers with the engineer of the Port Pirie corporation, the Chief Engineer of the Broken Hill Associated Smelters and the Chief Engineer for Railways. These proposals involve:—(1) The enlargement of the drain under the Solomontown Road, which is a corporation responsibility. (2) The enlargement of the drain under the railway lines, which would be carried out by the Railways Department. (3) The construction of an additional drain along Wandearah Road, which would enable the high school grounds to be drained into the existing drain on the south side of the school oval.

The B.H.A.S. proposes to undertake this work, but not until such time as the existing

drain (referred to in No. 2 above) is enlarged where it passes under the railway lines. The scheme has now reached the stage where an approach will be made to the Port Pirie corporation, the B.H.A.S., and the railways, asking if they will co-operate in bringing these proposals to fruition.

Pending finality, instructions have been issued by the Architect-in-Chief that any necessary paths required for the scholars to approach the classrooms will be laid. In regard to lavatories, plans have been prepared for additional conveniences to bring them up to the required number. It is proposed to enlarge the septic tanks and to arrange for the effluent to be pumped to an elevated tank. This will be a temporary expedient until the general scheme of drainage for the whole area south of the school is brought to finality.

BUSH FIRE RELIEF.

Mr. CORCORAN—Has the Minister of Agriculture any further reply to the question I asked yesterday about relief for people in Rendelsham and the surrounding district who suffered so severely in the bush fires of January 2?

The Hon. A. W. CHRISTIAN—Of eight applications for assistance for rebuilding homes five have so far been able to arrange finance with a bank or other institution for the balance of the amounts required, and in each case an interim grant of £500 has been approved for them. When the final distribution is made they will get something quite substantial in addition to that. I think the £500 and the final grant should make a sum which will satisfy the financial institutions as a deposit for the rebuilding programme of those applicants.

TAXICAB CONTROL.

Mr. JENNINGS—Some time ago I asked the Premier whether the Government intended introducing legislation this session similar to that introduced last session for the control of taxis in the metropolitan area. He replied that he thought an advisory committee of the Adelaide City Council and various suburban councils had been set up and that if that were so the Government did not think there was any need for legislation. Since then I have noticed in the press a lot of publicity about taxicab control. I do not remember who they were, but at least two city councillors have admitted that the council cannot control taxis properly and the president of one of the taxi owners' associations stated through the press that, in his opinion, there was a great need for legislation on the matter. Allegations of pirating have been made and of disputes between taxi

drivers resulting in physical violence. In view of these statements will the Premier further consider introducing legislation and has he ascertained whether the committee he referred to has been appointed?

The Hon. T. PLAYFORD—I cannot take my previous reply any further at this stage. The matter is under consideration.

BERRI PUMPING STATION.

Mr. MACGILLIVRAY—A few weeks ago I introduced a deputation from the Berri Council to the Minister of Irrigation, the subject being the site of the proposed new pumping station at Berri. The council was more interested in the rising main coming from the station, and pointed out that if it were placed in the position the department proposed it would shut off a valuable part of the river frontage from the people there. The Minister suggested that it could be placed underground without causing obstruction, but I understand that since then the department has made some alteration to the proposal for a pipeline. What is the position at present?

The Hon. C. S. HINCKS—It was suggested at the deputation that it would be possible to place the rising main underground, and I said I would have that matter investigated by the engineers. They made an investigation and reported against its being placed underground, claiming that the salt in the ground would damage the main. I am having further investigations made to see whether some other method can be devised to place the main underground.

Mr. MACGILLIVRAY—The deputation the Minister received reported to the council that the Minister was prepared to put the rising main underground for the major portion of the distance. Before the Minister takes any action on any new report will he communicate with the council and intimate what he proposes to do so that, if necessary, a deputation will have a further opportunity of meeting him?

The Hon. C. S. HINCKS—Yes.

FAIRVIEW ESTATE DEVELOPMENT.

Mr. CORCORAN—Approximately 12 years ago a large area about 7 miles north-east of Lucindale, known as Fairview Estate was purchased from Daw's Estate for development for soldier settlement at a low figure but nothing has eventuated, I believe because of the inactivity of the Federal Government. A number of people adjoining the area have asked me from time to time about the prospects of obtaining some of this land, expressing the opinion that it contains much good land and

can be developed. I know that much of it is wet and some may need draining, but that could be done at a low figure. Can the Minister of Lands indicate whether there is any possibility of utilizing this land for settlement purposes, and if so, when it will take place?

The Hon. C. S. HINCKS—It is some time since this area of more than 31,000 acres was purchased. The Lands Department strongly believes that much of it can be developed satisfactorily for soldier settlement. It has been submitted to the Commonwealth on, I think, two occasions, but on each occasion has been turned down. Members of the Lands Department are now inspecting areas they consider should be developed, and as soon as I have the plans from the Lands Development Executive I shall seek to have this area developed under the Crown Lands Development Act which is a State Act. Perhaps the Commonwealth will come in then as it did in regard to Konetta. That, too, was a big area that the Commonwealth Government refused to accept, but after we had carried out certain development on it the Commonwealth Government accepted it. I will do all I can to get soldier settlers on to the area, but, if it is unsuitable for the purpose, it will be made available to local settlers to build up their areas to living areas.

PORT AUGUSTA AIRFIELD.

Mr. RICHES—My question relates to a serious disability to my district, and I ask leave of the House to make a lengthy statement concerning it.

The SPEAKER—If the statement is by way of explanation, leave granted.

Mr. RICHES—For several years the people of Port Augusta have been anxious to have a landing ground established, not only as a means of giving Port Augusta access to air transport that is available to Whyalla and Woomera, but also as an adjunct to the services being rendered to the district by the flying doctor base. A flying doctor aerial base is to be opened by the Chief Secretary in three weeks' time, but none of the services normally expected from the flying doctor service can be provided in connection with the Port Augusta hospital because there is no place for a plane to land. The Civil Aviation Department was approached, and it advised that if the local authorities selected and established the site and a permanent aerial service was established, the Commonwealth Government would subsequently take over the ground and reimburse the local authorities for the expenditure incurred. A

site was selected, inspected by the officers of the department, and condemned as being too small. Then the department asked whether there was another site in the district that could be used for this purpose. After two or three inspections another site was selected and held out to us as being the only site within many miles of Port Augusta that could be established as a landing ground; we were told that it was being reserved for that purpose. In the meantime, however, the Electricity Trust had established the power station and proposed to take transmission lines over this area. The Civil Aviation Department approached the trust and asked it to take its lines around the ground. The Government was asked if it would call a conference of all bodies interested in this matter—the council, Flying Doctor Service and Guinea Airways, which have given an undertaking that a service will be established when a landing ground is ready. The Government thought that the Commonwealth should enter into the picture and the Premier raised the matter at a Premiers' Conference. The Premier has had the matter in hand for about two years and has met several deputations. I have been told that he is continuing negotiations, but in the meantime the Electricity Trust has taken a second transmission line right across this area.

The Hon. Sir George Jenkins—Is this a question or a statement?

Mr. Macgillivray—Ask for leave to continue.

The SPEAKER—The honourable member will now ask the question because objection has been taken in two places.

Mr. RICHES—This is a matter of urgency in my district and I move:—

That Standing Orders be so far suspended as to enable me to present my case.

The SPEAKER—The position is that the honourable member asked leave to make an explanation and that leave was granted, but it is now not consented to any longer and I cannot take a vote on the matter.

Mr. RICHES—Will the Premier confer with me privately so that I can place the matter before him preparatory to his taking it up at the Premiers' Conference next week?

The Hon. T. PLAYFORD—I shall be happy to do so.

Mr. RICHES—I would have sought an adjournment of the House on this matter, but that I believed the time of Parliament could be saved by allowing me the courtesy often allowed members to make a statement somewhat longer than usual in explanation of a question. The question of the landing

ground for the flying doctor service is of interest far beyond my own district. Will the names of the members for Newcastle and Chaffey be included in *Hansard* as the objectors to my making that explanation?

The SPEAKER—I do not think that we should record matters like that in the Votes and Proceedings because of what is known in this and other respects as the power residing in the individual member. Where unanimity is required one member's objection prevents it, and prevents certain things from being done. That is what we call the right of the minority, and that right has been cherished over many years and, I think, probably works out pretty well.

SUNEDEN RETARDED CHILDREN'S HOME.

Mr. DUNNAGE—Within the last 12 months in my district the Suneden Retarded Children's Home has been established. I understand the Minister of Education has been approached for assistance. Can he indicate whether he has received any correspondence asking for assistance and what assistance his department is giving to this home?

The Hon. B. PATTINSON—Correspondence has been received from the Suneden Retarded Children's Association asking for Government assistance. I received a deputation from some members of the committee of that association and was so impressed with the arguments advanced and with the initiative and enthusiasm of the association in seeking to do something for themselves and for many of the unfortunately retarded children of this State that I inspected the home and sent responsible officers of the department, including the psychologist, to inspect it. I am sympathetically disposed to the request for financial assistance because this association is accepting a responsibility the State Government recently accepted by providing a similar institution at the Occupation Centre at Kent Town which I opened last year and another institution which I hope will be established at Woodville later in the year. Perhaps substantial financial assistance can be granted on the same lines as the Government grants assistance to the Oral Pre-school Kindergarten. The matter will be finally determined when Revenue Estimates for the forthcoming year are considered.

EXPLANATION OF QUESTIONS.

Mr. STOTT—In order that members may fully explain matters of urgency will you, Mr. Speaker, ascertain from the Standing Orders

Committee whether Standing Orders can be suspended in order that a member may bring a matter before the House on a motion for adjournment?

The SPEAKER—I will not do that. I point out that members, by giving notice to the Speaker before the meeting of the House, can, on a matter of great urgency, move for the adjournment of the House to fully explain it and place it before members. Even then there is some limitation. In respect of a matter of great importance notice of it should be given and a substantive motion in which everyone can participate brought before the House. In respect of question time, the Standing Orders provide that a reasonable explanation of a question may be made, but not so as to give the substantive nature of a proposition. We seem to get along well in the handling of questions. I do not interrupt—which I have the right to do. I allow members latitude, but when other members withdraw the leave I have to revert to the hard and fast rules of the Standing Orders and request a member to ask his question.

BOATHAVENS AT WALLAROO AND MOONTA BAY.

Mr. McALEES—I have frequently asked questions concerning the provision of boat-havens at Wallaroo and Moonta Bay, although not for some time. Has the Minister anything to report on this matter? As it must be 12 months since I last brought up this question can the Minister say whether this work has been forgotten or whether it is intended to go on with it?

The Hon. M. McINTOSH—The tenor of the question does not add much to its value. I have not forgotten about it, although it is not a question of my forgetting or otherwise, because the control of harbors is vested in the Harbors Board and its funds are allocated by this House. However, I will confer with the board to see to what extent it may have prepared plans. At one time a plan was submitted to residents of Port Hughes, but was rejected because they wanted something better. In the meantime costs have gone up so high that I think it will be a long time before they get half as much as they rejected.

LIGHTING IN RAILWAY CARRIAGES.

Mr. FRANK WALSH—Has the Minister of Works a reply to a question I asked recently in regard to lights on suburban trains?

The Hon. M. McINTOSH—The Minister of Railways has furnished the following report from the Railways Commissioner—

Following the complaint, the Marino line trains were inspected in the morning. Although the inspection did not disclose any defective lighting, it is possible that at times batteries have been allowed to run down, and this would cause trouble. This matter is now being closely watched, and I do not anticipate any further complaints.

BRIDGE AT BLANCHETOWN.

Mr. STOTT—Have any instructions been given to the Public Works Committee to defer its report on the proposed bridge across the Murray River at Blanchetown, or has some other urgent matter been given precedence? If not, can the Premier inform the House when the Committee is likely to bring down its report?

The Hon. T. PLAYFORD—The Government has no power to give instructions to the Public Works Committee. It is appointed by Parliament and reports to the Governor and the only jurisdiction the Government has is to refer such matters as should be referred to it for consideration. Its deliberations are in its own hands and as far as I know it has not reached any decision in the matter mentioned.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

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

That Mr. B. H. Teusner be discharged from attending the Joint Committee on Subordinate Legislation and that Mr. D. N. Brookman be appointed in his place.

A few days ago the Chairman of Committees (Mr. Teusner) tendered his resignation as a member of the Joint Committee on Sub-Legislation because of his election to his new office, and I move this motion to give effect to his request to be relieved of his duties on that committee.

Motion carried.

IRRIGATION SCHEME: HUNDRED OF GORDON.

The SPEAKER laid on the table the report of the Parliamentary Committee on Land Settlement on the proposed irrigation scheme in the hundred of Gordon.

PRICES ACT AMENDMENT BILL.

Bill read a third time and passed.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL.

Committee's report adopted.

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

The Hon. T. PLAYFORD, having obtained leave, introduced a Bill for an Act to amend the Landlord and Tenant (Control of Rents) Act 1942-54. Bill read a first time.

The Hon. T. PLAYFORD moved—

That Standing Orders be so far suspended as to enable the Bill to be proceeded with forthwith.

Mr. QUIRKE—On a point of order, Mr. Speaker, copies of this Bill are not before us. This is the second time this session that this has happened on a matter of moment. A few days ago we had the Bill dealing with bulk handling.

The SPEAKER—The honourable member cannot discuss the matter, but he can vote against the motion.

Mr. Quirke—I won't do that.

Motion carried.

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

That this Bill be now read a second time.

I thank honourable members for enabling me to move the second reading now. I desire to give the explanation this afternoon, not because the Government proposes to proceed with the measure immediately, but because next week I have to attend an interstate conference. I thought it would be an advantage to members if the explanation were available now, but the Bill will not be dealt with further until perhaps the latter part of next week. I do not think we will get far with the discussion on Tuesday next. This is a relatively short Bill, but it contains an important departure in policy. It is a measure of great importance because it legislates on the various rights of individuals; therefore, it should receive mature consideration. I regret that copies of the Bill are not available for all members, but it is being printed and no doubt copies will be available soon for members.

The purpose of this Bill is to extend the operation of the Landlord and Tenant (Control of Rents) Act for another 12 months and to make further relaxations of the controls provided by the Act. The Government is satisfied that the need for the legislation continues to exist and it is accordingly provided by clause 8 that the operation of the Act is to be extended for a further period of 12 months, that is, until December 31, 1956. At

the same time, it is the opinion of the Government that the process started some years ago of gradually relaxing the controls provided by the Act should be continued and the Bill provides accordingly. Clause 3 provides that if, after the passing of the Bill, a landlord and a tenant enter into an agreement in writing for the lease of any premises to which the Act applies, and the lease is for a stated definite period, the provision of the Act relating to the control of rents is not to apply to the rent payable under the lease.

Sir George Jenkins—Would that be for a period of 12 months?

The Hon. T. PLAYFORD—It would be for the period stated in the lease. It is not a provision which would be availed of by "smart Alecs." If the landlord wished to get a higher rent for a short period the protection under the Act could be only for that short period. It would be a protection for both the landlord and the tenant. If either side tried to abuse the provision it could prove to be a two-edged sword. The period of the protection must be stated definitely, and it must be reached by mutual consent. For the period of the lease, as far as rents are concerned, the Act would not apply.

Mr. Stott—They could make a long agreement to dodge the law.

The Hon. T. PLAYFORD—No. Although it appears to be an open provision, in the final analysis if the landlord made a reasonable agreement with a tenant for a reasonable period the protection would be for that period. For a short lease there would be protection for a short period.

Mr. Stott—They could make a long term agreement.

The Hon. T. PLAYFORD—The period of the lease would be the period of protection for both parties. It will thus be competent for the parties to make their own arrangements as to the rent payable so long as the agreement is in writing and the lease is for a definite fixed period. If, at the end of the term of the lease, the parties do not agree upon another lease, the rent of the premises will come within the rent control provisions.

Mr. Quirke—If the tenant does not agree there is no agreement.

The Hon. T. PLAYFORD—That is so. The Act now provides that the Act, that is, the provisions relating both to rent and to control of evictions, does not apply to a lease in writing for a term of two or more years. This provision is retained and a lease for this period will be free from all control.

The other provision applies only to the control of rents. Under clause 3 a written lease for a shorter term will be free from rent control but the provisions relating to the control of evictions will continue to apply. Clause 3 will go a great way towards providing that the parties to a tenancy will be free to agree upon the rental to be paid without being subject to control.

Clause 6 deals with the right of an owner to obtain possession of his dwelling. It provides that a lessor may give six months' notice to quit to his lessee on the grounds that the house is needed for occupation by the lessor or the son, daughter, father or mother of the lessor. With the notice to quit there must be served on the lessee a statutory declaration by the lessor setting out the facts including the name of the person for whom the house is required and particulars of the accommodation then occupied by that person.

If the tenant does not vacate the premises and subsequent proceedings are taken in the local court, the court, if satisfied by the lessor that he was entitled to give notice as provided by the clause, is to make an order in his favour without taking into account the hardship provisions set out in subsection (6) of section 49. The fact that the lessor is obliged to sign a statutory declaration means if he serves a notice which is not *bona fide* he renders himself liable to very stern punishment. We have had much objection to the legislation in that many people have bought a house for their own occupation only to find they are held out of possession by the provisions of the Act. I think the time has now arrived when this provision should be relaxed.

Mr. Quirke—Would the statutory declaration have to be presented to a court?

The Hon. T. PLAYFORD—It would have to be served to the tenant at the same time as the notice to quit. If there were any infringement of the Act the tenant would have redress. If there were any reason to suspect that the terms of the statutory declaration were not being observed, obviously the matter would be taken to court. Section 45 of the Act now provides that if a person purchases a house he cannot give notice to quit on the ground that he needs the house for himself until after the lapse of six months. Clause 6 provides that section 45 is not to apply to a notice to quit given under the clause. The effect is, therefore, that a purchaser of a house could give six month's notice to quit under clause 6 immediately after the purchase. The clause will thus appreciably assist an

owner of a house to obtain possession of it when it is needed for the occupation of the owner or a member of his family. At the same time, the requirement of a statutory declaration will, it is considered, prevent the clause from being used for purposes other than those intended.

Section 21 of the Act now provides that where the rent of any premises is fixed by the Housing Trust or a local court, on appeal from the Trust, the starting point is to be the rent which the premises would, having regard to the general rental levels prevailing at September, 1939, have brought at that time. To this must be added $27\frac{1}{2}$ per cent of the 1939 rent and, in addition, allowance must be made for any increases in rates and taxes, maintenance costs and other outgoings. Clause 4 provides that this addition to the 1939 rent level should be $33\frac{1}{2}$ per cent instead of the $27\frac{1}{2}$ per cent now provided. It will be recalled that the amending Act of 1951 provided for an increase of $22\frac{1}{2}$ per cent over 1939 levels and that, in 1954, this was increased to $27\frac{1}{2}$ per cent. It is considered that, in view of the present economic circumstances, a further increase is now justified and the clause provides accordingly.

Clause 5 makes amendments to the Act of a technical nature. Subsection (6) of section 42 sets out the various grounds upon which a lessor may give notice to quit, and subsection (7) provides that, for the purposes of subsection (6), where there is more than one lessor of premises the term lessor includes any one or more of the lessors. Subsection (3) sets out the right of a lessor to give notice to quit and it has been suggested that, as subsection (7) does not apply to subsection (3), all the lessors, in the case of there being joint ownership, must give the notice to quit although section 111 provides that, in the case of joint lessees, service on one is sufficient. It is accordingly provided by clause 5 that the definition set out in subsection (7) is to apply to subsection (3) as well as to subsection (7).

Subsection (9) of section 42 provides that where the lessor is an alien he cannot give notice to quit on the ground that he needs the premises for his own occupation unless he has continuously resided in the Commonwealth for three years. It has been pointed out that in the case of joint ownership such as, say, a married couple, one lessor may comply with this requirement but not the other. Clause 5 provides that any one of the lessors who complies with

this residential qualification may give notice to quit. Clause 7 is the result of a number of complaints made to the Housing Trust. It has occurred that an owner of a house has sold it to a purchaser. The tenant has been informed of the sale but not of the name of the purchaser. On tender of the rent to the previous owner it has been refused and the tenant has been put in the position of being in arrears with his rent.

It is likely that in subsequent court proceedings for recovery of the premises, the court would endeavour to prevent a purchaser from taking advantage of such a practice but it is considered that the matter should be put beyond doubt. Clause 7 therefore provides that if, on a transfer of the lessor's rights, the lessee is not given notice of the name and address of the purchaser and if the lessee pays or tenders the rent to the previous lessor or to the person to whom the rent was previously customarily paid, that is to be deemed a valid payment or tender of the rent.

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

MOTION WITHOUT NOTICE.

Mr. RICHES (Stuart)—I move—

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

The SPEAKER—I have counted the House and there being present an absolute majority of the whole number of the members of the House, I accept the motion. It cannot be debated, but a Minister may reply for a period not exceeding 10 minutes.

The House divided on the motion:—

Ayes (16).—Messrs. John Clark, Corcoran, Davis, Fletcher, Hutches, Jennings, Macgillivray, McAlees, O'Halloran, Quirke, Riches (teller), Stephens, Stott, Tapping, Frank Walsh and Fred Walsh.

Noes (18).—Messrs. Brookman, Christian, Geoffrey Clarke, Dunnage, Goldney, Heaslip, Hineck, Sir George Jenkins, Messrs. Jenkins, McIntosh, Millhouse, Pattinson, Pearson, Playford (teller), Shannon, Teusner, Travers and White.

Pairs.—Ayes—Messrs. Dunstan and Lawn.
Noes—Messrs. Hawker and Michael.

Majority of 2 for the Noes.
Motion thus negatived.

ADJOURNMENT.

At 3.23 p.m. the House adjourned until Tuesday, June 21, at 2 p.m.