HOUSE OF ASSEMBLY.

Wednesday, June 22, 1955.

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

QUESTIONS.

POLICE FORCE STRENGTH.

Mr. HUTCHENS—Recently at least one newspaper has suggested there is a grave shortage of officers in the police force and a possibility of a crime wave in South Australia as a result. Can the Minister representing the Chief Secretary say whether there is a shortage of officers and, if so, what is the cause?

The Hon. C. S. HINCKS—Obviously, I have not the information with me, but I will take up the question with the Chief Secretary and bring down a reply.

RESERVOIR STORAGES.

Mr. GOLDNEY—Can the Minister of Works say what quantities of water are now held in the Barossa and Warren reservoirs?

The Hon. M. McINTOSH—About eight or nine days ago I said that the Warren reservoir was only about one-quarter full, but, as a result of the recent beneficial rains, the Barossa and Warren reservoirs are now full. This will save many thousands of pounds by obviating pumping from the Murray and, furthermore, supply by gravitation is much more beneficial to consumers than water pumped from the river.

Mr. GEOFFREY CLARKE—Can the Minister say what storages are held in the metropolitan reservoirs?

The Hon. M. McINTOSH—Yesterday again we had a very beneficial intake approaching 500,000,000 gallons. The metropolitan reservoirs have a total capacity of over 14,000,000,000 gallons, and today they hold nearly 12,000,000,000 gallons. Therefore, they are well over three-quarters full, and I am sure that, by the end of the present rains, they will be, like the country reservoirs, in a very satisfactory state.

Mr. TEUSNER—Last year I made several applications on behalf of constituents in Nuriootpa and Tanunda for an extension of the water mains to certain properties on which it was desired to build houses. I was informed that because of the state of the Warren reservoir storage it would be impossible to accede to the request until the supply position was better or the Warren was full. In view of the information he has given this afternoon, that the Warren reservoir is overflowing, will the Minister of Works now favourably consider these applications?

The Hon. M. McINTOSH—In the vernacular, you can never win. On the face of it that is the logical question to ask, but there are two problems: the sufficiency of the supply and of the reticulation pipes. However, if the honourable member will be kind enough to renew his application on behalf of those people seeking the supply, it can now be considered in an altogether different light than when it was rejected last year; it will be favourably considered.

Mr. RICHES—Will the Minister obtain a report on the storages in the Quorn, Iron Knob and Tarcoola reservoirs?

The Hon. M. McINTOSH—I will get the information as early as possible.

LOXTON VALUATIONS.

Mr. STOTT—Can the Minister of Repatriation say what progress has been made in the valuation of blocks in the Loxton soldier settlement area, and when the valuations are likely to be completed?

The Hon. C. S. HINCKS—Some time ago I indicated that meetings had been held between officers of the Commonwealth and the States, but that because of the adverse season there might be some delay in finalizing valuations. Those officers will be meeting again in the near future. Naturally, there has been some difference of opinion between the officers of the different States and, of course, that has to be resolved. I hope for the sake of the settlers that this will soon be done so that I can announce what the valuations are. I will advise the honourable member as soon as I have further details.

GARDEN SUBURBS COMMISSIONER.

Mr. FRANK WALSH—Has the Minister representing the Minister of Local Government a reply to the question I asked recently about the appointment of the Garden Suburbs Commissioner?

The Hon. M. McINTOSH—Discussion has ranged around whether the present Commissioner, who has given good service, will continue for a further period or fresh applications will have to be called. I have not heard from the Minister of Local Government of the result of those discussions, but I will inquire from him.

GLADSTONE RAILWAY SERVICE.

Mr. HEASLIP—Has the Minister representing the Minister of Railways a reply to my recent questions about the Gladstone railway service?

The Hon. M. McINTOSH—The honourable member asked two questions and, through the Minister of Railways, I have received the following comprehensive reply from the Railways Commissioner:—

It is correct that there was a defective latch on the door, that the train was not heated, and that it departed late for Gladstone because of the late arrival of the connecting train from Port Pirie. Defects in the lighting of coaches do occur from time to time, and following Mr. Heaslip's question, an inspection was made, but there was no evidence of any general trouble of the kind mentioned by Mr. Heaslip. However, weekly inspections of all night trains are being made, and action will be taken to effect any improvements necessary. Similarly, special attention is being given to repairs of the country coaches. In his question on 14/6/55, Mr. Heaslip no doubt refers to passengers travelling on Saturday evenings from stations Smithfield to Owen inclusive to stations Halbury to Gladstone inclusive. If this is so, then such passengers do have to change trains at Balaklava, and are obliged to wait at that station from 8.20 p.m. to 9.10 p.m. The reason for this is that on Saturday evenings, the department operates two trains from Adelaide, viz.:—Moonta, *via* Hamley Bridge, departing Adelaide 6.00 p.m. Saturdays, arriving Bowmans 8.43 p.m.—Gladstone line passengers alight at Balaklava at 8.20 p.m.; Gladstone, *via* Long Plains, departing Adelaide 6.25 p.m., arriving Bowmans 8.28 p.m.—refreshments, and Moonta passengers alight to join Moonta train arriving from Balaklava at 8.43 p.m. The purpose of this service is to cater for passengers living between Smithfield and Owen desiring to travel to the areas served by the Moonta train, and, similarly, for passengers living between Salisbury and Bowmans to areas served by the Gladstone train. It should be explained that the only passengers who are delayed at Balaklava are those from stations Smithfield to Owen for stations on the Gladstone line beyond Balaklava, and they would evidently be a small percentage of the total. It is proposed, as soon as sufficient of the new country type railcars are available for traffic, to substitute these cars for the steam trains at present operating on the Gladstone line. These new railcars will be air-conditioned and provide very comfortable conditions for our country passengers on this line.

COUNTRY SEWERAGE SCHEMES.

Mr. RICHES—Following on the introduction yesterday of the Sewerage Act Amendment Bill, can the Minister of Works say whether Cabinet has discussed the question of providing finance for country sewerage schemes during the coming financial year?

The Hon. M. McINTOSH—Discussions have taken place along those lines and the preliminary Estimates will provide a line to enable the Government to start on the country sewerage schemes, but, as I stated yesterday, the first step, if the Bill is passed, will be to submit to local councils a revised estimate of the cost to individuals concerned. We can hardly expect a reply in time to do much work if they say "Yes," but on the other hand no Government would be prepared to go ahead with the proposals until the effect of the new rate and the up-to-date assessment was known to the people concerned. We have made preliminary provisions in the event of an affirmative decision being made.

GAWLER HIGH SCHOOL DRAINAGE.

Mr. JOHN CLARK—The Minister of Education, who officially opened the new buildings at the Gawler High School earlier this year, will remember that they are across the Lyndoch road and on steeply sloping ground, which is to be graded later. During the last week or so the heavy rains have caused the storm waters to pour down the slope, seep through the limestone which I believe has a clay base, and damage garages and other neighbouring property. I have been informed that an officer of the Architect-in-Chief's Department visited the school to inspect the damage, and he suggested that an easement be obtained through the neighbouring property in order to get rid of the storm water. I understand that the owner of the neighbouring property is agreeable to this so long as the damage is repaired, but the officer from the department is not happy about that and there is a deadlock. In the meantime the damage is continuing, and I understand there is a strong possibility of legal proceedings. Will the Minister of Education have this matter fully investigated with a view to finding a permanent solution to the drainage problem in that area?

The Hon. B. PATTINSON—Yes.

FRUIT FLY.

Mr. WHITE—Last Monday I attended an executive meeting in Melbourne of the Murray Valley Development League. Among other matters discussed there was the spread of the fruit fly in the areas contiguous to the River Murray in Victoria and New South Wales. From those discussions I learned that the latest outbreak was at Barham, about 200 miles from the South Australian border. The general opinion at the meeting was that people travelling and carrying fruit from the infested areas, perhaps for consumption on the trip, were responsible for the spread of this major pest. The outbreak that I have referred to is about one day's travel by motor car from the River Murray fruit districts in this State, so the seriousness of the situation is obvious. Can the Minister of

Agriculture say what precautions are being taken here to prevent the spread of the fruit fly in the manner I have indicated?

The Hon. A. W. CHRISTIAN—The department has officers whose job it is to watch for this kind of thing, particularly on the roads adjacent to the border, and only recently we asked for the Police Department's co-operation in providing some of their personnel to assist in this patrol. By way of illustration of the department's awareness of the problem, they provide an inspector who boards the Melbourne-Adelaide express in the hills each morning and travels on it to Adelaide for the express purpose of watching for this kind of thing, and fruit carried by passengers from other States is confiscated and, of course, destroyed. The same thing happens regarding passengers travelling from the West, and on occasions we have had vigorous protests from passengers relieved of fruit they were carrying contrary to our regulations. True, an outbreak has occurred in N.S.W. further afield than hitherto, namely, in the Murrumbidgee irrigation area, as well as at Barham. The N.S.W. Government claims that it has taken prompt action to suppress the fruit fly, and a complete ban has been placed on the export of citrus fruit from those areas. It cannot be exported either interstate or to the usual markets in New Zealand. This matter is listed for discussion at the forthcoming Agricultural Council meetings which I will be attending on July 4 and 5, and I daresay much discussion will take place on remedial measures as well as on action to confine this pest when outbreaks occur.

Mr. WILLIAM JENKINS—On the return trip from Western Australia recently by the Parliamentary party, just before the train reached the South Australian border a guard passed through the carriages and said "Fruit will be destroyed here as we are approaching the border," but I witnessed no enforcement of that statement. Can the Minister of Agriculture say whether there is an inspector on the East-West or West-East trains for that purpose?

The Hon. A. W. CHRISTIAN—I do not think there is an inspector on the East-West train. That train is met at the Adelaide railway station and passengers who are obviously carrying fruit are spoken to by an inspector and the fruit is confiscated. So far as I know that is as far as the measure goes.

Mr. MACGILLIVRAY—Is the Minister of Agriculture of opinion that if more publicity were given to the fact that it is contrary to South Australian regulations for the travelling public to bring fruit into the State it might do more good than all the inspections? Obviously it is impossible for inspectors to examine the luggage of all persons coming into the State. On one occasion I destroyed fruit that had been brought from Western Australia, after it had come to Port Adelaide by ship, from Port Adelaide to the city, and from the city to the fruitgrowing areas. It was entirely by accident that I learned the four passengers in the coach on which I was travelling had brought it from Western Australia. At no time had they been told that they were breaking regulations. They were four young girls, three of whom worked in Government offices, and they were upset when they knew that they were breaking the stringent regulations. I suggest that the Minister approach the shipping companies on the matter. I understand that there are broadcasting systems on nearly all ships and during the trip from Western Australia passengers could be told of the position, and again at Port Adelaide. Perhaps something similar could be done at railway stations. On no occasion when I have travelled from Western Australia to Adelaide have I been informed that precautions had to be taken about bringing fruit into the State. The biggest danger comes not from people who are out to break the law, but from people who are ignorant of it.

The Hon. A. W. CHRISTIAN—I shall be glad to examine the honourable member's suggestion about further publicity. I remind him that the department engages in a great deal of publicity and has been highly commended by the Murray Valley citrus organization regarding what it attempts, but with some people publicity does not mean a thing. They will throw fruit out of a car just as many people, in periods of high fire risk, throw out cigarette butts. That type of person will not listen to publicity. We shall always have them and consequently suffer a great deal of damage. We will further examine the suggestions for further publicity and, if it is feasible, give effect to it.

NORTH TERRACE—GLENELG RAILWAY LAND.

Mr. FRED WALSH—About four or five years ago, on behalf of constituents, I complained of the Highways Department's practice of using the area of land belonging to the old North Terrace-Glenelg railway line between South and West Beach roads as an old materials dump. I was promised the

matter would be considered, and an attempt was made to clean it up. Recently, however, that practice has been extended and today the area is cluttered with steel girders and wooden poles and is an eyesore to residents whose properties front the area. In a local publication I read of the decision of the West Torrens council to approach the Highways Department for permission to use the area for a metal dump. Will the Minister of Works request the Minister of Roads to refuse any request to use the old North Terrace-Glenelg railway land as a metal dump, and also consider the early removal of the wooden poles and steel girders from the area between South and West Beach roads?

The Hon. M. McINTOSH—I will take the question up with my colleague. I remember the member raising the matter some years ago when some consideration was given to it.

WALLAROO RAILWAY WORKSHOPS.

Mr. McALEES—When the bulk handling of grain is instituted it will be necessary for railway trucks to be equipped for that purpose. Will the Minister representing the Minister of Railways ascertain whether that work can be done in the workshops promised by the Premier at Wallaroo instead of at Islington?

The Hon. M. McINTOSH—The honourable member's recollection of what the Premier promised is entirely different from mine. The Premier's statement was that he thought it would be impossible to do work of that nature at Wallaroo unless the workshop were fully equipped, and he did not hold out any hope that rollingstock could be taken to Wallaroo and fitted. The work cannot be done at Islington alone but at Peterborough and other places which have the necessary equipment. I will ask my colleague if it is possible for any portion of the work to be economically diverted to Wallaroo.

SOUTH-EAST LAND SETTLEMENT.

Mr. CORCORAN—Some years ago an area of a little over 6,000 acres, situated some miles west of Penola, was purchased for soldier settlement from people named Drury. The development and settlement of this area has been held up because of the delay of the Federal Government in indicating its approval or otherwise of the area. Incidentally, that is typical of the Federal Government's attitude towards most land purchased for soldier settlement in the South-East, and it has retarded settlement. Can the Minister of Lands indicate whether there is any immediate prospect of this land being developed and settled?

The Hon. C. S. HINCKS—I know the area referred to and have walked and driven over a large portion of it. I believe that at least five settlers could be established on it. The Lands Department has recently taken action to have a soil survey made to ascertain whether it is suitable for development as a State project under the Crown Lands Development Act. As soon as I get its report I will take it to Cabinet with a view to having the area included for development under the Crown Lands Development Act.

POLICE NOTES OF INTERVIEWS.

Mr. TRAVERS—In almost all cases of a criminal or quasi-criminal nature police officers interview accused persons at some time before a trial and when they come to court they have a typewritten document and say they cannot remember sufficiently without referring to the document, and then simply read it. In almost every case, too, the document is compiled after and not during an interview. My understanding of the position is that the community pays to teach police officers shorthand at the Police College, the object of which is to have accurate reports of interviews. It is essential in the interests of accused persons, as well as of judges and magistrates who must arrive at the truth and the community which is to be protected against mis-reported conversations, that all such reports should be accurate. As there is a growing uneasiness in the minds of those who have to deal with these matters about the accuracy of these *ex post facto* reports of conversations which have not been made during the interview will the Minister representing the Chief Secretary ascertain, firstly, whether it is a fact that police officers in training are taught shorthand; second, whether it is not for that very purpose that they are so taught; third, for how many years has that been the practice at the Police College; fourth, whether there are any official instructions to interviewing police officers that they should take the interview in shorthand, or, alternatively, not do so; and fifthly, whether instructions will be given to ensure that all officers who can write shorthand will take contemporary reports of interviews so that the court and counsel may see the general trend of the interview and not have to rely on *ex post facto* accounts of it?

The Hon. C. S. HINCKS—I will get a report from the Chief Secretary and let the honourable member have it.

IMPORTED PREFABRICATED HOMES.

Mr. JENNINGS—Has the Minister of Lands a reply to the question I asked the Premier on June 16 regarding an adjustment in the rents of imported prefabricated homes?

The Hon C. S. HINCKS—I have received the following report from the Housing Trust:—

During the progress of the imported timber house programme costs increased substantially, the principal items contributing to this increase being increases in overseas shipping freight rates and the price of timber. Consequently the cost of the earlier houses was less than that of later houses. In order to equalize these costs and the rents which must be charged for the houses as a whole it is the practice of the trust, when one of the early houses becomes vacant, to charge to the new tenant the same rent as is being charged for the later built houses.

MANSFIELD PARK SCHOOL.

Mr. STEPHENS—Has the attention of the Minister of Education been drawn to the paragraph in this morning's *Advertiser* that the Woodville, Port Adelaide and Enfield councils have appointed a committee, together with a representative of the Highways Department, to consider the matter of the drainage of their areas? The Minister will remember that recently we took a deputation to him asking that something be done to the drain running through the Mansfield Park school yard. Will he have the drainage of this school referred to the committee so that it can deal with the matter at the same time?

The Hon. B. PATTINSON—I did not have my attention drawn to the report, but I read it this morning. I do not know whether I have the authority to refer the matter to the three councils, but I shall be pleased to take whatever action I can to request them to consider it. Only last week I had occasion to examine the docket preparatory to a deputation which the honourable member introduced from members of the Enfield school committee, and it contained voluminous correspondence that had passed between the various interested parties, and several reports and recommendations, but the substance of them all, so far as I could ascertain, was that neither the Education Department, nor the Engineering and Water Supply Department, nor the Enfield council accepted responsibility for the flooding of the Mansfield Park school ground. I was pleased to read the report in the *Advertiser* that the three councils at least proposed to meet to formulate a plan.

DAYTIME EXPRESS TO MELBOURNE.

Mr. TAPPING—Has the Minister of Works a reply to the question I asked on June 8 regarding the need of a daytime express to Melbourne?

The Hon. M. McINTOSH—At the same time that the honourable member asked the question I received a reply from the Minister of Railways stating that the Commissioner of Railways reports:—

I notice that the chairman of the Victorian Railways Commissioners, Mr. R. G. Wishart, is reported to have said, "There is not enough traffic to warrant running a second express to Adelaide during daylight. The Commissioners would not switch "the Overland" express to day running, as a big percentage of passengers are business people who prefer making the trip at night." It would appear from this that the Victorian attitude to this problem is unchanged.

TRAMWAYS TRUST SALARIES.

Mr. LAWN—Has the Minister of Lands a reply to the question I asked on June 9 concerning increases in salaries to certain officers of the Municipal Tramways Trust?

The Hon. C. S. HINCKS—I have received the following report from the Government's representative on the Tramways Trust—

The figures quoted by the member for Adelaide about recent increases in salaries are substantially correct. The salary of the general manager was increased from £2,853 to £3,500 a year; the commercial manager from £1,616 to £2,000; and the industrial officer from £1,416 to £1,700. The increases operated from December 19 and were consistent with the increases recently determined by the Public Service Board for comparable senior State public servants.

AMALGAMATION OF SMALL COUNCILS.

Mr. STOTT—There has been discussion recently about the desirability of the amalgamation of certain district councils with low incomes and comparatively high administrative costs. Will the Minister representing the Minister of Local Government take up this question with his colleague to see whether anything can be done to amalgamate the smaller district councils and enable them to reduce their high overhead costs and thereby get more work done for their ratepayers?

The Hon. M. McINTOSH—When I was Minister of Local Government I repeatedly advocated such a policy, but it remains largely a matter for councils themselves to initiate the move. However, I still think this is highly desirable and I am sure my colleague holds the same view. The overhead expenses of the smaller councils is too high, but whether it is

feasible to take some definite action is another question, for the idea met with much hostility previously.

Mr. Stott—Can the councils refer the question to their ratepayers?

The Hon. M. McINTOSH—Yes, anyone within a district council area can ask for the council to be merged with another, but I do not think the Minister has any power to compel councils to take this action. I will follow up the question and get more information for the honourable member.

PORT LINCOLN HARBOUR IMPROVEMENTS.

Mr. STOTT—It seems likely that, as a result of the Loan Council's discussions in Canberra, the State's Loan programme will be seriously curtailed. I ask the Minister of Agriculture whether this will have any effect on the reclamation scheme planned for Port Lincoln to enable bulk handling of grain there?

The Hon. A. W. CHRISTIAN—I do not know to what extent the State's Loan programme will be curtailed by any diminution of Loan money, but the Government has this scheme before it for consideration in this year's programme and I expect it will receive its proper share of Loan allocations.

CONSTITUTION ACT AMENDMENT (LEGISLATIVE COUNCIL FRANCHISE) BILL.

Second reading.

Mr. O'HALLORAN (Leader of the Opposition)—I move:—

That this Bill be now read a second time.

This Bill provides for the abolition of the property qualifications now applied to electors of the Legislative Council and also for the abolition of the requirement that a member of that House shall be at least 30 years of age. It seeks to achieve the first of these reforms by repealing sections 20, 20a, 21 and 22, of the Constitution Act, which prescribe the existing property qualifications, and substituting therefor the provision that all persons eligible to be enrolled for the House of Assembly shall be eligible to be enrolled for the Legislative Council. It seeks to achieve the second reform mentioned by repealing section 12 of the Constitution Act and re-enacting the section to provide that any person entitled to vote for the Council shall be entitled to become a candidate for election to that House. In conjunction with the previously mentioned provision, this would have the effect of entitling any person on the Assembly roll to become a candidate for election to the Council.

Bills with these aims have been introduced by the Opposition on a number of occasions; but they have been defeated for the sole reason that it is the policy of the L.C.L. not to implement democracy in this State but rather to perpetuate a system which makes it almost impossible for any other Party to secure a majority in either House of Parliament. The democratic election of our State Parliament, on the other hand, is one of the basic planks of Labor's platform, and this Bill represents still another attempt to bring before the notice of the Government and the people the electoral injustices that have been perpetuated, especially by the retention in the Constitution Act of the property qualifications for the Legislative Council.

The insistence on property qualifications is a survival of the old "No Surrender" idea that actuated the framers of the Constitution. They had been elected (to the Legislative Council of the time) on a property qualification, and they were determined that whatever semblance of democracy might be imparted to the Constitution by allowing manhood suffrage for the then proposed House of Assembly, the impregnable position of the Legislative Council in the scheme of things should not be assailed or even questioned. It must not be forgotten that before the present Constitution was conceded to the people of South Australia, the Legislative Council was the governing body of the Colony, and the principle that those who own the land rule the country, as expressed in the constitution and powers of that Chamber more than 100 years ago, has never really been altered.

In the early days when South Australia was essentially a primary production State, and the production of the land represented the main part of the total production, obviously the landowners had a direct and vital interest in controlling the Legislature. They asked for, and were entitled to, a just deal under the laws passed by the Legislative Council, but they went further and insisted that the opinion of the people who owned the province was to be the only one considered in determining the laws. With the passage of time South Australia has changed from an entirely primary-producing State to a little more than a 50 per cent manufacturing State, and the term "landowners" may now be qualified by including those who own industries. The position, however, remains the same: those who own land and industries

have protected their interests, firstly by the redistribution of seats in this House, a system promulgated and maintained by the Party represented by the present Government, and secondly, by the maintenance of a property qualification for the Legislative Council as a second line of defence and the last, impregnable bulwark to deny the rights of the people who, by their labours in the past, have made this State great, and by their present labours are making it greater still.

Some have argued that the Council is constituted as it is in order to prevent the enactment of hasty and ill-advised legislation; but the real purpose of this very catch-cry is to conceal the fact that the Council exists for the sole purpose of rejecting, where deemed necessary, any legislation that might reduce the power and privileges enjoyed by a small minority of the people. Even today that small minority constitutes the "landed" few with the qualification I have made, despite the fact that the property qualifications applied now are not identical in sense or meaning with those applied a hundred years ago.

But there is no reason to suppose that if the council were elected on adult suffrage, it would be composed of persons any less capable of judging issues of importance to the State than those who now grace the benches of that House. In fact, much hasty and ill-advised legislation has been passed through both Houses during the last few years. Frequently we are asked to agree to amendments correcting drafting errors in previous amendments; in other words, because legislation has been rushed through in the dying hours of the session, it has been found later not to mean what it was intended to mean. This has resulted in an almost interminable procession of Bills making drafting amendments.

Mr. Hutchens—They are usually introduced towards the end of the session.

Mr. O'HALLORAN—Yes. Probably these non-contentious measures are intended to be held in reserve as pot boilers for the end of the session in order to keep one House sitting while the other is considering legislation already passed by one House. Consequently, two or three sessions may elapse before we finally know that the real intention of Parliament has been expressed. We find this sort of thing happening in measures on important subjects. For instance, the Local Government Act has been amended again and again over the years, and I defy any ordinary person charged with its administration to interpret many of its important provisions. It is essential that the language of that Act should be couched in such terms as can be understood and administered by those laymen with ordinary commonsense who are elected by the ratepayers. Members of this House frequently have great disputation about the meaning of a particular section of the Landlord and Tenant (Control of Rents) Act, as a result of which it becomes necessary to wade through the sheaves of amendments made from time to time, often as the result of conferences between the two Houses, in order to find out what was really meant by the Legislature.

Be that as it may, much hasty and ill-advised legislation has been passed through both houses during the last few years, largely because of the peculiar coincidence that the Liberal and Country League has majorities in both Houses; and, of course, everyone knows that there is no point at all in this theory about holding up legislation unless the majorities in the two Houses are of different political colours.

The L.C.L.'s insistence on the existing token property qualifications is designed also to ensure that some people who may possess one or more of these qualifications but are ignorant of their privilege to apply for enrolment, do not actually apply. The deliberate disqualification of a large number of citizens achieved by the property qualifications is also an insult to the intelligence and worthiness of the great majority of those citizens, who are ineligible for enrolment simply because they do not possess—and in some instances cannot possess —such qualifications. This particular injustice applies especially to most adult women, who are considered worthy of a vote for the House of Assembly but who are not so considered when it comes to a vote for the Legislative Council.

I have said that the property qualifications which now obtain are token qualifications, and that is what they really are in view of the considerable depreciation that has taken place in the value of money since they were last amended. At one time, no doubt, the amounts fixed did have some *bona fide* significance, but that significance has long since vanished, and the retention of property qualifications, expressed, as they are, in money terms, would almost seem to have been insisted upon by the L.C.L. for the sake of being able to say that there is some distinction between the House of Assembly and the Legislative Council in this respect. When, nearly 50 years ago, a Labor Government sought to reduce one of

the property qualifications in terms of money, members of the Council haggled over whether there should be a reduction of £5 or £4 per annum in the value of a dwelling and introduced into the debates petty distinctions between land tax values and local government rating values in order to make it appear as if they were prepared to agree to a reduction. It was clear then, as it has always been, that the most important motive of the conservative members of that House was to ensure that the number of electors should be kept to a minimum, property qualifications being merely the means of achieving that end.

Another purpose behind the present restrictive franchise is to discourage as many people as possible from taking an active part or even an interest in the political affairs of the country. Enrolment of those who are eligible is purely voluntary, not because it preserves the dignity of the individual in allowing him to choose to apply for enrolment or not (as L.C.L. spokesmen would have us believe), but because it is just another means of keeping Council enrolments down. This is the more obvious because voting at Council elections is also voluntary, although voting at Assembly elections is compulsory; and L.C.L. protagonists have supported this rule of voluntary voting at Council elections on the same ostensible grounds as they have supported voluntary enrolment. The real reason, however, is to make sure that A.L.P. supporters are saved the trouble of voting at Council elections where there happen to be one or two safe—and therefore uncontested—Labor Assembly districts.

In 1938 a return was made of the number of persons enrolled for the Council which showed that about 37,000 of the total 129,000 entitled to vote were women, that is, about 29 per cent; whereas, of course, for the Assembly the percentage was and is, approximately 50. Very little has happened in the meantime that would have altered that relationship; so that we may fairly infer that if a similar return were made today, it would disclose the same degree of injustice.

Mr. Hutchens—Very few women have any say in the making of the laws of this State.

Mr. O'HALLORAN—That is so, and they are the people we depend on to maintain the homes which are the basis of the State.

Mr. Hutchens—And to supply the men to fight for democracy.

Mr. O'HALLORAN—Yes, to rear and produce the manpower to fight for these democratic principles that are denied them in South Australia. At the moment the will of the people of South Australia is being prevented from expressing itself effectively even in the House of Assembly owing to the peculiar views the L.C.L. has about representation in that House; and for that reason the essentially unjust and undemocratic franchise for the Legislative Council and its effect on the constitution and nature of that Chamber are not brought out in bold relief; but under a democratic system of elections, the House of Assembly would reflect the will of the people and, under those circumstances, the true significance of the purposes and powers of the Legislative Council would be emphasized. That Chamber would be able to obstruct any of the progressive legislation that happened to clash with the interests of the privileged few—and it would obstruct that legislation merely for the sake of preserving those interests. As everyone knows, the present deadlock provisions were designed to be another means of ensuring the perpetuation of this situation, but, surely, if the Federal Constitution can provide for the election of both Houses on adult suffrage, with the sole provision of overlapping Senate terms for deadlock purposes, a similar safeguard (also included in the South Australian Constitution in the form of overlapping Council terms) should be sufficient of itself to ensure the due and necessary suspension of legislation to which the people as a whole might not be prepared to consent at first.

One of the most popular and specious arguments used in this State for the retention of the property qualification of the Legislative Council is that it is required to act as a brake on hasty legislation conceived by a democratically elected House of Assembly. Of course, that argument has completely lost countenance in recent years because we have not had a democratically elected House of Assembly. If we had, surely the requirement that half the members of the Legislative Council should retire at each House of Assembly election—as half the Senate retires from the Commonwealth Parliament every three years although not necessarily at each election—would provide the necessary steadying influence on any hasty legislation, if one concedes that hasty legislation could possibly emanate in a democracy from a Parliament truly representative of the democracy. The overlapping terms of office of members of the Council, combined with the existing deadlock provisions and restricted franchise, ensure that the will of the minority shall prevail—that is, the minority which the Council really represents.

Recently the Victorian electoral system was altered to provide for adult suffrage for the Council, and in the Victorian Parliament, as in the Federal, from now on, even when one party with a majority in the lower House may have to overcome a residual opposition (due to overlapping terms of office) in the Upper House, if it is the will of the majority of the people, that opposition will be overcome in the normal course of Parliamentary elections. That is how it should be in this State.

I suggest we have a good example of that in the present position in Victoria. As a result of the elections held recently in that State the Liberal and Country Party secured a majority of one in the House of Assembly, entitling it to form a Government, but as a result of the elections held last Saturday the Liberal and Country Party has not a majority of its own supporters in the Legislative Council. From memory, I believe there are 10 members of the Labor Party, five members of the break-away Labor group, 10 members of the Liberal and Country Party and eight members of the real Country Party. In Victoria the Country Party is a real "Country Party" and not something masquerading under a hyphenated name. It claims to represent the interests of the real country voters. The Liberal and Country Party Government will have to depend on members of the Country Party in the Legislative Council in order to give effect to its policy. It will have to so depend for the next three years, or until difficulties arise which will precipitate an election. When that happens it is obvious, judging by the votes in the recent elections, that there will be a Labor Government with a majority at least in the House of Assembly and I suggest that at the ensuing Legislative Council elections the Labor Party will also have a majority there.

There does not seem to be any good reason why property qualifications are retained in our Constitution; and, likewise, I do not see any good reason why the Constitution should prescribe a minimum age of 30 years for persons seeking election to the Council. That provision is a relic of the past and would, in fact, operate against several members of this House if they contemplated contesting a Council seat. Some of us have had the experience of being elected to this House without being eligible to contest Council elections. You, Mr. Speaker, were elected to this place when you were not eligible for election to the other place. Our latest new member, Mr. Millhouse, had to face a pre-selection ballot against 10 well-known and illustrious members of his Party, but he was so regarded by the best people in his district that he was chosen at that ballot, and ultimately became the member for the district with a large majority. If he had wanted to enter the Council he could not have stood for election. I think he must wait about five years before he can do that. I do not claim to have any special virtue as a member of Parliament but somehow or other I have become the Leader of the Opposition, and I suppose that means that I have characteristics that are worth something to the Parliamentary institution. After all, in all British Parliaments the Opposition has a definite place. I was first elected to the Assembly when under 25 years of age. I would have had to wait for three more elections before being qualified to be a candidate for a Council election. My great friend, Mr. Albert Hawke, who is now the Premier of Western Australia, was elected as my colleague for the Burra Burra district in 1924. He was then less than 24 years of age. As he has become Premier of our sister State he must be of some value to the Parliamentary institution. If he had remained in South Australia he could not have stood for a Council district until after three elections following his election to the Assembly.

Mr. Travers—What is the minimum age in Western Australia for election to the Legislative Council?

Mr. O'HALLORAN—I know some of the members of that Council and I would say that there is no minimum age, but that is subject to correction. However, the interjection has no point at all. I am not discussing the question of constitutional reform for Western Australia, but for South Australia. I hope that with his love for the rule of law the honourable member will have some regard to this matter and support the Bill in the interests of the people who are governed by the law. At the last Assembly elections Mr. Dunstan and Mr. Jennings were elected to this place. They have rendered valuable service, but neither of them would have been eligible at that time to contest a Council election. The greatest example of all in the British Empire is William Pitt the Younger, who first became Prime Minister of England in 1783 when 24 years of age.

Mr. Brookman—Was he entitled to become a member of the House of Lords?

Mr. O'HALLORAN—No. If the honourable member knew anything about the British Constitution he would know that at that time the House of Lords was a hereditary House,

and still is. Our Legislative Council claims to be an elected House. The honourable member will say that it is a democratically elected House.

Mr. Brookman—There is nothing to prevent a man from being Premier in this place at 24 years of age.

Mr. O'HALLORAN—My point is that the property qualification and age limit has kept out of the Council many men who could have rendered good service to the State. William Pitt the Younger was an illustrious Prime Minister and served his country well, but if he could be reincarnated at the age of 24 he could not become a member of our Legislative Council.

Mr. Travers—We would try to get him into the Assembly.

Mr. O'HALLORAN—There is no doubt he would be an improvement on some of the present members. The property qualifications are set out in the Act. The adoption of the same qualifications for the Legislative Council as for the Assembly would render sections 20a, 21 and 22 superfluous because similar provisions are contained in sections 33 and 33a which relate to the eligibility of persons for enrolment for the Assembly.

Mr. Travers—How long has the present qualification for the Council existed?

Mr. O'HALLORAN—I think since 1913 or 1914. When Mr. Condon introduced a similar Bill in another place he was accused of trying to deprive ex-servicemen of a privilege that had been granted to them as a result of their war service. That is not an important point at present, because the privilege was granted to servicemen 18 years of age or older and they have now long since gained their majority, and have the right to vote for the Assembly. The qualifications for enrolment and voting for the Assembly for ex-servicemen at 18 years of age will still remain in the Constitution, even if the Bill is passed. Therefore, if we ever become involved in a war again the privilege will be available to ex-servicemen. The adoption of the same qualifications for voting for the Assembly and the Council would render unnecessary the maintenance of two rolls. That would mean a saving in connection with expenditure on the electoral office, and much trouble would be avoided for the electors by their not having to fill in two forms in order to secure their undeniable democratic rights. Under the joint roll system they would be able to fill in a form that would entitle them to vote for Commonwealth, Assembly and Council elections.

Mr. Lawn—It would create greater efficiency.

Mr. O'HALLORAN—Yes, and ultimately result in people taking a greater interest in the activities of the Government and Parliament. That must be the proper foundation of any democratic system. The moment we make conditions for most people onerous and difficult they feel frustrated, and believe they are not having a definite voice in making the laws under which they are governed. That sort of thing breeds totalitarianism, and especially communistic totalitarianism, something which I hate, and which is hated by every member on this side of the House.

The Hon. C. S. HINCKS secured the adjournment of the debate.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL.

Returned from the Legislative Council without amendment.

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

Adjourned debate on second reading.

(Continued from June 21. Page 382.)

Mr. O'HALLORAN (Leader of the Opposition)—This Bill extends the operation of landlord and tenant legislation for a further 12 months. I think there are only two points to be considered: whether it is necessary to continue the legislation at all, and whether, if continued, it should be whittled down as is proposed. The Act was first passed because of the disturbance of economic conditions as a result of the war. During the war the normal rate of house building was greatly affected by the lack of men and materials and, as the result of the tremendous increase in the marriage rate and the influence of immigration after the war, there was an unprecedented demand for houses. Therefore, it was necessary to continue the legislation after the war.

Mr. Lawn—It should be continued indefinitely.

Mr. O'HALLORAN—I think so, but not in the same form. We should have permanent legislation setting up a fair rents court which would see that justice was done as between landlord and tenant. The test of whether it is necessary to continue the legislation is the number of people still living under unsatisfactory accommodation and the number who, but for the protection afforded by the Act, would probably find themselves camping on the footpath. I shall quote figures supplied by the

Housing Trust, which has become the principal housing organization in South Australia. Private people are not now building homes for letting, and they will not do so as long as present high building costs remain. The Housing Trust figures show that instead of there being less need for this legislation there is more need for it than there was in 1950-51. New applications to the trust for the last four years were as follows:—

Year.	Rental.	Purchase.	Emergency.	Total.
1950-51	3,212	3,207	2,794	9,213
1951-52	3,032	2,298	2,737	8,067
1952-53	4,589	1,839	1,516	7,944
1953-54	5,882	2,573	1,352	9,807

Members will notice that the total number of applications was highest in 1953-54. The total numbers of applications to the Housing Trust since its inception were 47,361 for rental homes, 20,102 for purchase homes, and 12,067 for emergency houses, a total of 79,530. The Housing Trust's report for 1953-54 said it was estimated that as at June 30, 1954, there were 11,800 rental applicants actually in need of housing, and that 1,200 to 1,300 applications for purchase homes were still effective. The report also stated that the number of effective applications for rental homes in the metropolitan area seemed to have increased at the rate of about 1,000 a year over the last few years. That provides ample evidence of the necessity to continue this legislation and offers abundant proof that we should not whittle it down in any respect. If the Bill is passed it will weaken the position for those 11,800 applicants for rental homes and 1,200 to 1,300 applicants for purchase homes.

I know it has been said that the legislation results in injustice to some owners of property, and I admit that it does, but, generally speaking, it does not create the degree of hardship occasioned by a family being evicted and having nowhere to live. There are some extraordinary provisions in this measure. In clause 6 we are asked to agree to something that modifies the present provision on securing possession of a house. At present if an owner requires a house for his son or daughter he has to give six months' notice and then prove some degree of hardship, but under the Bill he will simply have to make a statutory declaration setting out the living conditions of the person for whom he requires possession and give six months' notice. Then an eviction order can be issued by the court without considering any argument in favour of the tenant. Again, the Act provides that if a landlord and a tenant agree to a lease for a period of two years or more they can contract out of the Act.

Mr. Travers—To put it more accurately, they can contract.

Mr. O'HALLORAN—Yes, and that puts them outside the operation of the Act, but the Bill provides that if an agreement is made for any definite term the Act will not apply as far as the fixation of rent is concerned. Certainly, the tenancy provisions still apply, but under those circumstances, if a person applies for tenancy of a vacant house, the landlord may say, "That is all right by me, provided you are willing to sign a lease for a specific period." The result of this will be that under this provision the landlord can raise the rent. I do not like that, and I intend to ask the Committee to reject Clause 3.

Clause 4 raises the permitted increase in rent from 27½ per cent to 33⅓ per cent above the 1939 level. This has been a contentious matter for a long time, and there is still a feeling abroad that the total increase permitted by the law, namely, the first increase of 22½ per cent permitted as the result of the Gillespie Committee's report, and the further increase of five per cent last year, is the only increase the Housing Trust is permitted to authorize in the case of applications by landlords; but in addition the trust must also consider all increases in rates, taxes, repairs, renovations and other expenditure compared with the 1939 level, with the result that, in every case brought to my notice over the past few months, the Housing Trust, in carrying out the formula, has had to increase the rent by more than 100 per cent. After examining these cases I have had to advise the people submitting them that, in my opinion, the trust's action was justified by the Act. The real test, however, is the tenant's ability to pay, and the great majority of people forced to live in rented homes are those on the lowest incomes, earning the basic wage or a little more. The basic wage has been pegged for over 12 months, and there is therefore no possible justification for Parliament to agree now to the further proposed increase of almost six per cent. For those reasons I will ask the Committee to reject clause 4.

I see no objection to clause 5, which simply tidies up a provision that might have been onerous, particularly in the case of new Australians who married Australian citizens, in debarring people from acquiring possession of their homes for the statutory period of three

years merely because they had married new Australians. The clause provides that where the property is jointly owned by a person coming from overseas and one born in Australia, the owners can give notice to quit in accordance with the general provisions of the Act. Clause 6 has some merit, as it simplifies the procedure in taking action under the law, but it has dangers which, in my opinion, outweigh its merit. At present if a property is acquired for the purposes mentioned in the clause, namely for the occupation of the lessor or his son, daughter, etc., it is necessary to prove some degree of hardship, whereas under this clause it is not. All that is required is a statutory declaration indicating the living conditions of the person for whom the property is required, and six months after the service of the notice to quit the court must issue an eviction order. There is provision in the Oaths Act to punish people making false statutory declarations, but I am prepared to rest on the section in the Landlord and Tenant legislation that contains provision to punish people who untruthfully make statements that result in their securing possession of premises to which they are not entitled. My preference for that provision is all the stronger because clause 6 removes from the consideration of the court that degree of hardship mentioned in the existing legislation.

Clause 7 deals with payment of rent and provides that no subterfuge may be used by a new owner who denies the tenant the right to pay the rent in the usual way, and I agree with that provision. I also agree with clause 8, which provides that the Act shall continue to operate for a further 12 months. Some consideration should be given to the re-control of certain types of business premises. Two years ago we removed willy-nilly from the Act the protection afforded to tenants of business premises, but since then members have heard of many cases of great injustice where worthy people who are serving the community, particularly those engaged in the conduct of small businesses such as cafes and milk bars, professional people and many others, have been either charged extortionate rents or evicted, thereby losing the goodwill of their business. In the limited time at my disposal I have tried to find some satisfactory method to deal with this situation, but, unfortunately, I have been unable to do so because it is a complex question. Because, in the teeth of opposition from members of this side and from one or two of its own supporters, the Government two years ago removed business premises from the Act, I see little chance of its now accepting amendments that would restore such premises to full control under the Act. I do not expect that this Bill will pass today or even next week, and I appeal to the Government to see whether some relief cannot be given to those people I have referred to. With those qualifications I support the second reading.

Mr. BROOKMAN (Alexandra)—One of the commonest illusions during World War II was that, if everybody worked hard to win the war and in doing so submitted to many irksome restrictions, there would come a day when, having won the war, they would be able to return to pre-war conditions; but people soon found out that they had been mistaken and that it was impossible to remove those restrictions immediately after the war. It was stated that they would have to be continued for a time; therefore year after year legislation was passed retaining these controls. A number of problems cropped up. Firstly, with the Korean War there came a steep increase in the price of wool, which created a strong inflationary pressure; because of this it was not found possible to drop these controls suddenly. The major controls continued after World War II related to prices, which we have already discussed this session, and to tenancy, the subject of this legislation. I believe this Government has done an admirable job by means of its landlord and tenant legislation: it has relaxed controls where possible without throwing large numbers of people into confusion.

Mr. Tapping—Confusion abounds already.

Mr. BROOKMAN—I consider the Government has relaxed controls rather slowly, but it has steered a middle course between the opinion of members opposite, who acknowledge that they would prefer to retain these controls permanently, and the expression of property owners, most of whom are unsympathetic toward the controls. I acknowledge fully—and I do not wish this to be taken either as a boast or a confession—that I consider that the Government has been too slow in relaxing these controls. When the Act has been reviewed each year I have repeatedly urged quicker relaxation. It must be admitted that, if this legislation were suddenly repealed, great hardship would result to some people; the poorest would undoubtedly suffer. On the other hand, many tenants have been unfairly sheltered by the Act and could have done much more for themselves had they been forced to do so. They have lost, to a great extent, their will to do anything for themselves. It might not be

popular to mention depressions, but no-one in Australia can say how a depression could be prevented. We depend to such an extent on our overseas buyers that we cannot cut ourselves off from the rest of the world and our economy depends on the economy of other countries. If we experienced a depression, what would happen to those who have lost the will to look after themselves? I emphasize that I am only referring to some tenants. The landlord and tenant system is as old as civilization and will always be with us. It would be an unwarranted procedure to scorn tenants in general, but some are unfairly protected and owners suffer. Many could find other accommodation if they looked hard enough for it. I know some landlords who have found alternative accommodation for their tenants but the tenants have rejected it saying "We would rather stay where we are."

Many people would try to lead others to believe that all property owners are big and wealthy men, but that is obviously not so. Those who suffer most from this legislation are small property owners and there are many of them. In common with other sections of the community, many of them are unable to look after themselves. Some are widows and some are aged and some are delicate. Thrift is an old fashioned virtue about which we hear little nowadays, but I suggest that that virtue is common to many property owners. Frequently members of the Opposition refer to the living conditions of some of their constituents and I have clear recollections of the member for Port Adelaide decrying this state of affairs. He was undoubtedly talking with sincerity and truth. Many tenants are living under most unsuitable conditions but this Act is designed to save them from greater hardship. That is one of my reasons for supporting the measure. However, I would like members of the Opposition to meet some of the landlords I know. Some have been impoverished and have suffered great hardship because of these controls. They own valuable properties, but suffer considerable financial hardship and much worry and strain. For almost 16 years they have been trying to live on pegged rentals which are far below the true level.

Let me refer to the "C" series index. In 1939 the "C" series index figure was 916, but in September, 1954, it was 2,321 or about 253 per cent above 1939. During the war rents remained at the 1939 level and they continued at that level until 1951 when the "C" series index was 1,883, over 100 per cent above 1939. In 1951 Parliament increased the general level of rents by 22½ per cent. In 1954 when the "C" series index was 253 per cent above the 1939 level Parliament increased rents by a further 5 per cent, bringing rents up to 27½ per cent above 1939 levels.

Mr. Lawn—Was not that 5 per cent a fair fixation?

Mr. BROOKMAN—I think it should have been higher.

Mr. Lawn—Do you think it should have been increased by 100 per cent in accordance with the "C" series index?

Mr. BROOKMAN—I do not claim that, but maintain that the adjustments have been too far below the increase in the "C" series index. We have had to pay regard to the economy of the country and we may have been justified in keeping rents back but we should not have kept them back as far as we have. The 27½ per cent increase represents no more than one-tenth of the "C" series index increase and hardship has resulted to property owners. Not long ago I met a man who owned six properties but for years had been unable to obtain possession of one of them to live in.

Mr. Hutchens—Did he want to live in one of them?

Mr. BROOKMAN—Of course he did. He was extremely worried. He was long past the age when he could be working actively. I would like to introduce him to the member for Hindmarsh because undoubtedly this owner has suffered because of this legislation.

Mr. Hutchens—I gather from your remarks that the court determined that the tenants suffered greater hardship.

Mr. BROOKMAN—It is well known that, in proving hardship, ownership cannot be claimed as a reason for requiring a property.

Mr. Dunstan—If the hardship were equal then ownership would be considered and result in an order for the owner.

Mr. BROOKMAN—The member for Norwood will have ample opportunity of speaking on this matter later. The only solution many property owners have had to their financial problem has been to sell their properties, but what a pitiful solution that is. I remind members of the difference in the value of unoccupied properties and occupied properties. If a person desires to sell a property occupied by tenants he receives considerably less than the value of the property. After he has sold his property the landlord must endeavour to live on the earnings from that small capital. We are now moving towards righting these faults.

Steadily we are going ahead in the right direction, but we could move more rapidly. I say "we" because every member must feel a personal responsibility in this landlord and tenant legislation. It is proposed to allow a landlord to give six months' notice in order to get possession of his house if he wants it for himself or a member of his family. I think a period of three months would be long enough. If a tenant cannot find other accommodation in three months I do not think he can find it in six months. Tenants should try to find alternative accommodation. There are a number of ways in which a man can get a home. One way is to earn enough money to buy a house. In Australia we are beginning to deplore the fact that a man works hard in his own interests. Members opposite should see working conditions in America.

Mr. Fred Walsh—Have you been there?

Mr. BROOKMAN—Yes.

Mr. Fred Walsh—I am prepared to debate their working conditions with you at any time.

Mr. BROOKMAN—People there work two 40-hour weeks in the one week to get enough money to put them on the right track. Students sell newspapers and wash dishes in cafes to pay their way through college. I wonder whether members opposite spoke to members of the American Congressional Committee on Atomic Energy which came to this House. I met one elderly gentleman who told me a little of his life's story. It was a story of hard work. People in Australia do not respect hard work to the same extent as he did. Anyone in Australia who sets out to make enough money to make himself comfortable is often criticized by his colleagues. I welcome the inclusion in the Bill of three important points. The first deals with the removal of rent agreements from control, and the second relates to the reduction to six months of the period in which an owner can get possession of his house for himself or for a member of his family. It is possible that in Committee I shall move an amendment to this provision. The third point I welcome is the increase in rents to 33⅓ per cent above the 1939 level. I support the second reading.

Mr. HUTCHENS (Hindmarsh)—I listened to Mr. Brookman plead with tears in his voice for a certain section of the community and ignore all the facts and the need for the State to progress. I think his speech was unworthy of a member of this place. He spoke about the tragic position of the landlord and the fixation of interest rates on house investments, but would he be so courageous as to oppose the banks which fix other rates of interest? All people who buy homes for the purpose of letting invest for their own good, and not in the interests of the State, which is a matter that the Opposition has at heart. We are keen to establish industries in South Australia but to do that we must have workers, and for them we must have houses. Mr. Brookman spoke about the money that had been lost by landlords, but I can give him some reliable information about the money gained by them. If he wants to he can make a check of my information. In Drayton Street, Brompton, recently five cottages were sold for at least twelve times their purchase price of a few years ago. The purchaser said he paid the price in order to get the land, and that the houses were a liability to him. It was learned that the landlord had received 17½ per cent on his investment, yet we hear so much about poor, unfortunate landlords.

Mr. William Jenkins—Probably they were a dead loss to the landlord for a few years.

Mr. HUTCHENS—They were sub-standard houses. The Government could provide nothing better for the tenants.

Mr. John Clark—If they were a dead loss why were they purchased?

Mr. HUTCHENS—The interjection by the honourable member for Stirling was ridiculous. They could not have been a dead loss, because there was a 17½ per cent return on the investment. The cottages have never been unoccupied.

Mr. William Jenkins—In the depression years many landlords got no rent.

Mr. HUTCHENS—That interjection is unworthy of comment. Mr. Brookman said that we had to make sacrifices to win the war. There was a willingness to make them, but during the war years rents did not fall below the 1939 level, and they proved to be pretty good investments.

Mr. Fred Walsh—Wages were pegged during the war years.

Mr. HUTCHENS—Yes, and so were rents. There could not have been suffering by landlords comparable with the sufferings of members of the services. Landlords now expect ex-servicemen and women, and the mothers who gave their sons and daughters, to pay the price of peace. They condemn the workers in this country. Mr. Brookman's statement was meant to cover cover all workers and it was most unfair and unreasonable. A property on the Port Road has been occupied by one tenant since 1935. It was purchased in 1934 for £350. Since then the landlord has not spent one penny

on it because he is fortunate in having a reasonably good tenant who does the necessary repairs. The landlord has never failed to take advantage of any increase permitted in the rent. The property was recently sold for £2,250 and the tenant is now on the way out. Facts prove that the time is inopportune for any relaxation in rent control. Mr. O'Halloran pointed out that in 1953-54 there were more applications for trust houses than in any year since the war. In answer to a question by me yesterday the Minister of Education said that from 1952 onwards 1,019 orders had been granted to landlords for possession of homes. Over 60 per cent of the applications made by the landlords were granted, which proves there is no real difficulty in the landlord getting possession of his house, provided the court agrees that the hardship is greater on him than on the tenant. I will vote for the second reading in the hope of getting protection for tenants. The proposed relaxations are inopportune, undesirable, and detrimental to the progress of the State in general. In Committee I shall support moves to amend some clauses.

Clause 3 makes it possible for a landlord to enter into an agreement with a tenant regarding rent for any period without its coming under the Act. I submit that this is to the detriment of the would-be tenant and to the advantage of the landlord for I well remember a case which I related to this House only last session: a poor unfortunate couple with a sick child found themselves in need of a house and because some alien was prepared to enter into an agreement to make a home available to them at the rate of £5 a week they signed the agreement in order to get temporary shelter for their child. I do not remember exactly what the former rent was, but I think it was 18s. a week. The purpose of this clause is to give to the landlord an unfair advantage over those in extreme need; there is not the slightest doubt about that, and I feel that this type of legislation will have an effect that is detrimental to the State. Clause 6, to which I am violently opposed, allows the landlord to give a period of notice upon a statutory declaration at the termination of which the house must be surrendered for the use of a son or daughter or father or mother. I can picture those poor, unfortunate, honest, law-abiding, charitable landlords described by Mr. Brookman. They will force a poor old mother, approaching the end of her days, into some hovel and keep her there hoping for a speedy end in order that they will be able to let it at a higher figure by entering into an agreement. I submit that all these amendments have an ulterior motive, and those supporting the Bill have the same motive.

The SPEAKER—Order. I do not think the honourable member can say that other members have an ulterior motive.

Mr. HUTCHENS—I make an unconditional withdrawal. Clause 4 provides for an increase in rent. Last year we allowed a 27½ per cent increase above the 1939 level. While wages are fixed we are setting out, without any concern to the tenants concerned, to grant a further increase to the landlord, and I am deeply concerned for the people on fixed incomes; people on superannuation and other pensions who have been honourable tenants for many years will be forced out of their homes because of their inability to pay the higher rent. Despite all that has been said by members opposite this is an untimely piece of legislation and contrary to the best interests of the State.

Mr. MILLHOUSE (Mitcham)—I have given a great deal of anxious thought to this measure. Members may recall that in moving the adoption of the Address in Reply I said that I had not made up my mind upon two questions—price control and rent control. Since saying that I have discussed this question with a number of people, I have read debates in this place in previous years on this subject and have also read the report of the 1951 Committee of Inquiry. Besides that I have listened with attention to previous speakers in this debate. Having done all that I admit quite candidly that I am not happy about this Bill. Frankly, I wish that this legislation, which was undoubtedly necessary during the war-time emergency, had long ago been removed from our Statute Book. It seems to me that we South Australians are enjoying a period of great prosperity; per head of population, in the last few years we have built more houses, we have higher Savings Bank deposits, more motor cars, more wireless sets and more domestic electrical appliances than any other State. That being so it seems to be very wrong that one section of the community should be penalized to help the rest, and that we should keep this restrictive enactment upon our Statute Book; an enactment which takes away what was once regarded as the undoubted right of the property owner to choose his own tenant and name his own rent. What has been said time and again in debates on this subject is perfectly true: we have been penalizing one section of the

community for the benefit of the rest. Who makes up that section? We cannot be absolutely sure in all cases, but what is tolerably certain is that the owners of the dwellings controlled by this legislation are not by any means always the well-to-do members of our community. Indeed, I believe that an analysis of income tax returns shows that there is a far greater proportion of income from rent in the lower income brackets than in any other type of property income. We can be fairly certain that many of the people who are affected by this legislation are elderly folk of small means who invested their life's savings in property in order to provide for their declining years.

In saying that I am not pandering to what members opposite may term the privileged few, nor am I pandering to what the Leader of the Opposition called "the very best people"; I am not pandering to the supporters of those on this side of the House because many of these people would be supporters of the Opposition. These are the people who are being obliged by this legislation to live on what is, in some circumstances, a mere pittance. They are the ones who are being cruelly affected by this legislation; they are the ones who have no redress and who may suffer quite unjustly.

Quite apart from those considerations what are the other results of rent control? I shall name only three and I believe that all of them are, in the long run, very bad indeed for the State. Firstly, it has meant that the Housing Trust has become our largest landlord. I am not for one moment decrying the achievements of the trust, for I applaud them sincerely. I submit, however, that it is a very bad thing when a State instrumentality becomes the largest landlord in the State.

Mr. John Clark—Why?

Mr. MILLHOUSE—For the very good reason that the logical conclusion of that process is out and out Socialism, and members opposite will not be surprised to hear that that is something to which I am very strongly opposed except in the most extraordinary and unusual circumstances. I do not believe that those circumstances exist here.

The second result is a corollary of the first, and it has already been mentioned by Mr. Brookman: people of small means are no longer investing in house property. The old maxim "once bitten twice shy" is a very true one. This legislation has discouraged private investment in house property for rental purposes. Today there is virtually no private building of houses for rental so that it has become practically a State monopoly and that is also an exceedingly bad thing. The third consequence of this legislation, is that, despite the increase in rent which was allowed to cover the higher cost of maintenance, I am much afraid that our older houses are not being kept in as good repair as they should be. Many of their owners, despite what our friends opposite say, simply cannot afford to have repairs done. We have been so intent on building new houses that we are allowing our stock of older dwellings to depreciate unduly. I believe very strongly that that is a housing policy which must, in the long run, defeat itself. Yet despite all those circumstances the Premier says that the Government is satisfied that the need for this legislation continues. He does not go on to amplify that statement and tell us why, and I very much regret this omission.

Although I welcome the further relaxation of the control provided by the Bill I would much prefer to hear why we should have to keep it at all than an explanation of the changes. This is probably one of the most important and controversial pieces of legislation that will come before us and yet I have found it exceedingly difficult, despite all we have heard in this Chamber, to get hold of all the facts upon which to make up my mind whether or not this legislation is justified. My whole political instinct is totally against such legislation, for it appears to me to be in the long run both economically unsound and quite unjust to one section of the community. Yet I am faced with a dilemma. In spite of what appears to me to be the obvious, the Government recommends that this legislation should be continued, and yet the whole case in favour of continuance has been allowed to go by default. I am not prepared to vote against the measure without knowing the full facts. If the legislation is, in fact, necessary, to vote it out might bring disaster to South Australia. I want to be able to make up my mind on this point and not simply accept what is put before us in the form of an assertion. I can suggest a remedy.

I mentioned earlier that I read the debates of previous years and also consulted the report of the committee which was presided over by Mr. Gillespie, S.M., in 1951. With all due respect to those who have spoken on this debate, and to the reports of previous debates, I gained more information from the committee's report than from any other source, but that information is no longer reliable. What was written on this topic and was perfectly true in 1950 and 1951 cannot be a reliable guide to us now in 1955. Conditions have changed considerably.

The very fact that the Government has altered and relaxed the legislation several times since only goes to prove it.

What I believe we most urgently need now is another full inquiry into the whole matter. This legislation is of such a controversial nature that it should not be simply confirmed year after year without the fullest possible investigation. It is now four years since the committee made its report. The extent to which conditions have changed is not clear. Conditions today may be so different that the legislation is not required at all, whereas on the other hand the need for it might, for all I know, still remain. I want to know the answer to that question, and not have to guess at it. For those who may think that a further committee of inquiry is unwarranted, I might mention that in tackling this same problem in Great Britain in the years between the two world wars, there was not only one committee of inquiry, but several. Inquiries were carried out in 1919, 1920, 1923, 1931, 1937, 1945 and 1950. That shows there is ample justification for frequent inquiries to make certain that our information on this vital subject is up to date. I earnestly suggest to the Government that another committee should be set up with power to investigate the matter along the lines of the 1951 committee. Unless I am enabled to obtain reliable information from some other source, I find it exceedingly difficult to believe that I will be prepared to support this legislation again when it comes before the House, as well it might next year, if by any chance I am still a member. It is with the utmost reluctance and hesitation that I indicate that I support the second reading.

Mr. LAWN (Adelaide)—I am in the unfortunate position that although I oppose the provisions of the Bill, I have to support the second reading, otherwise we shall lose the benefit of this legislation for the next 12 months. I will strongly oppose many of the clauses in Committee. In his earlier remarks the member for Mitcham (Mr. Millhouse) said that in South Australia there were more wirelesses per head of the population than elsewhere in Australia, more homes were built than in any other State, and that our Savings Bank deposits per head were the highest in Australia. I suggest that he should check the figures regarding the number of houses built. He also referred to the people who would be affected by this legislation, and suggested that pensioners and poor people were represented by members on this side of the House. By inference I take it that members on his side represent the vested interests. On that point I agree with him. The person who wants to get into his own home or desires to get the home for members of his family has no difficulty. The honourable member said he wanted to be sure about the legislation so that he could make up his own mind. I do not ask him to believe me, but I should like him to look at the reply given to Mr. Hutchens by the Treasurer in the House recently. The following appeared in *Hansard*:—

Mr. Hutchens—How many applications were filed in the Local Court under the provisions of the Landlord and Tenant (Control of Rents) Act, in which the landlord sought possession of a dwelling, in the years 1952, 1953, 1954 and 1955? In how many cases each year was the landlord granted possession?

The Hon. B. Pattinson—Through my colleague, the Attorney-General, I have been supplied with the following information from His Honour Local Court Judge Mr. Sanderson:—

	Applications made.	Orders granted.
1952	514	300
1953	443	248
1954	454	318
1955 to date	258	153

That reply shows that with the existing legislation, and without removing any of the present controls, slightly more than three-fifths of the applications for possession were granted by the court; if this Bill is passed all applications will be granted. There are vested interests in my electorate who are buying all the houses on one side of a street, and in some cases all the houses on both sides. They are being pulled down and factories erected in their place. Earlier this session I referred to the wholesale demolition of such houses and asked the Premier if he intended to do anything about it. He promised that the matter would be considered in conjunction with the legislation now under discussion. I pointed out then that hundreds of homes had been demolished in Adelaide and that the occupants of hundreds of others were under notice to vacate their premises. There is very little difficulty in obtaining possession of his home if the owner wants to live in it himself or wants it for a relative. I suggest to the honourable member for Mitcham that this legislation is not in the interests of the people we on this side of the House represent but in the interests of big business.

The honourable member also said that many houses today were in bad repair, possibly because the owners could not afford to repair them, and that they were being allowed to

depreciate unduly. It is not because the owners cannot afford to keep their premises in good repair, because under this legislation they are allowed to charge additional rent to cover maintenance costs. Let me assure the House that many houses in Adelaide are being deliberately allowed to depreciate, and that vested interests are using this method as one means of driving out the tenants so that they can obtain possession, then pull them down and erect factories. Not only are they allowing the premises to become in a bad state of repair, but in some instances they are removing fences, taking out stoves, removing back verandahs and taking iron off the roof. It is a deliberate attempt to drive out the tenants. Many landlords annoy tenants by continually asking them when they are going to get out. In some cases they even refuse to take the rent. Many homes in Adelaide are owned by one firm, which has sufficient money to repair them, but does not desire to do so.

Mr. Millhouse—Would you prevent all changes in the types of buldings that exist now?

Mr. LAWN—I am not concerned about the types of buildings we have, but I would stop the demolition of any habitable home. I am not opposed to the demolition of houses, but while the housing shortage remains homes of a reasonable standard should not be demolished. If a home were condemned by the Central Board of Health it should be demolished on the certificate of the Minister, but not otherwise. The member for Alexandra (Mr. Brookman) strongly criticized the small amount of rent increase proposed. I oppose any increase, but the honourable member said there should be no restrictions on rent. He instanced the basic wage regimen of 1939 and of later years. He pointed out that the basic wage had more than doubled, but that rents had not increased proportionately. Rent represents interest, dividend or profit on money invested. Parliament allowed an adjustment of rents in 1951 and in 1954, but the basic wage has been pegged and the honourable member should support my opposition to rent increases because the wage-earner has no way of recovering any increase. Because of this the Bill savours of class legislation. It is a handout to vested interests.

Mr. O'Halloran—And most houses that are rented were built many years ago.

Mr. LAWN—Of course. The member for Mitcham (Mr. Millhouse) referred to depreciation on houses and the fact that many had not been kept in repair, yet Mr. Brookman thought there should be no restrictions on rents or that they should be considerably increased. His remarks surprised me. I have been a member since 1950 and I do not remember his ever uttering any similar remarks. In 1951 a Bill was brought down to allow rents to be increased above the 1939 figures by 22½ per cent, plus an allowance for increased rates and taxes and maintenance, yet Mr. Brookman had nothing to say on the second reading. In Committee he had a few words to say, but only about rural labour. He had an opportunity then to voice his protest at the amount of increase allowed, but he did not do so. There was no proposal for an increase in rents in 1953, but when speaking on a landlord and tenant Bill he said:—

> However, I feel that in general the Government has introduced reasonable relaxations.

Evidently he did not think there should be any more relaxations other than those provided by the Bill.

Mr. Brookman—Was that the year in which office rents were relaxed?

Mr. LAWN—Yes.

Mr. Brookman—That was a big relaxation.

Mr. LAWN—But there were no relaxations in regard to the rents of dwellings, so the honourable member must have been satisfied on that point in 1951 and in 1953. In 1953 he also said:—

> The Government's policy of gradually easing controls has kept the community free, balanced and thrifty.

He congratulated the Government on not increasing rents and said that that was the Government's policy. The honourable member cannot say that in 1955, and he cannot reconcile his attitude today with his attitude in 1951 and 1953.

Mr. Brookman—Your points do not relate to that at all. The keeping down of rents undoubtedly had a stabilizing effect on the economy but also caused severe hardship to property owners.

Mr. LAWN—The point I am making is that if it has that effect in 1955 it had it back to 1951. Will the honourable member tell me when it had that effect.

Mr. Brookman—Ever since some time during the war.

Mr. LAWN—Then it took the honourable member until 1955 to realize it.

Mr. Brookman—When did you start talking about electoral reform?

Mr. LAWN—I have been a member for only five years but it has not taken me that long to find that there is electoral injustice because

the people cannot elect a Government of their choice, but it took the honourable member many years to realize that rent controls have had a depressing effect on property owners. In 1954 he spoke on the second reading. Again there was no provision for rent increase. He said that rent controls had a depressing effect but he did not suggest an increase. The Bill went to the Legislative Council last year before the 5 per cent was added, but this year the honourable member complains that the rents are too low and compares them with those of 1939. He has been a member for a number of years but he has waited until the basic wage has been frozen and the tenants are not able to obtain more wages because of increased rents to suggest that either rent control should be abolished or rent should be increased.

Mr. Brookman—I did not mention the basic wage in the whole of my address.

Mr. LAWN—The honourable member mentioned the basic wage regimen of 1939 and 1940, and gave the figures.

Mr. Brookman—The "C" Series figures.

Mr. LAWN—But they are only compiled for the basic wage. When the honourable member suggested on the figures subsequent to 1939 that there had been a 100 per cent increase in the wage he was saying in effect that rents should be substantially increased. I asked if he meant by 100 per cent and he said that he did not. I asked why in the years up to 1953, the year in which the basic wage was frozen, he did not raise these matters. Even when the Bill for an increase was before this House in 1951 he did not speak on the second reading, but made a number of references in Committee to rural labour. Obviously members opposite who support this legislation believe in the survival of the fittest. There is nothing more depressing to the head of a family than being unemployed or without a home. When the honourable member for Mitcham came here he told us his pocket was well lined.

Mr. Millhouse—I wish it were.

Mr. LAWN—You said it was. However, there are people in this community whose pockets are not well lined and they will not be able to meet increased rents, although they will do their best to do so to save their wives and children from being thrown on to the banks of the Torrens. I know what it is like to be out of work and threatened with eviction and it is hard to say which causes the most anxiety because, when I was out of work in the depression years, I at least had a home. In about 1940 I was given notice to vacate a home in which I had been living for years. It was almost impossible to obtain another then, so I can well imagine the anguish of tenants who will be affected by this legislation. My sympathies are with the tenants who will be taken to court and have orders made against them to vacate. Property owners who want premises for their own occupation should be able to obtain them but if they want them for their distant relatives it should not be so easy. Under the present Act it is possible to obtain possession for even distant counsins by offering alternative accommodation. Under this proposal the owner will simply have to say that he wants the home and he will get it in a few months. As soon as some people buy a home they will send the tenants a notice from a solicitor that they want them to vacate. My sympathy is with those people who are finding it difficult to obtain a home. The member for Mitcham (Mr. Millhouse) has a lot to learn of experiences under this legislation because he represents a district where there are few applications for possession. Even if there were many, he has been a member for too short a time to have learned what is happening in the community today. I have had people come to me with a letter from a solicitor or a property owner requesting possession of a house. I have asked those people whether they have applied for a Housing Trust home, but in many instances they say they have not because, having been tenants for periods of up to 20 years, they have felt secure in their tenancy. Indeed, in many cases the owner had told them that they could go on living there indefiintely.

Mr. Jennings—Applicants for trust homes may still have to wait six years or more.

Mr. LAWN—Yes, but I am dealing with the case of a person who has been told by the landlord that it was not intended to evict him; consequently he has not applied for a trust home. When the owner subsequently decides to sell, the tenant is in a predicament. In the city of Adelaide many property owners suddenly decide to sell because of the big sums being offered for their properties by firms anxious to extend their premises. Be that as it may, many owners change their minds, and the tenants find themselves with nowhere to go and little chance of obtaining a home from the trust because many of them have not even lodged an application. Even those who have applied for a trust home have little chance because many applicants have been waiting years for a home. In 1950, in reply to my question the Premier said that 11,000 people

were awaiting trust homes and about three weeks ago, in reply to a question by the member for Norwood (Mr. Dunstan) he said, in effect, that a total of 11,500 people were waiting—an increase of 500 on the 1950 total. What chance have these people of obtaining homes from the trust when the number is increasing every year? If houses at present habitable were not being destroyed the position would be ameliorated to some extent. Today people are buying homes, obtaining eviction orders from the court, evicting tenants, and forcing them to apply to the trust because nowhere else can they get a home.

Some applicants who have had applications with the trust from six to eight years cannot get homes. I know of one or two cases in which nine people are occupying a three-roomed house. I know another case in which a three-roomed house is occupied by a pensioner couple, who now have been forced to take in their daughter, her husband and children. These people have had applications before the trust for six years, but the trust says it is unable to do anything for them. Now we find that this Bill removes certain restrictions and makes it much easier for tenants to be thrown on to the streets. I oppose the majority of clauses in the Bill.

Under clause 6 it will be possible for a tenant and an owner to make an agreement, and the mere making of that agreement will place their tenancy agreement outside the terms of this Act. Great anguish is caused a married couple who receive a notice from a landlord to quit the premises; they become depressed and worried because their chance of obtaining another home is slim. Under this clause 90 per cent of tenants will be willing to enter into an agreement with landlords even though it will mean that their rent will be increased and that they will consequently have to go without certain amenities. I ask leave to continue my remarks.

Leave granted; debate adjourned.

APPROPRIATION BILL (No. 1).

Returned from the Legislative Council without amendment.

BULK HANDLING OF WHEAT.

The SPEAKER laid on the table the third progress report of the Public Works Standing Committee on the bulk handling of wheat, together with minutes of evidence.

Ordered that report be printed.

ADJOURNMENT.

At 5.31 p.m. the House adjourned until Thursday, June 23, at 2 p.m.