HOUSE OF ASSEMBLY.

Wednesday, August 24, 1955.

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

DISTINGUISHED VISITOR.

The Hon. T. PLAYFORD—We are privileged to have in the gallery a very distinguished visitor, the Rt. Hon. Kenneth Younger, P.C., member of the House of Commons, and I suggest that he be invited to occupy a seat on the floor of the House.

The SPEAKER—The House would be honoured if the right honourable gentleman would occupy a seat on the floor of the House.

The Rt. Hon. Kenneth Younger was escorted by the Hon. T. Playford and Mr. O'Halloran to a seat on the right of the Speaker.

QUESTIONS.

CIVIL DEFENCE.

Mr. O'HALLORAN—Earlier this session I asked the Premier a question relating to civil defence, particularly if Australia should unfortunately become involved in a war in which atomic weapons were used, and the Premier said that the matter was then the subject of negotiations between the Commonwealth and the States. Has the Premier any further information regarding the negotiations that have taken place since my question?

The Hon. T. PLAYFORD—This topic was raised by South Australia at the last Premiers' Conference, and as a result of the discussion the Prime Minister undertook to supply the States with a new appreciation by the Defence Committee as to what steps should be necessary and the scale of any possible or probable attack that had to be provided for. The document has now been forwarded to us, but as it is marked "Secret and Highly Confidential" I cannot inform honourable members as to its nature, except perhaps to say that although it has been given very close study, I have not been able to find anyone who could interpret precisely what it means or even get a glimmering of what it is about. It is a document that provides for many contingencies, but to what extent they have to be met is not clear. The Commonwealth proposes to set up a school which will be available to train officers from the various States, and in the meantime certain preliminary organization work is being undertaken in each of the States. However, I must say that the States are undecided as to how far they should go and what steps they should take. New South Wales has set up a full-sized organization and has appointed personnel, but I think it has been told that its action is somewhat premature. Other States have not gone as far as New South Wales, and I would say that at present the matter wants a good deal of clarification.

WHEAT PAYMENTS.

Mr. HEASLIP—Today's *Advertiser* states that a second advance of 1s. a bushel on bulk wheat will be paid to growers. The article states:—

> Calculated on a f.o.r. ports basis, growers would have been paid 11s. a bushel on bulk wheat in the eastern States and it was expected that a further payment of about 1s. would be made about next January, leaving a fractional amount to be disbursed when the accounts for the season were completed.

This means that growers will receive a payment of 12s. a bushel, plus a fractional amount, which would complete payment from this pool. The guaranteed price for home consumption wheat is 14s. and I think the floor price under the International Wheat Agreement is about 13s. 10d., but it seems to me that there is a discrepancy. Under the 14s. and 13s. 10d. guaranteed price we should not receive less than that average, whereas a 12s. final payment is all we are getting. Can the Minister of Agriculture give the reason for the discrepancy and say why the final payment will not amount to more than 12s.?

The Hon. A. W. CHRISTIAN—I saw the statement in the *Advertiser*, and it caused me to wonder how far short of the amount the ultimate receipts will be. I have not had time to have the matter analysed, but I will do that. I remind the honourable member that the guaranteed price and also the International Wheat Agreement floor price was, I think, on an f.o.r. main shipping ports basis, or an f.o.b. basis. The difference between those would not be great. That means that the price to the farmer is the guaranteed price less the costs of getting the wheat to the main shipping ports and also, if he will recall, under the agreement and the guaranteed price when all the costs are deducted, the net price to the grower is about 10s. 3d. a bushel, taking into account rail freights, handling and administration costs, etc. Possibly the amount stated as being the ultimate to be received by the wheat-grower may represent either the guaranteed price or the floor price under the International Wheat Agreement, but I will ascertain whether that is so.

STURT CREEK BRIDGE.

Mr. FRANK WALSH—I have asked questions relating to a bridge over the Sturt Creek for the last 14 years, but I have not yet had a satisfactory reply. Has the Minister of Works anything further to report?

The Hon. M. McINTOSH—I have a reply, but whether it is satisfactory or not I will leave to the honourable member to judge. The Minister of Roads has forwarded a report by the Commissioner of Highways to the effect that the position has not altered and that funds for the construction of a project during 1955-56 have not been provided.

CHRISTMAS SHOPPING HOURS.

Mr. WHITE—Last week I asked a question concerning shopping hours for next Christmas and the Premier assured me that he would go into the matter. Has he any information to give the House today?

The Hon. T. PLAYFORD—His Excellency the Governor will probably issue a proclamation tomorrow suspending the operation of the Early Closing Act for the Friday immediately before Christmas to permit shops to remain open until 9 p.m., but they will be obliged to close on the Saturday morning in lieu thereof—in country areas only.

TRAFFIC DELAYS AT BIRKENHEAD BRIDGE.

Mr. TAPPING—Frequent costly delays occur at the Birkenhead Bridge owing to the passage of many small craft. About 10 tugs are moored on the western side of the bridge, which means that to give service to steamers they are bound to pass through the bridge before and after the towings, causing delays and inconvenience to pedestrian and road traffic. Has the Minister any plan which might minimize the frequent openings of the bridge?

The Hon. M. McINTOSH—The board has prepared a scheme for accommodating tugs in a series of pens in the vicinity of Darling's Wharf, Birkenhead, but the proposal has not yet been submitted to me. However, in view of the estimated cost of the scheme, it would have to be referred to the Public Works Committee for inquiry and report. The adoption of this proposal would ensure that tugs would be quickly available in emergencies, such as accidents to shipping in the harbour or fires in the port, and would overcome the delays both to road traffic and tugs that are now experienced by these vessels having to pass through the Birkenhead Bridge.

REDEX DRIVING TRIAL.

Mr. HUTCHENS—According to press reports, entrants in the Redex trial around Australia have travelled between 70 and 80 miles an hour in dense fog with visibility of less than 40yds., and one entrant admitted that he had reached 90 miles an hour. It was also reported that a number of cars had run off the road and crashed into earth banks or trees. In view of the danger such driving must create to other road users and the irreparable damage done to some of the outback roads, does the Premier consider it advisable that in the future this trial be banned in South Australia? Should not human life be considered more precious than publicity to one commercial product at the expense of the taxpayers who pay for the construction and upkeep of our roads?

The Hon. T. PLAYFORD—This State has always discouraged racing upon its roads, and I can only say that if these gentlemen speed on our roads they will meet the same fate as anyone else who does not obey our traffic laws. The police will undoubtedly take the necessary action to enforce the regulations which have been approved by this Parliament.

Mr. RICHES—Residents in some of our northern towns are concerned at the speed at which contestants may pass through built-up areas. Can the promoters of the trial be approached to make sure that all contestants know the speed limits obtaining in South Australian built-up areas? The drivers are passing through a number of States and probably there are different regulations in each State. As they enter South Australia it would be of advantage to them and the State if this information were given them.

The Hon. T. PLAYFORD—Anyone living in the State is obliged to know the laws of the State and the Government could not, as a general rule, undertake to instruct everyone on particular regulations. Under the special circumstances, however, I will see that this matter is brought before the organizers of this stunt. I assure the honourable member that, if drivers do not know the law when they arrive in South Australia, they will quickly find out if they start to break it.

POLICY ON TRAMWAYS DEFICITS.

Mr. MACGILLIVRAY—Yesterday, in reply to a question by the member for Prospect (Mr. Jennings), the Premier said that the Government was not in a position to undertake the heavy additional financial obligations involved in the setting up of a department to

administer the licensing of taxicabs. He continued:—

Taxis are a local matter and I would hesitate to assume a financial responsibility for the whole of the State for something that applies only to the metropolitan area.

Will the Premier say whether country members may take this as an indication of a change of heart on his part and therefore a change of policy, and assume that South Australian taxpayers will not in future be called on to make up the deficits of the metropolitan tramways system?

The Hon. T. PLAYFORD—The honourable member can take it as a change of heart on the part of the Government, and I assure him that we will not make up any tramway deficits when we have ceased to make up railway deficits.

LEIGH CREEK COALFIELD.

Mr. LAWN—Does the sum of £4,604,595, which the Premier in reply to my question on notice yesterday quoted as the total expenditure on the Leigh Creek coalfield, include interest and sinking fund charges?

The Hon. T. PLAYFORD—The figure given was in respect of the cost of establishing and developing Leigh Creek and included interest and sinking fund, but not working expenses for the recovery of coal. The honourable member did not ask for the latter sum, but, if he desires it, I will get it for him, probably tomorrow.

DRY CREEK DERAILMENT.

Mr. JOHN CLARK—Yesterday morning a goods train was derailed north of Dry Creek causing the loss of some livestock and delay to a number of workers in arriving in Adelaide. Has the Minister of Railways any report on the cause of this derailment?

The Hon. M. McINTOSH—I have received no report as yet but the usual procedure is for a departmental inquiry to be held first. Any remarks I make in the meantime may be prejudicial to that inquiry so I will not comment at this stage. As soon as an official report is available I will let the honourable member know.

KINGSTON JETTY REPAIRS.

Mr. CORCORAN—In reply to a question I asked yesterday concerning damage to South-Eastern foreshores the Minister of Marine said:—

The serviceable portion of the Kingston jetty will be repaired but the other part will be left for the time being because more urgent work requires attention.

I received a request from the district council of Lacepede, the Chamber of Commerce and fishermen that the portion that should be repaired was that leading from the barricade erected across the jetty near No. 1 landing to No. 2 landing. The fishermen also complained that the seabed at the first landing was covered with seaweed and was detrimental to their interests. I was unable to understand from the Minister's reply what portion was to be repaired. Can he amplify his answer?

The Hon. M. McINTOSH—What I meant to imply was that the Harbors Board regarded the first 1,000ft. of the jetty as being the serviceable part, and it took steps some time ago to put it in repair. Only very minor repairs were necessary to overcome the effects of the storm. Therefore, I take it that what the honourable member refers to is the area beyond that first 1,000ft., which the board did not then regard as being a matter of urgency. The honourable member having raised the point, I will take it up with the board, which previously did not regard it as being as urgent as some other works requiring attention, and as far as I know that is the present position.

GLENELG RIVER FISHING.

Mr. FLETCHER—Has the Minister of Agriculture a reply to my question of last week regarding the size of fish that may be caught within the three-mile stretch of the Glenelg River in South Australia?

The Hon. A. W. CHRISTIAN—Eighteen months ago a proclamation was issued restricting the number of bream permitted to be taken in the Onkaparinga, Hindmarsh, and Inman Rivers to 12 per day, and the legal minimum length of each fish was raised to 10½in. It is still early to judge the beneficial effects of these measures. The Chief Inspector of Fisheries and Game has reported that good fishing is normally enjoyed in the Glenelg River, and information at present available does not appear to warrant controls being imposed. However, if the Glenelg River Anglers' Club wishes the imposition of certain limitations I will be pleased to give consideration to its request if it will supply me with full information in support.

TRAMWAYS TRUST SERVICES.

Mr. FRANK WALSH—Has the Minister of Works a reply to my recent question relating to the intentions of the Municipal Tramways Trust concerning alterations to existing tram, trolley, and diesel bus services?

The Hon. M. McINTOSH—I have received the following reply from the trust, dated yesterday:—

Hyde Park—North Walkerville: It is planned to convert the existing tram service between Hyde Park and North Walkerville to diesel bus operation in October, 1955. This bus service will incorporate (*a*) the existing feeder bus service between Cross Road–Westbourne Park, in the south, and (*b*) the existing feeder bus services to Gilles Plains and Hampstead, respectively, in the north. The elimination of these feeders will obviate the need for passengers to change vehicles at the existing connecting points. The bus route will be identical with the tram service route inasmuch as it will traverse King William Street, with the possible exception of Heywood Park, where the situation is under consideration by the authorities concerned.

Showgrounds: The use of buses for the Showground's traffic to the R.A. & H. Show has been rendered necessary by a shortage of trams, a number of which has been retired because of age and condition.

RENT CONDITIONS.

Mr. QUIRKE—Has the Premier a reply to my question of August 16 relating to cases of hardship which occur to landlords under section 64 of the Landlord and Tenant (Control of Rents) Act?

The Hon. T. PLAYFORD—I submitted the honourable member's question to Mr. Cartledge, chairman of the Housing Trust and Assistant Parliamentary Draftsman, who prepared the legislation. The trust administers the Act and I asked him to investigate the honourable member's suggestions. He reported that undoubtedly the protection to which the honourable member drew attention is too wide, and I have asked him to prepare an amendment to cover the position.

URANIUM TREATMENT PLANT.

Mr. HUTCHENS—Recently when near the Thebarton uranium treatment plant I noticed that it was well guarded by police officers, but, realizing that it was a project of importance in the defence of Australia, I was somewhat perturbed to notice entering people who appeared unable to speak English. Can the Premier say whether any persons not British born or naturalized are employed at the plant, and, if so, how many?

The Hon. T. PLAYFORD—It has been the Government's practice in connection with this uranium project to take security measures before engaging employees to ensure that no one ill disposed towards us is engaged, but we do not exclude a person merely because he is not a British subject. Many people have come here as a result of political persecution in other countries. Perhaps what is more of interest at the moment is the fact that recently we had news from America that much of the information that has been on the secret list has been decontrolled, so to speak. There are now few processes in the recovery of minerals associated with atomic power that are on the secret list, which means that we can, to a greater extent, relax security and secrecy measures at many of our projects. I hope that as a consequence we will be able to make considerable savings in the cost of security measures. Most of the information is now made available freely to all countries.

NORTHERN URANIUM FIND.

Mr. RICHES—In the north of this State a Port Augusta prospector, Mr. H. Rieck, claims to have found uranium. He has certainly discovered radio-active ore, but our Mines Department says that the incidence of radio-activity is not of commercial value. Conflicting reports have been received from geologists in other States, but the prospector is definitely of opinion that there is uranium at depth. I understand that if permission can be obtained a private company is prepared to drill and carry out preliminary work at the mine. There was a statement in the press recently that the Government had decided to invite applications from companies to work uranium fields in the Crocker's Well area. I have been asked to inquire from the Premier whether that means a change in Government policy, and, if so, will he consider an application from a company to drill and work at its own expense the find reported by Mr. Rieck?

The Hon. T. PLAYFORD—Uranium is not a scarce mineral; it is found almost universally. What is important and scarce is a large deposit of the concentrated ore. The Government is most anxious not to have submitted for public subscription projects that are worthless and cannot be carried out economically under any circumstances. We have seen what has happened in other States where projects with no chance of success because there are no treatment works or treatment methods have attracted public subscription. We are opposed to that, and will continue to be opposed to it, because we do not believe it is in the interests of the production of uranium or the economic position of the State. We are inviting applications for the Crocker Well-Mount Victoria Hut area because we have proved that the project

there is economically sound and we believe we can secure uranium on terms which are within the economic range of other countries. As a consequence we are now prepared to sponsor a company to work the field and carry out the necessary development. The Government would be prepared to enter into a contract to purchase the ore produced, but this does not mean that there is a general relaxation over any project that may be considered. The Government will examine any project and if a mine is available will have it worked, but it wants to check whether it is something that the public should be asked to support before supporting it.

LOCK 4 LEVEL.

Mr. MACGILLIVRAY—Last session I drew the attention of the Minister of Works to the advisability of having Lock 4 at Berri heightened so that River Murray waters could be controlled more effectively. Although this work is the function of the River Murray Commission, the Minister indicated that it would be done. Can he inform me when the work is likely to be commenced?

The Hon. H. McINTOSH—As the honourable member knows, the work is not for South Australia to carry out on its own, but a joint undertaking on the part of the River Murray Commission, consisting of the Commonwealth, New South Wales, Victoria and South Australia. Detailed plans have been prepared for the additional steel required, and orders will be placed shortly for it. The actual work on the site cannot commence until the steel has been delivered. It is essential to choose a time for this work that will involve a minimum of expenditure and inconvenience to those depending on the Lock 4 level. It is a "going concern," and the work will proceed with the least possible inconvenience to those who otherwise would be inconvenienced.

LAND SETTLEMENT: FARMERS' SONS.

Mr. MACGILLIVRAY—A report appeared in this morning's *Advertiser* that the Minister of Agriculture had stated that hundreds of South Australian farmers' sons who had been trained in agriculture were without land because of the lack of suitable areas for development. I heartily endorse that statement, and remind the Minister that there are large areas in the Loveday area suitable for development. To illustrate the position, I have it on good authority that recently the Irrigation Department offered eight blocks to applicants and received over 80 applications. In the meantime the department or the Government has suggested that this land be used as a prison farm. I am not criticising its use as such, but as the Minister is interested in farmers' sons, people who have stayed in the country with their parents and know local conditions, will he make every endeavour to see that the Government gives a first right of refusal to men who were born and brought up in the area concerned?

The Hon. A. W. CHRISTIAN—The question is more within the province of the Minister of Lands. However, I heartily endorse any policy that has as its objective the placing on the land of men who have been trained in working the land.

HOUSING TRUST HOMES.

Mr. O'HALLORAN—Earlier this session I asked the Premier about certain difficulties that had developed in country towns in the building of Housing Trust homes, and particularly about delays in completing contracts having a detrimental effect on applicants for houses when completed. I understand the Premier now has some information on this subject.

The Hon. T. PLAYFORD—I have obtained the following report from the chairman of the Housing Trust:—

When building houses in country areas it is the practice of the South Australian Housing Trust to keep in touch with the local council and as a general rule many of the applications for houses in respect of a town in which building is contemplated are made through the council. As regards Peterborough, the council was frequently consulted both before and during the progress of the recent contract for rental houses. The council was also informed of the paucity of the applications. As regards the ascertaining of the completion date of houses built for the trust, the trust, as may be expected, is very concerned to obtain that information as early and as accurately as possible. However, in the case of some country contracts, the experience of the trust is that builders encounter difficulties, usually as to labour, which prevents the trust from obtaining an accurate forecast of completion dates.

Mr. TAPPING—Last week I asked the Premier if it was the intention of the Housing Trust to construct one-person cottage flats in the Semaphore area. Has the Premier a reply?

The Hon. T. PLAYFORD—Yes; the chairman of the trust has reported as follows:—

The one-person cottage flats being built by the South Australian Housing Trust are being built in conjunction with cottage flats for

couples so that of every group of cottage flats about 10 per cent will be one-person flats. Included in the original contract for cottage flats is a group of 18 at Birkenhead which is near completion but these are all two-person flats. It is considered necessary that these cottage flats should, in view of the age of the tenants, be built on land reasonably close to transport and shopping facilities. The trust does not own any further suitable sites in the Semaphore district and, so far, has not been able to purchase any such sites although from the outset the trust realized that this district is suitable for this class of housing. The trust will continue to endeavour to secure such sites and, if any are purchased, will include them in its programme for cottage flats.

SOLDIER SETTLEMENT.

Mr. FLETCHER—On several occasions I have been approached by returned soldiers who did not go through the school at Wingfield. Many of them have gone into business and many others have taken up share farming. Have any approaches been made to the Commonwealth Government to extend the term of five years, for I know of three young men with farming experience who desire to take up soldier settlement blocks but have not attended Wingfield and did not apply in the first five years after the war? Under the present agreement the Government could not grant them a block.

The Hon. C. S. HINCKS—I thank the honourable member for his question because it is one in which I have been interested myself for several years. I approached the Commonwealth Government (with the assistance of the Returned Soldiers League in South Australia which, in turn, has taken up the question with the Federal R.S.L. authorities) and asked the Commonwealth to extend the period, but that was refused. The period was five years after discharge or five years after the cessation of hostilities, whichever was the longer, so it was really a reasonable time and gave the returned man an opportunity to apply for blocks. However, there are special cases which we still consider the Commonwealth should consider. I had one only today where a returned soldier was in a permanent position, but for health reasons he has been forced to resign. He has been on the land practically all his life and would make an excellent settler, but for health reasons he is not able to go on the land at present, so I believe special consideration should be given to these cases and I shall again take up the question with the Commonwealth Government.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

Mr. O'HALLORAN (Leader of the Opposition), having obtained leave, introduced a Bill for an Act to amend the Hire-Purchase Agreements Act, 1931. Read a first time.

Mr. O'HALLORAN—I move—

That this Bill be now read a second time.

The Bill differs only in one or two details from the Bill I introduced last session. It will be remembered that that Bill was defeated on the second reading by two votes, and I am hopeful that, as a result of the changes made, this measure will now be acceptable to the House. Although it will be necessary for me to discuss hire-purchase in general, I remind members that the Bill is intended to apply only to household goods, personal effects and clothing. Since last session the subject of hire-purchase has been brought prominently before our notice on numerous occasions. During the last few months especially there have been references in the press to the rapidly increasing volume of hire-purchase business. Many of the authorities quoted have sounded a note of warning and urged the necessity of reviewing the terms and conditions under which this type of business is conducted. In New South Wales, New Zealand and England—and probably elsewhere—steps have been taken at the legislative level with the object of curbing it.

Without some steadying influence, hire-purchase could assume such proportions in the general economic scheme of things as to interfere with the normal and desirable development of the country and even bring about a depression. There is at least some connection between the diversion of credit to hire-purchase and the drying-up of loan funds for public purposes, and increasing interest rates register the pressure that is being exerted by competitive avenues of credit, of which hire-purchase is obviously an important one. For the individual, also, hire-purchase, although a good servant, is a bad master. It is undesirable that any person should commit himself too deeply to future periodical payments which, however confident he may feel at the time of his ability to meet them, are really beyond his financial capacity. In this regard, I hope that the Bill, if passed, will act as a gentle brake on the natural optimism of the individual, that is, on his tendency to overestimate his capacity to pay in the future.

However, hire-purchase is an accepted—and probably an indispensable—means of maintaining production. Without it the large scale production of amenities that we are familiar with today would be impossible and, without it, the marketing of these amenities, that is, placing them in the hands of ultimate consumers, would be impossible. On the other hand if too great an emphasis is given to hire-purchase sooner or later the inevitable depression will occur, with its attendant industrial dislocation and individual suffering. We should not allow ourselves to be the victims of harsh economic laws which, if left to operate without any safeguards, would bring about this kind of calamity in society. We should at least try to do something to forestall and mitigate such undesirable consequences. At present finance companies engaged in hire-purchase are thriving. They are expanding by increasing their share capital (or by issuing debentures) and by extending their scope; and more and more of them are coming into the field. They are making huge profits mainly because they are in a position to exploit the human failing of optimism which I have mentioned. Many homes are being filled with hire-purchase goods on which heavy commitments are undertaken, often to the disadvantage of the grocer, who may be left lamenting because he does not get paid.

Our Hire-Purchase Agreements Act was passed in 1931, mainly because of the incidence of the depression. It introduced an entirely new principle, namely, that of conferring upon a defaulting hire-purchaser a sort of residual equity in goods subject of a hire-purchase-agreement. Section 4 (2) provides that any balance after the owner has been paid shall be paid to the hirer. This provision did not, of course, alter the law relating to ownership of goods during the currency of a hire-purchase agreement—it merely created a right on default that did not exist before—and the practical benefit that a hirer might enjoy under it does not amount to much, especially in a depression. The important point, however, is that the provision was an attempt to render justice to hirers who had entered into agreements which they were eventually unable to sustain owing to changed conditions over which they had no control. But, whether a hirer's difficulties are individual or general, when this provision commences to operate the damage has already been done; and for that reason it is of slight value and may be regarded as not really contributing to the solution of the problems of hire-purchase.

I would like to refer members to some of the ideas expressed in Parliament when these problems were being discussed. In the boom period preceding the depression many people had entered into hire-purchase agreements—perhaps too lightheartedly. It was estimated that there were about 150,000 hire-purchase agreements in existence at the time; and it was generally agreed that the effects of the depression were more severe than they might have been because of the ill-advised over-indulgence in hire-purchase by a considerable proportion of the community. It is not difficult to imagine how hire-purchasers would be affected in the event of a depression in these days. One of the features of the debates in 1931 was the fate of amendments moved in both Houses to provide for the payment of a deposit of 25 per cent of the value of the goods subject of hire-purchase agreements. In the Assembly one of the members who supported the deposit principle argued that hire-purchase was responsible for the creation of "artifiicial boom conditions in certain industries"—that is, with the aid of hire-purchase, persons engaged in those industries for whose products there was no demand, created an "artificial demand" by extending credit with a small deposit. Another supporter of the deposit principle said that if people could not find 25 per cent of the purchase price they should not be allowed to "carry away" the goods because ultimately they would be "certain to lose them"; and in arguing thus he said he was urging Parliament to "save the people from themselves."

On the other hand, those who opposed the amendment stressed the hardship that would be suffered by wage-earners (who had been thrown out of work by the depression) when they obtained employment again and desired to replace the furniture and household goods they had lost in the meantime. Farmers who had suffered similarly were also represented as likely to be placed under a similar disadvantage if deposits were insisted when they sought to rehabilitate themselves later.

The amendment was defeated in the Assembly and again in the Council; and I feel sure that the decision in both places was correct, even if it might not have been arrived at for the right reasons.

Experience has shown that legislation providing for the payment of a deposit in hire-purchase transactions may be largely ineffectual when the pressure to sell is increased beyond a certain point, as, for example, in the sphere of domestic hire-purchase at the

present time. Various subterfuges are resorted to for the purpose of evading such legislation.

The New South Wales Hire-Purchase Agreements Act was amended in 1946 to provide for deposits more or less re-enacting the provisions of the National Security Regulations which had operated throughout Australia during the war but which lapsed about that time. However it was found extremely difficult, if not impossible, to enforce the legislation because of the subterfuges resorted to by traders and others. One of the most common means of evasion was the setting up of bogus firms within firms to facilitate the advance of deposits to prospective customers who were unable to supply them. This kind of thing is going on in England, where deposits are required by law. Another evasion was by means of agreements under which no interest appeared to be charged, but under which the price of goods had been increased to absorb the interest actually charged. Still another was the writing up of the value of the goods deposited by the hirer to the amount equivalent to the percentage required and a corresponding writing up of the price of the goods purchased. As a result of these practices, the New South Wales Government was constrained to introduce, early this year, an amending Bill "tightening up" the provisions of the 1946 legislation. Among other things, the Act now provides that no-one may borrow for purposes of making a deposit on hire-purchase unless he does so from a bank. It also contains the elaborate provisions, including drastic penalties, against the various evasions mentioned.

If financial restrictions are to be prescribed by legislation, I think it would be better to apply limits to the duration of hire-purchase agreements or even to the number of such agreements that a person may be a party to at any given time—rather than to prescribe minimum deposits. The National Security Regulations contained time limit provisions, and I believe the British Act has them. Our legislation has always been silent on the question of deposits, and if it remains silent, there will still be nothing to prevent any prospective hire-purchaser from offering a deposit if he wants to—and I assume that a trader would never refuse a deposit. By the same token, the Act will not prevent a trader from requiring a deposit. These are matters which, in any case, ought to be left to the discretion of the parties to hire-purchase agreements. That is my considered view. The question of deposit or no deposit and the amount of deposit should be left to the trader-customer arrangement that is required in all hire-purchase transactions. My view is strengthened by the fact that if the deposit is too small it has no deterrent effect and, if it is sufficiently high to have any serious deterrent effect, obviously the use of hire-purchase will be put beyond the reach of many worthy people who desire and should be permitted to use it.

Further, if the trader is willing, without deposit, to grant the purchaser commodities, I see no difference between purchasers beginning to save from the time of delivery of the article and compelling them to save for some months to provide the deposit for its purchase. In fact, once the article is in the purchaser's possession he has a greater incentive to save than if it were not, because having secured the advantage of possession he will better realize the meaning of loss of possession through failure to meet instalments. Although some business houses are now advertising that goods may be taken on hire-purchase without a deposit, this privilege is not granted to everyone. Some applicants are not accepted as hire-purchase risks, while frequently the first periodical payment is required immediately and therefore constitutes a deposit. I also point out that substantial deposits are required by traders in transactions involving motor vehicles.

I come now to the rate of interest charged on hire-purchase transactions, which is described in the Bill as "accommodation charge." Recently the Custom Credit Corporation Limited announced a dividend of 15 per cent compared with its previous dividend of 10 per cent. This is typical and indicates the degree of exploitation involved in the charges made by these lending institutions. This furnishes the strongest argument why this Parliament should take at least the modest step embodied in the Bill in order to curb to some extent this exploitation. The obvious method that first suggests itself to the mind as a means of combating this exploitation is the provision of some maximum rate of interest chargeable on hire-purchase. For example, it could be provided that the rate shall not exceed a certain margin above the current overdraft rate. This would amount to a sort of price-fixing for hire-purchase credit, the unit charge being fixed in accordance with a cost-plus formula similar to those used in fixing the prices of commodities under price control.

I believe, however, that it would be difficult, if not impossible, to fix accommodation charges in this way on a State basis, and the only practical approach seems to be to insist on a clear setting out in hire-purchase agreements of the relevant items, including the true percentage that the accommodation charge represents of the purchase price for the period of the agreement, so that the hirer may know, without any misunderstanding whatever, the financial implications of the agreement. If we can make the hirer more keenly conscious of these implications, we will have accomplished something worthwhile.

In this connection, I refer to an amendment moved by the present Minister of Education, Mr. Pattinson, to the Hire-Purchase Agreements Bill in the House of Assembly in 1931. As recorded on page 1959 of *Hansard* for that year, he moved for the insertion of a new clause, part of which was as follows:—

5b. (1) Every hire-purchase agreement giving an option to purchase shall state the total amount of all moneys paid in respect of the transaction prior to or at the time of the execution of the agreement and of all moneys to be paid thereunder before the hirer becomes entitled to exercise the option of purchase and shall set out what part of the total represents the price at which the goods could be bought for cash and what part represents cost of delivery, preparation of the agreement or other expenses and the remainder shall be shown as interest.

Mr. Pattinson pointed out at the time that the proposed new clause did not restrict the re-possession rights of the owner or the rate of interest he could charge; but in insisting on a clear statement as to the various ingredients involved in arriving at the total indebtedness assumed by the hirer, it would go a long way towards preventing fraud and hardship. Mr. Pattinson's clause also provided that a hire-purchase agreement would not be registered if it did not set out these details.

My Bill provides for the insertion of such details, although its provisions are perhaps more comprehensive and specific; of course, it also includes other provisions aimed at ensuring that the prospective hirer shall not go into a contract without knowing the true facts. In this respect I hope that the Minister of Education has not changed his view since 1931, because if he has not, I will have at least one friend in high places who may view with a kindly eye the provisions of my Bill.

The Hon. T. Playford—I hope he has advanced his views since then.

Mr. O'HALLORAN—I do not mind whether he has advanced them in other respects, but I hope he has not changed them on this aspect of hire purchase, because if they were sound then they are still sound. Mr. Pattinson's amendment was accepted by the House of Assembly, but in the Legislative Council, where the principle of compulsory registration was rejected, it was deleted, apparently because it was bound up with registration. I have not provided for compulsory registration, however; I have merely provided that an agreement not conforming to the prescribed conditions shall not be enforceable. In 1931 the House of Assembly accepted the provisions of Mr. Pattinson's amendment—which are substantially the provisions of this Bill—but they were rejected by the Legislative Council, not because it expressed any rooted objection to the principles but because it was opposed to the registration of agreements. As I do not propose that agreements should be registered, that opposition should no longer exist.

The Bill also introduces a new principle in reference to the accommodation charge. In my previous Bill I provided for the reduction of the periodical payment that would be payable if based on a given flat rate to an amount that would be payable if the corresponding compound rate of interest had been charged, thus giving the hirer the benefit of periodical adjustments. For example, if a trader proposed to charge, say, 5 per cent, he would have had to calculate the periodical payment on the assumption that he was charging 5 per cent flat and then adjust the periodical payment according to the appropriate formula. Thus, if the trader wished to receive the same actual return as he is now receiving for any given flat rate, he would have had to base his calculations on a higher flat rate than he does now. The trader would have had to mean true or compounded interest when he said he was charging any given percentage. In this respect, the object of the Bill was to emphasize the rate, whatever it was, that the trader actually charged.

During the debate, however, the Premier, who, characteristically enough, spoke on the Bill without a full knowledge or appreciation of its provisions, said, in effect, that he would be prepared to accept the formulae set out in the schedule to the report on the Moneylenders Bill (1939). Those formulae convert flat rates to the corresponding true rates without any reference to the adjustment of the periodical payment. For example, a flat charge of 10 per cent per annum could be shown to be from 16 to 20 per cent compounded according to

whether the payments are quarterly, monthly, fortnightly or weekly. The formulae set out in the report on the Moneylenders Bill are not as simple as those included in my previous Bill, but as they can be put to the same purpose—to emphasize the rate of interest being charged on hire-purchase—and as they will, I believe, meet the objection raised by the Premier on this score last session, I have incorporated them in this Bill.

A simple example will suffice to illustrate how these formulae may be applied. If the price of the goods on which the accommodation charge is calculated and which is described in the Bill as the net credit price, is £100, and the accommodation charge is £10, the total of £110 being payable by equal monthly payments over a period of one year, each monthly payment will be £9 3s. 4d., that is, £110 divided by 12. In this instance, the accommodation charge represents a flat rate of 10 per cent per annum on the net credit price. To find the compounded, or true, rate by means of the appropriate formula, the £10 would be multiplied by 2,400 and the result divided by 100 times 13. The result of this calculation is 18 (to the nearest whole number) and that is the true rate (as near as the formula will give) that a 10 per cent flat rate represents in this case. The corresponding percentages for weekly, fortnightly and quarterly payments under the same conditions would be 20, 19 and 16 respectively. In adapting the formulae for the purposes of the Bill, I have altered the form in which they are expressed in the report on the Moneylenders Bill, without altering the principle involved, with a view to making them simpler for use by any person engaged in the work of preparing hire-purchase agreements.

As previously indicated, the Bill is confined in its operation to transactions involving household goods, personal effects and clothing. I have not thought it necessary, at this stage, to extend its application to other hire-purchase transactions, although such extension could be made with only a slight amendment. However, the scope of last year's Bill has been widened to apply to transactions which, while not being strictly hire-purchase agreements, are, in effect, the same for the purposes of this legislation. I refer to deferred payment agreements, which differ from hire-purchase agreements in that the property in the goods passes at the time of delivery. Both hire-purchasers and deferred-payment purchasers need whatever protection we can give them against any tendency they may have towards over-indulgence in credit buying and from exploitation by lending institutions; and these two types of transaction may be regarded as similar in that the hirer (or purchaser) undertakes to make periodical payments, the total of which exceeds the price of the goods because of the imposition of an accommodation charge. If, however, a person enters into a hire agreement pure and simple—that is, merely for the use of goods and without any option or intention of becoming the owner of the goods—he would not normally be covered by the proposed legislation. I mention this because section 2 (1) (*b*) of the Act lays down that if a person agrees merely to hire goods and the total hire is three-quarters or more of their value, he is to be deemed to have entered into a hire-purchase agreement. Such a person would, of course, enjoy the protection afforded by section 4 of the Act in case of default; but a pure hire agreement will not come within the ambit of the Bill unless the total hire exceeds the value of the goods.

Another new provision in the Bill is that no charge shall be made for the preparation of an agreement or for the supply of a copy of the agreement to the hirer. Most hire-purchase agreements are more or less standardized and entail no legal or other costs, except the cost of printing, which is relatively small. The requirement that a copy shall be supplied to the hirer is intended to constitute another means whereby the hirer obtains information about the position in which he is placed as a result of the agreement. I have also thought it desirable to redraft the provision relating to the consent of the spouse of a hirer. Some objection was taken to this provision last year. I do not concede that the objection was valid; for I believe that where agreement on these matters cannot be achieved betwen husband and wife, conditions are such that hire purchase should not be entered into and that where there is the degree of mutual trust and confidence which ought to characterize the home, neither party would resent the necessity of having the approval of the other. Moreover, I am mindful of the objectionable activities of go-getter salesmen who, by their persistence and other tactics, may persuade the woman of the house to sign an agreement on which the husband has not had an opportunity to be consulted. The co-operation of husband and wife in these matters is, I believe, one of the most effective means of ensuring that hire-purchase shall not be abused.

I have redrafted this provision to the extent that the hirer must sign a statutory declaration to the effect that he (or she) is not married or that, if married, he or she is judicially separated from or has been deserted by his or her spouse. In the case of a married person, of course, the statutory declaration would be necessary only if, for the reasons specified, the signature of the spouse was not obtainable. I mention, in this connection, that many traders inquire whether a prospective hirer is married or not and take the fact into consideration in determining the conditions of a hire-purchase agreement. It is intended that the declaration shall be part of the *pro forma* of the agreement or be attached thereto, to be filled in as required.

Another slight change made in this Bill is the provision that the new section to be inserted in the principal Act shall come into operation on a date to be fixed by proclamation. The purpose of this provision is to enable traders to make whatever adjustments may be necessary in their procedure and *pro formas* in order to conform to the other provisions of the Bill. Two schedules are provided, one prescribing the method of calculating the rate of accommodation charge and the other containing an example of the items to be set out in hire-purchase agreements.

A number of terms are necessarily used in special senses, and these are defined in the Bill as follows:—Cash price, meaning the price, including any delivery charge or other trade charge, at which the owner would be prepared to sell for cash; net cash price, meaning the cash price less any deposit made; net credit price, meaning the net cash price plus insurance paid by the owner; and gross credit price, meaning the net credit price plus accommodation charge.

The Bill also provides that periodical payments shall be equal in amount unless they cannot be calculated exactly in terms of shillings, in which case all but the last must be equal, the last being used to make the necessary adjustment. The Bill is aimed primarily at protecting the ordinary householder who wishes to improve his standard of living by means of hire-purchase; and it seeks to achieve this aim by providing that all relevant facts shall be made clear to him and that, in the case of married persons both shall be, in effect, parties to any agreement relating to the types of goods specified.

The Hon. T. PLAYFORD secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT (LEGISLATIVE COUNCIL FRANCHISE) BILL.

Adjourned debate on second reading.

(Continued from August 17. Page 567).

Mr. JENNINGS (Prospect)—I support this Bill with great relish, and I think you will understand, Mr. Speaker, why I am pleased to support such a democratic measure. However, I am in the unfortunate position of having to follow many excellent speeches made from this side of the House, but have nothing to answer from the other side. We have got to the stage we frequently reach with this type of Bill—that the gentlemen opposite are apparently not prepared to speak and leave it to the Opposition to carry on the debate. It was pathetic to see a man like the Premier reduced to 12 minutes of impotent irrelevancies on such an important measure. Apart from him and the member for Alexandra we have had no speakers from the other side. I believe Mr. Brookman was sincere in his views and that is why he spoke and I believe the reason other members opposite have not spoken is that they could not sincerely oppose the Bill. Seeing that Mr. Brookman was sincere in his views, it is regrettable that such views would have been antiquated 100 years ago. His progress is rather crab-like—backwards rather than forwards.

The Premier a few minutes ago in another debate wondered whether one of his Ministers had progressed since 1931. Later I intend to quote from *Hansard* of 1898 an extract which will show that the Premier's supporters have not progressed in their views, particularly on this matter. It is understandable that they are not raising any valid objections to the Bill, because there are no valid arguments against it. Their only argument against it, which they are anxious to conceal, is that they want to keep the Legislative Council on its present basis, which enables the majority of its members to be representative of property values rather than human values. That is why they will not debate the Bill.

The Upper House, being elected on a restricted basis, is an obstruction and the last bulwark of Conservatism, and that is why members opposite are anxious to retain it in its present form. They know that with the exercise of adult franchise social justice is obtainable, but social justice is incompatible with the protection of the privileged few. They are most anxious that the Upper Chamber should be representative principally of big

business and the grazing interests so that full adult franchise exercised in the election of this House can be nullified. The restricted franchise for the Legislative Council is a fraud on the people. They are encouraged to believe that they have a vote to elect the Lower House, leaving aside for the time being gerrymandering, but then we allow the Upper House to be elected by a few people so that the decisions of the popularly elected House can be frustrated. Members opposite say that we are seeking by this Bill to abolish the Legislative Council. No such thing is intended and it is not either mentioned in the Bill or even implied. Its object is the democratization of the Upper House. We are told that hasty legislation is avoided by having the Legislative Council constituted on a restricted franchise.

Mr. Lawn—What about the end of the session?

Mr. JENNINGS—Hasty legislation is then rushed through this House to be reviewed in the august Chamber up top. I cannot comprehend why a member of a House elected on a full adult franchise is less capable than one elected on a restricted franchise.

Mr. Quirke—Could it not work the other way—introduce there and review here?

Mr. JENNINGS—Yes. I have had a look at the number of hours the Council sits. Let us see how Council members swot, reviewing assiduously legislation passed by this Chamber. The following shows the position for the last Parliament:—

Year.	Sitting days.	Average sitting. h. min.	Total hours for year. h. min.
1950	41	2 55	119 52
1951	34	3 9	106 57
1952	31	3 6	95 53

This shows that in 1950 and 1951 the Council sat for less than three 40-hour weeks and slightly more than two 40-hour weeks in 1952, yet it is said that it reviews hasty legislation. If it prevented ill-conceived legislation from being placed on the Statute Book it did not waste much time. A council elected on a full franchise would be a much stronger House. In 1898 a Bill was introduced in the Assembly to extend the suffrage from property to house holders, and Mr. Copley said:—

Those who accumulate wealth are best suited to constitute the Upper Chamber and put a brake on hasty legislation of the Lower Chamber.

This will interest Mr. Macgillivray, for Mr. Copley went on:—

. . . and so the public debt will not be increased beyond its present alarming proportions . . . The proposal then before Parliament extending the franchise to house holders would even permit people who are living in mud huts or on mining fields having a vote for the Legislative Council.

What a shocking thing!

Mr. Brookman—Are you quoting from *Hansard* or paraphrasing?

Mr. JENNINGS—I am quoting the substance.

Mr. Brookman—Why not quote the actual words?

Mr. JENNINGS—I will now quote what Sir John Downer had to say:—

They were to have two Houses, the qualification for one to be that the voter must be a man or woman of 21 years old, and for the other that they must be a man or woman who lived under a roof somewhere. It might be a tent divided into 10 compartments, each of which might be five or six feet square, and let to separate persons, but this divine aegis of "home" was over the whole and every person came in under this sacred Bill and was entitled to vote as one who had a settled and vested interest in the community.

In those days *Hansard* was reported in the third person. The arguments against the extension of the franchise then were exactly the same as they are now, except that the predecessors of gentlemen opposite were more eloquent and more honest in their expressions. In the Council the Hon. J. H. Howe said:—

Port Pirie was able to snap its fingers at the rest of the district (because it was growing so fast) and of course when it became strong enough it put up a Labor member. Outside of Port Pirie he obtained a good majority but the town returned its own man and he was glad that such an able member had been elected. But it showed the result which would follow a reduction of the franchise for the Upper House. The backbone of the country would certainly have a vote, but it would be absolutely useless.

He meant that it would be of no great value to change the franchise. He was concerned at such an alarming development that Labor voters at Port Pirie would have a majority over the Conservative voters. This shows that our friends opposite have made no progress in the last 57 years. They still think along the same lines and use the same outmoded arguments, except that they use them less openly and honestly. One of the most shocking things about the restriction of the franchise is that it debars the great majority of women from a vote for the Legislative Council, something that is absolutely undisputed. Certainly they have a vote for the Lower House, but obviously the value of that vote can be cancelled out by the actions of the Upper House. So here in the twentieth

century practically all the women in the State are prevented from having any effective say in the management of the State, yet we claim to be a progressive and enlightened community! The honourable member for Alexandra and the Premier have said that a house of review is necessary, but the Legislative Council, as the honourable member for Norwood has pointed out, is not a house of review, but a house of obstruction, a house of veto. If it were only a house of review it would not be nearly as obnoxious as it is now. It has more power than the House of Lords; it has equal power with this House in all matters except money Bills, and is in a position to frustrate the wishes of this House even though it is elected by only one-third of the people. I cannot see any great objection to an upper House having powers equal or almost equal to those of the lower Chamber if it is popularly elected, just as the lower Chamber is, although it would not necessarily operate in the same way because the election would not be every three years, and the members come from different electorates in any case. I wish to disabuse the minds of the people that the Legislative Council is nothing more than a house of review, because it is certainly not a house of review, but, as it has been described before, a legislative abattoirs.

The Bill lowers the age limit for candidates for the Legislative Council to 21 years of age. I do not think that is a very important aspect of the Bill; nevertheless it is very desirable. Unless we except the fruitless attempt of the member for Alexandra, nobody has endeavoured to point out why there should be a higher age limit for a candidate for the upper House than for the lower Chamber. People over 21 years of age are allowed to stand for election to this Chamber, a popularly elected House, and one that has equal power—in fact, greater power, in as much as it can deal with money Bills—and as the honourable member for Alexandra pointed out, the legislative initiative takes place in this House, yet no person under the age of 30 is allowed to stand for election to the Council. That is something that cannot be justified. It is just a relic of the past.

The almost inevitable Conservative majority in the Legislative Council as at present constituted is used by the Conservative Government in this Chamber. When fairly liberal measures are introduced here they are reported in the *Advertiser* as further indications of "Honest Tom's middle-of-the-road-policy." It is made to appear that he is not really Tory, but will always go half-way towards meeting the wishes of the people. It is always written up as though the matter had already gone through the House and were an accomplished fact. If it is a reasonably good measure the die-hard Tories in this House may oppose it, but usually it passes this House. It then goes where there is a big Conservative majority, and frequently the best features are amended. I believe that is all part of a plan, and that under this system, by very cunning management, the Conservatives get it both ways. I do not believe that the dyed-in-the-wool Tories in the upper House take it upon themselves to amend the better type of legislation, or, if it is too good. kick it out altogether; I sincerely believe it is all part of a plan. The Playford Government gets the credit for introducing something fairly liberal in this Chamber and then the Legislative Council, which the public cannot get at, gets the blame for reducing it to restrictive legislation. I believe that this Government frequently depends on the Conservative majority in the Legislative Council to ruin reasonable legislation introduced here.

Mr. O'Halloran—It fixed the Town Planning Bill last year.

Mr. JENNINGS—It did, and at least one member here was glad of that, but I do not think he appreciated the way it was done. It was a wonderful move by the Premier to introduce the Bill last year. He was the saviour of the people then, and he introduced it again this year. He may have arranged with the Legislative Council to shelve it again, but next year, with another Government in office, perhaps it will go through. Members opposite oppose the Bill because they want to ensure a conservative majority in perpetuity in the Upper House so that, irrespective of whether or not the people want Parliamentary progress, they can frustrate progress in the Upper House by having people there representing big business or grazing interests.

Mr. TRAVERS (Torrens)—I oppose the Bill on the short ground that it has nothing whatever to recommend it. We have heard speeches from some members opposite which suggest that their approach to this measure is very much like that of the young man who was discovering the facts of life. They have spoken with considerable enthusiasm about a number of matters in a way which suggests that they are attacking an institution that was established quite recently, whereas it is as old as the State of South Australia. There is an odd and unfortunate tendency amongst some

people to meddle with and even to attempt to destroy existing institutions. If we found an institution had operated badly or produced bad results and bad government, thereby retarding the State's progress in comparison with the progress of, say, Queensland which has abolished its Legislative Council—though South Australia has progressed far beyond Queensland with all its potential wealth and all its mismanagement of it—there would be something to be said for altering it. But where we find that institution is part and parcel of a government that has lifted this State from a very unfavourable position to one which is very favourable compared with that of other States it is a wise maxim that we should leave existing institutions alone.

The Legislative Council has existed, in substance as it is now, for just 100 years. It is not some new institution that has been thrust upon the people and requires altering. It is in the same form now as was given to us in our Constitution about 100 years ago, and it is very misleading and unfortunate that some young gentlemen who are discovering the facts of life for themselves are proposing alterations to the Constitution as though there were some new scheme afoot to differentiate between the franchise for the election of this House on the one hand and the franchise for the Legislative Council on the other. The Bill contains only two operative clauses, the first being clause 3, which states:—

Section 12 of the principal Act is repealed and the following new section is enacted and substituted in lieu thereof:—

12. Any person qualified and entitled to be registered as an elector in and for any Council district shall be qualified and entitled to be elected a member of the Legislative Council for any Council district.

I shall read section 12 of the Constitution and then read the section which was its counterpart 100 years ago. Section 12 states:—

No person shall be capable of being elected a member of the Legislative Council unless—

(*a*) he is at least 30 years of age; and

(*b*) he is a British subject or legally made a denizen of the State; and

(*c*) he has resided in the State for at least three years.

This so-called iniquitous provision seems to have made its appeal 100 years ago and seems to have operated ever since. It was derived from section 5 of the Constitution Act, 1855-56, which set out the qualification of members of the Legislative Council. That Act was headed:—

An Act to establish a Constitution for South Australia, and to grant a Civil List to Her Majesty.

Section 5 stated:—

The Legislative Council shall for the present consist of eighteen elected members, who shall be elected by the inhabitants of the said province legally qualified to vote; and no person shall be capable of being elected a member who shall not be of the full age of thirty years and a natural-born or naturalized subject of Her Majesty, or legally made a denizen of the said province, and who shall not have resided within the said province for the full period of three years.

Other sections of the same Act said that no person could be a member of the House of Assembly unless he were at least 21 years of age. So precisely the same situation obtained then as now. It seems curious that some members of the 1955 Parliament should assume to themselves a monopoly of wisdom on the question of what is the best form of government.

Mr. Dunstan—Why should the framers of the original Constitution assume any monopoly of wisdom?

Mr. TRAVERS—I am not interested in inquiring what prompted the original framers of the Constitution, but that was the original form of the Constitution given to us. That was the form under which South Australia commenced and under which we have progressed magnificently for 100 years. Clause 4 of the Bill repeals sections 20, 20a, 21, and 22 of the principal Act and substitutes the following in lieu thereof:—

Every person who is for the time being entitled to vote at the election of members of the House of Assembly shall also be entitled to vote at the election of members of the Legislative Council.

Section 6 of the Constitution Act, 1855-56, states:—

Every man of the age of 21 years, being a natural born or naturalized subject of Her Majesty, or legally made a denizen of the said Province, and having a freehold estate in possession, either legal or equitable, situate within the said Province, of the clear value of fifty pounds sterling money above all charges and encumbrances affecting the same, or having a leasehold estate in possession, situate within the said Province, of the clear annual value of twenty pounds, the lease thereof having been registered in the General Registry Office for the registration of deeds, and having three years to run at the time of voting, or containing a clause authorizing the lessee to become the purchaser of the land thereby demised, or occupying a dwelling-house of the clear annual value of twenty-five pounds sterling money, and who shall have been registered on the Electoral Roll of the Province six months prior to the election, shall be entitled to vote at the election of members of the Legislative Council.

That, in substance, is the counterpart of the present section 20 of our Constitution. Let me point out one or two things as indicative of the broadening of the franchise. Those amounts of £50 referred to as a qualification in 1855 may have been very real stumbling blocks to the citizens of those days, but they are not today having regard to the changed value of money. Furthermore, the age of 30 was somewhere nearer the expectation of life in those days, but it has increased by about 15 years since then. It is good to look at these things when we hear these enthusiastic outbursts about someone having villainously chosen a different system for the Legislative Council from that for the House of Assembly.

It has been said during the course of this debate that from the age of 30 there seems to be a more mature judgment. We seem to have had some very real proof of that because the member for Norwood (Mr. Dunstan), who, I gather, is not yet entitled by reason of age to be a member of the Legislative Council, used some very intemperate language—which I think in his more mature years he will regret—when he spoke of the Legislative Council having in certain instances "the maturity of rather over-ripe cheese." There is proof indeed that under 30 judgment is lacking in some instances—I do not say in every instance. It was not, may I suggest, a very fitting description of a member of his own Party who is the oldest member of the other House, the Hon. A. A. Hoare. I should have thought that any differences that might exist between the honourable member's section of the Party and Mr. Hoare's section might well have been aired elsewhere than in Parliament. It is somewhat significant that during the same week we find Mr. Hoare, who has given a quarter of a century of valued service to his Party in the House which has been described as having the maturity of over-ripe cheese, coming into the lists too. He is reported in the *News* of last week to have said, "The Australian Labor Party has lost the unity and ideals with which it started." He complained about its being ruled through the Trades Hall, and went on to point out that, notwithstanding this one vote one value business of which we hear so much, "Under the card system the individual member has not the say he once had." There it is, Mr. Speaker. There are the views expressed by the youngest member of this House about the oldest member of the other House; that seems to be the reply by the oldest member of the other House to the youngest member of this House.

Mr. HUTCHENS secured the adjournment of the debate.

DRAUGHT STALLIONS ACT REPEAL BILL.

Read a third time and passed.

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL.

Read a third time and passed.

TOWN PLANNING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 23. Page 605.)

Mr. TRAVERS (Torrens)—When we adjourned yesterday I had been discussing clauses of the Bill and my last comment had to do with clause 6 (*j*) which deals with one of the matters upon which the committee shall withhold its approval to a plan of subdivision. I pointed out that the clause is quite mandatory; the committee must withhold approval unless it is satisfied as to the matters referred to in paragraph (*a*) to (*j*) inclusive. Proposed new section 12a (1) (*j*) provides that the committee shall withhold approval to any plan for subdivision unless it is satisfied that the plan provides for reasonably adequate reserves for public gardens and public reserves. There is no reason at all why there should be this provision in respect of a small subdivision of, say, a dozen houses. Under the provision a dozen people would have to pay for the reserve although as many as 12,000 people might use it. Obviously, the vendor of the land would not incur the cost of the reserve; the burden would fall on homebuilders. Clause 7 deals with appeals from decisions of councils or the Town Planner. Proposed new section 13 (3) states:—

> Every such report shall be laid before both Houses of Parliament and may be considered by a joint committee appointed for the purpose by both Houses of Parliament in pursuance of the Joint Standing Orders.

The Bill thus sets up a joint committee as a kind of appeal court in respect of an individual subdivision, but it does not do so in respect of the master plan, which is the more important aspect. The master plan goes through the odd process of being deemed the law until it is disallowed in some way that is difficult of accomplishment. Proposed new section 26 (2) provides that for the purpose of preparing the master plan "the committee may consult with any council the area of which is within the metropolitan area." I am concerned about

the use of the words "may consult"; they seem to denote a gracious concession. The committee is not obliged to consult with councils, and even if it consults with them it may override the councils. Indeed, this Bill deals harshly with councils because it takes all operative power from them in these matters and enables the committee to overrule completely their views on town planning schemes. With regard to the submission of the master plan to Parliament, proposed new section 27 (2) states:—

Either House of Parliament may, by resolution notice of which has been given at any time within 28 sitting days of the House after the plan was laid before it, refer the plan back to the committee for reconsideration either generally or as regards any matter referred to in the resolution.

That is the limit of Parliament's power: it cannot amend, it can only refer back the plan on any matter. Parliament is given no power to expedite any matters referred to the committee. Can anyone justify the non-retention by Parliament of power to amend a plan? Why not put other legislation on the same basis as this? If this principle is sound, why not say to the Betting Control Board, "You draw up betting legislation and we will automatically deem it to be law," or to the Municipal Councils Association, "You draw up appropriate legislation and we will accept it?" One could give innumerable instances showing the absurdity of that approach.

Under proposed new section 28 (1) the plan automatically becomes law unless enough people join in opposing it, and in this respect only those in a district where there is a particular piece of mischief will be concerned to vote against the plan; and how can they possibly find a majority to reject it? Proposed new section 33 (3) gives a far-reaching power to the committee by stating:—

Upon the developmental plan having the force of law any by-law made by any council which is inconsistent with the developmental plan shall to the extent of the inconsistency cease to have effect.

Members must realize that this power is being given to a committee the constitution of which they know nothing about. The committee will be able to completely repeal and override the by-laws of any council. That sort of legislation should not be passed; if council by-laws are to be overridden it is Parliament that should do the overriding.

Mr. Stephens—Does that apply to all by-laws?

Mr. TRAVERS—Yes.

Mr. Quirke—That overrides the existing power of the Joint Committee on Subordinate Legislation?

Mr. TRAVERS—Yes; that committee can merely make a recommendation to Parliament, but the proposed new committee has omnipotence. Unless a majority of both Houses disallows a decision of the committee, Parliament will have no control over it. I take it that a resolution of one House would not be sufficient to set aside its by-laws. Proposed new section 36 (1), which deals with the power to prohibit subdivision, states:—

This section shall apply within the metropolitan area and any other part of the State to which the Governor by proclamation declares that this section shall apply.

There is power in that sub-section to extend the metropolitan area by proclamation, whether or not recourse is had to the device of describing the metropolitan area. Proposed subsection (2) states:—

If satisfied that for the purpose of preserving any area as an open space or that for any reason whatsoever in the public interest it is desirable so to do, the Governor, on the application of the owner of the land or without such an application, may by proclamation declare that any land in any part of the State to which this section applies shall not be subdivided into allotments for sites.

That provides that the committee shall be the judge of what is desirable in the public interest and that it shall be capable of acting on its own motion. This provision enables the committee to freeze any man's land, anywhere in the State, for any length of time, for any purpose and for any reason it thinks in the public interest.

That concludes my comments on the Bill and I will summarize my remarks. Firstly, it is the underlying principle of our property law that any man who has land has an indefeasible title. It is toying with words to suggest that a title is any longer indefeasible if this unnamed committee is at liberty to freeze, for any purpose or period it deems fit, a man's land and prevent him using it. It is toying with words also to say that a title is any longer indefeasible if this committee, without compensating a man, is able to say that his land shall be used for one particular purpose and no other.

My second submission relates to compensation. It is part of the Commonwealth law that if land is acquired it must be on just terms. There is no such provision in State law and one would have expected it in this Bill. It is not there and property owners should be careful before accepting the

measure. The use land can be put to adds to its value. If a man is directed as to how and when he must use his land he may miss the market. These matters are extremely important on the question of compensation. Compensation, incidentally, has been a feature of similar schemes attempted elsewhere. There have been several schemes in America, in London, New South Wales and Victoria. For some reason the landholder must apparently bear the cost in South Australia.

My next point is that we can find no comfort from examining comparable schemes elsewhere. In New South Wales the County of Cumberland Town Planning Scheme produced what was called "greater Sydney." One is tempted to ask "Greater than what?" It was an ambitious planning scheme which put many efficient local governing bodies out of existence. It has completely held up progress and large tracts of useful land have been left idle. There have been claims for compensation amounting to £380,000,000, but no money has been available to pay them. Where is the money to come from to pay compensation under this Bill if the planners decide, as part of the scheme, that there should be compensation? Is all land to be frozen until we get a windfall from somewhere to pay for it? Last year a scheme was before the Victorian Parliament, but at least it had a report before it. It is reliably estimated, according to Victorian *Hansard*, that the cost of that scheme will be about £250,000,000. Where is the money to come from if our scheme is to cost that? Will we say, "The landholder can bear the whole cost?" Let us bear in mind all the time that the mischief of this matter is that proclamations can apply it to any part of the State and that neither this House nor any of us will be consulted about it. The English scheme was the 1951 County of London Development Act. A rather sorry history of freezing of land followed that.

It seems to me that this matter has been completely ill-conceived. Town planning could best be attacked by setting up a committee of qualified town planners. Town planning is a university course carrying a diploma or degree and is common to most universities. It should not be conducted haphazardly and the matter should be investigated thoroughly by a properly selected committee. The committee could tackle the problem and present a report setting out in short terms what can be done and what, in its expert opinion, it considers should be done and outlining the estimated cost. Then it would become the job of members of Parliament to work upon that report to see whether what is suggested can be done, whether money can be found to do it and to provide that every landholder whose land is interfered with receives just compensation for the interference. That is a simple and businesslike method of attacking the problem and it is the only form of attack that will receive my support.

Mr. TAPPING (Semaphore)—I rise to participate in this debate with mixed feelings because the Bill has some virtues. Two councils in my electorate are involved in this matter—Woodville and Port Adelaide. It has been customary, when something of importance is before Parliament, for councils concerned to indicate their views, but on this occasion I have received no intimation from either council. I ask leave to continue my remarks.

Leave granted; debate adjourned.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

The Hon. A. W. CHRISTIAN (Minister of Agriculture) obtained leave to introduce a Bill for an Act to amend the Metropolitan and Export Abattoirs Act, 1936-1954, so as to provide that prescribed quotas of meat from country abattoirs existing at the time of the passing of this Act or thereafter established, may be brought into and sold within the metropolitan abattoirs area, and so enact other provisions relevant to the foregoing amendments.

ADJOURNMENT.

At 4.36 p.m. the House adjourned until Thursday, August 25, at 2 p.m.