HOUSE OF ASSEMBLY.

Wednesday, November 2, 1955.

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

QUESTIONS.

GRASSHOPPER MENACE.

Mr. GOLDNEY—Has the Government, through the Department of Agriculture, considered taking any further measures to combat the grasshopper menace?

The Hon. A. W. CHRISTIAN—This morning Cabinet approved a plan for meeting the next phase of the menace, the migratory stage, by various methods which we have at our command. As soon as the grasshoppers begin to migrate and congregate sufficiently for aerial spraying to be effective it is proposed to arrange to have available all the aircraft operating in this State. We shall have about 12 aircraft at call for concentrating in any danger area of which we are advised by an organization being set up for spotting the danger areas. It is proposed to use district council personnel and fire-fighting officers throughout the State, as well as members of the Stockowners' Association, to provide the necessary on-the-spot information so that immediately a concentration of migratory hoppers is located, if it is sufficient to warrant it, we shall get to work with aircraft to wipe them out or minimise the infestation. We have also much experience of using certain types of ground spray on winged hoppers, and this method has proved very effective. We expect to concentrate many of these units in the danger areas beforehand so that where their use is the most effective means they can be employed immediately. Likewise, stocks of materials will be located throughout the State, notably in the danger areas, so that there will be no delay in getting to work when the menace appears.

The work done by landholders, district councils and the Army has been very effective in the inside country and I believe, from the reports that we have had and from a recent inspection made by the Director of Agriculture and the Chief Agronomist (Mr. Walker), that we have the menace fairly well under control in the inside country. However, if the grasshoppers follow their usual instincts and migrate south from the outside areas we may still be invaded to a dangerous extent, and it is in order to meet that menace on the wing that we are setting up this new organization with which we hope to cope with it so far as is humanly possible.

BAROSSA VALLEY FROSTS.

Mr. TEUSNER—Following on a very severe and destructive frost in the Barossa Valley at the end of September of last year I asked the Minister of Agriculture whether officers of his department had conducted any experiments in hormone spraying of frost-affected orchards with a view to ascertaining whether frost-affected fruit could be carried through to maturity. He replied that experiments had been conducted, but that until further work had been carried out, if and when frost damaged apricots in a future season, there was no possibility of making any recommendation on this means of offsetting frost losses. Have his officers conducted any further experiments with hormone spraying of frost-affected fruit following on the recent destructive frosts that occurred in the Barossa Valley and, if so, what were the results?

The Hon. A. W. CHRISTIAN—Following on the recent wide-spread frosts, particularly those that considerably affected the apricot orchards of the Barossa Valley, further experimental work was done and the Director of Agriculture reports:—

Early indications are that the sprays did have some effect on setting fruits without seed, where the seed had been killed by the frost. The hormone had the effect of promoting fruit growth in spite of the frost damage. It is too early, however, to assess the true effects and state categorically whether the spray was of economic value or not.

FUSARIUM CROWN ROT DISEASE.

Mr. WHITE—The last issue of the *Sunday Advertiser* contained the following report:—

What has been described as the worst disease that has ever menaced the Queensland wheat industry is causing alarm among growers on the Darling Downs. It is fusarium crown rot fungus disease, which has reduced the estimated yield on some properties by 30 per cent. Many growers regard the position as frightening. Some said that if the disease were not checked it could wipe out the industry in a few years.

Can the Minister of Agriculture say whether his department knows of this disease, and if so, what measures will be taken if it appears in this State?

The Hon. A. W. CHRISTIAN—I read the article referred to and I caused my departmental officers to investigate the matter and inform me on it. The departmental report states:—

Fusarium crown rot attacks wheat in a manner similar to "take-all," causing seedling collapse when the infection occurs early, and "white heads" when the attack is later. It is difficult to distinguish from "take-all"

in the field although affected plants show a characteristic whitish fluffy growth on the roots, without the black discolouration which is characteristic of "take-all." Few specimens of the disease have come to the Waite Institute from South Australian wheat districts, and it is regarded as of no great importance in this State. It is seasonal in its occurrence and the few South Australian records have come from one or two localized areas, including Gawler and Roseworthy some years ago.

Although I hesitate to add to experts' views, I point out that in the early phase of cereal growing in this State, take-all was a widespread crop disease, but because of better agricultural practices and other factors little is seen of it these days. Queensland has come more lately into the field of cereal production and may be passing through a similar phase with this disease to our experience with take-all.

WHEAT POOL PAYMENTS.

Mr. HEASLIP—Recently, in the Senate the Minister for Commerce and Agriculture, replying to a question by Senator Pearson, said that up to the present growers had received 11s. a bushel bulk from the No. 17 wheat pool and that during the 12 months £8,252,547, had been paid into the stabilization fund from the proceeds of the realization on the wheat. In view of the fact that the growers had been guaranteed a price of 12s. 7d. for that pool, can the Minister of Agriculture say why over £8,000,000 was deducted prior to their receiving the guaranteed price?

The Hon. A. W. CHRISTIAN—It is part of the stabilization scheme that deductions of up to 1s. 6d. a bushel are made from the receipts from the sale of wheat in order that the guaranteed amount shall be forthcoming and payable in later years when the overseas or other prices do not total the guaranteed price. Until all the wheat from the pool is sold and realized on, it will not be known whether we will reach the guaranteed amount or not. The guaranteed price will not be completely paid until the full realization of that pool.

Mr. PEARSON—Can the Minister say whether under the terms of the Wheat Export Tax Act, under which the moneys are collected for the stabilization fund, moneys are deducted from wheat sale receipts progressively as export sales are made, and if so, is that why the amount of over £8,000,000 has been contributed out of this pool?

The Hon. A. W. CHRISTIAN—I assume that is the position.

NEW UNLEY HIGH SCHOOL.

Mr. DUNNAGE—Yesterday, in reply to my question, about progress on the Unley high school, the Minister of Education said that he could give some information, but that it might not be as pleasing to me as I had hoped. I agree with him that it was not. As a member of the Public Works Committee, I know that the Architect-in-Chief told the committee that the plans would take nine months to complete and the boys' section of the Unley high school a further 36 months to construct, which means that if we are lucky we will have the Unley Boys' High School in about four years. Last week at a meeting I was told that the technical school for girls would be out of the Unley Town Hall in three years' time. Does the Minister think it possible that the Unley Boys' High School will be built within three years?

The Hon. B. PATTINSON—As a member of the committee the honourable member knows that the recommendation to construct the Unley high school is only comparatively recent, and the work is not even on this year's programme for the Education Department. It will be a considerable time before the school is constructed. I cannot say whether it will be completed in three years, but I am confident that it will be in four.

KANGAROO ISLAND FILM.

Mr. BROOKMAN—A recent press report stated that the Southern Film Company had asked the Tourist Bureau for information about Kangaroo Island with a view to making a film there. Can the Premier give any more information than that contained in the report? Further, it was stated that the Tourist Bureau would afford the company every facility required. I hope that it will give the company every encouragement to take as much as possible of the film on Kangaroo Island and afford it every opportunity to use the natural scenery of the island in the film.

The Hon. T. PLAYFORD—I cannot take the matter any further than the press has, but the Government would be most anxious to assist this company to take a film on Kangaroo Island, for it believes that type of advertisement is good for the State. Through the Tourist Bureau, the Government has already given every assistance required, and that policy will be continued.

EUDUNDA AREA SCHOOL.

Mr. MICHAEL—Can the Minister of Education ascertain when tenders are to be called for the erection of two new rooms at the Eudunda area school?

The Hon. B. PATTINSON—All I know is that the work has been authorized. I shall obtain the information as soon as possible.

MONTEITH PRIMARY SCHOOL.

Mr. WHITE—During the past month or so I have asked questions concerning the erection of a fence at the Monteith school. Has the Minister of Education the information he promised to get for me?

The Hon. B. PATTINSON—The construction of the fence was authorized and tenders closed in August. One was accepted late in August, and I have been informed that the contractor has commenced, or is commencing, the work this week.

DEMOLITION OF DWELLINGHOUSES CONTROL BILL.

Adjourned debate on second reading.

(Continued from October 26. Page 1245.)

Mr. DAVIS (Port Pirie)—I support the measure because I believe the Government is wrong in permitting the demolition of dwelling houses. Many people are almost homeless, and the Government is not in a position to build homes for them, yet people are being permitted to demolish dwellings. In the main they are being pulled down to make way for petrol stations and garages. Every member receives numerous requests from constituents to approach the Housing Trust on their behalf, but most of the applications to the trust are refused because it cannot keep pace with the demand for homes.

The member for Torrens (Mr. Travers), in opposing the measure, criticized young people for not building their own homes. He claimed that when he was a young man—and that is going back many years—he had to save to build his own home even though he was receiving only £5 a week. I point out that he was receiving an excellent salary in comparison with the man on the basic wage who was then receiving only about £3 a week. In his time conditions were vastly different from what they are now. A man did not need £4,000 or £5,000 to build and furnish a home. A home could then be purchased for about as many hundred pounds as it costs thousands today. Young people today are not in a position to build their own homes. In my district a number of young men are actually constructing their own homes and have been working on them for three or four years. With the aid of their wives they have been able to save some money, but not sufficient to have the houses built for them. I remind the member that during the war it was difficult to obtain building materials and members were frequently asked by young people to procure building permits and materials for them.

Mr. Travers was sympathetic to home owners and sought to protect them at the expense of other people. He claimed that the home owners who have sold out to the oil companies probably built their dwellings during the war. I do not doubt that but realize that while they were buying homes many of the men and women who are homeless today were overseas fighting to protect that property. They imagined that when they returned to Australia they would be able to buy homes for themselves. They have been bitterly disappointed and I contend that the landholder has some responsibility to the ex-servicemen. During the member's speech I interjected that men could not build homes and rear large families. His reply was a cheap insult and did not befit a man of his position—he claims to be a learned man. He apparently did not understand my interjection, but other members had sufficient intelligence to know what I was talking about. Mr. Travers is a learned gentleman of the law but he does not know anything about the humane side of life. He does not know what some people are going through because of lack of housing. The Government has a responsibility to do everything possible to build more houses. Mr. Travers said the present basic wage is £14 a week. That shows how little he knows of the matter: it is £11 11s. He also forgot that all workers are being deprived of 13s. a week.

The SPEAKER—That has nothing to do with the Bill.

Mr. DAVIS—I am replying to what the honourable member said, and if I am out of order so was he.

The SPEAKER—He probably was.

Mr. DAVIS—Then I should not be prevented from replying to his remarks.

The SPEAKER—The matter is not in the Bill. We are dealing with the demolition of houses and the basic wage should not be discussed.

Mr. DAVIS—I do not think I am out of order. I take strong exception to members opposite talking as Mr. Travers did. How can a worker on the basic wage purchase a home and at the same time rear a family? The Government should endeavour to house all workers with large families. The responsibility should not be shirked. I hope members opposite will realize that the Government is not acting wisely in allowing houses to be demolished. Even in the country, wealthy oil firms are buying up properties and depriving people of homes, and it gives the landlords an opportunity to shirk their responsibilities.

Mr. LAWN (Adelaide)—I support the Bill, but regret the need for its introduction. I shall endeavour to prove that there is an acute housing shortage. When I entered this House in 1950 the Premier told me, in answer to a question, that there were 11,000 applicants for Housing Trust rental homes. This year, in reply to a question by Mr. Dunstan, the Premier said the number was 12,000, so in five years the number of people wanting to rent trust homes has increased by 1,000. We shall have an increased migration programme in the future and this, with the natural increase in population, shows that the housing shortage will be accentuated. Many people see me at Parliament House about getting houses for them; at least two come each week. I have already had two approaches this week from people with eviction orders.

The SPEAKER—Were they in demolished houses?

Mr. LAWN—The owners have applied for possession of the houses so that they can be demolished. There are other cases where the owner wants them for other purposes, but I am speaking of the number of applicants who come to me when an owner has applied to the court for possession in order to demolish the house and erect a factory or warehouse. I have obtained from the Premier this session the number of applications for possession, and I find that 95 per cent were granted. Those not granted were disallowed because the owner was not complying with the law. For instance, there is now an application before the court concerning one of my constituents and the owner wants to reconstruct the dwelling so that he can let portions of it and thereby derive greater profit. I do not think that application meets the requirements of the law and the court will probably reject it.

In Halifax Street there was a row of 10 cottages between Symonds Place and the city council rubbish destructor. They were all demolished recently, and practically opposite another eight homes were demolished in the last month. Pensioners or families were occupying those homes, but they are to be converted into business premises. Recently people with five or six children came to me for assistance. They had not had an eviction order issued against them, but they had to get out of their home or be thrown out. The children were split up in three different homes and the father and mother had to go back to their parents or get other accommodation, separated from their children. One firm has an eviction order against a family living in Coglin Street, Adelaide, where it wants to demolish three cottages. It has possession of two and wants to get the tenant out of the other in order to build a factory. The tenant has an eviction order against him, but I am attempting to get the landlord not to implement the order.

Many members know of many similar cases, and the Government admits, by making further large sums available to the Housing Trust, that there is a shortage of homes. As a result of a motion moved by the Opposition some three years ago the Government was told that it should provide more housing accommodation for the aged. The Government made considerable sums available to charitable institutions on a pound for pound basis.

The SPEAKER—The honourable member must realize that the time for discussing the Estimates has passed. We are now discussing demolitions.

Mr. LAWN—I can give the names of people who have been thrown out of their homes so that they could be converted into factories. I asked the Premier for a list of charitable institutions to which Parliament makes grants for accommodation for the aged who have been forced out of their dwellings. The Government has made available £202,792 to these institutions in less than 12 months, which shows the Government realizes that many elderly people are being forced out of their homes. If Parliament takes action to stop wholesale demolitions there will not be the same necessity for the Treasurer to make available large sums to charitable institutions, and Housing Trust officers would be saved a great deal of worry. Housing Trust officials are being continually harassed by applicants who ask when the trust will be able to let them have a home because their dwellings are to be demolished. Many letters have been written to the press protesting against the action of owners who demolish good homes in order to erect factories or service stations.

The Bill provides that it shall be an offence for anyone to demolish a dwelling house or any part of a dwelling house so as to render it uninhabitable as a dwelling house. It also provides that it shall be a defence against any proceedings if the owner has a permit from the Minister to demolish a dwelling or if the owner complied with an order of a local board of health. Then the Bill states:—

A permit may be issued by the Minister subject to any conditions thought fit by the Minister.

That clause provides ample safeguard because permits would be issued by the Minister only after he had considered all the circumstances. Earlier in this debate the Premier did not address himself to the Bill, but as usual, introduced extraneous matters. Further, he was not careful to see that his statements were truthful.

Mr. Shannon—Do you suggest that the Premier told untruths?

Mr. LAWN—The honourable member heard what I said.

Mr. Shannon—If you suggest that the Premier told untruths I ask you to withdraw.

Mr. LAWN—In referring to the Building Materials Control Act, under which a Minister's permit was necessary before a dwelling-house could be demolished, the Premier said:—

That legislation remained in force until, if I remember aright, about 18 months ago. Did it satisfy the Opposition during the period of its operation? It did not. The member for Adelaide (Mr. Lawn) always maintained that the law was ineffective and suggested that it did not deal with the problem. If members care to refresh their memories and refer to the number of questions Mr. Lawn asked on notice and otherwise, they will realize that that law did not satisfy the Opposition.

I did not ask questions, either on notice or otherwise, which would lead anybody to believe I condemned that legislation; therefore the Premier's statement is untrue. In my questions I merely drew the attention of the Premier to attempts by property owners to evade the law. My only object was to assist the Government, and I had a high regard for the legislation. Later in his speech the Premier said:—

The housing problem in Australia became acute for two reasons. In the depression years no houses were constructed. From 1928 to 1933 Government housing programmes were completely abandoned. The number of houses built with Government assistance in this State between 1930 and 1933 can be counted on our fingers.

I remind members, however, that during the term of a Labor Government in the few years prior to the period mentioned by the Premier at least one scheme of 1,000 homes was implemented.

Mr. Shannon—By the Gunn Government, but not during the period mentioned by the Premier.

Mr. LAWN—Between 1924 and 1927 the Gunn Government proceeded with a housing scheme to provide 1,000 homes. The Premier said that immediately following that period the number of houses could be counted on our fingers, but had Labor been able to implement its policy during the depression years the unemployed would have been put on work of a constructive nature, not only on developmental works such as reservoirs, but also building homes. An overseas expert, however, advised the Commonwealth Government on its financial policy, and although Labor members in the Commonwealth Parliament tried to have money made available to the States to provide work for the unemployed and assistance for the farmers, the Liberal majority in the Senate threw out that legislation. Therefore the Liberal Party stands condemned by the Premier's statement for it was really responsible for seeing that no homes were built in Australia during those years. The Premier did not tell us that from 1933 onwards the Liberal Party had governed in this State; he merely said that from 1933 to the end of the war few homes were built.

Mr. Shannon—How many did the Hill Government build?

The SPEAKER—Order! Members are discussing a measure concerning the demolition of dwellinghouses.

Mr. LAWN—The speech by the member for Torrens (Mr. Travers) was in keeping with the views of Liberal members generally and showed their lack of sympathy with a public faced with a housing shortage. Mr. Travers said:—

It is perfectly clear that the Bill is designed—as it says in plain terms—to prevent an owner from using his own property as he chooses.

Labor members believe that housing should be a Government responsibility and not be left entirely to private enterprise, but Mr. Travers disagrees with that. I have always believed that those who invest in houses for letting do so only to the detriment of the tenants. So long as the landlord wants a tenant he lets him stay, but when he does not want him he throws him out. Rents were raised until during the

war Liberal members were forced to accept price and rent control, whereas they now say that the landlord should be able to use his property in any way he chooses and to charge whatever rent he likes.

The SPEAKER—The honourable member is now referring to matters governed by the Landlord and Tenant (Control of Rents) Act.

Mr. LAWN—I am replying to statements made in this House on October 26. Mr. Travers later said:—

My next point is that the Bill is one more of the all too many indications that we have had recently that the Opposition simply cannot resist the temptation of pushing people about.

That is the very reason why this Bill has been introduced: too many people are being pushed about today, not by people requiring homes to live in, but by owners who wish to throw people into the street so that the property can be sold for demolition. That is much worse. The member for Torrens and his colleagues believe that an owner should be permitted to do what he chooses with his property and to push his tenants around. He continued:—

This question of interfering with the ownership and use of private property is a fundamental matter that should not be interfered with.

That is clearly indicative of the Liberal Party's views; one must not interfere with the rights of private enterprise which should be permitted to throw people out of homes in order to pull them down and force the people to live on the banks of the Torrens, in cars or in a crowded room in a house already occupied by three or four families. The Liberal Party is not concerned with humanitarian principles. It is not concerned with the people whose lives are being shortened because of their worry over housing. Mr. Travers also said:—

The Bill completely ignores what should be fairly evident, namely, that a man who owns property attaches some value to it and accordingly does not usually demolish or alter it maliciously or mischievously. He usually turns it to some better purpose and improves its value.

In one instance the member condemns the Government for building homes and suggests it be left to private enterprise, but having given private enterprise that right he contends that as soon as land values rise and big business offers an inflated value for a house the tenant should be deprived of his occupancy so that the owner can take advantage of the better value offering. The owner does not create any greater value in his property. No-one can tell me that owners of homes in Adelaide have increased the values of them. Yesterday I received a complaint from a person living in the city that his convenience has not been working for some time. The tenant reported this to the local board of health and the board told the owner what he should do. The owner has refused to make the necessary repairs and is to be prosecuted. I know of homes that are in a bad state of repair. The roofs are leaking and the properties are deteriorating, but the owners are not concerned about improving them. Because land values have risen the member for Torrens suggests that owners should be permitted to cash in on it. He also said:—

Taking it by and large, home building is normally not the job of Government.

He contends that the housing of the people should be left to private enterprise which should be permitted to take advantage of any increases in land values at the expense of tenants. He continued:—

Members opposite have lost sight of the fact that the normal practice should be for people who are earning a decent income to make some sacrifices to purchase homes without relying on Government aid.

In other words, after extolling the virtue of private enterprise for housing of people, he contends that people should build or purchase their own homes. I do not believe that people should be told to purchase their own homes. The honourable member's associates who are well established in business on their own behalf may desire to own their own properties. It is pleasant to own one's own home, but unfortunately there are many people who are not established in jobs, or who may have been forced to leave their employment or whose services have been terminated. The locality of a worker's home is determined by where he obtains employment. How would it be if every workman in the metropolitan area owned his own home. According to Mr. Travers, in order to obviate fears that their houses may be demolished, people should build their own homes. I disagree with that illogical reasoning. Mr. Travers also said:—

At the same time, however, any member who examined this problem fairly and squarely could point to hundreds of people who are simply relying upon the Government for aid in housing when they are in a better position to do something for themselves than any member was at their age.

That may apply to the people the member mixes with, but it would be ridiculous to apply it to those with whom I associate daily. People working in factories could not possibly afford £3,500 or £4,000 for a home.

Mr. Shannon—There are plenty who can.

Mr. LAWN—I know that there are some who are trying, but in many cases they did not have to save their deposits from their wages. It would be impossible to save £2,000 from wages in a lifetime. It is ridiculous to suggest that within a few years of marriage a man would be able to buy his own home.

Mr. Shannon—New Australians who have only been here four or five years are building their own houses in my district.

Mr. LAWN—There are many people who have built their own homes, but there are many who cannot. I am surprised that Government members should suggest that widows and pensioners build their own homes.

Mr. Shannon—Who suggested that?

Mr. LAWN—The honourable member did.

Mr. SHANNON—On a point of order. I refuse to let the honourable member grossly misinterpret my words.

The SPEAKER—The honourable member was interjecting. The real matter at issue is the demolition of dwellinghouses and means to prevent it.

Mr. LAWN—In the last five years many widows in my district have been forced to vacate their homes which have been demolished for business purposes. The honourable member suggests that these women could build their own homes. He forgets that not everyone who is thrown out of his home—

Mr. Shannon—I have never heard such tommy rot.

The SPEAKER—Order! The interjection is out of order and the honourable member must not answer it.

Mr. LAWN—Not all people who are thrown out of homes are capable of building their own homes nor have they the wherewithal to do so. It would be wrong to suggest that widows should be forced to build their own homes. The member for Torrens concluded his remarks by saying:—

> I suggest that many people are not doing a fair thing by themselves or by their country in that they have completely disowned and jettisoned what should be their first duty—that of doing their best towards providing homes for themselves.

Many of those people went overseas and fought for this country and for the privileges enjoyed by the member for Torrens. To suggest that they are not doing a fair thing for their country now when they may have been maimed or disabled so as to prevent them building their own homes reveals a lack of knowledge of the problem. The Bill aims at preventing the demolition of homes during a housing shortage. As soon as the housing position improves and people are not being evicted from homes we can reconsider the measure. At the present time there is a desperate need for this legislation and I strongly commend it to members.

Mr. BROOKMAN (Alexandra)—I oppose the Bill. After listening to the member for Adelaide I am convinced that it is unnecessary legislation and represents a waste of private members' time. I listened to the member argue who caused the depression and he reminded me of the position that prevailed in Canberra some years ago. Whenever one listened in to Canberra proceedings one only heard arguments about who caused the last depression. The member has repeated those arguments, but they have nothing to do with the demolition of homes. The Opposition deplores the demolition of houses and obviously does not like people doing what they want to do. The Opposition seeks to restrict people in one way or another. The number of houses being demolished is infinitesimal in relation to the number available. Not satisfied with price control, rent control and landlord and tenant control, the Opposition seeks to extend the Government's already wide powers. If it had its way there would be control over the building of houses and it would be as difficult to build homes as it was a few years ago. After making it difficult to build homes they would seek to prevent their demolition. I suggest we leave people alone and not interfere with their rights. The Labor Party wants to interfere with the rights of people as much as possible. One thing it does not like is trade and commerce. Labor members regard that as an enemy and they restrict it in every possible way. They do not realize that that is where employment is to be found for their supporters. Mention has been made of houses being demolished for the building of service stations. I think the number of stations we have is moderate compared with the number of vehicles. In 1940 we had 91,000 motor cars, commercial vehicles and motor cycles, but in 1954 we had 226,000, yet Opposition members object to our having more service stations. In 1940 there were 6.5 persons to every vehicle; in 1954 it was 3.6 persons. This shows the extraordinary increase in the number of motor vehicles compared with the increase in population, and indicates the need to have more service stations. I believe the stations that have been built in the last three years have been necessary. People always say "Look at the number of service stations: they are all unnecessary;" but we must have

them. The number of houses demolished is infinitesimal compared with the number built. In most instances they are houses that would soon fall down or have been condemned. The city of Paris has had landlord and tenant legislation of a restrictive nature for about 40 years, and the result is a horrible mess. No Government has been able to amend the laws and now all buildings are badly in need of repair, all due to restrictive legislation. If we want to get new industries in this State we should get them even if it means the demolition of houses that are in poor condition. When it was said that the Chrysler Company would commence operations at Burbank I was struck by the manner in which Opposition members tried in all ways to hinder its activities.

Mr. Fred Walsh—What reason have you for saying that?

Mr. BROOKMAN—There have been complaints about the route of the proposed railway spur line and it was said that houses would have to be acquired. Apparently Opposition members are not interested in getting more employment for their supporters. South Australia has had a wonderful run in getting new industries to come here and it has resulted from our making facilities available and not imposing restrictions. Any firm contemplating coming to South Australia during these last few weeks would hesitate to do so after reading what Opposition members have been saying. My main objection to the Bill is that it restricts trade and commerce for only a small purpose. The definition of "dwelling house" is absurd and unless it can be improved it is not worthy of inclusion in a statute. I hope sincerely that it will not be accepted as framed. I object strongly to the Minister not being able to grant a permit except after consideration of a report in writing from the Housing Trust on the matter. Why is the trust brought in to have, in effect, the final say whether or not a house should be demolished? The penalty for failing to observe the provisions of this legislation is a fine of £100.

Mr. Davis—That is its only weakness. The fine should be twice as much.

Mr. BROOKMAN—The Opposition did not fix a higher penalty because it was afraid to do so. Why must the measure continue to operate until 1960? Why not accept the usual practice with restrictive legislation and enact it for one year and then if necessary extend it for a further period? It seems that the Opposition wants to tie up the position until 1960. Apparently it wants it to be permanent legislation. The Opposition has voted for restrictions whenever possible, and in view of that what would be the position of the State if Labor had been in office during the last decade? Would we be able to get petrol without tickets, or clothing without coupons? Certainly our landlord and tenant legislation would be more stringent than it is. South Australia is fortunate in not having had Labor in office.

Mr. MILLHOUSE (Mitcham)—I oppose the Bill because it is an unwarranted interference with the rights of property owners. Since World War I, and particularly since World War II, there has been a tendency in many countries to penalize property owners more harshly than any other section of the community. We heard Opposition members, and occasionally Government members, talk about the plight of people who cannot get accommodation. In some instances their remarks are justified, but not always. When making these pleas Opposition members never point out the plight of the people who rely on the rents of properties for their sole income. The Opposition talks about widows and other people who cannot find houses to live in, but they forget the widows and other people who have put their money into property and now find they cannot get an adequate return from their investment. The Opposition is content to turn a blind eye to these people by playing up to the limit the plight of people who, perhaps through no fault of their own, are not able to get accommodation. When we consider a measure like this we should remember all sections of the community.

Mr. Davis—We are doing that.

Mr. MILLHOUSE—No. One commendation that one can give the present Government is that it considers all sections of the community, and that is because the Liberal and Country Party represents all sections. I am not happy about the landlord and tenant legislation now in operation, but I am prepared to accept it as an unpleasant necessity for the time being. This legislation goes much farther than that because it forbids people to do what they like with their own property. I am old-fashioned enough to believe that people should be allowed to do as they like with their own property, so long as they do not contravene the criminal law. Apparently that is not the view of members opposite. They set no store at all by the rights of property owners, and this Bill is just

another example of how badly the people would fare if by some mischance the Labor Party were ever able to form a Government.

Members opposite forget that we must have progress. It seems to me that their outlook on all measures is entirely restrictive. They cannot see further than their negative, restrictive, socialistic philosophy. They do not realize that by allowing industry and commerce to keep up with modern trends, both here and overseas, we shall all be better off in the long run. The way to raise the standard of living is not through restriction on the activities of people, but by encouraging them to improve industries and businesses, to take risks on their own shoulders, and to create the conditions under which industry and commerce can expand. If we take that attitude the housing shortage will disappear in the course of time.

This measure will retard progress and business activities. Members opposite apparently forget that as a city grows residential areas are converted into business areas, and the residential areas move out from the centre of the city. If such a Bill as this had been passed 50 years ago the square mile of Adelaide would still be almost totally residential. The development of the city would have been placed in a strait jacket, but that is what members opposite want to do today, and that is a thoroughly bad thing. If this Bill by some fluke passes the housing position will be worse in the long run.

The Opposition often says it is the Government's duty to build more houses, but that is not the best way to overcome the housing shortage. The best way is to encourage private building. The Bill provides one more good reason against private building because it would decrease the value of many properties. People who desired to demolish a house so that the land could be put to some other purpose would find that the value of their property would decrease overnight because it could not be put to the most profitable purpose. We should help the property owner by removing rent control, if that is possible, and by opposing restrictive measures such as this. I say this with great respect to the Leader of the Opposition, but it is hard to believe that everything contained in the Bill was his own idea. I consider it was badly drawn.

Mr. O'Halloran—You would be surprised if you knew who drafted it.

Mr. MILLHOUSE—In clause 2 we find the definition of "dwellinghouse," and the Premier spoke on that. It means that if someone were living in any part of factory premises within 12 months and if the owner desired to have them altered they would come within the scope of the Bill. That is an absurdly wide definition, though it could have been drafted better. The onus is placed on a Minister to approve applications for demolitions.

Mr. Lawn—Your Minister.

Mr. MILLHOUSE—No-one has suggested who the Minister will be. We have a good Government that opposes legislation such as this. The Minister would have complete discretion in granting permits, for there is nothing in the Bill to guide him in exercising his discretion. He could approve every application, but what howls of rage we would get from the Opposition! The position would be no better than now. On the other hand, whenever he refused an application questions would be asked in this House and outside. The Minister would be placed in a most invidious position. If the Opposition desires to control the demolition of dwellings it should place the control with Parliament, not with the Minister. I believe this is a half-baked measure because the Opposition should have taken more trouble to show the House and the people just what was meant by it. It is a token measure only, and little thought has been given to it. Instead of showing on what grounds a permit for demolition should or should not be given the Opposition has thrown the problem in the lap of an anonymous Minister.

Mr. Lawn—That is better than throwing it in the lap of the court.

Mr. MILLHOUSE—I do not agree. The final proof of the hurried preparation and bad drafting of the Bill is the penalty clause. Who would ever suppose that, to use the term of members opposite, one of these iniquitous oil companies (though I do not agree with that expression), which has spent £5,000 or £6,000 to buy a site would care a rap whether it had to pay a fine of £100. If the Opposition had been sincere about this measure it would have given more thought to the penalty. The only effective penalty would be a term of imprisonment, for even £1,000 would be neither here nor there to one of these oil companies, though I do not agree that there should be any penalty. I oppose the Bill because it is an unwarranted interference with the rights of the property owner, another example of socialistic Labor policy, and a badly drafted and ill-conceived measure.

Mr. GEOFFREY CLARKE (Burnside)—Were I Prime Minister in another Parliament instead of a back bencher in this, I would say to members opposite, as the Prime Minister said to their leader, "Stop muttering!" The purpose of the Bill is not to prevent the demolition of dwellinghouses, but to make their demolition an offence, which is vastly different. The Bill does not say that dwellinghouses shall not be demolished; it merely prescribes a penalty for their demolition without a permit. It seems that the fine prescribed for this offence, when it is proved, is nothing more than a fee to have a certain privilege conferred on people who would demolish houses in order to erect business premises. This measure cannot affect the demolition of dwelling houses. Its whole purpose is merely to make it an offence for a person or firm to do a certain act. I can see no difference between the right of a person to sell his labour in the best market and his right to sell his property in the best market. It is a fundamental right (in a democratic country at any rate) that a person may sell his services to the highest bidder in whatever vocation he is qualified for; indeed, he frequently offers his services in vocations for which he is not qualified, and that, too, is his fundamental right.

I am sure that the average person in industry who sells his labour to the highest bidder does not even consider the repercussions of that sale on others employed in that industry. He sells his labour in the highest market, and there is nothing to prevent that, although I believe a well-known figure in the Labor Party was once reported as saying, "The time may come when a man shall not choose his own employment."

The honourable member for Norwood (Mr. Dunstan) in trying to win public support for this measure, complained in a recent edition of the *Sunday Advertiser* that there were only 12 vacancies a month to cope with the 4,700 desperate cases needing housing accommodation in this State. I asked the Premier if he would get a report to either confirm or deny Mr. Dunstan's statement, and the report from the Housing Trust states that the vacancy rate is more than 12 a month; indeed, during the past 12 months about 400 vacancies have been available in emergency dwellings, and many of these were brought about by the transfer of families to permanent homes. Further, during the last financial year, 3,275 homes have been completed by the Housing Trust and occupied by families.

Mr. Dunstan—But they were not built to cope with the 4,700 applicants for emergency accommodation.

Mr. GEOFFREY CLARKE—I am merely stating the facts. I do not say that the number of vacancies available was adequate, but Mr. Dunstan said there were only 12 vacancies a month, whereas the chairman of the trust says that 400 vacancies occurred in the last 12 months. I only want to get at the complete truth.

Mr. Dunstan—If you look at what I said in the *Sunday Advertiser*—

Mr. GEOFFREY CLARKE—In attributing the statement to Mr. Dunstan I quoted from the *Sunday Advertiser*.

Mr. Dunstan—Look at what I said.

Mr. GEOFFREY CLARKE—The more I read what the honourable member said the more certain I am that my statement is correct. My figures have been obtained from the chairman of the trust, and whatever the honourable member thinks about the Housing Trust I suggest that he would not say that the chairman's statement is incorrect. Last year private enterprise and the trust completed 7,000 homes, and the fact that about half were built by the trust indicates that about 3,500 people could take some if not all of the steps necessary to secure a home. It is not very helpful to Mr. Dunstan's argument that 3,500 people were able, of their own volition and by their own efforts, to secure homes for themselves.

I always thought that the Englishman's home was his castle, and in this respect I refer to the house he owns and not one he borrows from someone else. Provided he does not impinge on the liberties of others or contravene the provisions of the Real Property, the Building, or the Local Government Acts why should the house owner who wants to improve his asset, change his investment, or sell his property, be singled out for punitive legislation? One does not suggest that, merely because a member of the public has a motor car and somebody else has not, the motor car should be confiscated and hired at a fixed rental per mile. Admittedly, that was done in France during World War I, when taxis were commandeered, but in ordinary times I can think of nothing more foolish than the confiscation of property for inadequate consideration merely because somebody else does not own that type of property.

Mr. Macgillivray—Your Government is doing that with regard to houses.

Mr. GEOFFREY CLARKE—I will not be drawn into a discussion of the provisions of the Landlord and Tenant (Control of Rents) Act, but on every possible occasion I have urged amelioration of the harsh conditions of that legislation and I will keep the honourable member to his attitude if that Act comes up for amendment. A tenant is still given great protection by that legislation, which is weighted in his favour. It has always been a doctrine of the law that the weak shall be protected because they are not able to protect themselves. It is not true that the Liberal Party is not concerned with the problems of housing. In fact, the very conception of the Housing Trust was a Liberal idea first evolved by Mr. H. C. Hogben, a former member of this House, who was supported by a number of enthusiastic and public-minded citizens. As the member for Mitcham (Mr. Millhouse) said, property owners who do what Opposition members regard as a wicked thing and sell their property in the best market are often themselves either poor or in modest circumstances. It is wrong that a person who has secured property in the belief that it will bring adequate sustenance in his old age should be prevented from selling his property when the rent it brings in makes it impossible for him to accept an age pension and he is therefore worse off than if he did not own a house?

It has been said that we are 18 months behind in the supply of houses for purchase, but that does not seem to be evidence that no-one can amass the modest sum necessary as a deposit for a home. The relationship between the basic wage today and the cost of a home is similar to what it was 25 years ago. Indeed, I have it on the authority of a well-informed journalist writing in today's press that, despite rising costs, we are better off than ever before. Statistically, the average worker is no worse off now than in the early war years. Further, the worker on the basic wage today enjoys a higher standard of living than his counterpart 25 years ago when the member for Torrens (Mr. Travers) and others, including myself, set about the task of getting a home together and putting down a small deposit for its purchase. There was no child endowment in those days and, as Mr. Travers forcibly put it, it was considered proper that one should make some sacrifices in the year or two immediately prior to marriage in order to acquire the necessary deposit. Today, however, many young people think they can change from single to married status without any change in their mode of life, their rate of spending, or their habits, although fortunately, a few still make sacrifices and forgo unnecessary pleasures and expenditure in order to set themselves up in a home of their own.

Surely the position in South Australia is not so grim as some members would have us believe when they say a smaller proportion today are capable of putting down deposits on homes. After all, South Australia has an average Savings Bank deposit of about £160—more than any other State. It has the highest number of motor vehicles per head of any country in the world except the United States of America. Surely that is not evidence of poverty in the community? Of course, many of the motor cars are owned by young single and young married people. We have the highest consumption of electricity per head, which is certainly not evidence of inability to contribute towards setting up a home and providing a deposit. Again, there is very little unemployment in South Australia, and many new Australians (indeed, in my own electorate), by their own endeavours and those of their families are building attractive homes.

If this Bill is passed it will set back many years the development of this State. It will postpone the great improvement foreseen in our city and hold back rating values that need to rise if the city is to enjoy the amenities it deserves. It will reduce the number of facilities for shopping and ancillary services, because it will prevent the removal of dilapidated and substandard houses, the demolition of which would benefit the community in the long run because they would be replaced by modern, hygienic buildings. I oppose the Bill.

Mr. JOHN CLARK secured the adjournment of the debate.

INDUSTRIAL CODE AMENDMENT BILL. (GENERAL).

Adjourned debate on second reading.

(Continued from October 12. Page 1060.)

The Hon. T. PLAYFORD (Premier and Treasurer)—This Bill deals with a number of somewhat disconnected matters that come within the general category of the Industrial Code. There are a number of clauses relating to totally different matters. Clause 3, which relates to registered associations, provides that not less than 15 employees may form and register an association. Section 63 of the Code provides that associations of not less than 20 employees in or in connection with an

industry may be registered as an association. The minimum number of 20 employees was inserted in the Code in 1920. I do not believe there is any real necessity to alter the minimum. There may be some industry where only 16 people are employed, but I do not know of it and I do not think it is desirable to bring into existence an excessive number of very small assocations. I do not think that the Leader's proposal adds to the value of the present provisions of the Code.

Clause 4 amends section 146 of the principal Act and relates to the representation on industrial boards. This clause is similar to one contained in the measure introduced by the Leader last year, which I believe was rejected on the second reading. Section 146 provides that one representative of employees and one representative of employers on each industrial board need not be actually employees or employers or managing experts in the industry for which the industrial board is constituted. In practice this usually means that a union secretary or other union official may act as a representative of employees on the board while an industrial officer may represent the employers. The Leader has stated that this clause seeks to overcome a decision of the Industrial Court against the secretary of the Federated Miscellaneous Workers' Union last year when a representative of an unregistered association was selected as a representative on the industrial board in preference to the union secretary. The clause should be opposed in its present form because, whilst still permitting union secretaries to be members of boards, it would debar industrial officers of the Government or railways or any other representatives of employers who do not represent an association registered under the Commonwealth Arbitration Act from having a position on an industrial board.

Mr. O'Halloran—That is a drafting omission that I propose to correct in Committee.

The Hon. T. PLAYFORD—There is no provision in the Industrial Code for the registration of employers' associations although an association of employees may be registered. I do not believe that this clause is necessary. I have had some discussions relating to the principles on these matters and although I believe that the appointment to which the Leader refers—and I think it was more than a year ago—was not a judicious appointment it was by no means improper, but I doubt very much whether that type of appointment would be made again and I think it is carrying the matter too far to amend the Industrial Code as a result of one appointment. While the clause no doubt makes it easy for a union to ensure its representation on a board it leaves the representation of employers in the air. It definitely means that the Government could never have a representative on a board.

Clause 5 increases the amount that a board can fix for wages: I think this is similar to a provision contained in the measure the Leader introduced last year. At present industrial boards have jurisdiction to award a maximum wage of £20 a week. Since this maximum was inserted in the Code in 1951 the State living wage has increased by £1 16s. a week and there have been substantial marginal increases in the last 12 months following on the Metal Trades margins decision. Justification therefore exists for increasing this amount and I favour increasing the maximum to £25. If the Leader is prepared to accept that I will support that amendment.

Clause 6 also relates to the number of members in an association. Section 176 provides that proceedings before industrial boards may be commenced *inter alia* by applications signed by the employer or employers of not less than 20 employees in an industry, or by not less than 20 employees in an industry, or a registered association of employees of which association not less than 20 members are employees in the industry. The amendment seeks to reduce the required number of employees from 20 to 15. This is similar to clause 3 and my views on it are the same as I expressed in relation thereto.

Clause 7 relates to the retrospective operation of determinations. By section 186 of the Industrial Code, determinations of industrial boards come into operation as from the fourteenth day after publication. The clause seeks to delete this provision and to commit boards to determine the date of operation of each determination providing that the date of operation is not prior to the day on which the board first took cognizance of the matter in question. This would permit industrial boards to grant retrospective operation of determinations and is similar to the provision which applies to the Industrial Court in respect of its awards. It is probably introduced because of the fact that the marginal increases which have applied in the last 12 months in determinations have operated 14 days after gazettal whereas in the majority of Federal awards marginal increases have dated from December, 1954, or if from some

subsequent date in many cases some degree of retrospectivity has been permitted. There is nothing to prevent an employer from making retrospective payments.

Mr. Lawn—Don't be funny.

The Hon. T. PLAYFORD—If the honourable member will for a moment rid himself of his Party bias he will realize that I am trying to state the law as it applies today. In point of fact I know of a number of employers not bound by any award who have made retrospective payments. The honourable member would not appreciate doing something beyond what one is legally compelled to do. I do not think that we should include in the Code a provision which would encourage every determination to be made retrospective. In the main, retrospective provisions should not be the normal but the abnormal. I do not suggest for a moment that there are not occasions when retrospective payments would be justified but if they became the normal procedure it would not be right or, I believe, in the general interests of industrial awards.

Mr. O'Halloran—Do you think an industrial board should have the same power as the court?

The Hon. T. PLAYFORD—I will define more accurately my views on this matter in a few moments. I believe that it is wrong to make all awards retrospective and this provision would have that effect.

Mr. Fred Walsh—The clause does not mean that.

The Hon. T. PLAYFORD—I have been trying for some time to understand just what it does mean.

Mr. Lawn—Then how have you made up your mind to oppose the Bill?

The Hon. T. PLAYFORD—I am not opposing it. I have said that if the Leader of the Opposition is trying to provide justice in connection with wage increases for people working under State awards there is some merit in the move. In view of what I have said, I do not know how the honourable member can intelligently think that I am opposing the Bill. Clause 7 states:—

Section 186 of the principal Act is amended by striking out the words "the fourteenth day after such publication" in paragraph (*c*) of subsection (1) thereof and inserting in lieu thereof the words "any day which, not being prior to the day on which the board first took cognizance of the matter in question, the board may consider right, fair and honest.

In deciding when the board first took cognizance of the matter, should it be when the application was first made, when the first evidence on the matter was heard or when the dispute first occurred?

Mr. Fred Walsh—You do not know the position.

The Hon. T. PLAYFORD—That is so. I have consulted three legal people of some standing and they do not know it, either. Before we accept the clause we should see that it definitely says "not before the date on which the board commenced the hearing of the application." "Cognizance of the matter" can mean anything. I suggest to the Leader of the Opposition that he include words that are not confusing. The last three words in the clause are "right, fair and honest." I cannot understand precisely what they mean in this matter. Each of them has a multiplicity of meanings. The dictionary in this Chamber says that "right" means:—

Not crooked; in accordance with rules or precepts; not wrong; especially, in accordance with what morality teaches; in accordance with duty, truth and justice, or the will of God; upright; just; equitable; fit; suitable; proper; real, true not spurious; not erroneous; according to fact or reality; not mistaken or in error; not left, but its opposite; belonging to that side of the body further from the heart; most favourable or convenient; opportune; properly done, made, placed, disposed or adjusted; orderly; correct; in good trim or condition; to be placed or worn outward . . .

The meaning of "fair" is given as follows:—

Pleasing to the eye; beautiful; handsome; white or light coloured in respect of skin or complexion; not dark or swarthy; not stormy or wet; not cloudy or overcast; favourable; prosperous; unobstructed; frank; honest; equal; just; reasonable; impartial; peaceful; not violent; not effected by insidious or unlawful methods; honourable; equitable and just; plain; legible; free from stain or blemish; unspotted; untarnished; passably or moderately good; better than indifferent; middling . . .

I am trying to point out the meaning of the words "right, fair and honest".

Mr. John Clark—The context will show what is meant.

The Hon. T. PLAYFORD—If "equitable" were used it would be understood. Now let me give the meaning of "honest."

Mr. Jennings—This is all a waste of time.

The Hon. T. PLAYFORD—If I am making absurd statements—

Mr. Jennings—You are.

The Hon. T. PLAYFORD—Then it is infectious because I have been listening to a lot of them lately. I have heard many absurd statements from the honourable member, yet

I never get excited. When words are included in legislation they must mean something. When they are associated with other words we must be able to properly assess the combined meaning of all the words. These three words "right," "fair" and "honourable" have many meanings. I think that from the composite meanings it is possible to get 53,000 odd different shades of meaning. One is "in good trim, or better than indifferent, or pleasing to the eye." Another is "chaste or virtuous, but belonging to that side of the body further from the heart, and not dark or swarthy." That does not set out in principle anything that I could accept.

Mr. Lawn—Do you accept anything?

The Hon. T. PLAYFORD—Yes. I will accept the right of the board to make a retrospective award, provided it is thought equitable, if the hearing has been unusually protracted, or if that determination follows an award given previously by a higher tribunal. Under the Code at present that would not be possible. The board would have to consider whether the retrospective determination was equitable for either of two reasons—that the hearing has been unusually protracted or that the award follows an award which has been laid down by a superior tribunal and which gives to the section of the industry concerned something that other sections already have. That is a fair provision, but I do not know whether we can get it in precise terms in a Bill. I think I know what the Leader of the Opposition means by "fair, right and honest," but I do not think those terms have been given a judicial meaning. If he means "equitable" I am prepared to accept that, provided it is limited to a case of an unusually long hearing or to give effect to a provision already laid down by a superior tribunal.

I do not know whether the Leader of the Opposition realizes this, but the determination of a board can be disputed by either side on appeal to the Industrial Court. Under those circumstances I think the suggestion of the Leader of the Opposition would be fairly set out if it contained the two ingredients I have mentioned. The last provision of the Bill says that no machinery may be operated in any factory unless two persons are present, but I can find no justification for this, and it would unnecessarily increase the cost of production. There is no necessity for two persons to be present when a most harmless machine is in operation.

Mr. Hawker—It could be a hand drill.

The Hon. T. PLAYFORD—I do not know what is meant by "machinery." The Factories Department has the duty of seeing that all machinery is properly guarded. I agree that the Bill has two useful provisions: that the wages over which an industrial board has jurisdiction should be increased, say to £25, and that a board's determinations should be retrospective under the conditions I have stated. I shall not oppose the second reading, but if the Bill is not amended to meet my objections I shall oppose the third reading.

Mr. FRED WALSH (Thebarton)—I am pleased that the Premier intends supporting the second reading, for usually he opposes measures introduced by the Opposition even before they reach the Committee stages. It will be appreciated that the Leader of the Opposition was most moderate in drafting this Bill. Many amendments that he has brought before the House for years have been left out, not because he has changed his mind, but because he feels it would be futile to include them again because only last year certain vital amendments were rejected by the House. Many sections of the Industrial Code should be brought up to date. The Code is now almost as big as the Local Government Act, and almost as difficult to follow. The penalties for breaches of awards and determinations are far too small. Most employers are prepared to honour the provisions of awards, but the penalties were fixed many years ago when money was worth much more than it is now.

I am sorry the Premier has left the Chamber because I shall place arguments before the House that are different to those he adduced. He objected to the proposal to reduce the number of signatories to an application for an award or determination from 20 to 15, but he may have overlooked one or two aspects. The Leader of the Opposition was not concerned about the actual number of people required to form a trade union. I do not subscribe to small unions because the whole trade union movement should be organized on an industry basis, but we have had to accept the establishment of some small unions. In all States, except Western Australia, the union with which I have been associated for many years covers six different sections of the industry, but in Western Australia there are five unions covering these employees. It is not in the best interests or organized labour, or employers, to have small unions, but I draw attention to the position of a federated organization that is not registered in the

State Industrial Court. Perhaps a considerable number of its members are working under State awards or determinations, but that union is not recognized in the State Court. When it desires to obtain an award it must get the signatures of at least 20 of its members on an application. That may not present any difficulties in the metropolitan area, but considerable trouble when country members are involved. A union official may have to go to several towns to get the necessary number of signatures. For instance, country hotel employees are covered by a State award and city employees by a wages board determination. Every time the union wants to apply for an award or a variation it has to get the signatures of 20 employees working in the country. Perhaps they can be obtained from Whyalla and Port Pirie, but because of the psychological effect on the court and employers it is desirable to get signatures from members in several towns. If the number of signatures necessary were reduced from 20 to 15 much trouble and inconvenience would be avoided.

The same applies to wages boards' determinations. When a union registered in the State Court wants a determination varied it can lodge an application with the secretary of the board, but unions not registered in the State Court must obtain the signatures of 20 members on the application. If that number were reduced to 15 much trouble would be saved. Again, the application, or requisition form that must be lodged with the wages board is not long enough. Usually two forms have to be used because, apart from the signatures, the addresses and occupations of the employees have to be shown. I hope the Premier and members opposite will see that this amendment will not operate to the detriment of any employer.

Wages boards comprise three or four representatives of both sides, and a chairman. Under the Code all except one of the representatives of each side must be directly associated with the industry, but clause 4 seeks to amend the relevant section. As amended by the Bill, Section 146 (5) states:—

Notwithstanding the provisions of subsections (3) and (4) of this section, one representative on each side may be appointed who shall be a *bona fide* representative of a registered industrial association or of a branch within the State of an association registered under the Commonwealth Arbitration Act: Provided that no such representative shall be a member of the legal profession.

The principle that legal men shall not act as representatives on industrial boards has been long accepted by both employers and employees. The Premier said that what happened last year in regard to an appointment to a certain board would not happen again, but unless the Bill is passed it could happen. Last year a person who was not a member of the Miscellaneous Workers Union was nominated (many believed in collusion with the employers) as a member of a certain board, and although he was only indirectly associated with the industry, the court appointed him.

Mr. John Clark—He was not even employed in the industry.

Mr. FRED WALSH—That is so. It should not be possible for such a man to become a member of a board; indeed, such an appointment was never envisaged. The Premier said that the court had acted injudiciously in appointing that man. As arbitration has become part and parcel of our social set-up, representatives on industrial boards should represent either employers' or employees' organizations. The oversight mentioned by the Premier has been noted and the Leader intends to move an amendment to overcome the difficulty.

The Premier also raised the matter of Government representation on boards, but that problem, too, can be overcome because all members realize that the Government must be accepted as an employer in certain fields. Therefore, there should be no insurmountable obstacle to amending the Bill to cover that point. The Arbitration Court has power to make awards retrospective. The Premier said employers may at present pay wage increases retrospectively if they desire, but I remind him that employers must compete with one another in the sale of their products; therefore, they are loth to place themselves at a disadvantage as a result of such a practice.

Mr. Shannon—They also compete for skilled labour.

Mr. FRED WALSH—Yes, but that may be only temporary, although I hope it will continue. I doubt, however, whether the present strong demand for labour will be permanent, particularly if the Menzies Government remains in office. The Premier said that retrospectivity should not be mandatory on an industrial board, but members on this side do not ask that it be mandatory. Although the Premier tried to be facetious in his references to the English dictionary when he pointed out that the word "retrospectivity" could be interpreted in different ways, I can remember other legislation that included words capable of being

interpreted in different ways, and although many members thought they would cover the whole position, later in court legal men argued that they meant something entirely different from what they were intended to mean. Indeed, the result of such an argument often depends on the authorities quoted and the viewpoints held by advocates and the court.

I do not deny that during my career as a trades union representative I frequently delayed a decision by a board to reduce wages so that the people I represented would not suffer a reduction in their wages until it was impossible to delay any further. I point out, however, that many employers have adopted the same tactics and have delayed decisions by statements, some true and some spurious, that their representative would be unable to attend a meeting. In order to ensure equitable conditions members on this side suggest that a board be allowed to determine whether its determination is to be retrospective. Nothing could be fairer than that, and I trust that that aspect will be seriously considered in Committee.

The Premier again tried to be facetious in arguing about the first time a matter came before a board, but obviously he knows nothing of how wages boards function. As one having 30 years' experience in that matter, however, I have a considerable knowledge, and nobody can tell me that the application (whether by employee or employer) is before the board prior to its meeting on that application. Usually the requisition (as the application is called) is forwarded to the secretary of the board, c/o the Factories Department, and he sends it on to the chairman. A board meeting is convened on a convenient date and the chairman states whether the requisition is in order and the board properly constituted. Only then does the requisition come before the board, but if the Premier wishes to have that stated expressly in the Bill, I am sure the Leader will have no objection to such an amendment. Clause 8 amends the principal Act by adding the following section:—

The occupier of a factory shall not allow any machinery to be operated therein by an employee unless at least two persons are present.

The Premier said this was new, but it is not new to me and to many members on this side. Although it is not in the Industrial Code, in certain sections of the industry with which I have been associated for many years there is an agreement that at least two workers must be employed, because if only one is employed and he is injured, he may have to lie for some hours before discovery. This may even result in a workman's death. The same position applies in many of our small workshops where under present conditions only one man may be working; he may be injured while operating a machine and there is nobody to assist him. That is the only motive behind the insertion of this provision. Section 109 of the Code states:—

(1) The occupier of a factory shall keep all prescribed appliances (including fire buckets full of water) for the prevention or extinction of fire in a constant state of repair, and available for immediate use.

(2) A factory in which such appliances are not so kept shall be deemed to be not kept in conformity with this part of this Act.

That provision is only concerned with protecting property but this clause is designed to protect the employee. I am pleased that the Premier intends to support the second reading, but I hope that in Committee he will see some of the clauses in a different light.

Mr. LAWN secured the adjournment of the debate.

METROPOLITAN TAXICAB BILL

Adjourned debate on second reading.

(Continued from October 26. Page 1251.)

Mr. TAPPING (Semaphore)—I support the Bill. Similar legislation was before the House last year and almost every member then agreed that some authority should be appointed to control taxicabs in the metropolitan area. There was some disagreement as to who should be the controlling authority. Some thought it should be the Police Commissioner and others thought the councils as an organization should control. Most councils in the metropolitan area would prefer some system of control different from that operating at present. The Port Adelaide council is dissatisfied because, although it licenses cabs within its area, it has to contend with pirate cabs from other suburbs picking up passengers without any prior booking. The Woodville Corporation informed me that it believed the Commissioner of Police should be the controlling authority. The member for Burnside (Mr. Geoffrey Clarke) said that the police had special duties, including the maintenance of law and order. I am certain that the provisions of this Bill are in keeping with the maintenance of law and order.

Councils and the general public are dissatisfied with the present system and realize

that on occasions breaches of the law occur. If the Police Department had control more officers and men would have to be employed, but there would be uniformity. It would result in a fair deal to taxi drivers and to the public. I should imagine the traffic branch of the department would police the system and, as they are on duty 24 hours a day, they would be able to keep a close watch on the position. Of course, only a few taxi drivers and proprietors need watching. In the main the system is not bad but there are always some people whose actions necessitate the introduction of legislation.

The member for Burnside mentioned the establishment of an advisory board to control taxis in the metropolitan area. That board at present comprises four members from the Adelaide city council, one from the taxi drivers representing the C class licences, one representing B class licences, one from the Transport Workers Union and one each from the councils of Burnside, Glenelg, Unley, and Port Adelaide—a total of 11 members. That represents an excellent cross section of those interested but although the board may deliberate and introduce a policy acceptable to everyone concerned the policing of the system presents a problem. If the Police Department did not police the system a number of inspectors would have to be employed and it has been proved beyond doubt that some council officials have indulged in bad practices. Officers of the Police Department are honest and there is no doubt that the legislation would be effectively policed if under their control. Members agree that it is necessary to have control of the administration of our taxi services and should agree that the Police Commissioner is best suited to the task. If, under his supervision, the system failed we could then reconsider establishing another form of control. The member for Prospect (Mr. Jennings) who sponsored this measure said that police have controlled taxis in Sydney, Brisbane, Perth and London for many years. It has proved satisfactory in those capital cities and I believe Adelaide could profitably emulate their example.

The advisory board has been examining the condition of the taxicab industry and has ascertained some startling facts. Apparently the Adelaide City Council contacted all taxi drivers and proprietors who had B or C class licences in an endeavour to find out, by statutory declaration, the occupations of those controlling and owning taxis. The declarations proved beyond doubt that the position is not satisfactory because in some instances women were the indirect owners of taxis. One was the matron of a home for aged people, another gave her occupation as home duties and a third was a telephoniste. Many taxi drivers operate only for part of the day or night. Although there are perhaps 1,000 taxis in the metropolitan area only a percentage render the service desired. I do not refer to the regular taxi drivers but to some men who are engaged in ordinary employment during the day and undertake casual driving at night or of a Saturday. The casual driver endeavours to secure the cream of the business and he plies for hire only when business is brisk. The Transport Workers Union representative and some of the councils expressed concern that some men were prepared to work in industry during the day and to act as casual taxi drivers only to get the best of the business. While that position obtains the taxi system will remain inefficient.

There is a considerable difference in the fares charged by taxis and hire cars. If one engages a hire car the charge commences immediately the driver leaves his home or his stand and as a result the final fare may be double that paid for a taxi which operates with a meter. With a taxi the charge starts from the place where it picks up a passenger. A year ago I rang for what I thought was a taxi, but a hire car came along. When I reached home the fare that I paid was double the usual charge. I queried it and the driver told me that his vehicle was not a taxi but a hire car. That is another anomaly under this present set-up. With one central control there would be uniformity. I trust that the House will agree to this Bill, which I support wholeheartedly.

Mr. JENNINGS (Prospect)—I am in the strange position of having to reply to precisely nothing. I would like to thank all members who have spoken to this Bill, whether for or against, and to extend my particular gratitude to members on this side of the House, both my own colleagues and members of the Independent Party. At the same time, I feel very disappointed that such an important measure has gone right through the second reading debate without the House being told the attitude of the Government. No members of the Government spoke on it. The honourable member for Burnside (Mr. Geoffrey Clarke) opposed the measure, but he obviously did not speak for members of the Government,

because he took an entirely different attitude from that taken by the Government last year. The honourable member for Mitcham (Mr. Millhouse) opposed the Bill but I do not believe he has yet reached the stage at which he speaks on behalf of the Government. It was a very grave breach of common decency and courtesy that we have gone through the second reading debate on such an important measure without having heard what the Government intends to do. I know that when a division is called we will see what they intend to do, but I always believe that when people vote on matters like this they should at least indicate their intentions either personally or by deputy.

I am now left in the position of having to refer to some of the remarks made by the only two members on the other side of the House who spoke in opposition. I respect the opinions of the honourable member for Burnside and also his right to have those opinions. However, I do not agree with them, nor do I think most members of this House agree, because last year the Government introduced a Bill very similar to this and most Government members voted for the principle that I am now trying to establish in this measure. The honourable member for Burnside opposed the Bill last year, so I will at least do him the credit of saying that he is consistent, and that he is courageous enough to be consistently consistent, which his colleagues are not. He used as an argument that local governing bodies deal with all these problems, which is a reactionary sort of argument to which people living in this twentieth century do not usually subscribe. It is a divide and conquer rule that has gone out of fashion. Generally speaking, I do not think members opposite would oppose this in their own Caucus, but when the time comes to speak about it in public they will oppose it. The honourable member for Burnside is either too honest or too naive to wake up to what his colleagues will do.

The honourable member for Mitcham also opposed the Bill. I do not know whether I am permitted to relate one debate to another, but as a great lover of Dickens I am beginning to think that whilst the honourable member for Mitcham still lives Little Paul Dombey will not die. He said that the Yellow Cab Company and other companies were complying with the by-laws. I do not know if that is so, and I could not care less. The honourable member for Norwood did not agree, and if there is a dispute about it I think I would accept his opinion. However, if they comply with the by-laws I think that proves how bad the by-laws are. I do not think the honourable member for Mitcham, despite the honest attempts we have made to educate him, realizes he is now in Parliament. We are not bound by existing laws or by-laws—this is a place where we make, amend and repeal laws. We are getting to an awful stage if, when some measure is introduced into this House, we must ask whether it conflicts with some law or by-law. If we had to do that we would do precisely nothing, and there would never be any need for us to meet because the *status quo* would be preserved and we would get over all our business by saying, "The law is such and such, so there is no reason for us to worry about it."

This Bill is justified because of the introduction by the Government of a similar Bill last year, which was carried through the second reading without any dissension. We have been told that different steps have been taken since and that the Adelaide City Council and other municipal councils have formed something in the nature of an advisory committee. I do not know what that committee is, but I do know that it seemed to gain some particular momentum at a rather opportune time. This taxi war has been going on for at least three or four years to my knowledge, and probably longer. As the House last year expressed its dissatisfaction at the way the taxi industry was being conducted and it was public knowledge that another legislative attempt would be made this year to put it on a proper footing, right at the opportune moment all these organizations came together and said, "There is no need for that. We are going to do something about it." I am not reflecting on the organizations that possibly did do something, but they chose their time very well, although too well to mislead this House.

A statement was made that the Transport Union had appointed a member on the advisory committee, and I feel that the House might be misled by that, although I do not attribute any intentions of that kind to the person who made the statement. I can assure the House that that union is 100 per cent behind this Bill. If anyone needs it, I could give a statutory declaration to that effect. Most taxi drivers are behind this legislation, so are most of the company executives, and as far as I know, so is the public. I have heard that there have been proclamations of opposition, but I have not received anything from anyone except commendation for this Bill. On the other hand, I received so many offers of advice about what

should be done and what arguments should be used that it became embarrassing. Of course, as soon as something is raised here, we usually find very quickly what are the objections to it, but the only objection I received was from the Adelaide City Council. I do not know why that is so, but presumably that council, the last stronghold of Toryism in this State, believes it has the right to farm out licences by beneficence and say, "You can have these licences so long as you give us the right to give them to you and you can gratefully acknowledge them." I am rather distressed that I do not know how the Government intends to vote, although I will find that out by division, but I regret that the House will not have had the opportunity of having heard the reasons for the vote. I am quite confident that the measure will pass the second reading because I know that Government members are consistent.

The only other point raised was in regard to the cost to the State if this Bill is passed. I do not know what the cost is likely to be. The City Council is not in a good financial position and is not anxious to accept a permanent liability. The Government is afraid that under the legislation it will have added expense, but there need be no cost to the State. The Bill provides for the Commissioner of Police to fix licence fees. I have been assured by taxi drivers, owners, company executives, the Transport Workers Union and others, that if it is necessary to offset the cost of administration they will gladly pay higher licence fees, provided everything is on a proper footing. They consider it to be cheaper to pay 100 per cent more in licence fees than to have the present racket of paying £6 or £8 a week for a licence which is never owned and which can be terminated at any time. I hope Government members will do the decent thing as they did last year and support the second reading.

The House divided on the second reading:—

Ayes (18).—Messrs. John Clark, Corcoran, Davis, Dunstan, Fletcher, Hutchens, Jennings (teller), Lawn, Macgillivray, McAlees, O'Halloran, Quirke, Riches, Stephens, Stott, Tapping, Frank Walsh and Fred Walsh.

Noes (20).—Messrs. Brookman, Christian, Geoffrey Clarke, Dunnage, Goldney, Hawker, Heaslip, Hincks, Sir George Jenkins, Messrs. Jenkins, McIntosh, Michael, Millhouse, Pattinson, Pearson, Playford (teller), Shannon, Teusner, Travers and White.

Majority of 2 for the Noes.

Second reading thus negatived.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 26. Page 1252.)

Mr. TRAVERS (Torrens)—I want to say a few words in condemnation of this Bill, which is an astonishing piece of work, indicating a complete lack of appreciation of the law it seeks to amend. When one sets out to amend a law I suggest that one should first thoroughly know and appreciate that law, otherwise amendments are likely to make confusion worse confounded. The aim of the Bill is to cause certain things to be incorporated in a hire-purchase agreement if it relates to household goods used or intended to be used in the hirer's home, and/or personal effects and/or clothing used or intended to be used by the hirer or the hirer's spouse or child.

To get the Bill into its true perspective it is necessary to examine kindred legal concepts relating to hire-purchase. Members opposite who have spoken on the Bill have proceeded on the erroneous assumption that the hire-purchase agreement should be in writing. Hire-purchase is a situation which has grown up amongst contractual concepts. First there is the concept to sell. This is a contract and consists of an offer on the one hand and an acceptance on the other. When you get the two there is a mental state of agreement. That is an agreement for sale, an agreement for the transfer of ownership of chattels. In that agreement the ownership passes from one person to the other, and at the same time an obligation to pay for the article is created. The next question is, "What is an agreement for sale?" That is different from a sale. An agreement for sale is also a contract; there is an offer on the one hand and an acceptance on the other. That brings about an agreement and it is an agreement for sale. The basic difference between the two is that under an agreement for sale the ownership of the article does not pass. It is an agreement that one will sell with the property passing at some future time. Under it there may be a provision that payments will be made by instalments. It is not an option to buy, but it is a binding agreement to buy. It is a binding agreement that on delivery of the article, or when it is manufactured, or some other condition, the article will pass.

For either of these contracts, if the value of the goods is under £10, no writing is necessary. The contract is binding if made orally. If the value is more than £10 there may be a

part performance of the contract, and if so it is still not necessary for it to be in writing. It will do if done orally. If there is no part performance the scrappiest of writings will suffice as evidence of the contract. Under the Bill, on my counting, there are 16 requirements if a housewife wants to have a hire-purchase agreement for a pair of scanties, or some other trifling article. The position as I see it is that the propounder of the Bill has apparently proceeded on the erroneous assumption that hire purchase agreements have to be in writing, and he has made some special provision on that assumption to cope with these particular kinds of hire purchase agreements that cover "household goods used or intended to be used in the hirer's home, and/or personal effects and/or clothing used or intended to be used by the hirer or the hirer's spouse or child."

The next concept we might examine is that of the hiring itself. For the hiring of goods no written agreement is necessary. It may be done purely verbally, whether the goods are worth more or less than £10, or more than £10,000,000. This concept of hire purchase is a kind of hybrid arrangement which has come into existence in comparatively modern times, and it consists of two thing only—a contract to hire and an option to purchase. It is not an agreement to buy or an agreement that binds one to buy. One can buy or return the goods as he chooses.

Mr. Riches—Does that apply to scanties?

Mr. TRAVERS—Any scanties I have obtained I have bought. Perhaps the honourable member has acquired them in other ways. The law is that a hire purchase agreement need not be in writing. It may be by word of mouth, and there is ample authority for that. There has never been any statutory provision either here or in England requiring a hire purchase agreement to be in writing, and that has been the position right from the inception of hire purchase. There is only one exception; if the agreement is so made that it cannot be performed within a year then it has to be in writing, but the ordinary hire purchase agreement which gives one the right to pay off the whole amount owing at any stage is one that can be performed within a year and, if that is so it does not have to be witnessed by writing. In that event, one has the right to exercise his option to buy and convert the agreement into a binding transaction under which the property will pass.

It has never been found necessary, either here or in England, to enact that such agreements must be in writing, and the modern tendency is to get away from requiring transactions to be in writing. I am not sure whether it has become law yet, but there has been a distinct move in England to materially alter what is called section 4 of the Statute of Frauds, which is the one that insists on certain contracts having to be in writing. The court is empowered to ascertain what the real agreement was, and it does not matter how that is proved. On top of that we find that notwithstanding legislation was passed in this House in 1931, and subsequent legislation was passed in 1940 and 1942 dealing with hire-purchase agreements, none of them attempted in any way to require that hire purchase agreements must be in writing. Then we get this extraordinary Bill with all its pinpricking requirements.

It is necessary, under this measure to observe 16 conditions in order to carry out some trivial hire purchase transaction to buy goods at some trivial cost. We have reached this tragic situation that if we pass the Bill a housewife will be told in the plainest terms that if she can persuade a motor car company to let her have on hire purchase a £2,000 motor car she can do all that orally. She would not have to sign an agreement in writing, but if she wants £5 worth of clothes at a departmental store she will have to go through all this nonsense and humbug and get it done in writing. We had crocodile tears from the Deputy Leader of the Opposition last Wednesday about the unfortunate woman who got into trouble with the law over hire purchase agreements, but is that more likely to happen in respect of trivial things such as are mentioned in the Bill or in respect of some big items? I think we would render Parliament ludicrous if we passed the Bill. All citizens would be told by the law that they may obtain on hire purchase by word of mouth £10,000 worth of, say, huge earth moving equipment, but if a housewife wants to get a pair of scanties on hire purchase she will have to comply with 16 ridiculous requirements. Clause 4 states:—

> After the commencement of this Act no hire-purchase agreement which is entered into after such commencement, and which relates to household goods used or intended to be used in the hirer's home, and/or personal effects and/or clothing used or intended to be used by the hirer or the hirer's spouse or child . . . shall be enforceable unless such agreement . . .

Then follow certain provisions, and that is where these pernickety requirements come in. Let us consider the case of a man or woman who, in all honesty, enters into a hire purchase

agreement but fails to observe one of these trivial requirements. The Bill says that in that event the agreement shall not be enforceable, but unfortunately it does not deal with a large variety of incidental things that are clamouring for attention if that extraordinary situation did obtain, namely, that the agreement was not enforceable. If the two parties honestly had agreed and there was no dispute over what they had agreed upon what would be the position if they had not carried out all the requirements? The hirer has the goods but he has not paid the full price for them. He may have paid a small, or even a large, deposit but the agreement is not enforceable. It is not asking too much of one who seriously submits a suggested amendment of the law to say what the position is. Does the property pass? The Bill does not tell us. Would the vendor (the owner of the goods) have lost his property in the goods, and are they to be acquired free of charge by the other party? Again, the Bill does not tell us.

Furthermore, are the payments which have been made up to that stage to be treated as part of the purchase price? One would have thought we would be told what this bright new Bill envisages, but we are not. We are not told what happens to the goods, whether the owner can recover them, whether he forfeits them, or whether the property passes in some extraordinary way to the hirer, and we are not told whether, if the property passes, there is any right of action for the purchase price. Let us save ourselves from the ridicule that would be poured upon anyone who made such amendments of the law. If we are to amend the law let us do so in a way that will tell the people what are their rights.

Mr. Lawn—If we all knew them there would be no need for lawyers.

Mr. TRAVERS—At all events, it would be a good idea for members opposite to make some inquiries. The honourable member would probably be told by the member sitting in front of him what the law was, and I have no doubt he could read an extract from Halsbury's Laws of England, 2nd edition, volume 16, page 508, paragraph 750, which would tell him what I have been telling him.

Mr. MACGILLIVRAY secured the adjournment of the debate.

COAL ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

SUPPLY BILL (No. 3).

Returned from the Legislative Council without amendment.

Sitting suspended from 6 to 7.30 p.m.

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

In Committee.

(Continued from June 30. Page 528).

Clause 3 passed.

Clause 4 "Basis of fixing rent."

Mr. BROOKMAN—I move—

To delete "thirty-three and one-third" and insert "forty."

The 33⅓ per cent represents the increase in rent since the Act came into operation. My intention is to give what seems to be only justice to landlords. Many people derive their whole livelihood from letting properties, and others get part of their living from this source. In either case they suffer hardship if the rents are kept too low. This applies more particularly when an unmarried daughter is left with a property and has no other income. From memory I believe the C series index figure for a home in 1939 was just over 900 and in September, 1954, it was about 2,300—about two and a half times greater. In that period rents had increased by only 27½ per cent, but the cost of living has increased more steeply than the rent income of landlords. During the war and immediately afterwards landlords generally could not carry out extensive repairs to their properties, and when they received their first rent increase of, I think, 22½ per cent in 1951 the cost of repairs was high, and since these costs have increased much faster in proportion than the rents received. Therefore, it can hardly be expected that a landlord can keep his property in good order and at the same time make a living from rents.

Mr. O'HALLORAN (Leader of the Opposition)—The Opposition not only opposes the amendment, but the clause itself. We believe the increase already permitted is adequate for the moment. The honourable member mentioned the alleged difficulties of landlords, but my Party is more concerned about the difficulties of tenants, particularly in these days of wage pegging when we are told that the major component in the recent very steep increase in the cost of living was rent. Under the amendment, with wages pegged as they are in South Australia, the position would become completely intolerable. On the other hand, under the clause as it stands the position would still be difficult; therefore, members on

this side oppose both the clause and the amendment. Landlords have not been treated harshly as a result of this legislation. Firstly, they are permitted to apply for an increase in rent to cover any increases in maintenance costs since rents were first pegged in 1939. Secondly, they are now allowed a 27½ per cent increase on the standard 1939 rents.

Mr. Brookman—What has happened to wages and the cost of living during that period?

Mr. O'HALLORAN—Wages have been pegged since 1953, yet an increase in rent was permitted last year and a further injustice to the workers thus perpetrated. One cannot point to any other type of investment where the permitted increase in its value is as great as that of real property.

The Hon. T. PLAYFORD (Premier and Treasurer)—Before introducing this Bill the Government carefully considered its provisions because it interfered with the rights of certain persons. It continues a system under which the State disregards the normal rights of landlords and tenants, and legislates to umpire between the two. To that extent it is controversial. I hope members will accept neither the amendment nor the action suggested by the Leader, because both courses are extreme. I do not agree with some of Mr. Brookman's contentions. He claims that the permitted increase in rents has been less than that in respect of other charges, but, as Minister in charge of prices, I do not know of any commodity sold today the margin on which has been increased to a greater extent than that on housing.

It is to the great advantage of this country to keep down the cost of living, for that ultimately benefits all sections. Firstly, it ensures to the worker a real return for his labour; secondly, it enables the manufacturer to compete with overseas firms; and thirdly, it enables the primary producer to export his products at favourable prices. Every time the Commonwealth Statistician, who is the umpire in this matter, reviews the C series index figures, my officers prepare an exhaustive study of the position here compared with that in other States, and if I find that the prices of some lines have run wild in this State, I immediately try to find out why, and in some cases take drastic action. If wholesale or retail margins on a certain line are higher here than in other States, we do not fail to reimpose price control or to carefully check the price control machinery. In some instances we have recontrolled many items, for instance clothing. We cannot have it both ways. As quarterly adjustments of the basic wage have been suspended, we have a definite obligation to see that wage earners are not gradually starved out as they would be if no action were taken to see that the cost of living was not allowed to skyrocket. The biggest and most consistent rises in costs have been in house rents.

Mr. Shannon—Who is the biggest landlord?

The Hon. T. PLAYFORD—I presume it is the State Government through the Housing Trust, but the trust maintains the most reasonable rents possible. Some of the houses referred to by Mr. Brookman were constructed at pre-war prices.

Mr. O'Halloran—The great majority of them.

The Hon. T. PLAYFORD—Yes, because new houses have been free from rent control for some time. A number of the houses referred to were owned before the war, and I would remind members that the suggested 40 per cent increase is not the aggregate increase in the rent, because the owner has been permitted to impose increases for the additional costs of repairs, maintenance, and rates and taxes. Therefore, 40 per cent is only the net amount. I know of no ordinary investment from which the investor can today obtain a net return 40 per cent greater than he obtained before the war. Gilt-edged securities, which are indicative of the market, returned 3½ per cent pre-war.

A Member—It was more like 4 per cent.

The Hon. T. PLAYFORD—Very well. Taking a pre-war return of 4 per cent, the same securities today are returning only 4¾ per cent at the most, which is not as much as a 40 per cent increase. Some States have pegged rents at the 1942 level, but this Government could not consider such action. I believe Parliament should not exercise its powers in favour of any one class, but should give a fair deal to all classes. Therefore, taking into account the factors involved, the Government felt that an increase on the rate fixed last year was justified. Further, I believe that most tenants have received a corresponding increase in their wages. On the other hand, however, a 40 per cent increase is not justified. I believe it would increase the cost of living and would have an adverse effect on our primary prosperity. Our industries would immediately be confronted with additional costs which would seriously impair their ability to compete on interstate and world markets. We should try to keep our

costs reasonably stable and it is not in the best interests of the community to suggest what I consider to be an ill-advised and unjustified increase in rents. I hope the Committee will disregard the blandishments of the Leader of the Opposition and the members for Alexandra and Adelaide. This legislation must be maintained upon a basis fair to all sections of the community.

Mr. SHANNON—I agree that this legislation should be equitable. The Premier suggested as a proper means of comparison the increase in returns from gilt-edged securities. I challenge the Premier's suggestion that gilt-edged securities returned 3½ per cent pre-war. Government loans were then issued at 3⅛ per cent. At the moment 4½ per cent is offering on semi-Governmental loans which may be regarded as gilt-edged securities. The difference between 3⅛ per cent and 4½ per cent represents an overall net increase of 44 per cent on the returns from such investments. The Premier said that most of the homes at present let by private owners were built before the war. That is admitted, but are those owners not entitled to some increment as a result of what has happened in the field of all assets during this period? Let us consider the Housing Trust policy in respect of its own rents. It constructed rental homes before the war and charged the tenants 12s. 6d. a week. There have been steep increases in home building costs since then and the trust's policy has been to level up and average rentals so that the tenants of those houses no longer pay only 12s. 6d. a week. The trust's rents are based on what is called an economic level. In other words, if a house costs £3,500 to build that is the basis upon which the rent is calculated. Many persons rely on rentals they collect from homes they own for their subsistence, but they have not enjoyed a 44 per cent increase on their returns as has accrued from gilt-edged securities during the period under discussion. I point out that there are hazards associated with home ownership. A landlord may have a bad tenant who neglects the property and it sometimes happens that a tenant who owes rent leaves the premises by the light of the moon and the owner consequently does not receive what is due to him. Those hazards do not apply to gilt-edged securities.

Mr. Pearson—There have been reductions in the capital value of Government securities.

Mr. SHANNON—I agree. That was brought about arbitrarily by the international agreement, but what happened to the Government investments also happened to all real estate, including broad acres.

Mr. Pearson—There have been subsequent losses on Government loans.

Mr. SHANNON—That is true. Each time the interest rate is increased on a loan the preceding loan is depreciated. People who are in the unhappy position of depending upon rents for their income have had to absorb all the increases in the cost of living as reflected in the C series index with the exception of rates and taxes, repairs and maintenance. The Leader of the Opposition sought to arouse the sympathy of members on behalf of the tenant by saying that their wages have been pegged for the last two years. I point out that home owners have had their incomes pegged for 15 years.

Mr. O'Halloran—They have not.

Mr. SHANNON—Rents have been controlled and their incomes have been pegged.

Mr. O'Halloran—They have had three increases by law.

Mr. SHANNON—But those increases have been tardy. If wage increases had been so tardy we would have had a battle royal, perhaps a civil war. To seek sympathy on behalf of the wage earner because his wages have been pegged for two years does not cut much ice with me, because landlords have suffered greater hardship. In an article in today's *News*, written by a feature writer, some interesting wage comparisons are made. It cannot be suggested that this paper is a Liberal paper, because it does the best job possible for the Labor Party, particularly for the present Leader of the Federal Labor Party. The following is an extract from the article:—

The wage earners are earning a little more than three times as much on an average. Retail prices for essential commodities included in the C series index figures have risen overall a little under three times. So that, at least statistically, it means you are faring a little better than you were in the early war years. The average male worker used to get £4 17s. a week in 1941. In the September quarter of this year the average South Australian male worker received £15 10s. a week. In other words his wage had increased by a little more than threefold.

That sums up the position of the tenant over the years since rent control was first applied.

Mr. Fred Walsh—Read the first paragraph under the heading "Wages."

Mr. SHANNON—All right, I will. It is as follows:—

Back in 1941, if you averaged the wages of male executives, staffs, juniors, and office boys you arrive at a sum of £4 17s. a week. In the quarter ended December, 1954, the average male

worker in South Australia earned £16 5s., the highest ever.

Mr. Fred Walsh—Some male executives now receive £160 a week.

Mr. SHANNON—Honourable members opposite always attempt to make it appear that the wage earner has been penalized for someone else. It is a foolish thing for any public man to take up the cudgels for a small army against a large army, but I propose to do so, and to speak on behalf of the landlord. Many petty approaches to the problems of these people who have suffered great hardships have been made. The approach made by the member for Alexandra (Mr. Brookman) provides only a part of what they should receive. The House would not agree to the same equitable basis for landlords as that adopted by the Housing Trust. If it would agree to that, I would be quite happy, because the rentals paid to the trust are far in excess of those that private landlords are permitted to charge. Rentals should be fixed, not on the basis of what the properties cost 25 or 50 years ago, but on present values.

The Premier said we must keep down the cost of living to assist our primary industries, but I do not see how he links rent control with primary production. Some primary producers enjoy the benefits of increased prices for their production brought about by world conditions. Although prices have decreased this year everyone who has been engaged in primary production for the last decade has made very good profits. If that applies to one section, why should we keep down a smaller section to fatten still further the man who has enjoyed a good livelihood from primary production, if there is some connection, although I do not agree there is? I am not very happy about the present system of rent control. I have no doubt that trust officials are doing an honest job, but rents on trust flats on the Anzac Highway are £3 5s. a week, although the owners of some privately owned flats can charge only £2 10s. for flats, many of which are vastly preferable to the box-like structures erected by the trust. I regret that the Premier has not seen his way clear to give a little more justice to a very deserving section of the community.

Mr. DUNSTAN—I oppose both the clause and the proposed amendment. We heard a good deal from the Premier about the endeavours of the Government to keep down the cost of living. Very rightly, he pointed out that recent cost of living increases in Australia have shown that the biggest component of such increases was an increase in rents. The factor that most people do not realize about those statistics is that a large proportion of the last rent increase granted by his Parliament had not come into effect and was not taken into account in those statistics. There are still determinations being made by the trust following on the rental increases granted last year. Pensioners come to me continuously about rent increases and I tell them that they will not be the only increases if the Government's policy is carried out, because there will be further increases within a few months.

A harrowing picture has been painted by members opposite about the difficulties of house owners, but the capital value of rental homes in South Australia has increased more than any other investment. People can sell tenanted houses at three or four times the price paid for them. If house owners find themselves so much worse off than people who have made other investments, why don't they sell their houses? It is necessary to spread the burden in the attempt to keep down the cost of living but I do not believe that at this stage a further rental increase is justified. If wage adjustments were permitted and pensions increased there may be some merit in the proposal to increase rents. There may be a hardship where people have obtained houses for use in their old age, but that is not a hardship that justifies a general increase in rents. One way of overcoming any hardship would be to remove the means test in connection with pensions. If this proposal to increase rents is agreed to pensioners will lose their last pension increase twice over in paying rent and meeting retrospective cost of living increases, which will really mean a reduction in their rate of pension.

Mr. Shannon said there has been an increase in the general level of wages in this State but the statistics he quoted were published by the Commonwealth Statist not in respect of ordinary wage earners, but of wage and salary earners, including all people for whom the payroll tax is paid, and that covers directors of companies. According to the Commonwealth Statist South Australia has the lowest level of real wages, though we may have a higher rate for people working in an executive capacity. It is these wage earners and pensioners who will have to pay more if the rent proposal is accepted, and I cannot see any justice for it.

The landlord and tenant legislation has two functions. One is to keep the cost of living down and the other is to redistribute income. We believe that the redistribution is just and right. I have outlined one anomaly, but the

position will not be improved by a general increase in rents. Mr. Shannon spoke about beautiful houses at low rentals. I have not found any in my district, although there may be some. I could point to some houses of rotten construction. They were built before the turn of the century. Most of them consist of two or three rooms, for which the rental is £5 a week unfurnished. I saw two of these houses in the district represented by Mr. Hutchens. For the members who come here and vote in the interests of the people it is a real concern that there should be no increase in the general level of rentals.

Mr. DAVIS—I was astounded at what Mr. Shannon said. He tried to mislead members. He said that the average wage for South Australian workers was £16 a week, but the figures he quoted covered people from the executive officer down to the office boy. Thousands of workers are on the basic wage of £11 a week. The Government proposal for a rent increase is not justified. For years landlords have received satisfactory returns from houses built many years ago. I know of some built 60 years ago and for them an exorbitant rent is being received. Some houses were built at a cost of £200 to £300 and sold for £3,000 or £4,000. I know a landlord who invested £4,000 in flats in Adelaide about five years ago and today he is collecting about £900 a year in rents. Is it fair that he should get more? The member for Hindmarsh (Mr. Hutchens) knows to whom I am referring, and this man is looking forward to collecting increased rents as a result of this Bill.

The member for Norwood (Mr. Dunstan) said that some old people have invested their life's savings in houses and are dependent on rents for their living. They may be suffering some hardship, but I would like Mr. Shannon to try to tell me why it costs much more to maintain a house today. Port Pirie has increased rates by only 1s. in the pound since 1923, and that is the only increase in the expense of maintaining a house there. Of course, landlords may incur increased expenditure if they keep their houses in repair, but many only let their houses on condition that the tenants keep them in repair. I hope the committee will not accept either the clause or the amendment. I am not prepared to vote for an increase in house rents when the workers' wages are pegged. The cost of living has increased much more than the cost of maintaining a house.

Mr. HAWKER—I support the amendment. The Premier said we must keep the cost of living down so that our industries may continue to function economically and that one of the important items in computing the basic wage is rent. I will show that rents have not risen so much as other items over which this Parliament, or other Parliaments, have had control. If it is necessary to keep down the cost of living for the benefit of our industries it seems that some of them are becoming uneconomic. If that is so the cost of rent increases should be borne by the whole State. The Premier implied that primary production benefits because the cost of living is being kept down, but I do not agree.

The Hon. T. Playford—I said it would be detrimental to primary production if the cost of living went up.

Mr. HAWKER—I am sorry I did not quote the Premier quite correctly, but the section that will suffer most if the cost of living goes up is not the primary producers but secondary industries. Experience all over the world shows that secondary industries can progress only at the expense of primary industries. Rents have been kept down to keep down the cost of living, and the section getting the most advantage is secondary industry. The State living wage in 1939 was £3 18s. a week, but today it is £11 11s., a rise of 196 per cent, yet Mr. Brookman is asking for a rise of only 40 per cent in rent. Furthermore, the standard working week has been reduced from 44 hours to 40. That means that a man working the same number of hours as before the war can get considerably more from overtime. The old age pension in 1939 was £1 a week, but today it is £4, an increase of 300 per cent. Lastly, the salary of a member of Parliament was £400 in 1939, but today it is £1,900, a rise of 375 per cent. Those increases which have been brought about by legislative action are much greater than the increase in rent proposed by Mr. Brookman, which is only fair.

Mr. QUIRKE—I oppose the amendment, but I support the clause. This legislation has cursed the State from the day it was introduced; it divides the people into warring classes. On the one side we have a minority that has made great sacrifices since the beginning of the war. Pensioners are still in a bad position, even though the pension has risen by 300 per cent, for £1 a week was far too low in 1939. An increase in rent will make their plight worse. We are torn between those who will be hit by an increase in rent and those who, in ordinary justice, are entitled to

benefit from increased rents. On three occasions I have been responsible for amendments to help landlords, but I would not have sought those amendments unless the people concerned urgently needed higher incomes. We are trying to do something by this clause when the incomes of many tenants are not sufficient and also trying to give justice to another small section of the community. Many house owners have had their income reduced by hundreds of pounds. If a person sold his house he could possibly get the advantage of increased values, provided it was not tenanted. Those on pensions and fixed incomes, as from superannuation, will be hit hard even if the increase of 33⅓ is granted.

The Committee divided on the amendment—

Ayes (4).—Messrs. Brookman (teller), Hawker, Millhouse, and Shannon.

Noes (32).—Messrs. Christian, John Clark, Geoffrey Clarke, Corcoran, Davis, Dunnage, Dunstan, Fletcher, Goldney, Heaslip, Hincks, Hutchens, Jenkins, Jennings, Lawn, Macgillivray, McAlees, McIntosh, Michael, O'Halloran, Pattinson, Pearson, Playford (teller), Quirke, Riches, Stephens, Stott, Tapping, Travers, Frank Walsh, Fred Walsh, and White.

Majority of 28 for the Noes.

Amendment thus negatived.

The Committee divided on the clause—

Ayes (22).—Messrs. Brookman, Christian, Geoffrey Clarke, Dunnage, Fletcher, Goldney, Hawker, Heaslip, Hincks, Jenkins, Macgillivray, McIntosh, Michael, Millhouse, Pattinson, Pearson, Playford (teller), Quirke, Shannon, Stott, Travers, and White.

Noes (13).—Messrs. John Clark, Corcoran, Davis, Dunstan, Hutchens, Jennings, Lawn, McAlees, O'Halloran (teller), Riches, Stephens, Frank Walsh, and Fred Walsh.

Pair.—Aye—Sir George Jenkins. No—Mr. Tapping.

Majority of 9 for the Ayes.

Clause thus passed.

Progress reported; Committee to sit again.

TOWN PLANNING ACT AMENDMENT BILL.

In Committee.

(Continued from October 13. Page 1091.)

Clauses 2 to 9 passed.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 9.17 p.m. the House adjourned until Thursday, November 3, at 2 p.m.