HOUSE OF ASSEMBLY.

Thursday, November 3, 1955.

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

SUPPLY ACT (No. 3).

His Excellency the Governor intimated by message his assent to the Act.

QUESTIONS.

COUNTRY ELECTRICITY SUPPLIES.

Mr. MACGILLIVRAY—Some time ago, on behalf of the Upper Murray District Councils Association, I wrote to the Premier about the possibility of having local committees formed in country areas to assist the Electricity Trust. Has the Premier any information on that matter?

The Hon. T. PLAYFORD—The Chairman of the Electricity Trust reports:—

The Electricity Trust believes that a system of decentralization of administration through advisory boards is desirable, but it is very necessary that it should be commenced along the right lines. A somewhat similar system is practised in the United Kingdom. A senior officer of the Central Electricity Authority of England, who has been here advising the trust on technical matters associated with transmission problems, and who has recently returned to England, has been requested to furnish the trust with particulars of the British decentralized administration scheme. On receipt of this information the problem will be further examined.

GRAIN DISTILLERY BUILDING.

Mr. McALEES—It has been reported to me this morning from Wallaroo that barley is being stacked in the disused grain distillery, which local residents understood had been let to Cheesman Bros. to start an industry there. As there are many other places, such as the barley and wheat depots at Wallaroo, where grain could be stacked, can the Premier say why it should be stacked in the distillery building, which was not designed for that purpose?

The Hon. T. PLAYFORD—I did not know of this matter previously, but I will obtain a report for the honourable member.

AREA SCHOOLS.

Mr. MICHAEL—Has the Minister of Education a further reply to my question of yesterday concerning the erection of two new rooms at the Eudunda area school?

The Hon. B. PATTINSON—Provision for these two rooms was made in the Loan programme for 1955-56, but there are 32 works prior to the Eudunda rooms on the priority list approved by me. Plans and specifications have to be prepared for all these works before tenders can be called; consequently, the Architect-in-Chief's Department cannot give a definite date for the calling of tenders for the rooms at Eudunda.

Mr. BROOKMAN—The new Yankalilla area school, which will be a fine structure, is nearing completion, and during the past few months the school committee has been concerned about the size of the playing fields. They have received an extremely good hearing from the Government in respect of financing this project, and appreciate what has been promised. Unfortunately, the plan as originally drafted provided for too small a playing field. It was kept small because of the costs involved as a result of the steep gradient of the land. If this scheme proceeds the size of the grounds will certainly not match the grandeur of the school building; a larger scheme is much more desirable. I think if the Minister inspected the area he would hold a similar opinion. Has he reached any finality about the scheme and, if not, will he consider establishing a playing field of an adequate size?

The Hon. B. PATTINSON—I quite understand why the honourable member and his constituents are so proud of this school now in the course of construction. They are entitled to get a fine school, but I think it is an understatement to say, in relation to the playing ground that they have received a good hearing from me. They have received extremely good treatment from me—generous treatment—and much more so than other comparable schools. I realize that the ground may be somewhat small but on the other hand we have been very generous in what we have offered. I have come to what I regarded as a final decision, but in view of the eloquent plea by the honourable member I shall be quite pleased to go, in his company, and inspect the school and the grounds. I wanted to see the site in any event to ascertain how far the school is from completion.

HOUSE BUILDING CONTRACTS.

Mr. FRANK WALSH—Has the Premier a reply to the question I asked on September 27 concerning an increase in the contract price for a house?

The Hon. T. PLAYFORD—I have had a most careful investigation made of all the circumstances of the contract and have

obtained the Crown Solicitor's opinion. It was alleged that the contractor overcharged by £150, but since the completion of the contract the person who purchased that house has advertised it for sale at £800 above the contract price, which was considered too high. Under those circumstances I do not propose to take any further action.

ADELAIDE FUNERAL DIRECTORS AGENCY.

Mr. WILLIAM JENKINS—Recently I asked the Premier to investigate certain practices of a firm known as Adelaide Funeral Directors. Can he say whether restitution has been made to the person on whose behalf I raised this matter?

The Hon. T. PLAYFORD—The Prices Commissioner has examined this case and as a result a refund of £5 15s. has been made to the person concerned.

SCHOOL BUS SERVICES.

Mr. STOTT—The Minister of Education has announced that a committee will conduct an inquiry into school bus services. Can he say whether it is intended that that committee will take evidence from school committees in country areas to enable them to place what facts they desire before the committee, and from persons conveying children to school in their own conveyances to ascertain whether they are receiving adequate recompense in comparison with that paid to contractors operating services for the department?

The Hon. B. PATTINSON—The committee which has been appointed is an unofficial committee set up to advise me on the problem, and no definite decision has been made as to the procedure to be adopted by it. It will hold its first meeting next week. It may decide to obtain written information in the first instance or to hear evidence. I shall discuss the question of procedure with it early next week. I regard the matter as of considerable importance because the country school transport section of the Education Department is an immense organization in itself. Last year it cost the Government £335,000, including £80,000 for the purchase of 27 new departmental buses and chasses. In the short time since I have been Minister, the department's own fleet has been doubled. It now has 85 departmental units, with another eight under construction. The capital cost of this is already more than £250,000 and I anticipate that the fleet will be added to during the next year. In all, the department operated 364 bus services, which transported 11,000 children 17,000 miles a day, or 3,500,000 miles last year. The services comprised about 74 vehicles from the departmental fleet, about 50 subsidized services and about 240 private contractors.

The efficient control of this section is a credit to the transport officer, Mr. Harris, who enjoys my complete confidence. All decisions on the costs of the independent contractors or the subsidized services or the departmentally controlled fleet are, in the final analysis, mine, and if there is any criticism it should not be directed to the transport officer but to me. I accept full responsibility for every decision that has been made. The hundreds of decisions I make are administrative decisions from which there is no appeal, and I am anxious not only that my decisions should be just but that they shall undoubtedly and manifestly appear to be just. That is one reason why I have set up this independent committee. At its first meeting next week I will take up the suggestion of the member for Ridley and the previous suggestion of the member for Gawler to see whether some procedure can be determined so that full representations can be made to the committee by interested parties and it shall be properly informed in order to inform and advise me in due course.

RABBIT PRICES.

Mr. TAPPING—Has the Premier a reply to the question I asked on October 25 regarding what I considered excessive prices for rabbits in the metropolitan area?

The Hon. T. PLAYFORD—The matter was referred to the Prices Commissioner, who has replied as follows:—

Although rabbit prices are not subject to price control, the Prices Commissioner has conducted an investigation into the difference between the price paid to trappers on the fence and the retail price at which rabbit carcasses are being sold in Adelaide. The Commissioner has reported that, although rabbits are in very short supply at present, the investigation has not disclosed any evidence of exploitation by any section of the trade. The Commissioner has also pointed out that very heavy expenses are involved from the time the rabbits are picked up on the fence until the carcasses are sold by retail to the public. A detailed and comprehensive report has been prepared.

I shall be prepared to supply these further particulars if the honourable member requires them.

MILLICENT TO MOUNT GAMBIER GAUGE BROADENING.

Mr. CORCORAN—On several occasions I have brought before the Minister of Works the matter of celebrating the completion of the broadening of the railway gauge between Mount Gambier and Millicent. I have asked whether the Government intends to celebrate it in the same way as at Mount Gambier and Naracoorte, and the Minister promised to refer the matter to the Minister of Railways. There has been ample time for a decision of some kind. The Millicent people are anxious to know what is to happen. I know from the Millicent paper that the first train carrying ballast reached Millicent the other day. If the Government does not intend to extend the same consideration to Millicent as to Mount Gambier and Naracoorte the Minister should have let me know. The Government should have the courage to say what is to happen. If nothing takes place I want the Millicent people to know that it is through no fault of mine. Millicent is of sufficient importance to be treated in the same way as Naracoorte and Mount Gambier. What does the Government intend to do in the matter?

The Hon. M. McINTOSH—On several occasions the honourable member has asked questions on this matter and he has made concise statements generally as to his viewpoint. Would he be good enough to put his question, or perhaps the last paragraph of it, on notice? I will then take up the matter with Cabinet on Monday next and bring down a reply.

MILE END HOSPITAL.

Mr. FRED WALSH—Has the Premier a reply to the matter of the Mile End Hospital which I raised during the discussion on the Estimates?

The Hon. T. PLAYFORD—The honourable member raised the matter of selling surplus hospital supplies to the Mile End Hospital, and I have received the following report—

On March 7 last the Supply and Tender Board approved of the sale of equipment to the Mile End Hospital Limited for the sum of £727 10s. On September 5 Mile End Hospital Limited asked that the figure of £727 10s. should be reduced to £500. Approval has now been given for the equipment to be sold through the Supply and Tender Board to Mile End Hospital Limited for £500 and the hospital is to be allowed to pay £100 before December 31, 1955, and then pay £100 every six months until the account is liquidated.

GOVERNMENT INSURANCE.

Mr. STEPHENS—Can the Premier say whether the Government would be prepared to increase the present land tax and pay the additional money received to the Government Insurance Department for the purpose of protecting farmers and landowners against bush fires, floods, grasshopper plagues, etc.? I think the Government Insurance Department would be the proper authority to assist in this way.

The Hon. T. PLAYFORD—No. In the first place, revenue from an increase in State land tax would have to be paid into general revenue, because if it were not the Grants Commission would make an adverse decision on the grant to this State. Secondly, the amount collected would be insufficient to meet damages caused by even one substantial drought. It could mean that the fund would be wiped out for 20 years. We would be making a charge for an insurance which we could not possibly give effect to.

STRATHALBYN ELECTRICITY SUPPLY.

Mr. WILLIAM JENKINS—Has the Premier a reply following on the question I asked on Tuesday last regarding certain breakdowns in the electricity supply at Strathalbyn?

The Hon. T. PLAYFORD—I have received the following report from the Electricity Trust, and I hope it will receive the same circulation as the adverse criticism of the trust in connection with this matter:—

On Thursday, October 20, 1955, during a very extensive lightning storm a 33,000 to 415/240 volt transformer on a pole mounted platform at Strathalbyn was burnt out, cutting off supply to a large portion of the town from about 7 a.m. Mobile trailer mounted transformer stations are not available for 33,000 volts, being unsatisfactory for handling such high voltage equipment, and they are restricted to 11,000 and 7,600 volt units. Accordingly, no temporary supply could be given. Some delay was experienced in getting information back to Adelaide, as the telephone system was partly disrupted, and a replacement transformer did not reach Strathalbyn until about 1.30 p.m. As transformers are in very short supply it was only by substituting a larger capacity unit that a 33,000 volt transformer was made available. This necessitated changing the platform mounted on the pole, and it was after 5 p.m. before supply was restored. Again on Monday, October 24, 1955, the 33,000 volt line supplying power to Strathalbyn was put out of service when a fire occurred on a pole extension piece. Unfortunately the trust's radio network will not cover Strathalbyn and environs due to the local topography, and as a result all switching operations necessary during repairs to a 33,000 volt line are slowed down, as much information

has to be relayed by messages in vehicles to ensure safety for operating personnel.

Plans were put in hand over 12 months ago to improve reliability of supply to Strathalbyn and surrounding districts. A large capacity 66,000 volt line is being built from Balhannah to Mount Barker, and from Mount Barker to the new Strathalbyn substation, which will allow energy from Port Augusta as well as from Osborne, to be fed direct to Strathalbyn. In addition, it is proposed to continue the 66,000 volt line from Strathalbyn to Langhorne Creek, round to Jervois and Murray Bridge, thus linking up with the line from Mannum. Further, a 66,000 volt line is planned to join Strathalbyn with Willunga, thus linking it with the metropolitan area by a third, high capacity line. This will give an extremely firm and reliable supply to Strathalbyn substation. In order to make full use of this firm supply at the Strathalbyn substation, an 11,000 volt return line is being constructed in and around Strathalbyn. This will ultimately allow a multiplicity of feeds from Strathalbyn substation instead of the single existing 33,000 volt line. Some little inconveniences may be suffered during the interim period of construction.

PARLIAMENT HOUSE TELEPHONISTES' SALARIES.

Mr. FRANK WALSH—Has the Premier a reply to the comments I made when speaking on the Estimates about the salaries paid to telephonistes employed at Parliament House?

The Hon. T. PLAYFORD—I have received the following report from the Public Service Commissioner:—

With reference to the question asked by Mr. Frank Walsh regarding the salaries of switchboard attendants at Parliament House, I submit the following report:—An application on behalf of the telephonistes at Parliament House has recently been considered by the Public Service Board, not in relation to the Metal Trades Case but in relation to the salaries paid for similar occupations. After making full allowance for the unusual working times and the overtime involved, the board decided on October 14, that the salaries for these two positions should be increased from £546 to £570 per annum. Owing to the absence interstate of two of the members of the board, this decision has not yet been implemented but it is expected that it will be published in the *Government Gazette* next week. It has been made retrospective to December 20, 1954, which is the same date as applied to increases granted to other female officers employed in the Public Service.

LOXTON DRAINAGE.

Mr. STOTT—Has the Minister of Lands any further information in reply to the question I asked last week on whether a report had been received from a local officer on the drainage of the Loxton soldier settlement scheme?

The Hon. C. S. HINCKS—I have received the following report on the question:—

No report has been received by this department from the district horticultural adviser regarding drainage at Loxton.

WEST COAST ELECTRICITY SUPPLIES.

Mr. PEARSON—Following on the Premier's reply to the member for Stirling about the efforts the Electricity Trust is making to ensure continuous supplies to certain areas in the honourable member's district, I ask the Premier whether he will take up with the trust the possibility of linking by cross-country direct line the towns of Tumby Bay and Cummins. Those towns are both on the end of a long transmission line from Port Lincoln, both have industries, and, what is more important, they have district hospitals which are in need of a continuous supply. So far breakdowns on these lines have not been serious, although one in Tumby Bay put the town's supply out of commission for a considerable period. I believe it has been suggested by officers of the trust that it would be desirable to link up these two lines and thereby serve the districts of Lipson and Ungarra and assist in the Yeelanna supply. Will the Premier obtain a report from the trust and urge the desirability of this scheme in view of the efforts the trust is making in other places?

The Hon. T. PLAYFORD—I will obtain a report and make it available to the honourable member in due course.

BLANCHETOWN BRIDGE.

Mr. STOTT—Recently I asked the Premier when the Public Works Committee would take evidence about the proposed bridge for Blanchetown and he said he thought the project was being opposed by some people in the district. Some councils at the top end of the district are concerned about the Premier's statement, and desire me to ask who oppose the project and whether the terms of reference to the committee are not such that it must take evidence both from those who oppose and those who favour the project and then make a decision on the best spot for the bridge?

The Hon. T. PLAYFORD—When the honourable member was asking his question there was conversation taking place in the Chamber and I regret I did not catch the full import of the question. I thought he was inquiring

about an entirely different matter, so I ask him to entirely disregard the answer I gave him. I misunderstood his question entirely and only realized afterwards that it was in relation to a bridge and not in regard to another matter I had in mind. As far as I know, I have had no communication from anyone opposing the Blanchetown bridge proposal, which is before the Public Works Committee. I do not know when its report will be obtained, but I will submit the question to its chairman and see whether I can get a reply.

MOTION FOR ADJOURNMENT: COST OF LIVING ADJUSTMENTS.

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

That the House at its rising do adjourn until Tuesday, November 8, at 1 o'clock

for the purpose of discussing a matter of urgency, namely, the necessity to restore the cost of living adjustments to the living wage. I was impelled to move this motion by the reply I received from the Premier to the question I asked last Tuesday about the Government's intention regarding an application before the Federal Arbitration Court, for his reply clearly indicated that the Government would not support the application for the restoration of cost of living adjustments. On Tuesday I asked the Premier the following question on notice:—

1. Is the Government aware that the Australian Council of Trade Unions has lodged an application before the Federal Arbitration Court for the restoration of quarterly cost-of-living adjustments to the basic wage?

2. Is it the intention of the Government to intervene either in support of the application or against it, or not to intervene at all?

The Premier replied:—

1. No official advice has been received, but newspaper reports indicate that such an application has been filed.

2. The Government is a respondent to a number of Federal awards, so that if the application referred to in question 1 is made in respect of any of these awards the Government would be summoned to attend before the court. Consideration of intervention would, therefore, not arise.

I do not intend at this stage to discuss in detail the implications of that reply, but I will explain them later. Under present circumstances the restoration of cost of living adjustments is essential to render wage justice to the workers. The cost of living has increased from £11 11s. in August, 1953, to £12 4s. in November, 1955. These amounts are based on the Commonwealth Statistician's C series index figures, which were previously used to adjust the basic wage each quarter until that procedure was suspended by the Commonwealth Arbitration Court. That court's lead was followed by the State Industrial Court, which is governed by the Industrial Code, under which the State living wage has been tied to the Federal basic wage. Consequently, South Australian workers under both Federal and State awards have had their basic wage pegged at £11 11s. since August, 1953.

To show what the South Australian worker has lost because of the freezing of the basic wage in August, 1953, I have prepared a table. I do not claim that my figures are mathematically exact because, while there are a certain number of workers in South Australia, it is not possible to ascertain how many are juveniles in either the male or female class, but I have allowed for 20,000 juveniles in each case. My figures are based on a total of 160,000 adult male and 40,000 adult female workers and are sufficiently reliable for my purpose. The table is as follows:—

Quarter commencing	Males. Loss in week's wage.	Males. Total loss per quarter.	Females. Loss in week's wage.	Females. Total loss per quarter.	Total loss per quarter.
	s. d.	£	s. d.	£	£
November, 1953	2 0	208,000	1 6	39,000	247,000
February, 1954	3 0	312,000	2 3	58,500	370,500
May, 1954	2 0	208,000	1 6	39,000	247,000
August, 1954	2 0	208,000	1 6	39,000	247,000
November, 1954	5 0	520,000	3 9	97,500	617,500
February, 1955	5 0	520,000	3 9	97,500	617,500
May, 1955	7 0	728,000	5 3	136,500	864,500
August, 1955	11 0	1,144,000	8 3	214,500	1,358,500
November, 1955	13 0	1,352,000	9 9	253,500	1,605,500
Totals	—	£5,200,000	—	£975,000	£6,175,000

Since August, 1953, the average individual loss has been £32 10s. for the male worker and £24 7s. 6d. for the female worker. I suggest that the only satisfactory way of restoring cost of living adjustments in South Australia is for the Arbitration Court to reintroduce them in the determination of the Federal basic wage. As I pointed out in my question, eight unions have lodged an application before the Federal Arbitration Court for the restoration of cost of living adjustments or, alternatively, the declaration of a new basic wage. The New South Wales and Tasmanian Governments have intimated that they will support this application. Because of the South Australian Government's failure to indicate its intentions regarding this application I have been impelled to move this motion.

On October 27, 1953 the Federal Arbitration Court froze the basic wage because it thought the cost of living, which had been rising rapidly for some time prior to that date, had been stabilized and therefore any increases in the cost of living that might occur thereafter would be so small as not to warrant authorizing an alteration in the basic wage. The court also apparently proceeded on the assumption that increases in wages were mainly, if not wholly, responsible for increases in the cost of living and that if wages were pegged, prices would not rise.

What has occurred in this State since then has completely dispelled that ancient illusion that increases in the cost of living were the result of increases in wages. As members know who have given any consideration to the question of automatic adjustments of the basic wage in accordance with fluctuations in the cost of living, when prices are rising, wages are always chasing them. In other words, the statistician's figures for a given quarter must firstly indicate that there has been some increase in the cost of living and then that increase is applied to the wage for the next quarter or for such continuing period as the cost of living remains stable. In a time of rising prices the workers are always behind as regards the adjustment of their wages.

The result of wage pegging has proved conclusively that there are other and more important factors than wages in the various ingredients of the cost of living. One of the most important factors since the pegging of wages has been the excessive profit-making by various industries in Australia—particularly secondary industries. Any member who has studied the commercial columns of the press during the past two years must realize that the profits of every commercial concern of any vital importance have increased astronomically. This has completely dispelled the Arbitration Court's theory that if wages were pegged the cost of living would be stabilized and the economy of the country would benefit therefrom. I hope that when the matter is again before the court in the near future it will be compelled to realize that it made a mistake and will restore wage justice to the workers of this State.

The only effective way wage pegging could be related to the stabilization of the country's economy would be by means of a rigorous and effective system of price fixation. It might, of course, be supplemented by an excess profits tax, which is being used rather widely and severely by the Chancellor of the Exchequer in Great Britain at the moment and which, incidentally, was one of the reforms the present Prime Minister of Australia in his policy speech prior to the last Federal election proposed to introduce, but it has not been introduced yet. Apparently it has been lost in the welter of other and less important matters. It has been said that although the workers' wages were pegged, and in this State they have lost 13s. a week as a result, they have benefited in other respects because of the marginal increases granted by the Arbitration Court in the last 12 months. The basic wage is what it claims to be—the base rate—and margins for skill above the base rate are what they signify. If the base rate is pegged and the cost of living rises, even though a skilled worker may get some increase in his margin for skill, he is still worse off to the extent that the basic wage has failed to follow the cost of living. There are many workers whose marginal increases are small and what they gain as a result of the court's decision in the margins case has already been lost to them in the increased cost of living following on the pegging of wages. There is, of course, a large section of workers who do not receive margins for skill and do not benefit in any way from increased wages provided for skill. They are worse off to the extent of 13s. a week if males and 9s. 9d. if females, as compared with October, 1953.

In all other States except Tasmania independent action has been taken either by the Governments or by the industrial courts to relate the basic wage for workers under State awards to the cost of living. I have a copy of the legislation recently passed in New South Wales to give effect to this principle. I also have a report from the Department of Labor and

National Services which contains the judgment of the Industrial Court in Western Australia on a similar matter there, arrived at on August 9, 1955. The Western Australian court went further than the restoration of what the workers had lost by the pegging of wages, and restored, to some extent, a higher rate than had been provided for in the State basic wage in Western Australia as compared with the Commonwealth wage in that State. The other States referred to, in one form or another, will support the application of the A.C.T.U. and the eight unions who made applications on behalf of that organization and the workers for a restoration of quarterly adjustments. The action taken in the States mentioned could apply only to workers under State awards, but it has caused the anomaly of such workers having a higher wage than workers under the Commonwealth awards. However, it was all that could be done. I do not suggest that we should pass legislation to adjust our basic wage to the Federal formula unless action is taken by the Federal Court, but if that court fails to do justice to the workers in this matter this State should take direct action as New South Wales did. I want to see uniformity of action and all workers getting what they are entitled to. The Government owes it to the workers in this State to intervene in the court in the case for the restoration of cost of living adjustments.

The Hon. T. PLAYFORD—(Premier and Treasurer)—I cannot say I was impressed with the reasons given by the Leader of the Opposition for moving the adjournment of the House. I thought they were flimsy and that he made improper use of the Standing Orders. He said that he brought the matter forward because the Government would not intervene in connection with the basic wage, but he used the living wage in his letter in order to get the matter before Parliament. I do not think that was proper procedure.

Mr. O'Halloran—I think the Speaker is the judge of that.

The Hon. T. PLAYFORD—If I had known that the honourable member was going to do it in that way I would have moved that the Speaker's decision be disagreed to. Because of this debate matters that should be receiving attention must wait. In his letter the Leader of the Opposition referred to cost of living adjustments to the living wage, but the living wage is a State determination. When the basic wage was increasing rapidly because of changed circumstances this Government, with the complete support of the Opposition, amended the State industrial laws to enable the President of the Industrial Court to take cognizance of the Commonwealth awards and to automatically alter State awards accordingly. That did not tie the hands of the Industrial Court. In fact, an application was made to the court in connection with the matter. This week the Leader of the Opposition asked on notice—obviously a question of political value—whether the Government proposed to intervene in the Federal Arbitration Court in connection with cost of living adjustments. He was told that as the State Government is a respondent to a number of Federal awards it would be summoned to appear in the court, and that there would be no need for intervention. The honourable member assumed that the State Government opposed the giving of increases by the Federal Court, but there is no reason for that assumption. It is something he conjured up for the purpose of this debate. The State Government has refused to alter by legislation the living wage in the State, but the Leader of the Opposition said he did not want it done that way. He knows that it would be an improper thing to do and that it could rebound adversely. The only time wages were fixed by legislation in this State was when they were reduced. There was no action the State Government could take in this matter of cost of living adjustments. The case is to go before the Federal Court. No doubt the State Government will receive a claim. It will be considered and advice will be obtained as to the best action to take. Until that claim is received I cannot say what the action will be. We do not know what the claim will contain. Since the Federal Court pegged the basic wage, which term was used wrongly by the Leader of the Opposition, an application has been made to our Board of Industry. The *Advertiser* of October 24, 1953, contained a report under the heading "Unions Study Wage Decision. Legal Action Considered." From it we gathered that the unions would take action in the matter. An application was made, but the *Advertiser* of December 12, 1953, contained a very small report on the matter under the heading "Labor Council Abandons Move on Wage." It said:—

The South Australian Trades and Labor Council decided last night to withdraw its application to the Board of Industry for the re-opening and review of the State living wage. The executive, in a recommendation adopted by the council, stated that it would be difficult to establish that a substantial increase in the cost

of living had occurred. It was considered inopportune therefore to continue with the application at present. The council made its application to the board on October 19, soon after the Federal Arbitration Court had abolished quarterly cost of living adjustments to the basic wage. The executive reported that it had consulted with the council's legal adviser and the unions affected by the application. The council also decided to call a meeting of the unions early in the new year to consider reports from the A.C.T.U. regarding the campaign to regain cost of living adjustments to the basic wage.

That has not been contradicted by any authority. If any honourable member wants the information I will be glad to make available to him this press article, and any other press cuttings I have on the matter. I was intrigued by the statement I have just read and I asked the Government Economist, who is an actuary of the highest order, to supply me with information that would help me to understand why the Trades and Labor Council decided to withdraw the application. I have the details brought right up to date for the information of honourable members. He reported:—

The State living wage if reassessed on the basis of its last determination in 1949, taking into account changed living costs since that date, would be nearly £1 a week below the present wage of £11 11s. The Commonwealth basic wage for Adelaide was increased in 1950 by 21s. a week. The present basic wage is still 21s. a week above what it would be if the pre-1950 basis were continued.

The basis of the living wage and the basis of the basic wage are not the same, as members know. The report continues:—

It would have been 34s. a week above the wage computed on a pre-1950 basis if recent adjustments had not been discontinued. This would have occurred because the cost of living has risen nearly 60 per cent over the intervening period.

That is the key to why the Trades and Labor Council did not continue with its application. The report substantiates that the council knew, from legal advice, that it was not a good time to go on with the application. The *Advertiser* report stated:—

The executive, in a recommendation adopted by council, said that it would be difficult to establish that a substantial increase in cost of living had occurred.

Mr. Fred Walsh—What is the date of that report?

The Hon. T. PLAYFORD—December 12, 1953. I am not talking about the basic wage, but about the same thing that the Leader of the Opposition wrote about, but refused to talk about. He wrote about the living wage, but he proceeded to relate all his remarks to the basic wage, and for good reasons.

Mr. O'Halloran—Excellent reasons.

The Hon. T. PLAYFORD—Yes, because action taken in this House allowed the court to adopt the basic wage as the living wage for this State, and that raised the level of the living wage above the cost of living figures. On many occasions I have said it is not possible to have industrial peace or equity in industry under a system which provides that the minimum wage shall be fixed if at the same time we have severe price fluctuations. I have often said that we cannot have industrial peace under any system that will pull down the standard of living of the industrial worker. This State has more consistently followed a policy of keeping prices under control than any other State. I do not agree with the contention of the Leader of the Opposition that basic wage increases do not in turn have some effect upon prices. Indeed, all the statistical evidence I have obtained shows that his contention is wrong. The State least affected by the Arbitration Court's decision not to allow quarterly adjustments is Western Australia, because few of its decisions apply to that State. Most Western Australian workers are employed under State awards.

Mr. Davis—How do quarterly adjustments affect the cost of living?

The Hon. T. PLAYFORD—I doubt whether I can make the honourable member understand, but I shall do my best.

Mr. Fred Walsh—There are Federal awards operating in Western Australia.

The Hon. T. PLAYFORD—Very few.

Mr. Fred Walsh—The Commonwealth Statistician produces the relevant figures.

The Hon. T. PLAYFORD—Yes, and I shall refer to them in a few minutes because they disprove completely the statement by the Leader of the Opposition that quarterly adjustments do not affect the cost of living. The Arbitration Court's decision not to allow quarterly adjustments did not apply to any extent in Western Australia, but what has been the position since they have been discontinued? I have figures here which have been adjusted to the nearest shilling, and they show that the increase necessary in New South Wales to restore quarterly adjustments would be 10s. a week, in Victoria 11s., in Queensland 11s., in South Australia 13s., in

Tasmania 12s., but in Western Australia 28s. The average for the six Australian States is 12s., but in Western Australia it is 28s. Under those circumstances, does the Leader of the Opposition still maintain that quarterly adjustments do not have any effect?

Mr. O'Halloran—State awards were not increased in Western Australia until last August.

The Hon. T. PLAYFORD—No, they have been consistently increased in that State, though they were not decreased by 10d. recently because its law provides that the wage shall not be altered unless the change is 1s. or more. The fact remains that in Western Australia the cost of living has gone up by 28s. The Leader of the Opposition produced some astronomical figures to show that if cost of living adjustments had been made in South Australia the workers would have been £6,175,000 better off, but where would that additional money come from? Industry itself does not pay increased wages: it passes its costs on. Let us see what happens with any firm, say Jones Ltd.

Mr. Riches—Say, General Motors-Holdens Ltd.

The Hon. T. PLAYFORD—I shall discuss the position of a firm like that later, but let us assume that Jones Ltd. is called upon to pay an additional 10s. a week to its employees. The firm immediately works out its additional costs of manufacture and then shows the Prices Commissioner that it cannot carry on unless prices are increased. Members opposite will say, as the Leader of the Opposition said, "The increased wages can be paid from all these excessive profits." I was in Port Pirie this week with the Grants Commission and saw a slogan painted in the main street, "Pay increased wages from excessive profits." That may be regarded by members opposite as a proverb of unassailable validity, but the arguments that the Leader of the Opposition puts forward, and which his supporters are pleased to accept with such good grace but with such little consideration, have nothing to do with the question. The following is the position as determined by the Government Statist on whose figures the Leader based his case. Since the suspension of the quarterly adjustments the cost of living in Adelaide, according to the C series index figures, has increased by 13s. 2d. a week. Since August, 1953, the index figure for bread has risen by 12d. and for flour by 5d. Surely these items cannot be associated with the business conducted by General Motors-Holdens! Until June the index figure for tea had risen by 24d., but my officer estimates that during the last quarter it fell by 9d., giving a net rise of 15d. over the past two years. The index figure for potatoes has increased by 21d., butter and cheese by 6d. and fresh milk by 6d. The index figure for eggs has been reduced by 2d. None of these items is even distantly related to the excess profits about which we have heard so much: they are handled not by the big industrial magnates but by primary producers, most of whom live on small holdings and make a living by the sweat of their brow. Mr. O'Halloran would have members believe that the increased cost of living is due to the excess profits made by profiteers, and he cited G.M.H. as a classic example, but the cost of living has risen largely on account of increased costs that have been forced on the small man, in some cases in respect of imported items. The index figure for meat has risen by 47d. over the past two years.

Mr. Geoffrey Clarke—That is the increase in cost to the average family in the community?

The Hon. T. PLAYFORD—Yes, to the family in respect of whom the C series index is compiled. These excess profits that are so frequently referred to in the Federal Parliament do not enter into the picture. All the items I have listed are controlled by the Prices Commissioner who, if he errs at all, errs on the side of rigidity rather than generosity. He does not permit increases that cannot be justified. All these increased costs on my list have nothing to do with the case advanced by Mr. O'Halloran. The increase over the past two years in the figure for meat is by far the greatest in the C series index. The figure for a group of items (mainly breakfast foods, canned fruit, onions and soap) has risen by 8d. The total increase in the food and grocery section is 118d., for rents 33d., and for miscellaneous items (due mainly to an increase in fares) 15d. The index figure for clothing has fallen by 8d., giving a total increase in respect of all items in the C series of 13s. 2d.

Almost all the C series items are under price control today, and any suggestion that the increased cost of living arises from excess profits by means of prices forced on the consumer by iniquitous big business interests is totally wrong, but after all, according to members opposite, everything that is big is wrong. Most of the prices I have mentioned have been approved by the Prices Commissioner and received by grocers, butchers, milkmen, dairymen and other producers who, in the main, have had to work hard for their margins. For these reasons the whole of the case stated

by the Leader of the Opposition in respect of excess profits falls to the ground. We have no means whereby we can take from a firm such as G.M.H. money with which to subsidize the worker's wage to meet increases in the cost of living.

The Government has not yet determined its attitude when it gives evidence before the Arbitration Court; that will depend on the nature of the submissions, the economic condition of the country and what the Government believes to be its duty in this matter. Merely because it would be popular, we will not do something which has been done in some other States and which I believe is improper.

Mr. Riches—To what improper action do you refer?

The Hon. T. PLAYFORD—I believe it is improper to increase the living wage by Act of Parliament, because that sets a dangerous precedent which could be used later by a reactionary Government and adversely affect the workers' standard of living. This Government will not delay proceedings before the Arbitration Court. It will instruct its representatives on the course they are to take. At times this Government has not opposed an application by an employee organization before the Arbitration Court when it has considered that it was based on proper grounds. I do not yet know what the nature of the application will be and therefore cannot judge its effect, but my Government does not believe it is proper to fix the living wage by legislation. When Mr. O'Halloran says in support of his case that other States have acted in that way, I immediately reply that my Government believes that action to be improper because its ultimate effect would not be in the interests of the workers.

What would be the effect of this Parliament's fixing the living wage? About 40 per cent of South Australian workers would receive an increase of 13s. a week, and the Prices Commissioner would grant price increases shortly after the passing of the legislation. The cost of living in South Australia would immediately rise if the experience of Western Australia is any guide. What would be the effect on the other 55 per cent of employees in South Australia who operate under Federal Arbitration Court awards? Their position would be infinitely worse. We would give a benefit to the minority at the expense of the majority. That would be the inevitable result of such action.

The assumptions the Leader drew from my answer to his question last Tuesday are the result of his own imaginings. His conclusions would not be borne out by facts. The Government has not considered this issue because it has not had the application to enable it to do so. The Government will not make adjustments by legislation. It will make its decision when it examines the application that is made to the Commonwealth Court. I do not want to monopolize this debate, but emphasize that the Leader's assumptions are entirely erroneous.

Mr. FRED WALSH (Thebarton)—The Premier said he did not want to monopolize the debate after occupying half an hour of the time that should have been available to members to discuss this motion. He has not left much time for anyone else to express views on it. He criticized the Leader for introducing this motion. One of its purposes was to give members on this side an opportunity of expressing their disapproval of the Government's lack of action on this question. The 10 minutes at my disposal will not permit me to go as deeply into the subject as I had intended and I will content myself by replying to some of the Premier's erroneous and misleading statements. He said it was not the Government's intention to indicate its attitude on this or any other matter of a similar nature. I remember when he expressed the Government's intentions concerning the 40-hour week case when that was before the Federal Arbitration Court. The Government did not oppose the 40-hour week and some of the evidence tendered by its representatives indicated definite support for the application lodged by the Australian Council of Trade Unions.

He said the Government had no knowledge of the application before the court now in respect of an increase in the Federal basic wage and the restitution of quarterly adjustments. He read extensively from press cuttings referring to what the Trades and Labor Council has done in relation to this matter. The council has not yet withdrawn its application for a review of the living wage which was lodged at the time the Premier mentioned. It is true it has not proceeded with it. The Premier said the application was lodged on December 12, 1953, which was only three months after the quarterly adjustments had been suspended. It is perfectly obvious that it would have been difficult for the council to have been able to establish a case for an increase in the State living wage so soon after that suspension. Circumstances have developed that have, to some extent, prevented the council

from proceeding with its case but at the present time the matter is under consideration. The council is caught between two fires. It does not know what time will be taken by the Federal Arbitration Court in determining this issue and it cannot, as in the past, be guided in respect of what line the Board of Industry might follow. It is true that the Board of Industry can be called together to determine a living wage. The Premier said that, according to his economist, it would not be possible to establish a case for an increase in the living wage but that in effect it would be depreciated by 21s. Let us examine that point as briefly as possible in the time at our disposal.

The practice, until this Parliament decided to enable the Board of Industry to make declarations from time to time in accordance with the Commonwealth Statistician's figures as publicized and as they affected the Federal basic wage, was for evidence to be submitted to the board concerning any increases. The Employers' Federation and the Chamber of Manufactures had the responsibility of submitting evidence of a decrease and the Trades and Labor Council had to support its applications for any increase in the State living wage. Despite the fact that it might take the Board of Industry some months to arrive at a decision, invariably that decision would conform almost exactly to the figure of the Federal basic wage. A Board of Industry inquiry could not be held then for six months and its declarations had to make provision for current trends. If on the way up, it had to allow an amount it considered reasonable for the ensuing period and if on the down it made provision accordingly. If we examine the figures we will note that from 1931, when the basic wage was £3 3s. in South Australia and £2 18s. in the Federal sphere, until the time the State basic wage was related to the Federal basic wage for South Australia, there was no more than 6d. difference in the rates operating at any time when a declaration was made. Despite the Trades and Labor Council's arguments at each and every inquiry, the Board of Industry virtually took no notice of them but accepted the Commonwealth Statistician's figures or, in other words, the Federal basic wage in arriving at its decisions.

It is futile to suggest that if an inquiry were held today it would reveal that the cost of living was down 21s. if we accept the principle that the court has acted on during the years I mentioned. If the original intention was that the Federal basic wage should provide a reasonable income for a man, his wife and two children and the State living wage should provide for a man, his wife and three children, is it just that we should refuse to give the workers of South Australia the increase that has occurred in the cost of living in the last two years? Is it equitable that this position should continue particularly when we remember that the other States referred to by the Leader have taken it upon themselves, when the court refused to act, to pass legislation protecting their workers employed under State jurisdiction? On occasions when deputations from the Trades and Labor Council have waited on the Premier he has said that he does not subscribe to any suggestion that South Australian workers should be worse off than those in other States. Despite his arguments this afternoon, if I had sufficient time, I would be able to prove that our workers are much worse off, particularly those working under State jurisdiction. Those working under State awards and determinations in other States have been recompensed to the extent that their wages have been virtually increased to account for the rises in the cost of living. With the exception of South Australia, all workers under State awards and determinations have had their wages equated in accordance with the Commonwealth Statistician's figures.

Despite what the Premier may say to the contrary, the productivity of this country according to the Commonwealth Statistician's figures is considerably higher today than two years ago and as a result of the suppression of the application of the quarterly adjustments to wages, the employers have benefited, because if quarterly adjustments had operated they would have had to pay increased wages. No matter what this or any other Government thinks, it is my belief it will be forced to accept the restitution of quarterly adjustments because the weight of the evidence submitted to the court in support of the restoration of quarterly adjustments will be so great that the court will have difficulty in rejecting it.

Motion withdrawn.

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

In Committee.

(Continued from November 2. Page 1370)

Clause 5—"Notice to quit."

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

Before paragraph (*a*) to insert the following paragraph:—(*aa*) by striking out paragraph (*k*) of subsection (6) thereof.

This is purely a drafting amendment and is necessary because of alterations made previously to the legislation.

Amendment carried; clause as amended passed.

Clause 6—"Recovery of possession of premises in certain cases."

Mr. BROOKMAN—I move:—

In paragraph II of subsection (2) of new section 55c to delete "six" and insert "three."

Owners of private property deserve sympathetic consideration. This new section gives an owner the right of possession if he requires the house for himself, his son, daughter, father or mother, provided a statutory declaration is made in accordance with the provision, the notice to quit to be for a period not less than six months. A period of three months is long enough for a person waiting for his house. If the tenant is to walk out and join the queue waiting for a Housing Trust home a period of six months or three months is of little importance. Three months should provide sufficient time for a person to find other accommodation.

The Hon. T. PLAYFORD—There could be a variety of circumstances in connection with this matter. When we first adopted the notice to quit provision on the ground of hardship it was necessary for a landlord to have owned a house for five years and to give two years' notice. Since that time alterations have been made to the legislation and now we have only six months' notice.

Mr. Riches—It would be possible for a house to be sold over the head of the tenant.

The Hon. T. PLAYFORD—That is my point. A tenant could be in a house for eight to ten years and then have it sold over his head, thus losing all his rights as a good tenant. A period of six months should be the minimum. The matter must be looked at from the point of view of both the landlord and the tenant and I hope the honourable member will not press his amendment.

Mr. FRANK WALSH—I oppose the amendment. Tenants evicted from houses must go to the Housing Trust for accommodation. If the period of notice is reduced to three months it will result in more evictions, and even now the trust cannot find houses for all applicants. Do Government members know of landlords with accommodation available? It was suggested that we might have to return to the days of bag huts along the banks of the River Torrens, but we do not want that. The Opposition would like to see the period extended. Mr. Brookman should tell us if he knows of landlords with vacant accommodation available. The amendment would make the housing position much more acute.

Mr. TRAVERS—At all times I have a hearty respect for a person's property rights, but we must have a gradual easing of the control; otherwise there will be a tremendous inflationary effect on house values. If control in this matter were entirely lifted now the value of houses would soar tremendously, because people having difficulty in getting immediate accommodation would commit themselves to obligations beyond their means. We would possibly have key values included in the prices of houses. If the period were reduced to three months the tenants in many cases might commit themselves to paying prices out of all proportion to the value of a property in order to obtain a home. I think that a period of six months may be sufficiently long to prevent people from being lured into agreeing to such high prices.

Mr. John Clark—They may become desperate if they have not a home near the end of the period.

Mr. TRAVERS—Yes, but one can only take a broad view of this question. We have to proceed on two basic principles—that the community simply cannot go on having these controls indefinitely, but that in relinquishing controls we must try to prevent undue hardship.

Mr. DUNSTAN—I oppose the clause and the amendment. I am concerned in many landlord and tenant cases that come before the Local Court and I know what will happen if the clause or the amendment is passed. No-one can say that the housing problem is not grave and difficult. Even the Premier admits that. There is a long wait for Housing Trust rental houses, but where else can people get other accommodation if they have to get out? The Local Court takes into account whether there is alternative accommodation for the tenant and what efforts he has made to get it. To successfully defend a case the tenant must show that he has made every endeavour to get a house by applying to agents, advertising in the newspapers or over the air, and going to home service and accommodation agencies. If the tenant has sufficient money to buy a house that is held against him. The court consistently refuses to grant possession to a landlord who requires the house for himself or relatives because of the hardship that would fall on the tenant, yet under the clause the

tenant will have to go on the street in six months. I know that many landlords are only waiting for this clause to go through, and then they will turn their tenants out. Mr. Travers talks about easing out these controls, but every member on this side of the House would not object to that if the housing position were satisfactory. However, under present circumstances controls are necessary to see that hardship is borne by those best able to bear it. The present legislation states that the court must consider the following factors on the hearing of any proceedings by a lessor for possession:—

Any hardship which would be caused to the lessee or any other person by the making of the order. Any hardship which would be caused to the lessor or any other person by the refusal of the court to make the order. Whether reasonably suitable alternative accommodation in lieu of the premises is, or has been, whether before or after the date upon which notice to quit was given, available for the occupation of the person occupying the premises or for the occupation of the lessor or other person by whom the premises would be occupied if the order were made. Whether at the time the lessor acquired the premises the premises were let to the lessee and whether the lessee had any opportunity to acquire the premises and the reasons for the lessee failing to acquire the premises. Whether at the time the premises were agreed to be sold to the purchaser the premises were let to the lessee and whether the lessee had any opportunity to acquire the premises and the reasons for the lessee failing to acquire the premises. Whether the lessee is the owner of another dwellinghouse capable of being occupied by him and whether he has taken all necessary and proper steps to obtain possession thereof. Whether the lessor has been required by circumstances to live elsewhere than in the premises and whether there has been any relevant change in those circumstances. Whether the lessee has made reasonable efforts to secure other premises.

The court may take any other special circumstances into account. The court has also laid down that where the hardships of the lessor and the lessee are about equal the lessor will get the order because his ownership of the house is then thrown into the scales.

Mr. Millhouse—In what proportion of the cases is the tenant protected?

Mr. DUNSTAN—At a guess, about 40 per cent of all cases coming before the court. However, the position will change greatly if the clause is passed because at present many landlords do not go to the court because they are advised by solicitors that they could not get an order; but once this clause becomes law the door will be opened and the landlord will merely have to sign a declaration on oath that he reasonably needs the accommodation for his own occupation or the occupation of a relative, and all he has to prove in court is that he has given six months' notice to quit and make that declaration. New subsection (3) does not say that the lessor has to prove that he can properly make that declaration; it states:—

On the hearing of any proceedings for an order for the recovery of possession of the dwellinghouse, or the ejectment of the lessee therefrom, if proof is given (the onus of which proof shall be on the lessor), that the notice to quit was given in accordance with this section, the court shall make the order without taking into consideration any of the matters mentioned in subsection (1) of section 49.

Therefore, the landlord does not have to prove the matters stated in the declaration or even his reasonable need. Once he has proved he made the statutory declaration the court cannot take into account any of the matters that it must consider at present under section 49.

Mr. Brookman—But surely a false declaration will be detected.

Mr. DUNSTAN—How can that be proved if the landlord merely declares that he has a reasonable need of the accommodation? No jury would ever convict for perjury on that basis. The statutory declaration means nothing, whether on oath or not. There might be some force in a statutory declaration if new subsection (3) required proof in court of the reasonable need stated in it.

Mr. Millhouse—Don't you think that the fact that a landlord must make such a declaration would be some deterrent to would-be perjurors?

Mr. DUNSTAN—A landlord may be living in a house that is satisfactory to him, but he decides that he would prefer to sell it and that he has reasonable need of the house occupied by his tenant. I suppose that landlord could make a statutory declaration that he reasonably needs his house, and, although at present the court may not think he needs it, no court would convict him for perjury. All that means is that once this clause becomes law, the tenant will be in the street after six months if the landlord chooses to put him there, and the tenant will get no protection merely because he has to face a hardship. I foresee many cases that will be covered by this clause.

Mr. Millhouse—Do you say that a statutory declaration will not mean very much?

Mr. DUNSTAN—Yes, because it will be related to such cases where the landlord claims that he has a reasonable need of the house for occupation by himself or his family. At present there are not so many cases of that kind which are not covered, but what protection will the tenant get under new subsection (3)?

Mr. Riches—The war is over and the tenant doesn't need protection any more!

Mr. DUNSTAN—Exactly. I shudder to think what will happen in dozens of cases in my district if this becomes law. If there were somewhere for the tenant to go I would not mind the provision being relaxed, but they have nowhere to go. The trust has a waiting list of 4,700 for emergency homes, but how many more will there be if this clause is passed? Many of the tenants evicted will have to be accommodated in garages, and councils will be prosecuting them for living under unsatisfactory conditions.

Mr. Davis—Many will have to live in caravans.

Mr. DUNSTAN—Yes, and in shanties on the banks of the Torrens. I cannot understand why the Government has chosen to go so far at this time because anybody with any knowledge of what is going on in the landlord and tenant jurisdiction at present must be completely amazed by this proposal. I beg members not to agree to the clause.

Mr. LAWN—I oppose both the amendment and the clause. I agree with the remarks of the member for Norwood (Mr. Dunstan). Many owners are taking advantage of inflated home values and selling, and the tenants are being evicted by the new owners. Recently a tenant who had occupied a home for 26 years told me his landlord had given him 10 months' notice to quit. The tenant is a valued officer of the State Government, and his department has asked the trust for accommodation for him so that his services may be retained. Many tenants faced with eviction call at the offices of agents who stamp a card, which is later used as evidence in court. What can these tenants do if they have no deposit to put down on a home?

Mr. Frank Walsh—Even if they have where can they buy a home?

Mr. LAWN—It is certainly not easy to get a home from the trust immediately even if you have the money. The member for Alexandra (Mr. Brookman) does not know what is going on in the metropolitan area where most of the hardship cases occur. I have been approached by tenants who are faced with eviction because the landlord wishes to demolish his house. Some people do not believe that these things can happen in our community, and if this clause becomes law, many will find it hard to believe that a Parliament in an alleged democracy can legislate to prevent a tenant from approaching the court.

Mr. Millhouse—Is it fair to the landlord?

Mr. LAWN—I do not think the honourable member knows what is meant by "fair and just." Is it fair and just to throw a widow, a pensioner, or a family out into the street, no matter how much the owner wants or needs the property? The owner must already have some accommodation.

Mr. Millhouse—Perhaps he has been thrown out of a house.

Mr. LAWN—I know of no landlords living in the streets or on the banks of the Torrens. If they were, they would get possession easily under the existing legislation. The member for Mitcham (Mr. Millhouse) has suggested that the interests of the owner surpass all other interests, irrespective of how many children the tenant has. No matter where the owner is living, he could not be worse off than a family that is thrown out into the street.

Mr. O'Halloran—A member opposite told us it was easy to get a house within three months.

Mr. LAWN—That shows a complete lack of understanding of the problem. If members opposite knew what was going on they would not make such suggestions. I know of dozens of people who have tramped the streets, advertised in the press and even approached the Commonwealth Employment Service seeking jobs in the country in order to obtain accommodation. If this legislation is passed, the three or four months of its operation before the next election will give the public some idea of how it will affect them.

Progress reported; Committee to sit again.

TOWN PLANNING ACT AMENDMENT BILL.

Mr. FLETCHER moved—

That it be an instruction to the Committee of the Whole House that it has power to consider a new clause relating to the powers of municipal councils as to widening of streets.

Motion carried.

In Committee.

(Continued from November 2. Page 1370.)

New clause 1a—"Commencement of Act."

The Hon. T. PLAYFORD (Premier and Treasurer)—I move to insert the following new clause:—

This Act shall come into force on a date to be fixed by proclamation.

This is merely a matter of machinery to enable the Act to be brought into operation in due course. It could not come into operation immediately because a committee will have to be appointed and one or two other things take place.

New clause passed.

New clause 10—"Widening of streets and roads."

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

10. The following heading and sections are inserted in the principal Act after section 36 thereof:—

Powers of Municipal Councils as to Widening of Streets.

37. (1) If any municipal council is of opinion that it is desirable to widen any public street or road the council may cause to be prepared a plan showing—

(*a*) the existing boundaries of the street or road (which said boundaries are hereinafter in this section referred to as "old boundaries");

(*b*) the boundaries of the street or road as they would exist after the widening of the street or road (which said boundaries are hereinafter in this section referred to as "new boundaries"); and

(*c*) all buildings, fences and other structures then existing upon or in any land between any such old boundary and any such new boundary.

(2) The council shall give notice in writing as hereinafter provided in this subsection to the following persons:—

(*a*) The owner of any land which is situated between any such old boundary and any such new boundary:

(*b*) The occupier of any such land:

(*c*) Any person who, pursuant to The Real Property Act, 1886-1945, or the Registration of Deeds Act, 1935, is registered as the mortgagee or encumbrancee of any such land.

The notice shall state that it is the intention of the council to deposit the plan as provided by this section and shall set out the effect of such deposit and of this section. The notice shall be accompanied by a copy of the plan or of such portion thereof as includes the land to which the notice relates.

The notice shall also state that the person to whom the notice is given may object in writing to the proposed widening of the road within the time, being not less than one month, specified in the notice.

(3) The council shall consider every such objection and may, after considering every such objection, adopt the plan for the purposes of this section with such alterations as appear necessary to the council.

(4) After adopting the plan as aforesaid, the council shall—

(*a*) serve upon every person aforesaid a copy of the plan or portion thereof as aforesaid;

(*b*) deposit a copy of the plan with the Registrar-General and the Surveyor-General;

(*c*) give notice in the *Gazette* of the adoption of the plan.

and shall serve upon every such person a notice stating the day from which the deposit shall become effective (which said day is hereinafter in this section referred to as "the day of deposit").

(5) At any time after the day of deposit—

(*a*) the council may acquire any land between any such old boundary and any such new boundary;

(*b*) the owner of any such land may, on giving one month's notice in writing to the council require the council to acquire the land and the council shall thereupon be liable to pay compensation for the land to the persons entitled thereto.

(6) Any compensation payable by the council on the acquisition of any land pursuant to subsection (5) shall not include the value of any building, fence or other structure erected or constructed upon or in the land after the day of deposit and the plan deposited by the council shall be *prima facie* evidence as to what buildings, fences and other structures were erected or constructed upon or in the land at the day of deposit.

(7) Nothing in subsection (6) shall be deemed to abrogate the right of any such owner to repair any building, fence, or structure existing upon or in the land at the day of deposit.

(8) The council may by notice in writing consent to any owner erecting any building, fence or structure upon or in any such land after the day of deposit, and in any such notice the council may agree to any special arrangements as to the removal of the building, fence or structure upon the acquisition of the land by the council or otherwise as appears just to the council.

(9) Any notice required by this section to be given to or served upon any person may be given or served—

(*a*) by delivering the notice to that person; or

(*b*) by sending the notice by registered post to the last known place of abode or business of the person,

but where any notice is required to be given to or served upon any person whose address is unknown the notice may be given or served by publishing it or a notice substantially to the same effect once in the *Gazette* and once in a daily newspaper circulating generally in South Australia.

(10) If any notice required by this section to be given to or served upon any person is given to or served upon that person, the notice shall be binding upon all persons claiming by, from or under that person and upon all successors in title or occupancy of that person.

(11) In this section "owner" means—

(*a*) the registered proprietor under The Real Property Act, 1886-1945, of any estate of freehold in possession;

(*b*) as regards land not under The Real Property Act, 1886-1945, any person who is seised of any estate of freehold in possession, or if the said estate is subject to redemption under any mortgage, the person who upon payment of moneys secured by such mortgage would be entitled to a conveyance of such an estate;

(*c*) as regards land belonging to the Crown, any person who has agreed to purchase the land from the Crown or is the lessee of the land under any lease granted by the Crown.

38. Forthwith after the deposit with the Registrar-General of a copy of any plan in pursuance of subsection (4) of section 37, the council shall, in respect of any land situated between any old boundary (as defined in section 37), and any new boundary (as defined in section 37) shown in the said plan, do the following:—

I. If any such land is under the provisions of The Real Property Act, 1886-1945, the council shall register with the Register-General an instrument requesting the Registrar-General to make an indorsement as provided by this paragraph and, notwithstanding the provisions of The Real Property Act, 1886-1945, the Registrar-General shall indorse on the certificate of title of that land a memorandum referring to the said plan and to the effect that the land is subject to acquisition by the council pursuant to section 37;

II. If any such land is not under the provisions of The Real Property Act, 1886-1945, the council shall register a memorial of a certificate by him containing the name of the owner, the description of the land, a reference to the said plan, and a statement to the effect that the land mentioned in the memorial is subject to acquisition by the council pursuant to section 37.

This provision is necessary for councils in country areas, and one that the city of Mount Gambier has been seeking for some time. Its purpose is to give powers to municipal councils to draw up a street widening programme and to take the steps necessary to ensure that the land will not be built on, thus preventing an increase in the compensation payable to the owner. The Local Government Act gives councils power to acquire land for road widening purposes, and provides that in the event of land being compulsorily acquired the Compulsory Acquisition of Land Act shall apply. This clause provides that if a municipal council considers that a street or road should be widened, it must prepare a plan showing the old and the proposed new boundaries of the street and thus delineate the land that it desires to secure. The plan must also show all buildings, structures and fences situated between the old and new boundaries. Notice of what is proposed is to be served on the owners, occupiers and mortgagees of all land included between the old and new boundaries, and any such person may object to the council. After considering the objections, if any, the council may adopt the plan with or without alterations. The council is then to deposit the plan as adopted with the Registrar-General and the Surveyor-General and is to give notice of the adopted plan to every owner, occupier and mortgagee. After the deposit of the plan the council may acquire the land between the old and new boundaries and the owner of any such land may require the council to proceed with its acquisition at any time.

This follows somewhat along the lines of the Victorian Town and Country Planning Act, which gives councils the power to acquire land for future widening. If the owner desires to dispose of his land immediately, the council is duty bound to purchase it, but if the council does not acquire it, any further building on the land is at the owner's risk. In Victoria, permission is granted for the erection of temporary buildings on such land. I commend this clause, which will be helpful to most councils. It is not only in the city that building operations are extending, but also in some of the larger country towns.

The Hon. T. PLAYFORD—I hope the Committee will not accept the new clause. It would be more suitable for inclusion in the Local Government Act. If the Bill before us is to be amended by including clauses which should be in some other Act, the Statute law will become hopelessly confused. To include in a town planning Bill dealing with the metropolitan area a new clause applicable to the whole State seems to me to be wrong procedure.

Mr. HUTCHENS—I support the amendment. I believe that town planning is as essential in the country as in the metropolitan area, particularly in those country areas where there is every prospect of development. This would apply to Mount Gambier, in the honourable member's district. I believe the amendment would result in progress in country towns.

Mr. DAVIS—I oppose the amendment. At present councils have sufficient powers in this matter under the Local Government Act. Mr. Fletcher said that if a council decided to

take over land and it was then not wanted, but the owner desired the council to take it, the council would be compelled to take it. My council would not desire that.

Mr. FRANK WALSH—I ask the Premier to report progress. We have had the Bill before us for a long time and it was almost through Committee. We are now asked to consider something else which amounts almost to a second reading speech. It has been sprung on us at this late hour of the session. The Opposition was asked to sit at night and readily agreed, but two days later we were told that the House would not sit because the Premier or someone else would be absent.

The Hon. T. PLAYFORD—I am not willing to report progress. The Bill has been before the House a long time. Mr. Fletcher's new clause has been on the files and to deny him the opportunity to move it is something which the Government would not consider right. He was in his place last night and desired to move it, but when he asked that the Standing Orders be suspended there were not enough members opposite to help make up a quorum. Under those circumstances I take the stand I have taken on many other occasions for honourable members opposite. When they were not able to be present to consider a certain Bill, I adjourned the matter at the request of the Leader of the Opposition. I have many times given consideration to members opposite as I am now doing for the honourable member. For a long time the Government has taken the view that honourable members should have the opportunity to bring matters before the House for consideration. Other amendments to this Bill are on the files and were not moved last night because of the absence of the members concerned. I see no reason why the amendment should not be considered now.

Mr. CORCORAN—I support the amendment. It will provide something that will meet the needs of the municipality of Mount Gambier and other country councils, and I do not agree with the opinion expressed by Mr. Davis that his council already has this power. I understand from Mr. Fletcher that this provision is working quite satisfactorily in Victoria and I am prepared to accept his word for that.

Mr. RICHES—Surely the Premier does not ask us to believe that, in forcing a decision this afternoon, he is giving an opportunity for full consideration of the amendment. This amendment may have been on the files for some time, but if it has it escaped my notice. It is a far-reaching one and, frankly, I have not had an opportunity to give full consideration to an amendment covering four pages. I would like to support Mr. Fletcher, but, on the other hand, I would like to study that matter and get further information on it, particularly in the light of remarks by Mr. Davis. I do not know Mr. Fletcher's views, but it cannot be very satisfactory for him to have the matter forced to a vote and perhaps defeated, not on its merits, but merely on the suggestion that it should be an amendment to another Act. The member for Torrens (Mr. Travers) went to great pains to warn the people of South Australia that the Town Planning Act could be made to apply to every corporation, district council and hamlet throughout the State and now, without any discussion of the merits of the amendment, we are asked to reach a decision this afternoon and that the decision should be to vote it out because it is of general application and it should be under the Local Government Act. I think the Premier's stand should not commend itself to the Committee. Surely he should have no objection to reporting progress and I ask him to meet the wishes of quite a number of members.

The Hon. T. PLAYFORD—I am always willing to help members and therefore I move that the honourable member for Mount Gambier's amendment be deferred and that clauses 2, 6 and 9 be reconsidered.

Mr. RICHES—On a point of order, Mr. Chairman, is that not two distinct motions?

The CHAIRMAN—Yes.

The Hon. T. PLAYFORD—Then I move that consideration of the amendment be deferred.

Mr. FRANK WALSH—In the event of the matter being deferred, when is it likely to come before the Committee again? The Premier should report progress.

The Hon. T. PLAYFORD—I will not. Why not sit here and do our job?

The CHAIRMAN—Consideration of this clause cannot be postponed. Standing Order No. 310 lays down the order to be observed in considering a Bill and its title, as follows:—

(1) Clauses seriatim and any proposed new clauses.
(2) Postponed clauses (not having been specially postponed to certain other clauses).
(3) Schedules and any proposed new schedules.
(4) Preamble (if any).
(5) Title.

The Hon. T. PLAYFORD—Do I understand that your ruling is that we cannot defer consideration of this new clause until we have considered other clauses? That is entirely new to me.

Mr. Frank Walsh—What is there before the Committee?

The CHAIRMAN—There are no further clauses to be considered.

The Hon. T. PLAYFORD—Then we have to continue consideration of the amendment. I am quite happy about that.

The CHAIRMAN—The matter before the Chair is the amendment moved by the member for Mount Gambier.

Mr. FLETCHER—I am very sorry that the Premier cannot see his way clear to accept the amendment. He has pointed out that this is a Town Planning Bill, and I think members will recall that I said that, as a country member, the Bill did not appeal to me. I cannot see why town planning should be entirely confined to the metropolitan area; the country is entitled to some of the crumbs at least. The Premier said that this was rightly an amendment of the Local Government Act, but we know that we will not have an amendment of that Act before us this session. In 12 months the outlook could be quite different, and work which would perhaps cost only a few hundreds of pounds now could easily cost thousands by that time. The Town and Country Planning Act of Victoria gives corporations and councils the right to advise an owner that they intend to acquire portion of his land or buildings at some future date so that the owner knows that he will be called upon at some time to relinquish part of them. I do not know whether my proposal would be acceptable to the Government if included as an amendment of the Local Government Act. However, I hope the Committee will accept it.

Mr. FRANK WALSH—The only opposition to this clause is the suggestion that it should be an amendment to the Local Government Act. The Premier has accused us of not working and refuses to report progress. I do not care if we are here until midnight. If the Premier wants to make a long drawn out debate of this, I am quite happy. To be accused of not doing sufficient work makes me a little hot under the collar. I point out that this amendment was only inserted on members' files during the tea adjournment last night. The Premier has indicated that a motion is to come before the Committee after this amendment has been decided. If that were determined before this amendment, the member for Mount Gambier would have no opportunity of further debating his proposal. The Premier, at times, expects the Opposition's co-operation. I have led the Opposition on occasions but have not asked for quarter nor have I expected it.

The CHAIRMAN—I think the honorable member should return to debating the new clause.

Mr. FRANK WALSH—My remarks are all associated with the new clause. On your ruling, Mr. Chairman, consideration of new clause 10 was deferred until another motion was considered.

Mr. Shannon—The Chairman's ruling was the reverse.

Mr. FRANK WALSH—I accept that correction. Had it not been for the Chairman's correct ruling, the member for Mount Gambier would have had no further opportunity of having his proposal debated. New clause 10 states:—

The following heading and sections are inserted in the principal Act after section 36 thereof:—

Powers of Municipal Councils as to Widening of Streets.

37. (1) If any municipal council is of opinion that it is desirable to widen any public street or road the council may cause to be prepared a plan showing—

(*a*) the existing boundaries of the street or road (which said boundaries are hereinafter in this section referred to as "old boundaries");

(*b*) the boundaries of the street or road as they would exist after the widening of the street or road (which said boundaries are hereinafter in this section referred to as "new boundaries"); and

In other words, the plan must show the existing boundaries and the boundaries that would exist after the widening of any streets or roads. That seems to be a fair proposition. The clause continues:—

(*c*) all buildings, fences and other structures then existing upon or in any land between any such old boundary and any such new boundary.

(2) The council shall give notice in writing as hereinafter provided in this subsection to the following persons:—

(*a*) The owner of any land which is situated between any such old boundary and any such new boundary:

(*b*) The occupier of any such land:

(*c*) Any person who, pursuant to The Real Property Act, 1886-1945, or the Registration of Deeds Act, 1935, is registered as the mortgagee or encumbrancee of any such land.

I have not looked at that legislation, but I presume the honourable member had the assistance of the Parliamentary Draftsman in drafting the provision, so I accept it. Subsection (2) continues:—

The notice shall state that it is the intention of the council to deposit the plan as provided by this section and shall set out the effect of such deposit and of this section. The notice shall be accompanied by a copy of the plan or of such portion thereof as includes the land to which the notice relates.

The notice shall also state that the person to whom the notice is given may object in writing to the proposed widening of the road within the time, being not less than one month, specified in the notice.

I accept this as a machinery provision. Subsection (3) reads:—

(3) The council shall consider every such objection and may, after considering every such objection, adopt the plan for the purposes of this section with such alterations as appear necessary to the council.

This means that the council will give every opportunity for objections to be submitted. Subsection (4) states:—

(4) After adopting the plan as aforesaid, the council shall—

(*a*) serve upon every person aforesaid a copy of the plan or portion thereof as aforesaid;

(*b*) deposit a copy of the plan with the Registrar-General and the Surveyor-General.

(*c*) give notice in the *Gazette* of the adoption of the plan.

and shall serve upon every such person a notice stating the day from which the deposit shall become effective (which said day is hereinafter in this section referred to as "the day of deposit").

Every interested person must be supplied with a copy of the plan, and this will provide a safeguard in a matter of titles. Complicated titles will be avoided. It is proper that notice of the adoption of any plan should be given in the *Government Gazette*. I am interested in this matter of deposit. The new clause also states:—

At any time after the day of deposit the council may acquire any land between any such old boundary and any such new boundary.

It seems that many alterations of boundaries would be necessary to modernize any town. Mount Gambier is an old town, and I suppose many residents would like to have it modernized, especially as the Victorian border is so close, if that could be done without having to acquire too much land. The people of Mount Gambier, according to the remarks of one honourable member, are afraid of Victorian competition in the tourist trade.

Mr. Hutchens—Victoria is getting a lot of the tourist trade that Mount Gambier is looking for.

Mr. FRANK WALSH—That seems to be so, so I appreciate the reason for this amendment. Untold benefits could accrue to Mount Gambier if more tourists were attracted to the town. The new clause also states:—

Any compensation payable by the council on the acquisition of any land pursuant to subsection (5) shall not include the value of any building, fence or other structure erected or constructed upon or in the land after the day of deposit. . . .

That provision provides some safeguard. Then the new clause states:—

The council may by notice in writing consent to any owner erecting any building, fence or structure upon or in any such land after the day of deposit, and in any such notice the council may agree to any special arrangements as to the removal of the building, fence or structure upon the acquisition of the land by the council or otherwise as appears just to the council.

This provision raises the question of the powers of local government bodies. Councils have certain powers over the erection of buildings under other legislation, so I have no objection to this provision. Proposed new subsection (9) is important because persons may move away from their former residence, and the *Government Gazette* would be a satisfactory means of advising them of matters under the legislation. Ample safeguards are provided. Under proposed subsections (10) and (11) notice must be given either by delivery, registered post or notice in the *Government Gazette* or a South Australian newspaper. These safeguards are additional to those provided by the Real Property Act. Progress should have been reported on this Bill so that members could have examined this amendment, which has much merit. Because the Government Printer was overworked, copies of the amendment were not placed on members' files until last evening, and we have not had a real chance to study it. We cannot blame the Government Printer, because the Auditor-General, in his report, said the Government Printing Office was doing a good job under difficult conditions.

The CHAIRMAN—Order! I ask the honourable member not to pursue that subject.

Mr. FRANK WALSH—I mention it because of the importance of this matter. The messengers did not have a chance to put this amendment on members' files until the tea adjournment yesterday.

The CHAIRMAN—Order! I warn the honourable member that he is guilty of undue prolixity and irrelevancy, and if he proceeds in this way—

Mr. FRANK WALSH—I would not try to do that, Mr. Chairman.

The Hon. T. PLAYFORD—Mr. Chairman, you have warned the honourable member on two occasions, and in accordance with Standing Order No. 152 I move that he be no longer heard.

The CHAIRMAN—I have warned the honourable member, under Standing Order No. 152, that he has been guilty of undue repetition and prolixity.

Mr. FRANK WALSH—If at any stage I have given the impression of repetition I humbly crave your pardon, Mr. Chairman.

The Hon. T. PLAYFORD—Mr. Chairman, I point out that Standing Orders provide that the question shall be put without debate.

The CHAIRMAN—I have warned the honourable member once.

Mr. FRANK WALSH—Proposed new section 38 deals with the duty to register the effect of a plan.

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

Mr. RICHES—I have attempted to read the amendment during the afternoon. On hearing the member for Mount Gambier (Mr. Fletcher) I felt that I would like to support him, because the provision he seeks to incorporate in the Bill would be a more convenient way to deal with the problem of street widening. This type of provision appears in the Local Government Act and the Building Act at present. However, I cannot support some parts of the new clause, and if I am forced to vote on it I will have to vote against it. The Premier was on proper ground when he said this amendment would be more fitting in the Local Government Act because it already includes provisions for this very purpose, but provisions in the Local Government Act and the Building Act are not quite as convenient of operation as in the measure before us. I would like to see the Local Government Act amended to include these provisions, with the exception of new clause 37 (5) (b), which would give the owner of land the right to require the council to acquire the land and pay compensation within one month. If several owners did that a council that wanted to exercise this power over a long term could be embarrassed. I am not satisfied with that, and without amendment I would not support the new clause. I know that the Government is always reluctant to introduce a Local Government Act Amendment Bill because it opens such a wide field, but I did not want to be forced into voting against the new clause without giving some explanation.

The Hon. T. PLAYFORD (Premier and Treasurer)—Some members have said that they have not had sufficient time to consider this clause, but this Bill was introduced very early and has been on the Notice Paper for the longest possible time. If members want amendments considered, it is reasonable to expect that they will place them on the files within a reasonable time. Last year a Bill passed through this House that was similar to this measure except for one clause, and it was accepted by all members except one or two on this side of the House. It took so long for that Bill to get through this House that when it reached the Legislative Council it was set aside on the ground that that Chamber was not prepared to accept a measure so wide in its ramifications that came to it in the last fortnight of the session. Because of that, this Bill was introduced early in the session, but from one cause or another it has dragged on. Although last year's Bill was accepted, there has been a considerable amount of debate on this measure although one would naturally have expected it to be limited to the new clause. The Government is anxious to have this legislation accepted, knowing that the session is drawing to a close and remembering last year's criticism. It is true that this amendment has been introduced very late; I think the Government Printer printed it only yesterday. It does not relate to this Bill at all, and in any Parliament except this an instruction to move it would have been refused.

Mr. John Clark—It is in the Victorian Act.

The Hon. T. PLAYFORD—I think the provision there is totally different. I point out that the real provisions of this Bill are to set up a committee with the power to prepare a plan, and in the meantime to allow the Town Planner power to refuse subdivisions if they do not conform to certain specified things. The honourable member for Stuart (Mr. Riches) said he would like to consider this matter, but it is not a matter for this Bill because, when it is passed, it will still require subsequent legislation before anything can be done under it.

Mr. Riches—I agree with that.

The Hon. T. PLAYFORD—Whether local government powers are precisely the same as those in this new clause is beyond the point

because, if they are put into this Bill, they will be in conflict with the Local Government Act in some respects. What will then be the law on the matter—the law as provided by the Local Government Act or the law contained in this clause? because this clause does not repeal the provisions of the Local Government Act. We would get into all kinds of arguments. One would not expect an amendment to the Audit Act to be inserted in the Budget. I would not support the provision regarding councils exercising their option under any circumstances if the councils were not compelled to act on their option. A council could issue orders respecting every street in the district and stop building. I know Mr. Fletcher has been interested in this matter for many years and has asked questions in the House, and I believe that on a previous occasion he moved an amendment concerning it, so it is not a new matter. However, the Committee rejected the amendment in another Bill. His views on the subject are well-known and respected and I believe have the approval of his district; but I have often got into trouble with the Parliamentary Draftsman when I have suggested an amendment to a Bill and he has informed me that it was amending another type of legislation and should not be included in the Bill as suggested. Therefore I ask the Committee not to accept Mr. Fletcher's new clause, nor consider whether it is a good amendment or not, for it is not a good amendment in this Bill.

Mr. FLETCHER—What I am suggesting has been in operation in Victoria for a number of years. During the adjournment I looked up the Victorian report on the matter and it included the following:—

> There have been no claims for compensation for prejudicial affection during the operation of the 59 interim development orders at present in force in Victoria.

Therefore, this provision must operate fairly in that State, or more would have been heard of it. As I have mentioned, there can be differing outlooks on many of these widening projects, and they could cause councils much concern if it were realized what was going to happen.

Mr. LAWN—This new clause should not have been included in this Bill. I would not expect the public to look, for instance, in the Industrial Code to find references to workmen's compensation. As the new clause concerns local government, it should be included in the Local Government Act, and I oppose its inclusion here.

Mr. TRAVERS—I oppose the amendment, but congratulate Mr. Fletcher on having produced something that is worthy of our serious consideration at the proper time and in the proper place. He has done a service to his electorate, and if and when it is brought forward in its proper place I think it will command the attention and respect of the House. Part XVII of the Local Government Act would be the obvious place to include a provision of the kind mentioned. As I frequently have occasion to look up the law on various subjects, I would strongly protest against some of the law relating to streets, roads, and public places being included in the Local Government Act, and other parts in the Town Planning Act. It would lead to interminable confusion. I earnestly suggest that it would be a great mistake to incorporate this new clause as part of this Bill even if the mood of the Committee were to accept it.

One who follows a number of other members in a debate normally makes some attempt to grapple with the arguments put forward by the Opposition. We had a long "argument"—and "argument" should be in inverted commas—from the Deputy Leader of the Opposition, and I earnestly congratulate the Opposition on its very obvious impatience with his display. I have never heard a demonstration such as we had today and if there were any coherent statements in it I would reply, but there were not. The speech continued for a pathetically long time and I suggest that it does no service to the community to have a member wasting public time in the manner we had to witness this afternoon. It was a deplorable spectacle and I am pleased to have seen the way in with the Opposition showed its obvious disapproval of conduct of that kind. It seems to me that when one is called upon to debate a subject, one ought to search as carefully as possible through what has fallen from the lips of Opposition members.

Mr. HUTCHENS—On a point of order, Mr. Chairman, is the honourable member in order in continuing his remarks without reference to the amendment under discussion?

The CHAIRMAN—The honourable member must refer to new clause 10. I think the honourable member is replying to the Deputy Leader of the Opposition.

Mr. TRAVERS—I am doing my utmost, but I can find nothing to reply to. I think one is perfectly entitled, when one finds a farrago of nonsense, to point out that no argument has been advanced. Public institutions come to a sad state if people are enabled to fritter away

public time, and talk deliberate nonsense not even using the limited amount of commonsense that God has given them.

Mr. QUIRKE—I support the amendment. Like other members, I am uncertain as to whether the clause would not be better incorporated in the Local Government Act. In Victoria such a provision is included in the Town Planning Act.

Mr. Riches—There are provisions in our Local Government Act covering this subject.

Mr. QUIRKE—But they are not as good as this. Many towns in South Australia are more than 100 years old. Clare is such a town. In that town one half of the main street is considerably narrower than the other; so much so that cars rank in one half and park in the other. Various promontories jut into the street. The council does not want to push anyone around but these promontories act as obstructions to traffic and pedestrians and there is no power in the Local Government Act to enable the councils to remedy the situation. When any rebuilding programme is planned the council instructs that the building must be erected further back from the street. That happened with the new Commonwealth Bank. One building in particular juts well out into the main street and there is no power to do anything about it. I do not know whether the Corporation would want to do anything at the present time because it would be a costly project. I do not agree with the comments of the member for Stuart (Mr. Riches), because I believe that if a council undertakes to do something it should stand up to it. I do not know whether the clause should be incorporated in this Bill, but a similar provision has worked effectively in the Victorian Town Planning Act. The clause has been carefully drafted and will be of advantage to the planning of towns and the re-organization of towns not planned at all. I support it, but if it is not successful in this legislation I will support an attempt to incorporate it in the Local Government Act.

Mr. DAVIS—Earlier I did not have an opportunity to peruse this new clause, but now after reading it I am very much opposed to it. It affects any council that goes in for long-term town planning. What would be the position of a council if it could not make by-laws governing an alteration of the alignment of a street? The Port Pirie council decided to move back the alignment of one street about 25ft. to 30ft. Conferences were held with the property owners and it was decided to move back the alignment only 15ft. because taking it farther back would cause inconvenience. If the new clause had been in operation the council would have had to pay £25,000 in compensation.

Mr. Quirke—No.

Mr. DAVIS—Yes. Paragraph (*b*) of subsection (5) states:—

> The owner of any such land may, on giving one month's notice in writing to the council require the council to acquire the land and the council shall thereupon be liable to pay compensation for the land to the persons entitled thereto.

What does that mean? The Port Pirie council does not intend to interfere with the property owners until such time as it decides to take back the alignment the further distance. I would support the new clause if the honourable member would alter the penalty provision.

Mr. FLETCHER—The provisions of this new clause will come into operation only if a council initiates a move. There may be a scheme to widen a street and that may mean the alteration of the alignment. The property owners would be told that their land is required, but it may not be for five, ten or more years. That would be a warning that any new buildings erected would have to be on the proposed alignment. The new clause provides for the future. A similar one is included in the Victorian Town and Country Planning Act. The Premier suggests that we should include it in the Local Government Act. I do not care which Act it gets into, so long as we have the provision. Will the Premier indicate whether he is prepared to include it in the Local Government Act?

The Hon. T. PLAYFORD—It is hoped that this session will be completed about the 24th of this month. It is expected that with the Federal election imminent many members will desire to be in their districts for the campaign to support various candidates, and in view of the fact that there will be a State election next year they will want to further acquaint themselves with their own districts. It is extremely doubtful whether there will be time this year to bring down a special Bill to give effect to the honourable member's request. We have a permanent Local Government Advisory Committee comprising local government authorities under the chairmanship of the Assistant Parliamentary Draftsman, and that committee considers all matters that arise in the administration of local government and from time to time recommends amendments to the Act. Therefore, in the ordinary course the request of the member for Mount Gambier would be submitted to the committee. After all, it

is the councils who are chiefly concerned in this matter, and it would be advisable to hear what they have to say before it was placed before Parliament. I shall be happy to refer this question to the committee if the honourable member desires that.

Mr. Riches—If it is defeated it will not prejudice that course?

The Hon. T. PLAYFORD—No. I think that most members have expressed the view that this new clause is misplaced. Most members have not said whether they accept or oppose the provision, and I have not gone into its merits because if it were the best provision in the world I would not accept it in this legislation. I will not give an assurance that the Government will bring down a special Bill for this provision because the Leader of the Opposition on a number of occasions has drawn my attention to the fact that he will be introducing legislation in a big way in the future, and if that is the case the honourable member may have to make his application elsewhere, but be that as it may, if the honourable member desires, I shall be happy to see that the Local Government Advisory Committee examines the matter in due course.

Mr. WILLIAM JENKINS—Like the Premier I believe that this provision would be out of place in town planning legislation. Mr. Fletcher seems to be worried about the necessity to keep back new buildings from the footpath alignment, but there is provision in the Local Government Act for that. About 12 months ago my corporation adopted a by-law whereby it can require new buildings to be built 24ft. back from the footpath alignment.

Mr. Quirke—But you have difficulty with existing buildings.

Mr. WILLIAM JENKINS—Our by-law can deal with any problem about new buildings, and I believe the Local Government Act is the place for this new clause.

New clause negatived.

Title passed.

The Hon. T. PLAYFORD moved—

That the Bill be recommitted for the purpose of reconsidering clauses 2, 6 and 9.

Mr. DUNSTAN—I would not have risen on this motion had it not been for certain statements made this afternoon. I am always desirous that the House should be able to consider fully the matters that are placed before it, and I am grateful for the assistance which I have been given on occasion to allow me to consider matters and then speak on them at a convenient time later. Certain statements have been made about what took place last night, and I take the most extreme objection to them. What happened last night was that this House resumed at 7.30 as scheduled and there were 11 members present—six Opposition members, the Premier, three Government members, and the member for Mount Gambier. We were not aware then that a motion was to be put for an instruction to the Committee, nor were we aware that the Town Planning Bill was coming on, but suffice it to say that the Opposition had far more members present, in proportion to the number of Government and Opposition members, than the Government had. Furthermore, we were here to discuss Government business; the business was in the hands of Government members, and we were here and ready to consider it. However, there was not a sufficient number of members here to give an instruction to the Committee that an honourable member asked for, and the Premier proceeded in Committee with this Bill, knowing that there were amendments on the file from his own members. His attention was drawn to this position, and when the time came for their amendments to be called on they were not here to move them, and the Premier went on with the Bill fully aware of the position and the Committee passed certain clauses.

The Premier has now moved to have certain clauses reconsidered after we came to a deliberate decision last night to pass them through Committee without some of his own members being present. We all know why this is being done: it was obvious last night that the Premier's own members were extremely dissatisfied with the action he was taking; in fact, so great was their dissatisfaction that when later another measure was before the House I had to call for a division which the Premier would normally have called, otherwise an amendment moved by the member for Alexandra, which the Premier opposed, would have gone through. After all that, the Premier said in the House today that there were insufficient Opposition members on the benches last night.

Mr. Lawn—That was not true.

Mr. DUNSTAN—It was not. It was a deliberate untruth because every member in this House knows it was untrue.

The CHAIRMAN—The honourable member is not using Parliamentary language.

Mr. Lawn—It is true, though.

The CHAIRMAN—I ask the honourable member to withdraw the words "deliberate untruth."

Mr. Lawn—It happened this afternoon.

Mr. DUNSTAN—I shall be happy to withdraw those words, Mr. Chairman, only if the Premier withdraws the remark he made this afternoon about the position, because it was that remark that gave rise to my statement.

The CHAIRMAN—I have asked the honourable member to withdraw the words "deliberate untruth" and I want his unqualified withdrawal.

Mr. DUNSTAN—I regret, Mr. Chairman, that I cannot give an unqualified withdrawal of that statement.

The CHAIRMAN—I ask the honourable member to withdraw the words "deliberate untruth."

Mr. DUNSTAN—I regret that I cannot withdraw the words as they stand, although I am prepared to substitute the words, "It was known to be untrue."

Mr. Lawn—It wasn't true; the member for Onkaparinga (Mr. Shannon) knows that we were chasing him about the House. The Premier's statement was not true.

The CHAIRMAN—Order!

The Hon. T. PLAYFORD—As the member for Norwood (Mr. Dunstan) appears to have taken some objection to the words which I said this afternoon and which were not deliberately intended to be offensive to him, I have no objection, if he objects to those words, to withdrawing them, provided he in turn withdraws an imputation that is unparliamentary.

Mr. DUNSTAN—I will accept that and withdraw my remark.

The Hon. T. PLAYFORD—The member for Norwood has seen fit to make a profound statement on the simple matter of reconsidering a clause, but I point out to members opposite that it has been the practice of the Government to convenience honourable members on many occasions, and the position on this occasion is no different from that on many others.

Mr. Dunstan—I do not oppose the reconsideration.

The Hon. T. PLAYFORD—The honourable member said something that was not correct: that I am having this Bill reconsidered because of the obvious dissatisfaction of my own members last night. Let me correct that statement if I may. The member for Mount Gambier (Mr. Fletcher) was in a position similar to that of my own members who had amendments to the Bill. He could not proceed with his business although he was in the House, but so that his rights would be protected I had no hesitation when I got to the stage where I could not go further without infringing his rights. I am conversant with the forms of the House, and I knew that I could recommit the Bill to deal with Government members' amendments. Indeed, I have frequently done so on many occasions when honourable members have had amendments on the file and the appropriate clause has been called and passed.

The member for Norwood is trying to create an atmosphere that is entirely erroneous and if he wants such an atmosphere created here it will be a sorry day for the minority party, whoever that may be. Minority parties in this House have enjoyed privileges not enjoyed in any other Parliament in Australia, or in any previous South Australian Parliament. Consider the time allowed for private members' business in any other Australian Parliament, the rights of debate in those places and how often the gag is moved. Members will then realize that here we operate under a different rule. If that type of atmosphere is created by any members, the minority Party will always get it in the neck.

Mr. Lawn—You shouldn't be allowed to get away with untrue statements.

The CHAIRMAN—Order!

The Hon. T. PLAYFORD—Mr. Chairman, I have one record in this House of which I am rather proud: I have never yet been commanded to withdraw a statement which I have made and which any other member may have regarded as being personally objectionable. I do not indulge in personalities and I wish some other honourable members could make the same claim. I have never yet imputed motives to honourable members and been asked that such statements be withdrawn. Only on one occasion have I ever been asked to withdraw a statement, and that was by a member of my own Party. Therefore, if members object to any statement I make they have no need to be abusive to get it considered. I say that advisedly. Last night a number of amendments by Government members was on the files, together with a notice of motion by the member for Mount Gambier (Mr. Fletcher) for an instruction to the Committee to consider a certain matter. I knew quite well that I could go ahead with the Bill and get those clauses considered and passed upon which there was no dispute and that any other matter could be immediately reconsidered. Indeed, in some instances a Bill in another place is returned to the Committee, three or four times. That is not irregular, or improper, nor is it a matter for the hysterical outburst we have had from the member for Norwood.

Mr. Lawn—It happened in your Party this morning.

Mr. HUTCHENS—I support the motion for reconsideration. Much heat has been engendered in this debate, and I agree with the Premier that in this House in the past thoroughly amicable arrangements have been made which have enabled every member to take part. Now that feeling has subsided a little, I make an appeal—

Mr. Lawn—You're afraid the Premier will get up and have a go at you.

Mr. HUTCHENS—No, I am not. I hope that personal feelings will be dropped. I believe Opposition members are ever anxious that the greatest freedom shall be given to all members, and in that belief I support the motion.

The Hon. T. PLAYFORD—I would not have risen again except for the statement of the member for Adelaide (Mr. Lawn) who cannot avoid making objectionable statements from time to time. He said that this arose at a Party meeting this morning.

Mr. Lawn—I did not say "at a meeting"; it was an hysterical outburst from one of your colleagues.

The Hon. T. PLAYFORD—There was no Party meeting this morning, nor was this matter discussed this morning with the persons concerned.

Mr. Lawn—You ask the Chairman of the Liberal Party.

The CHAIRMAN—Interjections are out of order.

The Hon. T. PLAYFORD—I accept the statement by the honourable member for Hindmarsh, but the fact that this House it sitting tonight is greatly inconvenient to many people who had accepted important engagements in their districts. If the House had been sitting tonight at the will of the Government, members opposite would not have been so amiable or tractable as the members of my Party are.

Mr. Pearson—And most members opposite live in the metropolitan area.

The Hon. T. PLAYFORD—The honourable member who just interjected had the opportunity to catch a plane home at 6.30 p.m.

Mr. John Clark—He was offered a pair.

The Hon. T. PLAYFORD—But pairs do not help to constitute a quorum. When the House is sitting members on this side have the obligation to be present, and they fulfil that obligation. As there is now no objection to recommitting the Bill, I ask that it be recommitted.

Bill recommitted.

Clause 2—"Interpretation"—reconsidered.

Mr. SHANNON—I move—

After "Woodville" in subparagraph (*a*) of paragraph (*b*) to insert "district council district of Salisbury."

Clause 2 (*b*) limits the metropolitan area without any possibility of extending it by future proclamation. The Parliamentary Draftsman explained to me that the Salisbury district is growing so rapidly because of the activities of the Housing Trust and Defence Department that it is desirable that it be included in this definition in order that it be included in the first plan prepared, and that is the reason for my amendment.

The Hon. T. PLAYFORD—Salisbury has been planned by very competent Housing Trust officers in association with housing authorities, and I believe it will be a town of which we shall be proud. It will have a population of some 30,000, and its environs will undoubtedly link up ultimately with the city, so it is necessary that adequate spaces should be kept between it and the city proper. For that reason I am prepared to accept the amendment.

Amendment carried.

Mr. SHANNON—I move—

To delete subparagraph (*b*) of paragraph (*b*).

This strikes out this subparagraph from the definition of "metropolitan area." The subparagraph reads:—

Such other parts of the State as the Governor by proclamation from time to time declares to be within the metropolitan area:

This is a consequential amendment if the committee is desirous of confining this matter to the metropolitan area.

The committee divided on the amendment:—

Ayes (17).—Messrs. Brookman, Christian, Geoffrey Clarke, Fletcher, Hawker, Heaslip, Hincks, Jenkins, McIntosh, Millhouse, Pattinson, Pearson, Playford, Quirke, Shannon (teller), Stott, and Travers.

Noes (10).—Messrs. John Clark, Corcoran, Davis, Dunstan (teller), Jennings, Lawn, Riches, Stephens, Frank Walsh and Fred Walsh.

Pairs.—Ayes—Messrs. Michael, White, Dunnage, and Goldney. Noes—Messrs. McAlees, O'Halloran, Hutchens, and Tapping.

Majority of 7 for the Ayes.

Amendment thus carried.

Mr. SHANNON—My next amendment is designed to continue the same principle. I therefore move:—

To delete paragraph (*d*), which is as follows:—(*d*) by adding at the end thereof the

following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) The Governor may from time to time by proclamation declare that any part of the State which is contiguous to any part of the metropolitan area (whether defined by subsection (1) of this section or by a proclamation made under this subsection) shall be included in the metropolitan area. The Governor may, by proclamation, vary or revoke any proclamation made as aforesaid.

Mr. RICHES—The Premier said that in substance this Bill was actually passed by this House last session, and here we are deleting important clauses without any reason or explanation. I should like the Government to stick to the Bill as introduced. Is there any reason why this paragraph should be deleted?

Mr. SHANNON—The principle involved in my three amendments is simply to prohibit a contiguous area from being declared part of the metropolitan area by proclamation. I have discussed this with the Assistant Parliamentary Draftsman.

Mr. DAVIS—That is a very poor explanation. I should like to hear from the Premier why the Government has changed its mind since last night. It had the opportunity then to deal with all these matters. Last night the Premier was of opinion that the Bill was quite all right, but something has happened in the meantime to change the Government's mind. The Premier should explain the change.

The Hon. T. PLAYFORD—One object of the Committee stage of any Bill is to enable the ideas of honourable members opposite to be considered. This is something to the advantage of minorities. The Government does accept amendments from members opposite. For instance, only yesterday I was prepared to accept very important amendments to the Industrial Code which had been suggested by the Leader of the Opposition. The amendments we are now discussing were not moved last night owing to the absence of two members concerned for the three minutes that it took to pass three clauses. Therefore, I did not express any view on them last night, but I studied them carefully today and discussed them with the members concerned and told them that I was prepared to accept some, but not others; so there is no mystery about it. The clauses recommitted are not all the clauses upon which amendments were proposed. If any honourable member opposite at any time desires me to discuss an amendment with him I will be only too happy to do so. I have done it on many occasions and tried to get their point of view. Yesterday Mr. Fletcher took the trouble to supply me with all the information he had about his amendment so that I would know what it was all about. There is no mystery about that. The Government will accept good amendments if members opposite can devise them, and as often as they like to do so.

Mr. Lawn—You were told last night that you had to accept them.

The Hon. T. PLAYFORD—If the honourable member likes it that way, he can have it. Any amendment goes before the House on its merits. Mr. Lawn knows that these matters were not discussed last night. There are two or three provisions in this Bill which the Government regards as of vital importance, and if they are deleted the substance of the Bill is destroyed and the Government would then not proceed with it. There are many matters in the Bill which may or may not be useful, according to one's point of view. The things which the Government regards as important are, firstly, the setting up of a committee with power to prepare a plan for submission to Parliament. We will never have any cohesive planning in our metropolitan area unless we can get a competent committee which does not look at it from the local government angle, but considers the overall position. That is of vital importance to the Bill. The second vital matter is to ensure that, pending the receipt by Parliament of the plan, speculators do not go haywire. Last year we sought more than Parliament would accept and the Bill was not proceeded with. As a consequence there has been much undesirable subdivision. This year we hope that the essential provisions will be acceptable. In introducing his amendments the member for Onkaparinga indicated that he did not believe that areas contiguous to the metropolitan area should be incorporated as part of the metropolitan area.

Mr. Quirke—Unless Parliament declared they should.

The Hon. T. PLAYFORD—That is so. I do not regard that as a vital issue. In another amendment Mr. Shannon included in the metropolitan area the only area liable to be subject to a proclamation—the district council of Salisbury. The vital essentials of the Bill are that a competent committee be empowered to submit an overall plan to Parliament and that pending receipt of that plan we prevent undesirable speculation resulting in the opening of areas that should not be opened.

Amendment carried; clause as amended passed.

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

Mr. TRAVERS—I move—

In proposed new section 12a (1) to delete "shall" and insert "may" in lieu thereof.

As at present drafted the clause is mandatory and my amendment proposes to enable the committee to exercise a discretion. The clause stipulates a number of matters that must be complied with in respect of a subdivision. If, for example, an area to be subdivided is subject to inundation on only 1 per cent of it the committee would be compelled to reject the subdivision. I suggest that the committee should have power to examine a matter on its merits and exercise a discretion.

The Hon. T. PLAYFORD—I have no objection to the amendment. It takes no power from the committee but extends its powers. In certain circumstances the committee will be enabled to exercise a discretion which would not be permitted under the clause as drafted.

Amendment carried.

Mr. SHANNON—I move—

To delete subsection 3 of proposed new section 12a.

Subsection 1(*j*) provides that a plan of subdivision must make provision for reasonably adequate reserves for public gardens and public reserves. It may be that in that subdivision provision should be made for a children's playground. The provision relates to the matter of providing suitable reserves for what might be termed limited communities. Subsection (3) is wider in character and presents a danger in its application. There may be a subdivision in an area that is not fully occupied although it may be occupied in the near future. An owner in that area may desire to make another subdivision, and the committee may consider that a larger area for recreation purposes should be provided. People wanting to subdivide after the passage of this legislation may be called upon to make a cash contribution to the fund, the money to be used for the purchase of lands for recreation purposes. It does not seem to be an honest way of securing recreation areas in the larger sense. If the power remains in the Bill it seems that some people will have to pay whilst others will pay nothing. It will not be easy to assess what each subdivider should pay into the pool. It is to be left to the discretion of the people who administer the scheme. That is a weakness and I think the subsection should be deleted.

The Hon. T. PLAYFORD—The amendment may have several effects. It would not take any power from the committee to deal with the matter because there is power in paragraph (*j*). Subsection (3) gives an owner who desires to subdivide an alternative. If he does not want to provide land for recreation purposes he can make a cash payment into the pool for the purchase of other land for the purpose. If the amendment is deleted it will take a right from the subdivider. The provision was included at the request of an outside body. It was not in the original legislation and I have no objection to its being deleted. If it is, the committee will still have power to accept cash for the purchase of land for recreation purposes.

Amendment carried; clause as amended passed.

Clause 9—"Duty of committee to prepare plan for metropolitan area" re-considered.

Mr. TRAVERS—I move:—

To delete proposed new sections 28 to 33 inclusive.

All these provisions are directed to the same end, and they deal with the situation that was envisaged under the Bill initially presented. They provide the somewhat unusual situation that when the plan is presented to Parliament it will be deemed to be approved under certain circumstances. Members will recall that I said previously that this principle was not acceptable. If it is a good plan it will no doubt be accepted by Parliament, but Parliament should not be saddled with a bad plan. We should first have a look at a plan and examine it. That is the effect of my amendment.

The Hon. T. PLAYFORD—The clause states that when a plan is presented it shall be deemed to be accepted by Parliament in certain circumstances, but whether a future Parliament will deem that to be so remains to be seen. Perhaps we were rather ambitious in saying at this stage that the plan shall be accepted by a future Parliament. I believe a future Parliament will deal with this matter in an adequate way.

Mr. Riches—How?

The Hon. T. PLAYFORD—The plan will have to go before Parliament for approval. I think that when the plan is approved a Bill will be brought down to give effect to it and make it binding. I do not regard this as the material clause of the Bill, and I do not oppose the amendment.

Mr. RICHES—The procedure envisaged under this clause is precisely that which is followed in regard to regulations and by-laws.

The practice that Mr. Travers finds so objectionable now is accepted by him and Parliament year in and year out. When regulations are made they are laid on the table and become the law of the land after a certain number of sitting days unless they are disallowed. The committee proposed to be set up under this Bill will be vested with similar authority to that given to other Government instrumentalities to make regulations and by-laws. We said that the committee can be trusted, but now we are asked to remove its authority, in effect, to make regulations or by-laws. The amendment weakens the Bill. I presume that the committee's proposals will be examined by the Joint Committee on Subordinate Legislation. At any rate, they will be submitted to local government bodies who can approach their members of Parliament in regard to any aspect. We are asked to decide whether the procedure we adopt in connection with bylaws and regulations is right and proper, or whether we should insist that after a plan has been produced by the committee it shall have no effect until another Bill has been passed. The amendment weakens the legislation to a far greater extent than the Premier would have us believe, therefore I oppose it.

Mr. TRAVERS—The honourable member is under a misapprehension when he draws an analogy between this Bill and regulations because no such analogy is possible. This Bill says, in effect, to a committee, "Go ahead and do as you like on town planning." When, however, a committee is charged with that unlimited scope Parliament should have a look at what it does, otherwise Parliament shirks its duty. That is totally different from the principle of regulation-making. Regulations can be made on specific subjects, but unlimited legislative authority cannot be delegated. In the case of regulations Parliament considers carefully the subject matter before passing it to a subordinate body, and if the subject matter seemed too extensive Parliament would be shirking its duty if it gave such power to another body. This Bill does not give such unlimited power.

Mr. DUNSTAN—In the second reading debate it was suggested by some speakers that the Bill was only for show and that it had only two apparent purposes. The first—a good one—was to prevent unsatisfactory subdivisions in the metropolitan area, and the second to satisfy the continued clamour for town planning. Many speakers considered that it was a nine days' wonder and that we would not have an effective town plan. If this amendment is carried the legislation will have no teeth in it. I am afraid that any move to delete the proposed new sections will weaken the Bill. If the teeth are taken out of the legislation we can kiss goodbye to town planning as we have been forced to kiss it goodbye before. As the legislation stands, a plan must come before the House and any member may object to it. Objection may also be taken to it by councils, and the plan returned to the committee. If that provision remains in the Bill we at least know that we will ultimately get a plan that will be effective, and there never was a city that needed a plan more than Adelaide.

The Committee divided on the amendment to delete proposed new sections 28 to 33:—

Ayes (17).—Messrs. Brookman, Christian, Geoffrey Clarke, Fletcher, Hawker, Heaslip, Hincks, William Jenkins, McIntosh, Millhouse, Pattinson, Pearson, Playford, Quirke, Shannon, Stott and Travers (teller).

Noes (10).—Messrs. John Clark, Corcoran, Davis, Dunstan (teller), Jennings, Lawn, Riches, Stephens, Frank Walsh and Fred Walsh.

Pairs.—Ayes—Messrs. White, Dunnage, Goldney and Michael. Noes—Messrs. O'Halloran, Hutchens, Tapping and McAlees.

Majority of 7 for the Ayes.

Amendment thus carried.

Mr. TRAVERS—I move—

To strike out the words "or without such an application" from new section 36 (2).

As this section stands, its effect is to prohibit subdivision by making a proclamation, which power is given to the Governor either on the application of the owner or without it—that is to say, notwithstanding his desires. The effect of the amendment will be that the power will be there only on the owner's application. The object of that can be seen by looking at subsection 6, which enables the owner, after a proclamation is made, to obtain certain benefits in the way of rates and taxes. The amendment will insure the owner against having any stay order foisted upon him, but it will enable him at the same time to make an application if he sees fit, his land will not be in the subdivisional class, and he will get the benefit of being taxed and rated on the broad acre basis.

The Hon. T. PLAYFORD—I have no objection to this amendment, but I have no doubt that land owners will make an application because it will enable them to obtain a remission of rating. If they do not make an

application they do not get their remission. As the clause stands they will be able to get the remission whether or not they make the application. The amendment does not have any bearing on the power to make an application. It provides that where a proclamation is made, the land owner upon application, or even without application will get the taxation concessions provided in this new section because the land is tied up and is no longer subdivisional land. The basis of this provision is that where land is subdivisional land it has a much higher sale value, as it has very many more varied uses than land that is tied up for this special purpose. Where this land is tied up it shall not be rated as subdivisional land, but as land used for primary production. This provision is new, having been inserted in the Bill this year. I am quite prepared to accept the amendment.

Mr. DUNSTAN—I am left in speechless amazement. Part of the essential basis of any developmental plan for the metropolitan area is the power to declare what is, in effect, a green belt, and it seems to me that this new section allows a green belt to be declared. In subsection 2, on the application of the owner of land who wants his land to remain in a green belt and not to be subdivided or built upon, or without his application, but where the Governor deems it necessary to retain the green belt in the public interest, he may declare that it shall not be subdivided. If he does so declare, the owner will get remissions of taxation as provided in subsection 6, and the land will be treated permanently as primary production land. If that cannot be done, we will not have any sort of town planning at all, but will be just tearing up town planning, because we will not be able to declare a green belt. If this is not an essential part of the Bill I do not know what is.

Mr. Travers—It has nothing to do with the green belt. It deals with subdivision, and not with the plan at all.

Mr. DUNSTAN—It appears to me that this is the only provision under which the Governor may say to an individual, "This land must be preserved as primary productive land and as part of a green belt." If the words "or without such an application" are deleted the Governor will be unable to issue a proclamation unless the owner himself wants his land to remain primary productive. If he is unwilling for it to be used for that purpose, and wants to cut it up for other purposes, the Governor can do nothing about it. We will be dependent for our green belt not upon any determined plan, but upon the whims of individuals. Unless we have power to declare what areas are to be used for what, we are not going to have a town planning scheme at all.

Mr. TRAVERS—The Bill sets out to enable the committee to produce a plan for a green belt, but not to enable the committee to hold up everyone's dealings during interminable inquiries, which would be extremely unjust. It makes an inquiry so that citizens will not be unduly humbugged or subjected to losses and damage to their land simply by its being put out of use. My suggestion does not affect the green belt. Among other things, the committee is to be set up to produce a plan for a green belt, and if this plan is good enough it will be accepted. If this clause is amended as suggested, it will not enable anyone to go around issuing irresponsible orders upon anyone's land. The amendment would ensure that an owner is given some rights to declare himself out of the subdivisional land business and thus get the benefits of rating and taxes. That seems fair enough to me. The second thing assured by the amendment is that he shall not capriciously be placed in the most difficult position of having his land rendered useless, as has occurred in New South Wales, simply because the authorities cannot raise the money necessary to pay the compensation they are obliged to pay. My amendment is to ensure that that does not happen here.

Mr. DUNSTAN—In his attempt to explain where I was wrong the honourable member has done me the service of explaining where I was right. He agrees with me upon the construction of this clause. The green belt is not actually provided for in the developmental plan other than in a general way. The committee may think it desirable to do certain things and recommend that these things be done. The zoning of a green belt is not specifically provided for in the plan which the committee has to set forth. Before it is too late we may be able to provide some kind of a green belt. If we want that we should not agree to the amendment, but if we want to tear up any provision for town planning in the future let us vote for it.

Mr. RICHES—This seems a remarkable reversal of form by the Government. When the Premier introduced the Bill he advocated this particular clause and pointed out that experience had shown that any plan may take years to prepare, and that it was necessary in the public interests that power should be vested in the Governor to see that subdivisions did not take place in the areas considered necessary

for parks or green belts, or in areas which should be set aside in the interests of the public. He said that if necessary power should be vested in the Governor to do this by proclamation. We are now asked to completely reverse that decision and to give the Governor power to make a proclamation only when the owner of land desires it. That entirely destroys the purpose of the Bill. We were told that the clause was designed to relieve landowners of taxation, but that is not the issue we are voting on. That is covered by subclause (6). The Premier made it obvious why this new provision was included. Investigations revealed that it was desirable that the Governor should have power to prevent subdivisions in areas the committee considered should be set aside in the public interest while the plan was being drawn. I think the clause should be left as drafted. It will only operate while the plan is being prepared. Immediately the plan is completed the power to issue proclamations is withdrawn. This is one of the most important provisions in the Bill and I oppose the amendment.

The Committee divided on the amendment:—

Ayes (15).—Messrs. Brookman, Christian, Geoffrey Clarke, Hawker, Heaslip, Hincks, Jenkins, McIntosh, Pattinson, Pearson, Playford, Quirke, Shannon, Stott, and Travers (teller).

Noes (9).—Messrs. John Clark, Corcoran, Davis, Dunstan, Fletcher, Jennings, Lawn, Riches, and Frank Walsh (teller).

Pairs.—Ayes—Messrs. White, Dunnage, Goldney, and Michael. Noes—Messrs. O'Halloran, McAlees, Hutchens, and Tapping.

Majority of 6 for the Ayes.

Amendment thus carried.

Mr. FRANK WALSH—Mr. Chairman, I think the count was incorrect. I counted 16 members who favoured the amendment.

Mr. Travers—I am prepared to accept the count.

Clause as amended passed.

Bill reported with amendments.

ADJOURNMENT.

At 10 p.m. the House adjourned until Tuesday, November 8, at 2 p.m.