HOUSE OF ASSEMBLY.

Wednesday, November 11, 1959.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

COMPREHENSIVE INSURANCE POLICY.

Mr. HUTCHENS—Has the Minister of Education, representing the Attorney-General, a reply to my question of last week concerning the insuring of a motor car being bought on hire-purchase?

The Hon. B. PATTINSON—My colleague, the Attorney-General, has now supplied me with the following report from the Crown Solicitor:

I cannot advise on the rights or obligations of the insured in this case without seeing the hire-purchase agreement and the insurance policy. Generally speaking, there is no law against a finance company making finance available only on condition that insurance be effected with a particular company, and there is no law which prevents an insurance company from threatening to cancel a policy on any ground open to it unless the insured agrees to bear a fixed amount of any future loss. I would add that the type of transaction indicated in the above question is open to grave abuse. The requirement to insure with a particular insurance company, on its terms, is often a device to exact a further payment from the purchaser on hire-purchase. This is one of the matters dealt with in the draft hire-purchase Bill.

CONTROL OF CRECHES.

Mrs. STEELE—Has the Premier a reply to my recent question regarding the registration and control of creches?

The Hon. Sir THOMAS PLAYFORD—This matter has been investigated, and at present the Chief Secretary is arranging for a provision to be included in the Local Government Act to empower local governing bodies to control and register creches in their areas.

NAILSWORTH GIRLS TECHNICAL HIGH SCHOOL.

Mr. COUMBE—From time to time I have asked questions of the Minister of Education regarding the obtaining by the department of alternative sites in northern districts to relieve the congestion at the Nailsworth girls technical high school. Has the Minister a reply to those questions?

The Hon. B. PATTINSON—I have been aware for some time of the very serious congestion at the Nailsworth girls technical high school, and steps would have been taken earlier in an endeavour to construct a further school, but considerable delay has been encountered in endeavouring to obtain a suitable site of a sufficiently large area for a new school. I am pleased to say that we have succeeded in purchasing an area of 18 acres with a frontage to Grand Junction Road, Gepps Cross, and it is proposed to plan, as soon as possible, for a new girls technical high school there which will have the dual purpose of relieving the congestion at the Nailsworth school and also catering for a wider area of students in the surrounding districts.

MEDICINE CHARGE IN HOSPITALS.

Mr. LAWN—An article in this morning's *Advertiser*, dealing with the report of a speech by Mr. Fraser in the Federal Parliament, states:—

Mr. Fraser claimed that the Commonwealth was now demanding that every hospital patient must in future pay the new 5s. fee for drugs prescribed in hospital or for outpatients. The Commonwealth Department of Health has already informed the State Governments of this, he said.

Can the Premier say whether the South Australian Government has been advised by the Commonwealth that in-patients and outpatients of hospitals must pay this 5s. charge for medicine?

The Hon. Sir THOMAS PLAYFORD—As far as I know, no such instruction has been issued, but I will have the matter investigated, because it is just possible that an instruction could have been received without having come under my notice. I do not believe such an instruction has been issued, because I know that the department has been inquiring into hospital charges and I saw only recently that it was not intended to charge for medicine in hospitals.

ROAD MAINTENANCE TAX.

Mr. MILLHOUSE—It appears that the Railways Commissioner, in his annual report, advocates a road maintenance tax on heavy transports to help the South Australian Railways meet their unequal competition. If my memory serves me correctly, that policy is directly opposed to the Government's policy as enunciated by the Premier in his policy speech before the last general election. Does the suggestion of the Railways Commissioner imply a change in Government policy on this matter, and, if so, what is the Government's present policy?

The Hon. Sir THOMAS PLAYFORD—It is not the Government's policy in any way to seek to edit reports that are ordered to be printed or obtained by Parliament. The Government has always made it very clear that where a report is to be obtained for Parliament, whether it be from the Commissioner of Police or anyone else, that person will be able to report freely to Parliament without any editing on the Government's part. These reports, therefore, would not necessarily indicate the views of the Government on any matter. In answer to the honourable member's general question, the Government does not desire to control ancillary vehicles, which at present are very much freer in South Australia than in any State in the Commonwealth. Their taxes are lower and their freedom is much greater. They have complete freedom of our roads, which does not apply in other States. Recently the Government has been rather perturbed to find that a great deal of licence has been taken in the use of these vehicles, which were primarily designed to undertake certain functions. They are now openly undertaking other functions which have today been criticized by the Railways Commissioner and for which they do not pay adequate taxes. It is the Government's intention to watch the position, but not to take any action at present.

MILFORD CROUCH INQUIRY.

Mr. RYAN—At present a marine inquiry is being held—if it has not already been completed—into the sinking of the *Milford Crouch*. I believe the hearing is *in camera*. Will the Minister of Marine indicate whether the result of the inquiry will be made public and, if not, as it is an inquiry by a Government department, will he report to this House about the inquiry?

The Hon. G. G. PEARSON—I have not been directly advised by any departmental authority about the progress of the inquiry. I know that an inquiry is being held, but I do not know whether it has been concluded nor do I know the usual procedure in these matters. I will inquire and adopt the usual practice in such matters.

LIABILITY FOR ACCIDENT REPAIRS.

Mr. HAMBOUR—Following a recent accident near Greenock when a truck driver was injured the police were called from Kapunda and a tow truck was secured to remove the damaged vehicle to Tanunda. The police car followed the tow truck, but before many miles had been traversed, the back wheel of the damaged vehicle came off and, on inspection, it was discovered that all the nuts were in the hub cap. The police say that the driver was not under the influence of liquor. He was taken to the doctor for treatment and had a few stitches inserted in a cut. Subsequently, when he filled in an insurance form, against the question whether he had taken liquor he wrote "no," but he later amended that to "yes." The insurance company's assessor instructed a garage to take and repair the truck. At present the repairs are almost completed, but the insurance company has refused to accept responsibility and, as the owner has not sufficient money to pay for the repairs costing about £370, there is virtually a stalemate. The police report will show that the driver was not under the influence of liquor although he admitted having three drinks.

The SPEAKER—I do not think that the honourable member should debate the matter.

Mr. HAMBOUR—Will the Minister of Education representing the Attorney-General investigate the matter to find out whose responsibility it is to pay the garage proprietor at Tanunda for the repairs already made as the owner has not the money? Will he ascertain the driver's position as the insurance company refuses to pay the account and there is virtually a stalemate?

The Hon. B. PATTINSON—I shall be pleased to refer the whole matter to my colleague the Attorney-General and obtain a reply.

MELROSE WATER SUPPLY.

Mr. HEASLIP—From time to time attempts have been made to secure a water supply for Melrose. A recent bore was a failure, but I understand that the department is contemplating another scheme whereby water can be supplied to this town. Can the Minister of Works supply any information on this matter?

The Hon. G. G. PEARSON—Yes. It is correct that for some time efforts have been made to discover a source of suitable quality water in sufficient quantity to supply Melrose, but those activities have so far proved abortive. The water in that area seems hard to come by and of variable quality. It is fair to say that the department's efforts have been well augmented by the efforts of the honourable member and as a result of a recent suggestion he made I intend to ask the Minister of Mines to request his department to make suitable tests of an area on the high ground to the south and south-east of Melrose to ascertain

whether or not existing bores in the locality indicate that water exists there in sufficient quantity. If the geologist is able to report at all favourably on the prospects we will ask for another bore to be sunk in the locality to determine the amount of water available.

NARACOORTE SOUTH BORE.

Mr. HARDING—Will the Minister of Works obtain a progress report on the present position concerning the testing and equipping of No. 4 bore at Naracoorte South?

The Hon. G. G. PEARSON—I will do that. I understand that at present the difficulty earlier encountered in that bore has been largely overcome but my information is not quite up to date and I will seek a recent report and advise the honourable member.

LAND SETTLEMENT.

Mr. JENKINS—Has the Minister of Repatriation a reply to my recent question regarding the number of ex-servicemen settled and the expenditure on soldier settlement since the Commonwealth Government withdrew from the scheme?

The Hon. C. S. HINCKS—I have received the following reply from the Director of Lands:—

The following information is submitted in connection with the inquiries by W. W. Jenkins, Esq., M.P., regarding War Service Land Settlement:—

Amount expended on acquisition and development of land for the year ended 31/10/59, £984,604. Total expenditure on acquisition and development of land up to 31/10/59, £16,159,759. Number of men settled during year ended 31/10/59, 36. Total number of men settled to 31/10/59, 1,038.

Twenty-eight (28) blocks that have been partially developed by the State are to be offered for allotment in the near future from land rejected by the Commonwealth for War Service Land Settlement and any applications from ex-servicemen who have the necessary capital and experience to work the holdings satisfactorily will receive every consideration.

SOCIAL EVIL FILMS.

Mr. MILLHOUSE—Has the Premier obtained a report from the Chief Secretary on my recent question about social evil films?

The Hon. Sir THOMAS PLAYFORD—I have a copy of the letter sent by the Chief Secretary to Sir Herbert Mayo in connection with this matter and it will be available to the honourable member. It sets out all of the facts in connection with it. If the honourable member desires that letter to be on record and will ask a question tomorrow after seeing it, I shall be pleased to read it.

MORGAN SCHOOL.

Mr. HAMBOUR—What is proposed about the work to be carried out at the Morgan school? It was at first proposed to build new school rooms and subsequently decided to repair them. As the school is 80 years old, will the Minister of Education seriously consider building new school rooms instead of repairing the present ones?

The Hon. B. PATTINSON—Yes. I shall give it not only my serious but my sympathetic consideration.

WEST TORRENS CORPORATION BY-LAW: ZONING.

Mr. MILLHOUSE (Mitcham)—I move—

That By-law No. 19 of the Corporation of the City of West Torrens in respect of zoning, made on September 15, 1959, and laid on the table of this House on October 6, 1959, be disallowed.

This is a zoning by-law. The other members of the Joint Committee on Subordinate Legislation and myself had great sympathy with the council in the aim it sought to achieve by this by-law. Because of circumstances that have gone before and that I shall explain in a moment, the job of zoning in that city has become difficult. The trouble is that, because of the unsatisfactory nature of the present zoning by-law at the very time when there has been a great deal of industrial development in that area, and because of the rather free use of the dispensing power given to the corporation under its present by-law, industry has grown up all over the city in small pockets, and it is now difficult to set out rational zones for industries, light industries, shops, residences, and so on.

An attempt to do so was made by the corporation in 1957 but the by-law it framed then was disallowed in another place substantially on the ground that the zones as then drawn were unsatisfactory because of the industries that were at that time already established in them. The present by-law is very different in form from the by-law of 1957, but it has been attacked in the evidence given before the Joint Committee on two grounds. The first, and to me the most important, ground is the same as that upon which the previous by-law of 1957 was attacked —that the zones as drawn under the new by-law

are quite inappropriate to industries already established. The mayor and the clerk of the council came before the committee and said quite frankly that the council had considered whether it would be possible to include what they called an exclusion clause in the by-law—that is, a clause that would allow industries already established to continue with their development on the land that they owned in West Torrens on their present sites, even though they might not be zoned in an industrial zone: in other words, that industries already there could continue to develop. However, the council's solicitors said the council did not have the power to do so. I think it is section 84 of the Building Act that gives the council a dispensing power under a by-law if it so desires but it does not in as many words give it an exclusion power. The council was told it did not have power to include an exclusion clause of that nature. Therefore, a dispensation clause was included in the by-law. That is the second ground upon which the by-law was attacked in evidence before the Joint Committee.

The effect of the present inappropriate zoning, as the committee found it was, is that there are a number of instances in which industries situated in premises in the City of West Torrens are in fact zoned in residential areas or areas other than industrial areas. That means that in future not one stone can be moved, not one alteration can be made to those premises, without the exercise by the council of its dispensation power. With the exercise of the dispensation power it can be done, but no move can be made by any industry that is outside an industrial zone, even though it may have been established for many years, without the express permission of the council.

Frankly, the members of the Joint Committee felt it was inappropriate that that should be so. As I mentioned, a good deal of evidence was given before the committee. It has been tabled, if any member cares to look at it. I will refer briefly to the evidence given on this point. The first witnesses were Mr. A. B. Barker and Mr. D. L. Elix, respectively the director and general factory manager of Kelvinator Australia Limited. Mr. Barker said:—

As a company we are now sitting in a fairly satisfactory position on the zones, assuming that we get this little piece in—

That is, a little bit more of their premises that they desire to be zoned in an industrial area but which is in fact in a residential zone now.

—and we cannot complain of the treatment they have given us.

That means the council.

We have associates and people who supply us with things, like Lanyon's next door. They are zoned as a shopping area and it could be most restrictive on them. They would be completely at the whim of the council as to what could be done to develop and maintain business.

Then I asked this question:—

The dispensation would make the zoning as at present drawn tolerable?

Mr. Barker's answer was:—

Yes, to us as a company, but as a ward it should be extended. We think a more realistic approach should be made to the matter.

Mr. Barker was followed by Mr. L. J. Mulroney, manager of Commercial Motor Vehicles Limited, whom I asked:—

You feel that the zones, as drawn at present, are unsatisfactory and incomplete?

His answer was:—

Yes, and very restrictive and difficult, and they ignore the rights of many people.

Evidence to the same effect—I need not run through it all—was given by various other people, including Mr. Haines, manager of Stratco Metal Limited, and Mr. A. W. Harris from Lanyon's, the firm that had been mentioned by Mr. Barker in evidence; also, Mr. Rainsford, who conducts a business in the City of West Torrens. He was the last witness. I will mention what he says because it illustrates the point very well:—

We have now an investment on the highway—

that is, the Anzac Highway—

and Hampton Road to a value of about £70,000 which we feel, if the by-law as it is now laid out were approved, would make that building practically valueless for any other purpose than a shop or residence.

Although it is a manufacturing business it has been zoned in a shopping area. That is the essential reason why it was the unanimous decision of the Joint Committee that the motion for the disallowance of this by-law should be moved. May I perhaps respectfully make one suggestion to the Corporation of West Torrens, and that is that, if this by-law is disallowed, it call a conference of the various industries within its borders, of which there are many, in an endeavour to work out some mutually satisfactory zones. The council and industry should get together and endeavour to work out mutually agreeable zones because in both this by-law and the last zones were bitterly attacked and appeared to members of the Subordinate Legislation

Committee to be obviously inappropriate. The by-law was also attacked by a body of ratepayers—the Golflands Progress Association—and the witnesses who appeared on behalf of that association (two ratepayers and a councillor) attacked the by-law because of the dispensation clause it contains. There is no doubt that power is given under the Building Act to include a dispensation clause in the by-law and, in fact, clause 6 is in terms of the power given by that Act. I suggest in passing that it may be appropriate for this House to consider whether, in addition to, or perhaps instead of, a dispensation power, an exclusion power, which the council did not feel that it had, should be included.

The fact is that the power can be had by a council. The question we had to decide was whether it was desirable that it should be exercised in this case. The ratepayers who attacked the by-law did so substantially on two grounds. They suggested that the present chaotic condition of industries among residential areas in West Torrens was due to the too free use of the dispensation power in the past, allied with the zones drawn at a time when there was much less industry in that district than at present, and they suggested that the council was particularly liable to hard-fought elections and changes of councillors. We were told that of the 10 members, seven have been there less than three years. There are no aldermen in that council. We were told of instances in which the council has reversed its previous decision probably because of the great changes of personnel to which it is subject. It was suggested to us that it would be impossible to guarantee continuity of policy if this dispensation clause were included. Because of that, and because under the by-law as drawn six out of 10 Councillors could exercise it, it was felt that the dispensation clause could continue to be used and that people could not be sure that, having bought a house in a residential area, it would remain residential and a factory would not be put up alongside. That was the objection ratepayers had. The Committee had objections on the one hand from industry because of the zoning, and on the other hand from ratepayers who complained that the by-law would make it too easy for an industry to come into an otherwise residential area; it was attacked by both sides.

The question of dispensation was one of the grounds upon which the Committee recommended disallowance. The other ground is that the zones as drawn are not appropriate to the position and will unduly hamper industry. We have every sympathy with the council, as it is difficult to draw up a by-law acceptable both to ratepayers and to industry. We feel that the present by-law does not and that this new by-law does not. For these reasons, I move that it be disallowed.

Motion carried.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 21. Page 1165.)

Mr. DUNSTAN (Norwood)—The debate on this Bill has occupied the House for a great deal of private members' time, and I am grateful for the attention that many members have given to this most vexed question. I will not deal exhaustively with every speech because I would be unduly wearying members and canvassing points already adequately dealt with, but there are some things that must be said in reply, because a number of misapprehensions have evidently been uppermost in the minds of some members who have spoken.

Firstly, let me deal with what the Premier said. I appreciate that he has a great deal of work to attend to and that at that time he had an enormous amount to get through, and in consequence he was unable, as he made clear to the House, to go into this matter with as much detail as he would have liked. The fact remains, however, that at the outset he adverted to the report of the Royal Commission in England, which has been referred to by many members since, and made great point that the Royal Commissioners who had examined this subject so exhaustively did not report in favour of the abolition of capital punishment. Unfortunately, of course, the Premier had not realized, and obviously had not been able to read the report in any more detail or had not read my speech, and was unable to appreciate that the Royal Commissioners were not in a position to recommend the abolition of capital punishment. It is quite clear, not only from the Commission's report following its investigation into this matter, but from the work of Sir Ernest Gowers, the chairman of the Commission, who proceeded to publish a book immediately afterwards, that if the Commissioners had been in a position to make a recommendation about the retention or abolition of capital punishment there could be little doubt that it

would have been for abolition. Indeed, they went as far as they possibly could: they were not allowed to recommend abolition, but they recommended modification of capital punishment to such an extent that there can be hardly any capital punishment left in England. It is only a rare case where it can occur, and the case of Podola is the only one that has occurred for some time. Certainly if we had done in this State what the Royal Commissioners recommended to the British Government should be done in the United Kingdom, not one of the people who were executed in South Australia in the last 10 years would have been executed.

The Premier went on to say that he felt personally—he spoke with great assurance on this—that there was an undoubted deterrent effect by capital punishment of a unique nature. Some members seem to have confused the arguments on this score. Nobody suggests that capital punishment has no deterrent effect, but what is suggested is that it does not have a uniquely deterrent effect. The Premier said it had a uniquely deterrent effect, and he cited two arguments on this score, the first being a schedule of figures of cases in the States of Australia since 1949 of unlawful violence, that is, cases of murder, attempted murder and manslaughter in each State for the ten years ended 1958.

In the first place, of course, several of those offences, at least manslaughter, at any rate, are not visited with capital punishment anyway, so precisely what these figures could prove regarding the deterrent effect of capital punishment must be completely obscure to anybody examining them. I went to the trouble of having them examined by the Department of Statistics at the Adelaide University, and was advised by the lecturer in statistics that the figures proved nothing whatever in relation to the deterrent effect of capital punishment. A further unfortunate thing about these figures is that they are derived from police statistics of cases in which the police, without the decision of the courts, have assigned certain specifications to actions that have come under their notice. They do not derive from the courts' statistics, so that what may have been put down as an unsolved case of murder might well have been proved to be a case of justifiable homicide if it had come to a court. These statistics, on the face of them, therefore mean absolutely nothing.

However, let me turn to what are the effective statistics in this matter. Some other members have gone to the trouble of examining the statistics published in the *Commonwealth Year Book* of the incidence of capital crime in various States of the Commonwealth, and have concluded that the rate of murder in New South Wales is higher than in South Australia. Sir, that conclusion is correct. Indeed, any examination of the statistics will show that fairly consistently over a long period the ratio of murders in New South Wales to murders in South Australia, proportionately, is about 1.4 to one—not a very great difference, but a difference which can be noted. However, the interesting fact about that is that that position obtained when capital punishment was imposed in New South Wales, so it cannot be shown that the abolition of capital punishment in New South Wales produced that result at all. Indeed there is in those statistics exactly the same conclusion to be drawn as was drawn by the Royal Commission and by Professor Thorsten Sellin when he gave the most exhaustive statistics to that Commission: that there is no relationship between the imposition of capital punishment and the incidence of capital crime. On that basis there is no statistical argument against what has been adduced to this House, the evidence that was put to the Royal Commission, and the conclusion of Professor Sellin, who is a world-renowned authority on this subject and from whom I shall quote one or two things in reply to what some honourable members have seen fit to say on his conclusions.

The next argument the Premier brought forward was that the Executive Council acted as a sort of stop gap reviewer of what takes place in the court. In other words, although a jury is required to come to a conclusion beyond reasonable doubt, the Premier instanced cases where the Crown Prosecutor had felt a little unhappy about some things so he had come along to the Executive Council and said, "I have a feeling of uneasiness about this," and the Executive decided it would reprieve the man. Without having heard the evidence, without having seen witnesses, it has come to the conclusion that there might be something funny about this one case, and owing to the circumstances they ought to reprieve him. I do not think that sort of thing should be in the hands of the Executive at all. We ought to have courts, the courts ought to come to conclusions, and we ought to act upon the conclusion of the courts, always remembering that any instrument of justice is fallible

because it is a human instrument, and in consequence we ought never impose such a punishment that we cannot right a wrong which has been done.

At any rate, there does not seem to be any marked consistency about the actions of the Executive in relation to these cases, certainly none that can be adduced from an examination of the evidence of them. Indeed, there seems to be some considerable inconsistency about the way the Executive decides upon reprieves. I do not think that that ought to obtain, and I do not think we should be in a position where the Executive is required to act in this particular way. Fourthly, the Premier said that if we substitute life imprisonment as a punishment for this particular crime it may mean that the punishment for murder is not as bad as the punishment for some other crimes. That argument was also brought forward by the member for Mitcham. He said, for instance, that you could have life imprisonment and flogging for some other offences and that is a worse punishment than life imprisonment for murder. I do not know why the Premier confused this because I would have thought it would be clear to him, and I am amazed that the member for Mitcham decided to bring this argument forward in this way, for it must have been clear to him.

Let us get clearly in our minds the distinction between the penalty of capital punishment and a maximum penalty of life imprisonment, because there is a very clear distinction. Capital punishment is both a maximum and a minimum penalty. We cannot have a portion of capital punishment—we either hang a man or we do not hang him. If capital punishment is the penalty we cannot inflict capital punishment a little bit. It is like the famous story about the woman who was pregnant: you are or you aren't; you cannot be a little bit. There is a difference, of course, where we are imposing life imprisonment as a maximum penalty. Certainly the maximum penalty of life imprisonment may be imposed for many other crimes under the Criminal Law Consolidation Act. However, the case is, of course, that in practice life imprisonment is not imposed for those other crimes.

The Premier was unable to cite—and the member for Mitcham was also unable to cite—any case under the sections cited where life imprisonment had in fact been imposed. The answer, of course, is that although that is the maximum penalty, in the practice of the Courts that maximum penalty is not imposed. We simply give a discretion to the court to impose a penalty up to that maximum. The answer to this suggestion of life imprisonment for murder being a lesser penalty than for other crimes in the Criminal Law Consolidation Act lies in the known practice of the courts and the fact that the courts must inevitably, and will inevitably, regard murder as the most serious of crimes and, consequently, will impose the penalty of life imprisonment for it.

The Premier went on to say, in effect, "Well, of course, if a man is imprisoned for life then he may be out in three or four years and therefore we are not imposing imprisonment for life at all." The Premier knows that that argument is not correct in relation to the people who would be sentenced to life imprisonment if this Bill were to pass, because what is the situation of a man imprisoned for life under sentence of our courts? He is there for life! That means for the term of his natural life. There seems to be some extraordinary misapprehension in South Australia amongst the general public that there is some mystic arrangement under which a man imprisoned for life is there for only 15 or 20 years and that he must inevitably come out then. That is not so. If a man is imprisoned for life that means for life, unless he is released on the recommendation of the Sheriff by order of the Executive. In other words, it lies with the Executive to satisfy itself after a report from the Sheriff that it is safe to release the prisoner, otherwise he stays there till he dies. In those circumstances how can it be said, and how can the Premier honestly allege, that what would have happened in these cases where men have been executed in the last 10 years if they had been imprisoned is that they would have been released after three or four years? That is nonsense and the Premier knows that that is not the situation that would obtain.

There is a curious dichotomy in the arguments of members opposite. Some said that capital punishment is a uniquely effective deterrent, and others that perhaps that might not be so but that there are other aspects of capital punishment that are important. The member for Stirling (Mr. Jenkins) said that the deterrent effect of capital punishment was all important and he summed it up by saying:—

I believe that if we pass this Bill we will directly or indirectly be signing the death warrant of an undetermined number of our people, and on that score I oppose the Bill.

That was the basis of his speech. Of course, he was a little hard put to it to adduce evidence to show that this would, in fact, be the case so he referred to a number of States which at some stage had abolished capital punishment and later restored it. He said that this indicated that it was essential for the protection of the public to maintain the deterrent of capital punishment. He very carefully did not go into figures—although he knew they existed, because he referred to some of the schedules in which these figures are set forth. If he had gone into those figures he would have had to admit that his conclusion was completely unfounded because the States on which he relied found that the re-introduction of capital punishment did not lead to a fall in the rate of capital crime. Indeed, Professor Sellin pointed out in these schedules that in the vast majority of cases the fluctuations in statistics obviously bore no relation whatever to the re-introduction of capital punishment and that in cases where there were States side by side, one reimposing capital punishment and the other retaining abolition, in many cases the abolition State's murder rate fell more quickly than that of the State that had reimposed capital punishment. The clear fact from the statistics was that one could not conclude that there would be an increase in the murder rate as the member for Stirling feared would take place here.

Of course, on this score, members can refuse to examine statistics and simply say, "We feel that this would be so." Then they would be arguing not from logic but from emotion. I have heard it said time and again on this subject that there is much emotionalism and sentimentality in the people who oppose capital punishment. Let me remind members of the conclusion of Sir Ernest Gowers on this subject, because in the preface to his book written immediately after the Royal Commission on Capital Punishment he said that at the outset of the Commission he would have said that he was in favour of the retention of capital punishment while holding no very strong feelings about it and that he viewed abolitionists as people whose hearts were stronger than their heads. However, he said that the conclusion he came to after hearing and examining the evidence was that while he did not agree with all arguments adduced by abolitionists it was clear that logic was on the side of people who believed in abolition, and emotionalism and sentimentality were on the side of the people who proposed the retention of capital punishment.

The member for Stirling then adverted to the situation in New Zealand, but, unfortunately for him, he is faced with the position that in the 15 years prior to the abolition of capital punishment in New Zealand there were more murders, though with a lesser population, than there were in the 15 years of abolition. How can he conclude from that that we are signing the death warrant of an undetermined number of people by abolishing capital punishment in South Australia? There is simply no evidence for his proposition and much evidence against it.

On this score I turn to what the member for Mitcham (Mr. Millhouse) had to say, because that was even more extraordinary. He quoted from the report of the Royal Commission and said that I had put a gloss upon what the Royal Commission had found. He quoted an extract from the evidence of Professor Sellin, with whom the Commission said it agreed, and then he quoted the following extract from the final conclusion of the Commission:—

Prima facie the penalty of death is likely to have a stronger effect as a deterrent to normal human beings than any other form of punishment, and there is some evidence (though no convincing statistical evidence) that this is in fact so. But this effect does not operate universally or uniformly, and there are many offenders on whom it is limited and may often be negligible. It is accordingly important to view this question in a just perspective and not to base a penal policy in relation to murder on exaggerated estimates of the uniquely deterrent force of the death penalty.

It is important not to base a penal policy on an exaggerated view of the uniquely deterrent force of this penalty. Nobody can say they are finding "a uniquely deterrent force" in the death penalty; they are warning against any such finding.

The honourable member for Mitcham concludes, "In other words, you cannot tell one way or the other. It does not prove anything." On this score Professor Thorsten Sellin was at pains, in his evidence to the Senate of Canada, to take to task people who sought to draw those conclusions from what he gave the Royal Commission or from the findings of the Royal Commission itself. This is what Professor Sellin had to say:—

It is obvious from the data presented as well as from more detailed data given in the report of the Royal Commission on capital punishment, that there is no observable relationship between the homicide death rates and the practice of executing criminals for murder . . .

In other words, whether or not a state uses the death penalty, murders will occur in number and frequency determined by other factors inherent in the social, political and economic conditions of the country. It is interesting to note that this supposed effect is discussed only in debates about the abolition or adoption of this penalty. Students of the problem of murder and of murders rarely think of mentioning the death penalty when they discuss ways and means of preventing murder, probably because they have found no relation between them.

This is the most renowned authority in the world on the subject. In 1950, when the Minister of Justice in New Zealand argued for the restoration of the death penalty abolished in 1941, he said he was satisfied that the statistics of murder neither proved nor disproved the case for capital punishment. This is the argument of the member for Mitcham. He should listen to what Professor Sellin says about that:—

This is correct if it means that such statistics seem to have little to do with a people's like or dislike for this penalty, but it is incorrect if it means that statistics prove nothing. What these statistics prove is not the case for or against the death penalty, but the case against the general deterrent effect of that penalty.

One cannot get anything clearer than that. Professor Sellin is clearly saying, as he said to the Royal Commission and as the Royal Commission found, "If you look at statistics you cannot say that this has a uniquely deterrent effect." That disposes of the argument of the member for Stirling.

Let me turn to the other things that the member for Mitcham had to say. He said that I had pointed to certain cases in which, I had said, mistakes occurred. I do believe that a mistake occurred clearly in the case of Evans. We know that a mistake occurred in the case of McDermott. The member for Mitcham said, "If mistakes occur they can only occur, from what we can see, in a fraction of one per cent of the cases." I dispute that figure, but, assuming it is correct, let us consider the honourable member's next statement. "Are we going to overthrow the whole structure of our law because of a few hard cases?" I find that argument fantastic. It is true that there is in the English law an adage "Hard cases make bad law;" but the English law has never said "We must, without adequate reason, cut off the life of men concerning whom we make mistakes simply because we feel that the retention of capital punishment is necessary for the structure of our law." On the contrary, the English law has said—and this is the correct view to take of this situation—"It is better that 99 guilty men go free than that one innocent man be condemned." It is not true to say that by abolishing capital punishment we are overthrowing the structure of our law. It is nonsense to say that, and the honourable member is hopelessly over-stating his case when he says that sort of thing. Other States have abolished capital punishment. Can they be said to have overthrown the system of their law? They retain the system of law that we have but have abolished an illogical and unjustifiable penalty, and it is time we did the same, and did not go in for the form of hyperbole in which the honourable member saw fit to indulge on that score.

He then quoted from the remarks of the present Archbishop of Canterbury on capital punishment, where the Lord Archbishop said that there was nothing immoral in the imposition of capital punishment. I have read those remarks of the Archbishop of my own church. All I can say is that they are completely contrary to the view that was put forward by his predecessor in that office, who said that, unless it could be shown that capital punishment had a uniquely deterrent effect, it was immoral and contrary to Christian conscience to impose it. On this score I point out that it has always been said that in the Church of England there is room for wide differences of opinion. The Archbishop of Canterbury in neither case was speaking *ex cathedra* and in neither case had any right to speak *ex cathedra* or would allege that he was doing so. One extraordinary thing in the history of England has been that numbers of prominent and high churchmen over the years have, in relation to such subjects as the abolition of the death penalty and the abolition of slavery, said things which these days we would find somewhat strange. For instance, when the death penalty was abolished for a number of other crimes, prominent churchmen at that time in the English Parliament spoke against the abolition and said what it would mean to property in Great Britain if there were abolition of the death penalty for crimes to do with property. Their prognostications were incorrect, and I feel certain that on this score the Archbishop was not speaking for the Church. I maintain the view that I advanced in my second reading explanation of this Bill that, unless it can be shown that it is necessary to impose the death penalty to save lives within the community—

and that cannot be shown—then it is immoral and unchristian to impose it.

It is not true, as the honourable member saw fit to say, that I confined my remarks to deterrence: I did not. I did say that some people said—and they said it at some length to the Royal Commission—that it was necessary to have a grave penalty for a grave crime. I agree entirely with that view but cannot see that life imprisonment is not a grave penalty. I made that very clear. Imprisonment for life is rarely imposed for any crime other than the crime of murder, and in making that the penalty for murder we are still retaining a very grave punishment for a grave crime. Nobody in the community would allege for a moment that we were taking a light view of murder by making imprisonment for life the penalty.

The honourable member went on to say that, despite what he had said, there was a case for some alteration in the system in South Australia. When challenged, however, to vote for the second reading of the Bill, and to move amendments in Committee—and I am perfectly prepared to discuss amendments in Committee because I want to see that, if we cannot abolish this penalty, we can at any rate restrict it—the honourable member said No, he could not do that; he could not move to amend the Bill. I do not see why he cannot. I can only conclude that he does not want to try.

The honourable member for Albert (Mr. Nankivell) spoke at length on the Bill in a speech which was forceful and which clearly set forth the arguments against the retention of capital punishment. It is clear that the honourable member does not believe in the retention of capital punishment. His objections were, as I remember them, three. The first was that one ought to have a set period of imprisonment, at least for murder, that the State ought not to be able to release a murderer until after a set period as a minimum. I think that argument has some merit and I am perfectly prepared to accept an amendment of that kind in Committee. The second objection was that in my Bill I propose to cut out the special crime of rescuing a convicted murderer from imprisonment. There are other sections in the Criminal Law Consolidation Act which would apply to rescuing a murderer from imprisonment or breaking in to get him out. There are sections of the Prisons Act that would also apply and impose penalties on people doing anything of this kind. However, if the honourable member feels he must disagree with this Bill on that ground, then I am prepared to concede in that direction because I do not see any great point in that amendment. It seemed to me there was no place for the special crime of rescuing murderers. It was only a crime brought in in cases of trying to rescue people who were likely to undergo execution; but, if the honourable member fears that there is likely to be a great deal of rescuing of murderers still going on after the abolition of capital punishment, I am perfectly prepared to retain that section of the principal Act.

The last ground, too, was one that I find strange. This was that there was a proposal in my Bill for the abolition of capital punishment for treason. The abolition of capital punishment for treason in my Bill goes only to the common law crime of treason. Within the Criminal Law Consolidation Act there are, in fact, a number of sections that constitute a crime called "treason felony." This is a special statutory crime. It is wider than common law treason and, indeed, if anybody committed treason in South Australia he would not be indicted for common law treason, which is a much harder thing to prove; he would be indicted for treason felony. For that the penalty is already life imprisonment. But, if the honourable member objects and wants to retain capital punishment for common law treason, since I am certain it will never be imposed I am quite prepared to restore common law treason to the Act. That copes with the honourable member's objections to the Bill.

I believe it is proper for members of this House to vote according to their consciences on this matter, because honourable members opposite have said—indeed the member for Mitcham (Mr. Millhouse) saw fit to taunt members on this side with being told how they had to vote on this—"Ah, we over here are free!" Every member on this side of the House will vote for this measure because that is his conscience, and it is a matter that we hold very strongly in conscience. If it is correct that members opposite may vote according to their consciences, I hope they will do so in this matter. I shall be prepared to accept any reasonable amendments in Committee and I expect that if members are being frank with the House as to the way in which they may vote on this measure they will act accordingly and not belie their own statements to this House.

The member for Onkaparinga (Mr. Shannon) went on to say that there were over 100 murders in South Australia in the last 10

years and that only five of the murderers were hanged. He said it is only in the rarest of cases that murderers are hanged and that it is not true that this State has a high hanging rate. In fact, however, of the murderers convicted of murder in that period 40 per cent were hanged; the statistics the honourable member quoted of over 100 murders are not of convictions for murder, but are figures compiled from police sources of events which they believe to have been murder which have not been proved so. The lamentable fact is that in the past this State has had the highest hanging rate for convicted murderers of any State in the Commonwealth—more than twice that of any other State, in fact. I do not draw any conclusion from that other than that if we have a look at recent events it would appear that even if this Bill does not pass, public opinion has made itself sufficiently obvious that that position will not continue in future, and even if we are not able to alter the law at the moment this debate will have had its use to the people of South Australia.

The member for Light (Mr. Hambour) said, in effect, that he believed in *lex talionis*—the law of an eye for an eye and a tooth for a tooth. I believe that to be completely contrary, not only to Christian teaching, but to the general view of the public. We do not, as was laid down in the book of Leviticus, exact an eye for an eye and a tooth for a tooth. Our law is not based on the verses of that book which say:—

And if a man cause a blemish in his neighbour; as he has done, so shall it be done for him;

Breach for breach, eye for eye, tooth for tooth;

Although I had communications from a reverend gentleman that this is what we should do now, I find it extraordinary that he should advocate that, because I do not believe for one moment that he believes that this should be done for the rest of our penal system. I do not believe that if a man's eye is knocked out in South Australia he would advocate that the aggressor's eye should be knocked out by the State in turn; nor do I think he believes in the other precepts set out in that book relating to certain matrimonial relations and the dietary laws.

The member for Light said that he had seen Professor Norval Morris on television. Indeed, Professor Morris said that no criminologist these days would argue in favour of capital punishment, and he would think it absurd to do so. The member for Light said this was a biased view, but I do not agree. Professor Morris is one of the world's outstanding criminologists and an international authority on criminology, and it is for that reason that he was chosen as chairman of the Royal Commission in Ceylon. I do not believe he has come into this matter because of a preconceived, biased and emotional view; I believe he came into it on the evidence.

Mr. Hambour—I said he was invited.

Mr. DUNSTAN—He was invited to comment, and he did.

Mr. Hambour—He stated his attitude right from the start.

Mr. DUNSTAN—Yes, because it was arrived at from an examination of the position.

Mr. Hambour—I did not say he was biased.

Mr. DUNSTAN—I think if the honourable member looks at his statement he will see that he did. The opinion expressed by the Professor was not a biased personal view, but an academic view arrived at as a result of the evidence he had heard. The Professor made the following statement as Chairman of the Royal Commission in Ceylon:—

In deciding on the wisdom of retention or abolition of capital punishment reliance cannot be placed on there being any greater deterrence to potential murderers by imposing capital punishment on a few than by imprisoning all convicted murderers. Such increase as occurred in the homicide rate in Ceylon in 1957 and 1958 cannot be attributed to the suspension of capital punishment in April, 1956.

Mr. Hambour—If you remember, I mentioned Professor Morris in saying that the *News* had used him to try to rouse public opinion against capital punishment.

Mr. DUNSTAN—I agree that the honourable member said that, but I do not think it is a fair statement because, if the honourable member chooses to read back through the editorials of the *News*, he will see that the Editor-in-Chief declared in editorials that the *News* was opposed to the abolition of capital punishment.

Mr. Hambour—But I did not criticize Professor Morris's view.

Mr. DUNSTAN—The honourable member said it was a biased personal view. I do not think that is fair, and that is why I raised the matter. In his report as Chairman of the Ceylon Commission, Professor Morris also said:—

The Committee, however, specifically endorsed the opinion put to them by Mr. D. N. Pritt, K.C., that the risk of a man being sentenced to death and hanged wrongly is a risk which is sufficiently serious to provide a very strong argument against the continuance

of capital punishment. All human systems are prone to error. The fewer the checks to error in any system, the higher the likelihood of error in any given case. The risks of executing an innocent man are sufficiently real to lead us to recommend, quite apart from our later recommendations, that no murderer should be executed in Ceylon, other than upon conviction by a jury of seven or more jurors unanimously convinced of his guilt.

Mr. Jenkins—They have changed their minds recently.

Mr. DUNSTAN—The commissioners have not. True, we have seen an announcement from the Government of Ceylon that it will not now accept the report of the Commission because of the murder of the Premier of Ceylon, Mr. Bandaranaike. It is perhaps not surprising, in view of the present political situation there and the charges that have been made with relation to members of the Government, that they should cast around for some public action that would lead people to think they had been very active in the matter, but it is quite clear from the situation there and from the report of the Commissioners that that is a political move in no way based on any logical examination of the evidence in that country any more than there can be any justification for the restoration of capital punishment in some of the States adverted to by the honourable member where the recommendation of capital punishment did not lead to a fall in the murder rate.

Mr. Hambour—I did not criticize anyone.

Mr. Jenkins—There was a rise in the number of murders that brought about the reimposition of capital punishment.

Mr. DUNSTAN—Let me read again what the Commissioners said:—

Such increase as occurred in the homicide rate in Ceylon in 1957 and 1958 cannot be attributed to the suspension of capital punishment in April, 1956.

Mr. Jenkins—Are they always right?

Mr. DUNSTAN—The honourable member can hardly say it was a biased Commission. It went carefully into the evidence, made an exhaustive examination of the position, and came to that particular conclusion. I turn now to what the Commission had to say about Australia:—

In Australia, Queensland and New South Wales have abolished capital punishment while it is retained in the other States. The social and cultural circumstances in Queensland and New South Wales and their crime rates, including their homicide rates, are closely comparable with the other four States of Australia which retain capital punishment. If the "hidden protection" exists the homicide rates in New South Wales and Queensland should be higher than those of the other States, but they are not. It would thus seem that the grounds on which the death penalty is assumed to be uniquely deterrent are psychologically unsound. Another limitation on the effectiveness of the death penalty as a deterrent is the comparative infrequency of its application in modern times: capital punishment is not by any means the certain and automatic consequence of the commission of murder.

Members opposite have pointed that out. The report continued:—

Difficulties of detection, apprehension and conviction, and the discretionary exercise of the reprieve after conviction all militate against the death penalty being the unique deterrent it is claimed to be. On the other hand, if these difficulties were overcome and the conditions required for maximum deterrence were in fact realized, the result would be such a large number of executions that public opinion would not tolerate the changed situation. Paradoxically, therefore, "the death penalty probably can never be made a deterrent. Its very life seems to depend on its rarity and therefore on its effectiveness as a deterrent."

Archbishop Temple was then quoted; the report continued:—

Archbishop Temple has felicitously explained this paradox as well as affirmed the well-accepted criminological principle that certainty of detection and of conviction is more conducive to a reduction of crime than the actual severity of the punishment. He wrote—"Recent experience has shown that in many cases public opinion revolts against the execution of condemned criminals, and indeed the proportion of reprieves tends steadily to increase. Moreover, observation seems to leave no doubt with regard to the chief quality of effectiveness in deterrent punishment. It is not the severity of the penalty inflicted but the certainty both of detection and of the exaction of the penalty required by law, whatever this may be. If then, as seems unquestionable, we have reached a stage where the expectation of execution has been rendered definitely uncertain, so that there is always hope of reprieve, the death penalty will be less deterrent than a life sentence without the possibility of reprieve."

The only other argument to which I wish to turn is that introduced by the Premier, who said that, if we abolish the death penalty, prisoners and criminals who would be caught in the course of a crime for which life imprisonment could be imposed as a maximum penalty would be likely to shoot their way out because they would have nothing to fear, as they could not get anything worse. There is a fallacy to start with. The Premier knows very well that even for robbery with violence the South Australian courts do not impose life imprisonment, so it is not true that a man who would shoot his way out and kill a policeman would have nothing to lose. Even supposing the

Premier's assumption is correct—which it is not—let us turn to what has been the experience elsewhere. The Royal Commission itself examined this allegation—which had been made on behalf of the Police Force in England—and it examined the position in the other countries which had abolished capital punishment. It found that the consequences apprehended by those witnesses in Great Britain had not in fact taken place in the countries which had abolished capital punishment.

We can see it for ourselves in South Australia. Let us have a look at the States in the Commonwealth which have abolished capital punishment or which do not impose it in practice because Labor Governments are in power. Does the Premier allege that in New South Wales, in Queensland, and in Tasmania there is a trigger-happy Police Force, which is what he said we were going to have here? Indeed, I know the Premier does not claim that; he has said more than once in this House that the people of Australia have a high regard for the Police Forces in other States, and so they do. It is just not true that there is a trigger-happy Police Force in the other States, any more than there is here, nor is it true that in the other States there have been crimes of the kind the Premier talks about. He cannot point to statistics showing any significant incidence of crimes of professional thugs shooting their way out when caught by the police.

Mr. Jenkins—Simmonds would be a Sunday school boy.

Mr. DUNSTAN—I am not suggesting that Simmonds would be a Sunday school boy, but I am suggesting that if he were in South Australia he would do exactly the same as he is doing in New South Wales.

Mr. Hambour—Look at page 1159 of *Hansard* and read what I said about Professor Norval Morris; I did not say he was biased.

Mr. DUNSTAN—If the member for Light did not say that I apologize to him, but that is what I understood him to say; that was my memory of what he said, and that was my note at the time. It has been clear from this debate that no evidence whatever has been adduced by the supporters of capital punishment to show that capital punishment needs to be retained in South Australia to protect the lives of citizens. That being so, we ought not as a community to impose capital punishment if it is not justified. Indeed, we are contravening the very Commandments, to which most of us say we subscribe, by doing any such thing. If we cannot say that in those circumstances the taking of life by the State is justifiable homicide, it is unjustified homicide, and we place ourselves as a community in the very position of the people we seek to condemn.

Archbishop Temple very feelingly pointed out that it was important for the community not only that we have a satisfactory court and penal system, but that we have fostered by the community a respect for life, and if we as a State choose to take lives without adequate justification at all then we are fostering in the community not the respect for life that we should foster but exactly the opposite. We are, in fact, doing the things we condemn. In those circumstances, I hope that honourable members will support this Bill and that it will pass as it deserves to do.

The House divided on the second reading:—

Ayes (16).—Messrs. Bywaters, Clark, Corcoran, Dunstan (teller), Hughes, Hutchens, Lawn, Loveday, McKee, O'Halloran, Quirke, Ralston, Riches, Ryan, Frank Walsh and Fred Walsh.

Noes (18).—Messrs. Bockelberg, Brookman, Coumbe, Dunnage, Hall, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Mr. Shannon, and Mrs. Steele.

Pairs.—Ayes—Messrs. Jennings and Tapping. Noes—Messrs. Nankivell and Stott.

Majority of 2 for the Noes.

Second reading thus negatived.

PUBLIC ACCOUNTS COMMITTEE.

Adjourned debate on the motion of Mr. O'Halloran.

(For wording of motion, see page 1058.)

(Continued from November 4. Page 1411.)

Mr. LOVEDAY (Whyalla)—In making my opening remarks on this subject the other day I stressed the fact that the Premier in opposing the motion had, as it were, tried to argue that a public accounts committee was not needed because the work of the Public Works Committee was so excellent that no further investigation of Government expenditure was necessary. I had pointed out that we were not putting forward the suggestion that a public accounts committee should be appointed on the grounds that the Public Works Committee's work was unsatisfactory, but that it was necessary as a complementary measure. In other words, it was not a question of whether Government expenditure should be

scrutinized before or after it was incurred, but because it was desirable to do both these things, namely, to scrutinize it both before and after. I had also pointed out that the Leader had said that he had based his motion purely upon the methods employed by the Commonwealth Government with its Public Accounts Committee.

At this stage I will outline what has been done by the Commonwealth Government in that regard. The Commonwealth Public Accounts Committee was established in 1913, but it was suspended in 1932 as an economy measure during the depression years, not because it was thought to be unnecessary from the point of view of Parliamentary control over expenditure, but purely as an economy measure during those depression years.

Mr. Millhouse—Are you suggesting it was a false economy?

Mr. LOVEDAY—I am not suggesting that it was a false economy at the time. I do not think it is necessary to debate that question, because I am not aware of the financial details connected with Commonwealth expenditure at that time, and I think it would be necessary to know this in order to decide whether it was false economy or not. The point that we should notice is that although it was abandoned during the depression it was reintroduced in 1951 because of the rapid increase of Commonwealth income and expenditure, in other words, a similar set of circumstances to what is facing us in this State today. It was reintroduced in order to have a more detailed survey of Governmental expenditure.

Members of this House should not imagine that the setting up of a public accounts committee involves the State in much expenditure, because the Commonwealth Public Accounts Committee is limited to £5,000 in any one financial year to cover its meeting allowances and the cost of travelling. It is unlikely that a committee of a similar type in this State would cost as much as that, because the Commonwealth committee naturally has far greater distances to travel, and I would think far greater investigations to undertake, in view of the nature of its job. The evidence is taken on oath, in public or in private, and the committee may summon a person to give evidence or produce documents. That is particularly important, because it gives that committee the power to make examinations that are quite beyond the scope of the individual member of Parliament. The committee deals with public finances after the deals have been completed—in other words, it makes a post-mortem examination.

The Commonwealth committee decided, when it was reconstituted, that it would not say anything at all about Government policy, and in fact it does not deal with Government policy in any way. It simply considers whether the administration is efficient, whether the purchase of supplies is economic, and whether the results achieved by the administration are satisfactory, and although it does not criticize the Government's policy it criticizes the administration of policies. It is interesting to note that that committee has secured the co-operation of all the most important bodies connected with Commonwealth Government expenditure. For instance, it has achieved the full co-operation of the Auditor-General, the Public Service Board and the Treasury in the course of its investigations. Its investigations do not cover the same ground as the Auditor-General's investigations, but whereas he is concerned with specific matters the committee can make further investigations. It determines whether the Government obtains the best results from a given amount of expenditure or from a governmental organization, and this is done to increase Parliament's power in its pursuit of controlling the public purse. The Leader of the Opposition stressed the importance of Parliament having adequate control over the public purse.

Up to 1958 the Commonwealth Public Accounts Committee had submitted 34 reports. I do not propose to deal with them all but I would mention its work in connection with the Australian Aluminium Production Commission, the Defence Services estimates, the Department of Civil Aviation and the Joint Coal Board. Members need only refer to the committee's reports on these particular subjects to realize its great value to the Commonwealth. There is no doubt that its scrutiny has had a most salutary effect on controlling expenditure generally. The Leader of the Opposition emphasized the importance, proved by long historical experience, of Parliament retaining proper control of the purse—control of the expenditure of taxpayers' money. The fact that the British House of Commons has considered it necessary to have a public accounts committee for nearly 100 years is a clear indication that it regards this matter as particularly important.

How effective is our Parliamentary control of the purse? During the comparatively short time I have been a member I have been interested during the Budget and Loan

Estimates debates to examine whether any individual members of Parliament, or members in the aggregate, have any effective control over governmental expenditure. No member can conscientiously and honestly say that as a result of these debates he feels that members have any real control over the State's expenditure. During the debate on the Loan Estimates, and the Budget Estimates particularly, members are mainly concerned with watching the interests of their own districts, which is perfectly natural and legitimate, but would any member suggest that through these debates he has any control over the Government's expenditure. Members ask questions on particular lines in the Estimates and the Ministers are quite able to give general answers which are no doubt satisfactory to them, but the members realize that they can get little more than a general answer and certainly not to the pith of the matter. I am certain that the Ministers have to rely upon their departmental officers for the information they give to the House.

The nature of a Minister's duty prevents him from making the detailed examination that a public accounts committee could and would undertake by virtue of its interrogating people who have the necessary knowledge and detail that they could make available to the committee. It is quite impracticable for members of this House to be in possession of that detail. In other words, this House as constituted, and by its procedure, is unable to exercise that Parliamentary control of the purse that is so desirable.

The Premier said that when he was a back bencher he was responsible for the establishment of the Subordinate Legislation Committee and that he has noticed as a result of its activities that members seem to take less interest in some legislation and rely upon the committee for advice. In other words, members realize that that committee is much better able, and far more competent, to get to the pith of a matter in dealing with questions of subordinate legislation than are members as individuals in the ordinary course of their duties. Instead of apologizing, as the Premier seemed to do for his action, and speaking of it as detrimental to the procedure of the House, the Premier should realize that he was actually proving that the establishment of that committee was of considerable advantage and it enabled legislation to be examined better than it had ever been examined before and to get better results. That is one of the main reasons why we should have a public accounts committee to undertake this specialized investigation.

If members examine the questions and answers in the Estimates debate they will see that what I have said is perfectly true and that the answers given by Ministers were of a general nature and did not include any detailed information as to whether the expenditure on a particular line was, in reality, justified or not. No member who opposes this motion will be able to show that members of this House exercise proper Parliamentary control of the purse. There are over 100 pages in the Budget Estimates this year and I can recall one particular answer to a question in which a decrease was explained away, whereas, in fact, there had been an increase in the expenditure. The explanation was accepted at the time as quite satisfactory by both the giver and the taker. That arose from a natural mistake, but nevertheless it indicates that it is quite possible to give an explanation of something in the Estimates which may sound quite acceptable but which has little relationship to what has actually taken place.

The Premier gave many instances of projects where the final cost of work undertaken by Government departments greatly exceeded the Estimates. He pointed out, quite logically, that this was due to increased costs of labour, materials, land and the hiring of plant and said that in almost every case there had been a tremendous increase in those costs between the time the estimates were first made and when the work was actually undertaken and finally completed. He said that the estimates had been carefully made and that the department was not to blame—that everything possible had been done. As a matter of fact the Premier was putting up a particularly good case for the setting up of a public accounts committee because if prices were reasonably stable it would be relatively easy to see if the final cost of a project gave cause for concern as everybody would be seized of the situation whereby stable prices should ensure certain results. In other words, there should not be a great margin over the estimates. The fact is that we have had for many years a state of inflation and there is no sign of this creeping inflation abating. With an inflationary situation increased costs over and above estimates can be easily explained away. It is quite a simple excuse and because there is such a simple excuse, which covers everything in this direction, we should have a public accounts committee. It is far too easy to explain everything away by

saying, "This cost has been inflated by things quite beyond our control, therefore there is no reason to worry." Actually, there is every reason to worry because it is such an easy excuse and the Premier provided one of the soundest reasons for a public accounts committee when he said that these costs have all been increased as a result of this creeping inflation from which we have been suffering for so many years.

I point out that in recent years the administrative arm of government has had much more power delegated to it than in the past. The Housing Trust, Electricity Trust, Tramways Trust, and one or two other bodies have been set up and they have been practically removed from departmental control. They have specific constitutions and are largely outside the scrutiny that other departments get. The ordinary Government departments have had much more power delegated to them in recent years. The added complexity and specialization associated with modern development is probably responsible for that development, but this delegated authority is an added reason why we should have a special committee to check on what is being done by these departments. As I have said, these departments have in their possession an easy excuse for every added cost in relation to estimates and in addition they have added administrative power: these two reasons are particularly cogent for the setting up of a public accounts committee.

Mr. Riches—There is no control after the work has been authorized.

Mr. LOVEDAY—That is so.

Mr. Hambour—What about the Minister? Isn't he there?

Mr. LOVEDAY—I have already pointed out that the multifarious duties of a Minister preclude him from exercising that individual attention and oversight he would desire. Let us put it that way. I do not wish to be unfair to any of the Ministers. I believe they are doing their best in the circumstances.

The Hon. G. G. Pearson—Perhaps you do not realize the degree to which Ministers actually exercise control.

Mr. LOVEDAY—I have a fair idea of your multifarious public duties and should imagine that they arise partly because administrative power has been delegated in an increasing amount to the departmental authorities over the years—perhaps not officially delegated, but I hold that opinion, anyway, until I am told otherwise. During the last 10 years State expenditure has shown a great increase of about £80,000,000. That in itself demonstrates the need once again for a more detailed scrutiny of State expenditure. We face the prospect of a rapid increase in population during the next decade, with a consequent tremendous pressure on the State's resources to provide schools, roads, water supplies and all the other requisite public services. In this atmosphere of extreme pressure to get things accomplished in the shortest possible time and great demand for labour and materials, a much more detailed scrutiny of public expenditure will be necessary. I have already noticed, where, for example, the Housing Trust is building houses in large quantities and is under pressure to build them at the fastest possible rate, some of the construction work leaves much to be desired. I am not at all satisfied that we are getting the best results for our expenditure in that direction, and that instance could be multiplied. I am satisfied that, when there is a great pressure to get things done in the shortest possible time by Government departments and Government institutions, additional scrutiny is vital if we are to get the best results for the expenditure.

Those are the main reasons why a public accounts committee should be set up. New South Wales, Victoria and Tasmania have a similar committee. Surely those States, in addition to the Commonwealth, would not continue these committees if they felt they were redundant or in any way unnecessary. I am satisfied that under the existing arrangements this House itself has virtually little effective control over expenditure. The forthcoming tremendous expansion in South Australia during the next few years is an added reason why a public accounts committee should be set up as quickly as possible so that we may have a backward look at expenditure to help us avoid repeating mistakes that have been made. As has been said already here this afternoon, to err is human; and no matter how carefully estimates are made, or departments go about their working, mistakes naturally are made in the course of their operations. It is most necessary and desirable that we should have that backward look so that we shall not repeat mistakes in our future progress. I support the motion.

Mr. HAMBOUR (Light)—Probably the best thing about this motion is the way it would read to the uninitiated. Referring to paragraph (*a*) of the motion, I have spent hours on the Auditor-General's report and believe I understand what he is trying to convey.

Surely honourable members opposite also apply themselves to that report?

Mr. Lawn—You should see what he says about our departments!

Mr. HAMBOUR—I read his comments about all the departments. I admire his department for the work it does. What does this paragraph mean? I sincerely hope honourable members opposite understand it. If we carried that part of the motion what effect would it have? Do we want another committee watching over us?

Mr. Lawn—You have not been listening to the debate.

Mr. HAMBOUR—I have.

Mr. O'Halloran—Anyhow, you do not understand the motion.

Mr. HAMBOUR—The Leader will understand it when I have finished with it. This part of the motion suggests that we have a Select Committee to study in detail the Auditor-General's report. I study it in detail, and other honourable members should apply themselves to it, as I am sure they do, so as to understand it and not need a committee to do it for them. With regard to paragraph (*b*) of the motion, again are honourable members performing a function for which they were sent here, to study the accounts of expenditure in the Auditor-General's report and speak on them? Surely we get plenty of opportunities. If honourable members applied themselves to these questions there would be no need for a Select Committee.

Mr. O'Halloran—You admit there are questions?

Mr. HAMBOUR—If the Leader cannot frame his questions and get the answers he desires, I am afraid I cannot help him. After all his years of experience, I am certain he knows how to get the answers he wants, and that he gets them. Paragraph (*c*) of the motion involves the question whether members of this House are capable of telling the Auditor-General, the Under-Treasurer, or the Treasury officials how to prepare their accounts. I have made criticisms and will continue to make them. It is my prerogative. I do not want a Select Committee to tell me how to criticise the accounts. I am not quite sure what paragraph (*d*) means. It does not say at what stage any question may be referred to the committee. The whole motion seeking a Select Committee is built up because it would appeal to the public and the uninitiated. There is nothing in the list of proposed work for the committee that this House is not capable of doing if it carries out its duties and applies itself to its work. I apologise in advance if this is untrue; it is possible that the Opposition itself cannot understand or does not know how to analyse these documents which I realize are very complicated, but surely the Opposition is capable of analysing the Auditor-General's report without the help of a Select Committee. What could a Select Committee do that any honourable member in this House cannot do? I am confident that the member for Whyalla (Mr. Loveday), for instance, could apply himself to this task. The Opposition has a committee on agriculture, a committee on industry, a committee on education and no doubt other committees. Surely it has a committee on finance to advise the Party? If not, may I suggest it get one and that it try to follow these statements? I believe the member for Whyalla said that members on his side of the House had asked questions and received ambiguous answers. If any member opposite asks a question and the Minister cannot answer it, what an opportunity to follow up that question and see that he does get a correct answer! I have never heard a Minister refuse to get information for any honourable member.

Mr. Riches—Do you favour the Public Works Committee? It is in exactly the same category.

Mr. HAMBOUR—In reverse.

Mr. Riches—The ordinary member was in exactly the same situation regarding public works before that committee was set up as he is in relation to public accounts before this public accounts committee is set up.

Mr. HAMBOUR—The point is that the public accounts committee would deal only with matters that are concluded; it would not deal with any future expenditure. It could not save a penny by any report it submitted, because it would deal with money spent.

Mr. Riches—It would deal with everything referred to this House by the Auditor-General.

Mr. HAMBOUR—After the event. The honourable member must admit that.

Mr. Riches—But the Auditor-General reports frequently on works before they are completed.

Mr. HAMBOUR—I thank the honourable member for bringing in the Public Works Committee because I shall deal with that at some length. That is where we can do some good for ourselves.

Mr. Riches—Look at paragraph (*d*) of this motion.

Mr. HAMBOUR—That is the paragraph that is a little vague. I believe that the material

available and presented to this House gives every member, no matter how dumb he may be, a clear picture of past expenditure. The Estimates are clarity itself. They give the proposed expenditure and the previous year's expenditure, and all one has to be able to do to follow it is to read. If any member is failing in that direction I shall be glad to help him in that also.

Mr. Riches—What can you do about it when you have read it?

Mr. HAMBOUR—I can't help it if the Labor Party cannot do anything.

Mr. Riches—But what can you do about it after you have read it?

Mr. HAMBOUR—I have plenty to say and I try to influence the Government in what I think it should do. If I think it is right I applaud it for its actions; if I think it is wrong I criticize it. Honourable members opposite would do better if they applied themselves to matters that had some reasonable opportunity of getting through the House and that would further the functions of government, instead of getting up and proposing these committees; I do not know how many committees they have proposed, but if all these committees had been accepted by the Government we would not have had the personnel to fill them. If this committee were appointed, I should like to know where the Opposition would get from its ranks persons qualified to be its members.

The member for Whyalla (Mr. Loveday) mentioned the Commonwealth Public Accounts Committee. I do not want to be critical but, if Federal expenditure is any indication of the success or otherwise of a Public Accounts Committee, let us not have one. I believe the chairman is an excellent member, but where does that committee get the Commonwealth Government? Time and time again the Opposition, which I admit is active in the Federal sphere, claims financial misadventure. Will members opposite say that they applaud the Federal Government for the way it spends its money? The member for Whyalla applauded the Commonwealth Public Accounts Committee for what it had done.

Mr. Riches—He said there was a need for it in the Federal sphere. There is also a need here.

Mr. HAMBOUR—Is it serving any purpose? After all, we could have all sorts of committees and pay the members £200, £300 or £400 a year but, if they would not serve any purpose, why appoint them? He said they will have a salutary effect. That may be so, but would they have a financial effect? In my opening remarks I said that the best part of the motion is possibly the way it is written and the public appeal it may have, but it would do nothing and prove nothing except that 18 months or two years after the money had been spent it might bring further criticism. The honourable member said it would have effective control over our expenditure, but surely he does not believe that. How would it have effective control over our expenditure when its inquiry would not be held until 18 months after the money was spent.

He then said that the debates on the Loan Estimates and the Budget were ineffectual. Although the Budget debate takes about three weeks he discounts it, and says that members speak only on matters that interest them; in other words, they do not examine the money spent by various departments. I am sure he is not speaking for members of his Party. I apply myself to the Budget; I know some departments better than others, but I go through them all. I ask questions on some and, if not satisfied, I follow them up. I do not say I do not agree with the Budget—I accept it *in toto*—but I ask questions.

Mr. Corcoran—We do that.

Mr. HAMBOUR—Do you succeed in getting what you want?

Mr. Corcoran—Yes, so far as we are concerned.

Mr. HAMBOUR—But the member for Whyalla is not satisfied with the replies he gets on the Budget or Loan Estimates. It is either incompetence or laxity on his part because, if he pursues the matter, the Ministers are bound to reply. In fairness to the Ministers, I think the honourable member must admit that they give the answers he wants. He has a nice smile, he is a nice member and, as far as competence is concerned, I will leave that to him. If he feels his statement is a fair assessment of his ability, I will leave that to him. I trust he is not speaking for all the Opposition, because if that is the standard of the Opposition, I deplore the effectiveness of this Parliament, because we must have a strong Opposition. I am sure he did not mean all he said—that the Budget debate and Loan Estimates are not really effective and do not provide answers to questions.

He said that the committee would get answers to all these questions, but I feel that it would not. He also referred to the Committee on Subordinate Legislation and said that, since its appointment, members have been able to rest assured that subordinate legislation

will be dealt with effectively. Is it a good thing that we delegate subordinate legislation to a few members? I admit I am guilty of accepting the recommendations of that committee, but I do not think that is a good thing. It would be far better if members applied themselves to subordinate legislation and said what they wanted or did not want. Admittedly, I have always accepted the committee's recommendation, but would the member for Whyalla suggest that we should do that with financial statements—that we should have a committee and accept its report?

Mr. Riches—We do not accept all the recommendations of the Subordinate Legislation Committee, but we support it. I have opposed its recommendations since you have been here.

Mr. HAMBOUR—But the honourable member will admit that we do not do the work we should do on these matters, but leave them to the committee.

Mr. Riches—You speak for yourself.

Mr. HAMBOUR—Then I will say that I do not investigate subordinate legislation as I should, but the Opposition wants us to have a committee to make investigations into financial matters and then to accept its recommendations.

Mr. Loveday—We think it will be more effective.

Mr. Riches—The committee would have wider power to examine matters than the House. How can we examine books and witnesses?

Mr. HAMBOUR—The honourable member claims he wants a committee to examine witnesses. In other words, the committee would have to have power to call Ministers. In the United States a committee calls and examines Ministers: is that what the Opposition wants? Does it want departmental heads to come in and explain? There is a committee to do that which is more conversant with the matter—the Public Works Committee—which I think could have its powers extended to do more work than it now does.

Mr. Corcoran—The Leader made out a good case, and he was ably supported by the member for Whyalla.

Mr. HAMBOUR—With due deference to the honourable member, the Leader, the member for Whyalla and members of the Labor Party—

Mr. Corcoran—You are being facetious.

Mr. HAMBOUR—I am not. They say that in most cases when costs exceed estimates the simple excuse of inflation is brought out. That is not always right. It depends on the time factor. Some estimates have been nearly right, some estimates have been low, and some high. One example is the Myponga Reservoir.

Mr. Loveday—Nobody is denying that.

Mr. HAMBOUR—I am suggesting that it is wrong, and that nobody will blame inflation for the fact that the estimate was wrong. The member for Whyalla said that the Government comes up with the simple excuse that it is due to inflation.

Mr. Loveday—You read the Treasurer's speech on the matter and see.

Mr. HAMBOUR—I am making my own speech.

Mr. Clark—You are helping our case.

Mr. HAMBOUR—If I had a decent case I would put the honourable member in it. The member for Whyalla found fault with the Housing Trust, and said, "The construction of houses is not all that could be desired." Let us connect that with a committee to examine our finances. Would that committee examine houses? Surely not. Surely it would have only an audit of the trust's books. I do not see any connection between a public accounts committee and the way houses are built.

Mr. Loveday—It would have some association with the price.

Mr. HAMBOUR—Of course it would, but would the honourable member say that the trust has not been successful or economical in its operations? Any organization of the magnitude of the trust must have some houses built that are not up to standard, but this committee would not find that out.

Mr. Loveday—Why?

Mr. HAMBOUR—Because it would not be able to see whether the houses were jerry-built.

Mr. Dunstan—Why not?

Mr. HAMBOUR—Would the committee go around looking at houses? The next criticism was of the Electricity Trust. The trust is also subject to audit, and the result is brought before the House for members to examine. I do not know what any Select Committee could do to improve the trust's situation by examining its books. The honourable member then referred to the Tramways Trust. I wish someone could assist it to lessen losses; I have heard members who, I believe, know how the trust functions, but they have had no contribution to make as to any way to remedy the losses. Surely members of this House are not so ignorant that they have not some contribution to make in debate? They certainly do not lack opportunity; question time occupies an hour, and I believe Standing Orders permit it to go for two hours. Can any member say

that a Minister has refused to provide information in reply to questions?

Mr. Loveday—Nobody said that.

Mr. HAMBOUR—Then those answers can fulfil the function the committee would fulfil.

Mr. Dunstan—You cannot possibly get all the information you want in questions. They are usually from chairmen, and are vague in the extreme.

Mr. HAMBOUR—I once directed a series of questions to the Minister of Education. I know that ultimately he was fed up and quoted serial numbers, but I persisted, and ultimately obtained the information. I should like a more positive role for the Public Works Committee in connection with the finances of this State. I admire the functions and work of that committee. I believe it meets about 100 times a year, and the remuneration of its members is paltry compared with the work they perform.

Mr. Corcoran—Do you mean to imply that we do not appreciate it?

Mr. HAMBOUR—No, I say the Government should give the Public Works Committee a more positive role.

Mr. Riches—You have been arguing that it is the individual responsibility of members to make these investigations.

Mr. HAMBOUR—Any public accounts committee that could be set up by Parliament would not perform a useful function because it would be 12 to 18 months after the event before it could submit a report.

Mr. Riches—Have a look at paragraph (*d*) of the motion.

Mr. HAMBOUR—The member for Stuart is a busy bee, but if he will listen to me—

Mr. Riches—Just explain what you mean, and don't make wrong statements.

The ACTING SPEAKER—Order! The member for Light.

Mr. HAMBOUR—I should like to see more time spent on investigation, on costing, and follow through work while the work is being performed, so that if any money can be saved it can be saved before it is spent. I believe the Public Works Committee members should receive double their present remuneration; they put in a terrific amount of time and work investigating proposals, and their present remuneration of £400 a year is, in my opinion, nowhere near what it should be. I should like to see them in the position of almost full-time operators. I know they cannot give all their time to that work, but at present they meet twice a week and go away several times a year for four or five days at a time; and I believe that early next year they will be away for 10 days. I know their expense account is not very great. If the House really wishes to perform a useful function it should impress upon the Government the need to increase the remuneration of members of that committee and the scope of the committee if necessary. I should like to see the members of that committee have more time to devote to their inquiries. The question of estimates, which was raised by the member for Whyalla, could be dealt with more thoroughly. The committee would want all the necessary information regarding a project and could report to the Minister on whether the project was going according to plan. All the necessary details would have to be analysed by the committee, and it could follow a project through and report to Parliament. Both sides of the House have representatives on the Public Works Committee. If members sought information from the members of the committee regarding the time they are occupied on behalf of the committee they would receive a surprise, and they would agree with me that the remuneration of those members is nowhere near enough.

Mr. Corcoran—That has nothing to do with the question.

Mr. HAMBOUR—The member for Millicent says it has nothing to do with the question, but I say that if the Public Works Committee's powers were extended this motion would not be necessary.

Mr. Corcoran—Do you consider you have ever heard the Opposition introduce anything with any merit since you have been a member?

Mr. HAMBOUR—This suggested public accounts committee would duplicate the functions of the Auditor-General. I should like the Government to consider extending not only the remuneration of the Public Works Committee members but the powers of that committee to whatever extent the Government considered necessary, so that it could investigate proposals, recommend projects and then follow them through.

Mr. Clark—When would they get time to do it? They have Parliamentary work to do.

Mr. HAMBOUR—If what the member for Gawler says is right—and I believe it is—their remuneration is too low now.

Mr. Dunstan—Why not set up an additional committee to do the additional things you say the Public Works Committee should do?

Mr. HAMBOUR—The work of the Public Works Committee should be split up.

Mr. Dunstan—Why don't you vote for the motion?

Mr. HAMBOUR—This is after the ball.

Mr. Dunstan—Read what the motion says.

Mr. HAMBOUR—I read it earlier, and I cannot see that what is proposed in the motion adds anything to what we have. I ask the Government to seriously consider increasing the remuneration of the members of the Public Works Committee and, if it is humanly possible, to get the committee to give more time to the work and follow the projects through, which I know they would do. If the work is too heavy perhaps the personnel could be increased, and part of the committee could specialize in different projects and so be conversant with them. I know the members do a tremendous amount of work, and every member in this House appreciates it. I cannot see any value in the motion, and I therefore oppose it.

Mr. DUNSTAN (Norwood)—I support the motion. In view of what the member for Light has just said I suggest he read the motion again.

Mr. Riches—It does not suggest that we would have to wait 18 months after a project is completed before we would get a report.

Mr. DUNSTAN—Of course not. The member for Light has said that it would be a good idea if we could let the Public Works Committee follow through the expenditure on the works it has recommended to the House. That is what the suggested committee would be able to do under the terms of this motion. The honourable member cannot suggest that the Public Works Committee has time to do it now, and therefore we should have a public accounts committee to do just that job. I will show in a few moments just the sort of thing a public accounts committee can do, and what public accounts committees in other Parliaments have done, what should be done in South Australia, and what has not been done and cannot be done under our existing conditions.

While the House has important and valuable opportunities to criticize the accounts in the course of debates, it lacks any close and continuous examination of what is being done in administration. This is particularly true in the circumstances of this State, because it has been the policy of the Government to remove from Ministerial and departmental control a considerable amount of Government activity in South Australia. No Minister is directly responsible to this House for the activities of a number of trusts. True, we may ask questions of the Premier about the Housing Trust, and of the Minister of Works about the Tramways Trust and (on behalf of his colleague in another place) the Railways Department, but they are not responsible to us for the replies that are given. They may ask the chairmen of the various trusts—electricity, housing or tramways—for a reply to the questions asked here, and if those replies come back couched in vague and general terms, as they more often than not do, the Minister is not responsible. We have not before us a witness who may be questioned in detail, and to try to cross-examine a Minister about something he receives at secondhand over a period of many months is an impossible task.

Mr. Riches—Who is going to answer if the chimney stacks at the Port Augusta power station are not fixed?

Mr. DUNSTAN—Certainly not the Minister who is in the House. Obviously enough, we should have a committee which could call the responsible person before it, go into the situation there, and report to this House in detail on the evidence it has examined. It could not possibly be done under the present circumstances.

Mr. Riches—Hundreds of thousands of pounds is spent and no inquiry made.

Mr. DUNSTAN—The Auditor-General himself has pointed out that the Housing Trust has undertaken certain activities not authorized by its legislation. Indeed, we know perfectly well that what has happened in certain circumstances is that, when the Public Works Committee has reported against a particular policy in public buildings in South Australia, the Housing Trust has then gone and erected those buildings without reference to the Public Works Committee. That is what happened at Elizabeth: the Public Works Committee voted against the building of pavilion type hospitals, so the trust itself built one at Elizabeth. The Auditor-General has pointed out that the trust's activities go beyond its powers under the legislation, but we are not in a position to question the Housing Trust in detail.

I should like to know in some detail something about the Housing Trust's purchase of a sawmill in Victoria some time ago, and about the burning down of that sawmill when it apparently had no insurance cover. It seems to me—and I have had a cursory look at the trust's reports—that we have not heard much about this matter in the House. What honourable member has discharged his duty to the

public in the voting of moneys on that score? I should also like to know something about how the Supply and Tender Board is working. It so happened that in the course of other inquiries I was making it was revealed to me by a company in South Australia which has some very good Government contracts—and I may say that the company was not complaining to me about this situation, and I do not want the Minister to feel that it is raising a matter of public complaint—that in the letting of contracts for supply of fish to Government hospitals in South Australia the lowest tender was not accepted, although there was apparently no difference in quality. I should like to know why. I want to know how it is that these contracts are let out in this particular way. If honourable members like to have a look at the Hospitals Department's contracts for the supply of fish to Government hospitals they will find that it was true that the lowest tender was not accepted, and acording to people in the trade there was no reason why the lowest tender should not have been accepted. Why was that? Apparently we have paid, yet how are we able to scrutinize this effectively within the House?

We must get at the activities of the board or the officers concerned, and the only way we can do it is to have somebody directly investigating them and calling evidence.

Mr. Millhouse—Have you tried to find out?

Mr. DUNSTAN—On this subject, no.

Mr. Millhouse—Why not?

Mr. DUNSTAN—I will grant it to you that this was a matter which I felt should be one for the suggested committee to inquire into.

Mr. Millhouse—So you are waiting for a committee to be set up?

Mr. DUNSTAN—Yes, because I believe that is the only effective way we shall find out about this matter. I should be interested to know something about the present set-up in the Public Service, and I shall say something on this subject later. This committee is to study the accounts of Government. It is not to consider the Government's current policy, but to study its accounts and accounting methods, and the issue and control of moneys. It will look into the financial record of policy after the policy has been executed, and that, of course, is an important function.

Honourable members have suggested that we must look at things before, as it does not matter what happens afterwards, but if what happens afterwards is wrong, are we to ignore it? Surely we should investigate what happens to see where we ought to make any alteration to the way in which it happens. Should any so-called responsible Government be permitted to hide the details of its expenditure from the effective inquiry of the body that makes the expenditure grants? It has been pointed out that we have details of the Estimates before us and the Auditor-General's Report, but nobody can suggest that members of this House can get information in adequate detail about the control of methods of expenditure. It cannot be done in debate here. Members can get up and ask questions about certain things and on many occasions they get detailed replies some time after the line is passed.

Mr. Millhouse—You agree we can all try a bit harder?

Mr. DUNSTAN—Yes, but I do not agree it is going to achieve the results that a public accounts committee could achieve, and that public accounts committees have achieved elsewhere. In the Commonwealth Parliament the same procedure of going through the lines and members questioning Ministers is followed, but nobody can suggest seriously here that members of the House can do what the public accounts committee has done for the Commonwealth Parliament. How could members have produced to the House the report on Bell Bay or the investigation into the St. Mary's munitions plant? Members cannot do that. There is not the opportunity within the debate in this House to do any of these things. Unless we have a committee on public accounts the circle of financial control is incomplete.

What is the circle of financial control? The Government asks Parliament for money by way of Estimates of Expenditure, Parliament grants and appropriates the money requested in response to these Estimates, the Auditor-General controls the release of the money granted from the Consolidated Revenue Fund (or the Loan Fund) and conducts an audit of public accounts to ensure that public accounting is performed in accordance with the Audit Act, and the Auditor-General reports the results of his audit to the Parliament. That is as far as it goes in South Australia. It is this Parliament's responsibility to refer that report to a committee on public accounts and for that committee to follow up the Auditor-General's criticisms—we cannot fully follow up the Auditor-General's criticisms in this House—and to call public officials before it to get explanations for their actions. In many cases we cannot get explanations in detail from the Ministers. It is all too easy for a Minister

in this House to make replies not in detail so that we cannot adequately cross-examine him upon the details of administration within his department. Ministers can use their situation and numbers in this House to prevent members from getting replies. If they choose not to reply in detail, they do not have to. Honourable members know that is the case. Time and time again members here have asked questions of the Treasurer and he has got up and made a speech on something completely different.

Mr. Riches—What do members do when money for one project is spent on another?

Mr. DUNSTAN—We may ask a question, but the Premier gets up and makes some broad and general reply. We cannot go into the thing in detail to see whether anything has been fully justified. We have to be able to examine and cross-examine. Indeed, authoritative works on public expenditure and its control all support the existence of a public accounts committee. This is what Mr. Basil Chubb, an authority on this subject, has to say:—

> Money may be carefully appropriated and legally issued and the administration's accounts may be audited by an authority set up by Parliament (the Auditor-General), but unless Parliament is prepared to take notice of the results of such audit, these checks lack an effective sanction and are in danger of becoming meaningless forms.

We should not say, therefore, that the inquiry of the Auditor-General and his report are sufficient to ensure Parliamentary financial control. We must go further.

It may be said that this is a small Parliament and we have neither the numbers of members nor the necessary talents effectively to supply and function as a public accounts committee. There are important other conditions in this House. Indeed, one of the functions of a public accounts committee is not merely to examine the public accounts, but to train members in the way in which administration is carried on and the public accounts are run. This is an important function of Parliament that gives members an opportunity to know what is going on and how it is going on far more effectively than they can by sitting here and getting replies from Ministers. It affords an opportunity to educate members of this House in the activities of government, as the Public Works Committee does, and that is in itself an important function of such a committee.

Let me turn to public accounts committees that have been established elsewhere, for instance the Commonwealth Public Accounts Committee. Anybody who has discussed that committee with any of its members—and many members on our side of the House will certainly have done that because, of course, Mr. Thompson, M.H.R., who was formerly a member of this House, is the deputy chairman of the Public Accounts Committee in Canberra and has given much useful information to members about the way it operates—will know the importance of that committee and the way in which it has developed the knowledge of its members in the functions of government and given much valuable and detailed information not only to those members, but to members of their Parties about what is going on. In fact, the experience of the action of the Commonwealth in running such a committee has been followed by other Parliaments elsewhere in the British Commonwealth in the newly emergent nations. The British House of Commons has a public accounts committee. There are, for example, finance committees in the Parliaments of British Guiana, Trinidad, Jamaica, Gambia and Sierra Leone. All these newly emergent Parliaments have found that this committee was a vital form of public control of expenditure and, acting upon the best advice, have set up public accounts committees of this kind.

Let us look at some things that have been done in the Commonwealth Parliament—for instance, at the report on Treasury Regulation No. 52 in the Commonwealth Parliament. That regulation was upon the tender price limits. There was a suggestion that Treasury Regulation 52 could be altered and that, in fact, the limit for authorization of tender prices should be increased. The committee investigated this matter in great detail to see whether this proposal was justified. It made a detailed series of recommendations to Parliament as to what action should be taken upon these tender prices in future. Finally, the committee recommended:—

> (*a*) That all departments review immediately their existing tender and quotation procedures and related financial delegations to ensure that the procedures are efficient, are not unnecessarily involved or restrictive and that they provide reasonable safeguards against patronage and malpractice.
>
> (*b*) That, concurrently with the activities of the Working Party proposed above, the existing arrangements under which the Service Departments obtain their supplies be investigated by the Treasury, the Public Service Board and the departments concerned to determine whether they are unduly restrictive or uneconomical, and if so, what alternative arrangements should be made.

The committee pointed out also:—

The system of inviting tenders by public advertisement for works, supplies and services has certain inherent disadvantages; it involves the time and cost of advertising and is effective mainly in a truly competitive market. The trades list procedure on the other hand does not involve advertising, can be expected to be more effective in a market not truly competitive, and can be adapted readily to machine operation.

The committee advises a working party on this sort of thing. What are we doing about that? What are we doing about the way in which our Public Service is run? Let me turn to that question and look at the Public Service Act of South Australia for a moment. Section 22 of that Act provides:—

The Commissioner shall furnish to the Governor for presentation to the Parliament at least once in each year a report on the condition and efficiency of the public service; and in such report there shall be set forth any charges and measures which the Commissioner or the board considers necessary for improving the working of the public service, and especially for insuring efficiency and economy therein or in any department thereof. The Commissioner shall also in such report draw attention to any breaches or evasions of this Act which may have come under his notice.

Where is the report for this year, for last year, the year before that, or for that matter the year before that? The last report was in 1953, and that was the first report for 12 years. Let me read to honourable members the opening of the Public Service Commissioner's Report on the efficiency of the South Australian Public Service for 1953:—

This report is the first since 1940. At that stage, as the nation was at war and there was urgent need for the conservation of manpower and materials, all except essential activities were curtailed. Although hostilities in World War II ceased in 1945 the shortage of manpower for the rapidly expanding departments of the Public Service became, if anything, more acute, and it has been found impracticable to compile a report until the present time.

That was in 1953. Strangely enough, having compiled an account in 1953 having found then that it was practicable to do so, we have not had another report since. What is the state of the Public Service? Let me quote to honourable members from a publication that arrived in their letter boxes only this last week. This is the *Public Service Review* for South Australia, which says:—

At the last Council meeting there was considerable discussion on the extreme difficulty experienced by members with regard to finding some of the details of matters of importance with regard to conditions of employment. One of the main matters discussed at the meeting was in connection with the various allowances. These include travelling allowance, motor mileage allowance, furniture removal allowance, allowance for handling cash, or for relieving work, district and constitution allowances, and such other matters as payments for higher duties, overtime and shift work and week-end penalty rates.

They are all matters for which we are paying. It continues:—

Several councillors said that it was almost impossible to locate the exact details—

if anybody has ever tried to find his way through the Public Service regulations, he can say, "Hear, hear" to that—

because they were contained in a variety of publications as affected by numerous amendments and variations. They thought that these details ought to be readily available to members. They decided that representations should be made to the Public Service Commissioner, asking for the provisions with regard to all these matters to be printed in pamphlet form, and included in the one production as a handbook, readily available to the Service.

Honourable members have asked for years—I can remember it being asked for when I first came here—for consolidated Public Service regulations and we have not yet had it. The Public Service regulations have not been printed for years; they are out of print and are unobtainable. One has to find them in volumes of *Government Gazettes* and collate the amendments. The *Review* continues:—

It is almost impossible for any member to be able to authoritatively refer to and quote Public Service regulations, which are in a chaotic state, almost 40 years old, and with innumerable amendments which none but an expert could accurately follow through. Public Service regulations are an important part of the conditions of employment,

Indeed, they contain a provision that these regulations must be pasted up where they are readily available in every department—but of course they are not. The *Review* continues:—

and should be readily available to all members for reference at any time. Council criticised the dreadful state of the Public Service regulations, and decided that representations be made to the Public Service Commissioner that the regulations be consolidated and reprinted. Audit regulations were also mentioned, and similar representations are to be made with regard to these, although with regard to the present consideration of the matter audit regulations are not in such a bad shape.

Mr. Lawn—Do you remember that the member for Light asked for a Royal Commisison into the Public Service?

Mr. DUNSTAN—Yes.

Mr. Lawn—Then why shouldn't he be the first to support this motion?

Mr. DUNSTAN—I do not know although, in view of the debate that took place in this

House earlier today, I can imagine why. A public accounts committee could investigate the way the Public Service is managed. The following is a statement of what the Committee of Public Accounts of Victoria, in its report on estimates of expenditure for 1957-58, estimating and budgetary control, did:—

The committee inquired into various aspects of vote expenditure for the year 1957-58, into the preparation of estimates of departmental expenditure and into matters of budgetary control of expenditure operating within departments. The inquiry differed considerably from any previously undertaken by the committee. Therefore, the report contained basic material on the powers and duties of the committee; procedural changes relating to the attendance of observers at meetings and the system of Treasury minutes; and the scope and object of the inquiry. The report deals with over-estimating, selected items subject to examination—oral or otherwise—estimating at departmental and at Treasury levels, financial administration and policy, departmental and financial control, the form of the estimates of expenditure, the role of the Treasury and the appropriation and expenditure of loan funds. The report is comprehensive and contains a number of recommendations for improved control for improvement in the keeping and presentation of the public accounts.

Without such a committee, how could we do that here? Can members suggest that our Public Service is not in fact in a chaotic condition? Does any member here know how many departments we have?

Mr. King—Do you?

Mr. DUNSTAN—No, but as far as I can make out it is approximately 52. This is an extraordinary diversification of functions. How many members know what Acts come under what departments and what Ministers? We have no administrative arrangement order as the Commonwealth has. The Commonwealth order sets out the department, the principal matters it deals with and the enactments it administers so that members know exactly where to go for different matters. What member of this House knows that? Could we not go into these things and see that, at any rate, our departments are streamlined and that we are not having a wasteful duplication of services—because it would seem that we have from the way in which the departments are now set out, and there has been no significant change for years.

Mr. Lawn—But we have a dictatorship, whereas other Governments have a democracy.

Mr. DUNSTAN—My complaint is that the dictatorship is not even efficient. There has been no administrative arrangement order or streamlining in this State's departments within the time here of most members of this Parliament. It was suggested in England that there was no point in having a committee of this kind because all it could do was find something after the horse had bolted. In the history of England I think there has been no more effective member of Parliament on the subject of administration than the late Sydney Webb. Indeed, the whole of Webb's life was devoted to efficiency of administration.

Mr. Millhouse—You are one of his disciples.

Mr. DUNSTAN—Not entirely. I disagree with some of his views, but I have nothing but admiration for the extraordinary work he and his wife did in achieving efficiency of administration in a number of Government departments, about which they were consulted by Governments of all political complexions, and in the London County Council in which they were responsible for great administrative reforms. This is what Sydney Webb said:—

The fact that a post-mortem examination does nothing to keep the patient alive is no proof that the existence of a system of post-mortem examinations does not prevent murders.

That is a succinct way of putting it. If we had a system of public accounts inquiries by a committee of this kind, and if we found that things had gone wrong, we could prevent them from going wrong in the future. How could it be said that the inquiry into the Bell Bay project, which is too wellknown for me to give in detail, did not mean great savings to the Commonwealth in relation to its future administration of schemes of this kind? It did, but how could the Commonwealth Parliament or its members have come to the conclusions reached by the committee by merely asking questions of Ministers? How could Ministers have answered in detail questions about the contracts entered into?

Mr. Lawn—They would not have known.

Mr. DUNSTAN—They would not. Question time simply does not give an opportunity to go into these matters in detail. There is no power to expedite matters in the House. How could members of Parliament have gone into the books? What powers of inquiry would they have had? They would have had to pass a special resolution to call the Commissioner and his officers to the Bar of the House and examine them. What means have we effectively to do that in this Parliament? We could ask for such a resolution.

Mr. Clark—Would we get it passed?

Mr. DUNSTAN—I doubt it and, of course, it would be a cumbersome procedure. We need a committee to go into these things; if we do not have it we will continue to have the amount of inefficiency that is obvious in some sections of our administration and in other matters to which I have adverted. It would seem likely to be the case with other sections of our administration. I support the motion.

Mr. HALL (Gouger)—This is an interesting debate and, as a newcomer to the House, I appreciate the views put. I think the whole of the argument of the member for Norwood (Mr. Dunstan) rests on one of his own quotations in which he said that the whole system of presenting the Auditor-General's report to Parliament is a failure unless Parliament takes notice of it. Whether Parliament takes notice of that report or not is up to Parliament itself. If we had a Public Accounts Committee there would be nothing to ensure that every question raised by every member would be investigated. Although members could criticize a department they would not necessarily correct the wrongs found. The honourable member raised certain things today, and I do not know whether they are right or wrong, but he raised them: could a committee do more than that?

Mr. Lawn—Do you know that the Myponga Reservoir project was referred back to the Public Works Committee, or why it was referred back?

Mr. HALL—I will come back to that. The matters raised by the member for Norwood would not be corrected just because they were raised. He is a diligent and able man, he has raised these matters, and they can be considered by this House. Some of the trends of this debate have been to take financial control out of the hands of the Government.

Mr. Lawn—Standing Orders would not permit that.

Mr. HALL—I know that is not the full argument, but that was put. The Leader mentioned certain aspects relating to public works about which he was dissatisfied; I do not think he mentioned anything but public works as a reason for setting up this committee. The motion provides that a committee shall be set up to study the Auditor-General's report. As the member for Light (Mr. Hambour) said, this committee would be performing the function Parliament should perform. It is all very well to say the questions are not fully answered but, by putting questions on notice, members get full and detailed answers.

Mr. Lawn—Tell us another one!

Mr. HALL—That is a known fact. I have seen detailed answers given to questions.

Mr. Lawn—There may be occasions—I would not dispute that—but not all questions are fully answered.

Mr. HALL—I oppose this motion. Some members of the honourable member's Party have said that they have had implicit faith in departmental officers; that is recorded in *Hansard*, not this year, but in previous years. The essential things that the Leader proposes to have investigated are to be dealt with by a Public Accounts Committee, not by departmental inquiries, but I think the minutest details can be obtained by following the Auditor-General's reports closely.

Mr. Lawn—I have had the Auditor-General's reports, but I have never had the opportunity to discuss them in this House. How could I?

Mr. Millhouse—Do you read them from cover to cover?

Mr. Lawn—I will not say that, but I cannot discuss them.

Mr. HALL—The member for Norwood (Mr. Dunstan) says that he has raised questions, but he has not gone on and pursued them. If he has not obtained an answer he is justified in raising that as an excuse for setting up this committee, but his statement that he has not received answers falls to the ground, as the Auditor-General's report can be discussed in the Budget debate. I agree with the Leader that there is some public concern about the expenditure on public works. I do not think for one moment that there is anything wrong with the administration, but the public would like to know where the money has gone and that is a reasonable thing to want to know. I think the powers of the Public Works Committee could be extended, as suggested by the member for Light, and I believe that each project or each portion of each project reported on, as it is completed, could be referred back to the committee for a financial review, and that any variation of expenditure from the original estimate could be reported upon.

Mr. Ralston—Don't you think the committee members get enough work now?

Mr. HALL—I agree with the member for Light that they should be paid a salary commensurate with the amount of work they do.

Mr. Clark—Don't you think another committee would be more efficient?

Mr. HALL—No. What is a more appropriate body than the committee that originally recommended a project? There is no limit to the permissible constitution or the powers of the Public Works Committee; it could have extra members, and subcommittees could be appointed which would most certainly be able to accomplish the extra work involved.

Mr. Ralston—Another committee could do it better.

Mr. HALL—I believe there is a lot in my proposal, under which the control of the works would still be in the hands of this Government, and people would know where their money had gone.

Mr. Clark—That is exactly what we want to do.

Mr. HALL—I am advocating an easier and a cheaper way. We should increase the salary of the Public Works Committee members, the experts who recommended the work in the beginning, for who would know better whether the money was wisely spent? Why should we educate another committee to do it? I maintain that it need not be much extra work for members of the committee, because the present committee could be given more assistance.

Mr. Ralston—You are admitting there is a need for some investigation?

Mr. HALL—I did not say "investigation"; I said there was a need for a report, and there is a lot of difference.

Mr. Ralston—Is there? How do you get a report without investigation?

Mr. Hambour—You are talking about after the Lord Mayor's Ball.

Mr. Ralston—You keep out of this fight.

The SPEAKER—Order! The member for Gouger.

Mr. HALL—There is no need for two committees. The financial reports could be prepared by the staff of the committee and approved by the committee itself, and would not entail much more work. These reports could be published and laid before this House and be accessible to the public, and no-one would have any need to raise the question that they did not know where public money was spent. This House could then dissect that expenditure, and, if thought necessary, criticize it.

Mr. Hutchens—Doesn't the Public Works Committee consider estimates?

Mr. HALL—Yes, but the member for Hindmarsh knows very well the variations, the details of which were dealt with so ably by his Leader, from the estimates in recent years.

Mr. Clark—Then you think a check of some sort is necessary?

Mr. HALL—Yes, I have said that several times.

Mr. Clark—So instead of creating a committee you would double the work of an existing committee?

Mr. HALL—It would not be doing that. I do not think it would increase the work of the existing committee by more than one-eighth.

Mr. Clark—You don't know; you are only guessing.

Mr. HALL—I am making an estimate of my own, for what it is worth. I do not intend to institute a policy on this.

Mr. Clark—You are doing the thing we want, but putting it on to an existing committee.

Mr. HALL—The extra work can be done by giving extra assistance to the committee. It is nothing more than clerical work; that is all it amounts to. All that is involved is a check on where the money has gone, and Parliament could report on the matter. My proposal is simple, and would fully satisfy the public. I oppose the motion.

Mr. CLARK secured the adjournment of the debate.

DIFFERENTIAL FUEL CHARGES.

Adjourned debate on the motion of Mr. O'Halloran:

That in the opinion of this House a Select Committee should be appointed to inquire into the effect on the community of differential charges for petrol and motor fuels, and to recommend any action deemed necessary or desirable to ensure a more equitable apportionment of distibution and other costs.

(Continued from October 28. Page 1290.)

Mr. RICHES (Stuart)—This motion seeks the appointment of a Select Committee to inquire into the effect on the community of differential charges for petrol and motor fuels, and to recommend any action deemed necessary or desirable to secure a more equitable apportionment of distribution and other costs, as far as our petrol usage and consumption is concerned. Last week, and I think again today, the member for Light stated that the Opposition seems to have a mania for Select Committees. If our desire to institute a committee system of working is open to criticism, then I want to say that I very strongly believe in the work of Select Committees. I think the provision in our Standing Orders that some Bills have to be referred to Select Committees for report is wise.

It is quite competent to argue, for instance, that the Broken Hill Proprietary Company Indenture Bill, when it was introduced to the House, was a Bill that was properly the business of every member of the House and properly a matter for inquiry by every member of Parliament in the ordinary course of his duties, but experience over the years has shown that it is not only desirable but necessary that a Select Committee should inquire and report, and nobody can over-estimate the value of the report of the Select Committee that inquired into that Bill. The Committee not only inquired into it but entered into negotiations, and with good effect. At present a Bill before the House concerning the Renmark Irrigation Trust stands referred to a Select Committee, but members have found no quarrel with that.

This idea of being opposed to a Select Committee is an excuse for voting against measures that are initiated from this side of the House in the absence of any other concrete argument. It seems to me that there is a tendency on the part of Government supporters to oppose anything that comes from this side of the House, as a matter of course. I think the statement earlier today by the member for Millicent, by way of interjection, is relevant and true. Government members at times have to admit merit in suggestions or motions from this side of the House, but we have had instances of where they will speak in favour of a motion and then at the end of the speech find some flimsy excuse for voting in a direction which contradicts everything they have had to say during the debate.

Mr. Clark—Have you seen that done?

Mr. RICHES—Yes, I have often seen it done, and, frankly, I cannot understand that attitude. I think all members would recognize that there is a place for an Opposition in our Parliamentary system of government. The member for Light (Mr. Hambour) repeated something this afternoon that he had heard some wiser man say earlier about the stronger the Opposition the better the Government, and if we believe that there should be a place for an Opposition in Parliamentary Government surely we cannot hold the opinion that nothing good can ever come from the Opposition benches. The alternative is a Parliament such as the Soviets in Russia have, where the Governing power, according to our reading, is the only voice heard. Like South Australia, of course, they claim it to be a benevolent government, but some people would prefer free government. I feel that the time is ripe to make an appeal for consideration of and a vote on all matters on their merit. No one can criticize a vote on that basis.

Parliament has been given certain duties to perform, and certain responsibilities, and those duties and responsibilities devolve upon every member of this House. Although Parliament, in order to assist it in its work, has set up a Public Works Committee to inquire into public works and expenditure and instrumentalities costing over a certain amount, its report is back to this House, and members of this House still have to stand up to their responsibilities and their vote on the issues. The fact that the Public Works Committee exists does not absolve any member from any responsibility that he had before the Public Works Committee was set up. We have not always had a Public Works Committee in South Australia.

Mr. Coumbe—What has that got to do with this Bill?

Mr. RICHES—It has to do with the motion asking Parliament to set up a Select Committee, and up to the present, by and large, the only criticism of the motion has been on the policy of Parliament's setting up committees. The general statement has been made that members on this side of the House have a mania for Select Committees.

Mr. Millhouse—I am rather attracted to this motion because of the suggestion that it will mean the end of price control.

Mr. RICHES—I have noticed that, and I have not forgotten it. I will say a lot about that, and I hope I shall not disappoint the member for Mitcham.

Mr. Clark—Anything that could make the member for Mitcham more attractive is good.

Mr. RICHES—I think before we have finished the member for Mitcham will have some second thoughts about price control.

Mr. Millhouse—Do you think I should support this motion?

Mr. RICHES—I am coming to that. The point I am making is that this is a proper approach, and there is a function, a work, and a place for inquiry by committees in the conduct of the business of the Government of this State.

Mr. Hall—But there has to be a need.

Mr. RICHES—Yes, and I am going to demonstrate the need. When discussing these committees, Parliament saw the need for a Subordinate Legislation Committee.

Mr. Hall—This is petrol.

Mr. RICHES—I know it is. The only reason why one member who has spoken is

opposing the motion is that it seeks a Select Committee, and I am dealing with that member first.

Mr. Hall—Each committee must be dealt with on its own merits; it has nothing to do with other committees.

Mr. RICHES—I think I understand that. The honourable member cannot sidetrack me from my reply to the member for Light. The objection has been raised that the Opposition has a mania for Select Committees, and I want to say that this Parliament owes more than perhaps the younger members know and the older members are prepared to admit to the work of committees in the past. When those committees are vested with the authority of investigation, when they can require the production of documents, and when they can hear evidence from witnesses, they can inquire much more effectively than, and go beyond the powers available to, any individual member of Parliament.

I believe in numbers, and I think that two heads are better than one. Although the member for Light has great faith in a committee of one, I have more faith in a properly-constituted committee of inquiry. With all due respect to any member of this House, I say there is a limit to any individual member's authority and capacity in making investigations. There is safety in numbers. This was advanced only as an excuse for opposing a motion emanating from this side of the House. If members believe in the Parliamentary system of Government and believe that there is a place for an active and virile Opposition, they will not oppose everything coming from this side of the House on any pretext whatever, because that is a negation of Parliamentary Government. Some members opposite have never voted for any measure or suggestion emanating from the Opposition, and one is the last speaker.

Mr. Millhouse—You may be pleasantly surprised one day.

Mr. RICHES—If he does vote for this it will be by accident or through a misunderstanding of the terms on which the resolution is submitted. We will welcome his vote all the same, even if it is a mistaken one. If the Opposition adopted a similar attitude, Parliament would be unworkable. We have had 45 Bills before us and if we opposed them in every respect just because the Government introduced them, Parliament would be unworkable. However, the Opposition has always adopted a responsible attitude. We believe that if a measure is in the State's interests we should support it; that if it can be improved, we should suggest improvements; that if the Government is off the rails and the measure is not in the State's interests we should vigorously oppose it.

I listened with much interest to the member for Rocky River (Mr. Heaslip) and thought I must have misunderstood him. It was not a long speech and I have since done him the courtesy of reading it three times. I still cannot understand it. I cannot help feeling that he was clowning because the speech is out of character. We know that the honourable member is generally serious and is not given to clowning. It is well known that he opposes, and is consistent in his opposition to, anything that would add to the costs of primary production. One can expect him to vote for anything that will mean a cheapening of costs to primary producers. For instance, he would not use the railways if an alternative means of transport were cheaper and he has advocated the use of road transport. He supports motor registration concessions for primary producers and we expect him to support such proposals irrespective of the effect they may have on the State's economy as a whole. However, because this resolution, which is designed for the purpose of reducing transportation costs and production costs, came from the Opposition his first reaction was to vote against it.

Mr. Heaslip—I said if it meant the abolition of price control—

Mr. RICHES—The honourable member said that his first thought was to oppose it and he gave as reasons for his opposition some extraordinary excuses—almost as extraordinary as the excuse put up by the member for Light who does not like committees and who would appoint himself as a one-man Select Committee to understand all of the Auditor-General's reports and all of the ramifications of the Electricity Trust and public works, even though he could not read the resolution he was discussing. The member for Rocky River said:—

> . . . people who purchase properties in the country are aware of the disabilities they will suffer because of the distance they are from capital cities and from markets and as a result they get their properties more cheaply.

Because of that he was not interested in the resolution or in any move that might be suggested to cheapen the cost of petrol. That did not seem in character and I thought it

could not be right, but he made it definite. He said:—

Let us get down to tin-tacks. To be logical, if we are going to buy petrol under some form of subsidy, then we must be able to buy our groceries and superphosphate under a form of subsidy . . . In the country people pay more for their commodities according to the distance they are from the markets, and they know that when they purchase their properties. Because of that I was going to oppose this motion . . .

Because they know that they will pay more for their commodities when they buy the land the member was going to oppose the resolution although it represented an opportunity of reducing costs. That did not appeal to him at all. Does he think for one moment that all, or even the majority of, country petrol-consumers have got some rake-off through purchasing their land cheaply? The price of land has no more to do with this resolution than the price of eggs. The honourable member knows better. He was hard put to it to find an excuse. However, he was encouraged by the Premier, because he said:—

. . . but after hearing the Premier say that the carrying of this motion would mean the abolition of price control I am in the position where I feel I must support it and I think that that will apply to all members on this side who are opposed to price control. Because of that I feel bound to support this measure.

The member for Adelaide interjected, "You are bound to support it if you represent the people of your district." Mr. Heaslip said:—

I am prepared to vote for this measure if it will bring about these so-called benefits to my constituents. That should apply to all country members.

The Premier interjected, "You realize it would put price control out?" and Mr. Heaslip said:—

And for that reason I support it. We would get a double issue: we would get rid of price control and we would get these so-called benefits for country people.

Then he committed the member for Mitcham and said that he would support it, too. Apparently this is one Opposition motion that will be carried. I believe that the member for Rocky River's attitude was completely irresponsible. I cannot help feeling that he was clowning. The Premier did say that the motion, if carried, would be a vote of no confidence in the Prices Branch and the Premier's argument against the motion was based on that assumption. However, let us examine the motion. It reads:—

That in the opinion of this House a Select Committee should be appointed to inquire into the effect on the community of differential charges for petrol and motor fuels, and to recommend any action deemed necessary or desirable to ensure a more equitable apportionment of distribution and other costs.

Mr. Heaslip—The Prices Commissioner fixes the price of petrol and other fuel.

Mr. RICHES—There are many factors in the price of petrol over which the Prices Commissioner has no jurisdiction, and there is nothing in this motion implied or expressed that can be taken as a reflection on the Prices Commissioner. I have every admiration for him and his officers. I believe him when he claims that in 2½ years he has saved the petrol users of Australia £27,000,000. That is the additional rake-off the petrol companies would have had from the users of petrol in Australia had there been no Prices Branch in South Australia. However, that does not influence members opposite who will still vote to get rid of price control.

Mr. Heaslip—This motion will mean the abolition of price control, won't it?

Mr. RICHES—Of course it won't, and you know it.

Mr. Heaslip—The Premier said it will.

Mr. RICHES—It doesn't take much for the Premier to get a vote from members on the Government side. He will say anything to get a vote. There is no reference to the Prices Branch in the motion. I invite the honourable member to find one word in the Leader's speech, or in the speech of the member for Mount Gambier, about the Prices Branch or its work. I endorse the tribute the Premier paid to the Prices Commissioner. The action of some members in bringing in the Prices Commissioner in this debate is just another attempt to draw a red herring across the track to completely confuse the issue.

Mr. Heaslip—You will have two authorities fixing the price of petrol.

Mr. RICHES—I suggest that the honourable member read the motion again and he will see if the committee is going to fix the price of petrol.

Mr. Heaslip—That is what it will mean.

Mr. RICHES—It will not. We are asking for a Select Committee to inquire into the effect on the community of differential charges and to recommend any action deemed necessary to bring about a more equitable apportionment of costs. The Prices Commissioner has control over transport costs on petrol after it is landed in South Australia, but there are many things he has no control over.

The Hon. G. G. Pearson—What are they?

Mr. RICHES—The landed costs at Port Pirie as compared with Port Adelaide.

The Hon. G. G. Pearson—He has.

Mr. RICHES—With great respect I suggest that he has not.

Mr. Shannon—I suggest that you are wrong.

Mr. RICHES—I shall be happy to discover that the member for Onkaparinga can find me wrong. It will be a new experience. He has been trying for 25 years to show me wrong.

Mr. Shannon—The honourable member showed himself wrong the other day when speaking to another motion. He quoted certain cases which were, in effect, not true.

Mr. RICHES—That is not correct and nobody knows that better than the honourable member. Nobody has suggested that there should be two price-fixing authorities, or that the Select Committee should fix a price. We give the Prices Commissioner full credit for the way in which he has kept prices down and the fact that prices have been reduced by £27,000,000.

Mr. Heaslip—But you do not agree with the price?

Mr. RICHES—Various factors in the price of petrol are not within the control of the Prices Commissioner.

The Hon. Sir Thomas Playford—Merely because the honourable member says that does not make it correct.

Mr. RICHES—Although it is not correct merely because I say it, it is nevertheless correct. By interjection the Premier said last week that the carrying of this motion would mean the end of price control—

Mr. Millhouse—Hear, hear!

Mr. RICHES—But that is as wrong as any other statement he has ever made.

Mr. Millhouse—You are trying to talk us out of it now.

Mr. RICHES—The honourable member is committed to support the motion and I want to show him how excellent it is.

Mr. Millhouse—I will support it if it means the end of price control.

Mr. Dunstan—The Premier says it will mean that, so why not vote for it?

The SPEAKER—Order! There are too many interjections.

Mr. RICHES—This motion concerns the price of petrol and its effect on transportation and industry generally. We are concerned about the price of petrol at our outports and the benefit that could accrue if the price at Port Lincoln and Port Pirie could be placed in the same category as Portland (Victoria). I think that the Premier and other speakers opposite might have answered the query raised by the Leader of the Opposition which is uppermost in our minds and which we feel a Select Committee could help answer for us: why cannot Port Pirie and Port Lincoln be classified as freight-free ports similar to Portland (Victoria)?

The Hon. G. G. Pearson—What is a freight-free port?

Mr. RICHES—A port at which petrol is off-loaded by agreement between the companies and the Commonwealth Government at 3s. 0¾d. a gallon the same as applies at Melbourne, Port Adelaide, Geelong, and Portland (Victoria).

The Hon. Sir Thomas Playford—No agreement with the Commonwealth Government is involved in the matter. Portland is only a freight-free port in respect of a very limited number of petroleum products.

Mr. RICHES—Yes, of which petrol is one.

The Hon. Sir Thomas Playford—And petrol only!

Mr. RICHES—Why cannot Port Pirie and Port Lincoln, and even Whyalla, be treated the same as Portland?

The Hon. Sir Thomas Playford—In due course we will tell the honourable member the answer.

Mr. RICHES—The Premier tried to in his speech on the motion.

The Hon. Sir Thomas Playford—I said you could not have two authorities fixing the price of commodities.

Mr. RICHES—No-one is asking for that. The Premier also said that the reason why there could be no freight-free ports at Port Pirie was because Port Pirie was a multiple loading port.

Mr. Ryan—So are all other ports in Australia, including Port Adelaide.

Mr. RICHES—Yes, and including Portland in Victoria, where less petroleum products are off-loaded than at Port Pirie. Ships calling at Portland do not discharge the whole of their cargoes there, but go on to Port Adelaide and Hobart to discharge. This idea that the only reason why Port Pirie cannot be regarded as a freight-free port because of multiple loading will not bear investigation, yet that is the only reason we have been given in this debate. This is an important matter to the tune of about £500,000 a year to the people of South Australia, but it is a matter over which the Prices Commissioner has little jurisdiction.

Another factor in the price of petrol is the tariff. We have had the evidence of the companies, some of which (including Standard-Vacuum, which is to build a refinery in South Australia) applied to the Tariff Board only last month for an increase in protection to enable them to extend their Australian undertakings. That application was opposed by the Kwinana refinery interests in Western Australia. The request was refused and instead of being increased, the existing protection was reduced by a halfpenny. The price of petrol was reduced by that amount throughout Australia and there again the Prices Commissioner did not come into the picture. That could not be construed as a vote of no-confidence in the Prices Commissioner.

Mr. O'Halloran—That shows the value of an inquiry.

Mr. RICHES—Absolutely. The member for Rocky River said it is no concern of the man on the land that the price of petrol should be more to him than it is to the man in the city, because it does not interest them as people in the country got their land cheaply and expected to have to pay an increased charge for these services. What constitutes a freight-free port? I understand that Portland was declared a freight-free port following representations by Mr. Holt during the regime of the Cain Labor Government in Victoria. Why cannot similar representations be made by the South Australian Government in respect of Port Lincoln and Port Pirie? If petrol were landed at those ports and sold at the same prices as at Portland (Victoria), a terrific saving would result to the whole of the northern areas and the west coast and those areas would be brought more into the picture when we speak about decentralization of industry, because transportation is an argument always used against the case for decentralization. Such an action by this Government would mean 2½d. a gallon difference to all users who derive their supplies from the installations at Port Pirie or Port Lincoln. Some day there should be similar installations at Whyalla or some other port on Spencer's Gulf and a reduction of 5d. a gallon in the cost of petrol should benefit those parts. There is no reason why petrol should not cost 3s. 5d. the same as in the metropolitan area, if there is no additional cost involved in off-loading. The Select Committee should also inquire into the incidence of the petrol tax, which is a big factor in the price structure of petrol. As the State is divided into a few zones for the purpose of fixing prices, it should not be difficult to levy petrol tax in relation to those zones and carry out a measure of levelling up in that way.

Mr. Hall—Levelling up or down?

Mr. RICHES—Some would be up and some down. It is wrong that a person who has to pay 4s. 1½d. is charged the same tax by the Federal Government as the consumer who gets his petrol for 3s. 5d. In that case a levelling down should take place, but I could be wrong However, that is a matter the Committee could inquire into and report on. If, as a result of the inquiry, it were found practicable, representations could be made to the proper quarter accordingly. This would not be such a burning question in other States which are not so sparsely populated as South Australia and where the high prices of petrol do not necessarily apply.

One good thing has already come out of this debate: the undertaking that the price at Mount Gambier will be reviewed. Because Portland has been declared a freight-free port and because the action we suggest might be taken here has been taken in Victoria it is certain from the Premier's undertaking that the price in Mount Gambier must be reduced by at least 2d. a gallon. This reduction must afford the member for Mount Gambier terrific satisfaction, for it is the result of his advocacy last year and this year, and I give him credit for the consistent and constructive advocacy he has maintained. We should like the same consideration granted to the Northern districts and to the West Coast, and I hope that Government members will not consider this Committee merely another committee, but will vote for the motion on its merits. I ask leave to continue my remarks.

Leave granted; debate adjourned.

[*Sitting suspended from* 5.58 *to* 7.30 *p.m.*]

MARKETING OF EGGS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

FRUIT FLY (COMPENSATION) BILL.

Returned from the Legislative Council without amendment.

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to make some necessary amendments of a practical nature to the Compulsory

Acquisition of Land Act, 1925. Clause 3 of the Bill amends section 30 of the Act to remove any doubts as to the competence of local courts to hear actions for compensation. Section 30 refers to "any court of competent jurisdiction." A local court has jurisdiction in terms of the Local Courts Act in "personal actions" but it is doubtful whether an action for compensation comes within this description. It is clear that it was never intended that actions for compensation for small amounts should be brought in the Supreme Court. The amendment will make it clear that actions are to be brought in any court having jurisdiction in personal actions up to the amount claimed. Thus, where the amount claimed is less than £1,250, the action may be brought in the local court while, if it exceeds this amount, it would be brought in the Supreme Court.

Section 31 of the Act requires promoters to wait six months before they can take action for assessment of compensation. No good purpose appears to be served by this particular requirement and, in fact, under section 42 the promoters are liable to pay interest after the expiration of 12 months from the delivery of a claim. Clause 4 of the Bill reduces the period of six months to one month.

Clause 5 of the Bill will bring the provisions of section 33 of the Act, relating to the jurisdiction of local courts where no claim is made, into line with the present limits of jurisdiction of local courts, namely £1,250.

Clause 6 is designed to get over the difficulties experienced in cases where an owner or registered proprietor of land has died and no probate or letters of administration of the estate have been taken out for some other reason, as, for example, where the owners cannot be found, a transfer or conveyance of the land cannot be obtained without considerable difficulty and expense, if at all. Where the name of the owner may be known, but he cannot be traced, a court would normally require attempts to be made to have the owner made a party to any proceedings and might, in a case of a deceased owner, require the promoters to take proceedings to have the estate administered. In many cases the value of the estate has been too small to justify the expense of taking out probate or letters of administration and there is thus no way whereby the promoters can obtain a title to the land acquired. Clause 6 accordingly provides that where a registered proprietor or owner is dead, or the circumstances are such that he may be presumed to be dead, the notice to treat may be given by affixing it on the land and within three months any person able to sell and convey the land can make a claim in the ordinary way. But if no such claim is received the promoters may, by deed poll, acquire a title to the land free from all encumbrances. The interests of any person or persons are protected by the provisions in subclause (3) of clause 6 which converts such interests into a claim against the promoters for compensation.

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

VERMIN ACT AMENDMENT BILL.

Second reading.

The Hon. C. S. HINCKS (Minister of Lands)—I move—

That this Bill be now read a second time.

The Vermin Act, 1931-1957, provides by section 22a that an owner or occupier of land must destroy rabbit warrens after notice given, within the time specified in the notice. It has been held by the Supreme Court that a notice to destroy rabbit warrens under this section must be reasonable in the light of all the circumstances of the particular case. While there can be no objection to a requirement that reasonable notice must be given it is appreciated that it is difficult for councils to be certain, in any case, whether a notice to destroy is necessarily valid. For this reason the present Bill will amend section 22a by prescribing a definite period of one month for the giving of a notice, at the same time allowing councils to give longer notice if they so desire.

Another difficulty which arises in the administration of the Act concerns the provision of section 23 (1) (*a*) that it is a defence to a charge for not destroying warrens after service of a notice if it can be shown that owing to the "physical features" of the land it was not practicable to comply with the notice. It has been argued that the expression "physical features" can refer to merely the size of the particular land. What was contemplated by Parliament when this section was enacted was peculiar physical features such as watercourses, ravines, hills and the like. Clause 4 of the Bill accordingly makes this intention quite clear.

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

ROAD TRAFFIC ACT AMENDMENT BILL.

In Committee.

(Continued from November 10. Page 1500.)

Clause 6—"Penalty for Overloading"—to which Mr. Dunstan had moved the following amendment:—

Before "Where" to insert "(*a*)"; and to add the following subclause:—

(*b*) Where an offence committed against sections 86, 87, 88 or 89 of this Act consists of causing or permitting a vehicle to be driven in contravention of one of those sections—

(i) proof that the vehicle was driven in contravention of the section shall be prima facie proof of the offence, and the onus shall be on the defendant to satisfy the court that he did not cause or permit the vehicle to be so driven.

(ii) in addition to any other penalty provided by this Part the court may impose a fine not exceeding £500 or imprisonment for a term not exceeding one year.

Mr. DUNSTAN—Last evening the Committee generously reported progress to enable me to provide for something that the Premier and others thought I should provide in placitum (ii) of this subclause that I had moved for a difference between the penalties for first and second offences. I therefore ask leave of the Committee to amend new subclause (*b*) (ii) to state:—

(ii) in addition to any other penalty provided by this Part the court may, for a first offence, impose a fine not exceeding £100, and for a second offence impose a fine not exceeding £500.

Leave granted.

Mr. DUNSTAN—The Committee will see that I have not provided for a term of imprisonment in the penalties. I understand that some members are opposed to a term of imprisonment and it seems to me that a fine for a second offence of £500, in addition to other penalties, is likely to be a severe enough penalty in itself. There are also the default provisions of the Justices Act that can apply. Last night Mr. Millhouse pointed out that we were shifting the onus of proof. This was one of that peculiar class of cases where the defence was peculiarly within the knowledge of the person charged and where he would have no difficulty in establishing it, if it existed. In these circumstances I do not think that we are placing too great a burden on the defendant. The honourable member also said that we were going to run into some difficulties in regard to the extra-territorial position of this provision. I do not think this is extra-territorial legislation. The permitting of a vehicle to be driven in contravention of the section arises only when the vehicle arrives in South Australia, in my submission. Therefore, even though the owner happens to be in some other part of the Commonwealth, his offence is committed when his vehicle gets to South Australia. I believe that the court would hold that to be correct. Unfortuntely, there are no cases to say what the court would hold on such a section, because there are no decided cases I can find which make it clear.

Mr. Millhouse—It would probably go to the High Court.

Mr. DUNSTAN—It might, but I am prepared to take a chance in order to get some workable legislation. The honourable member also said that it would be difficult to enforce the penalties. I know of cases where the courts of summary jurisdiction have summonsed people in another State; indeed I remember a case concerning an eminent South Australian Senator, who was recently summoned by the court in another State and a fine was imposed upon him, and the fine was duly collected; and if it had not been collected, the warrant of the court would have been applied. I see no difficulty in such a case and in the circumstances I think that my proposal meets what the Committee evidently desired, according to statements made by members earlier.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—Since the House adjourned last night, I have given some thought to the matter to try to visualize the implications of the clause. One question immediately arises, the answer to which I do not know. We have provided in a previous subclause for penalties against the driver of a vehicle, and here we are providing penalties against the owner of a vehicle. Frequently we have on the road an owner who is also a driver. I am not sure whether under those circumstances he would be proceeded against under the driver clause or under the owner clause. I think he would be eligible for a charge under both clauses.

Mr. Dunstan—I think the summons would then be bad for duplicity. I do not think you could do that.

The Hon. Sir THOMAS PLAYFORD—The second thing is whether account is to be taken of a previous over-loading charge, or whether he starts off with his copy book clear. When we are imposing additional penalties and

providing for a much more severe penalty, I think that if an owner had been proceeded against previously, we should provide here that he starts off with the offence against this section as now framed. The imprisonment clause is one we cannot sustain in this instance.

Mr. Dunstan—That is out in the amendment.

The Hon. Sir THOMAS PLAYFORD—That is quite all right. The imprisonment clause is one we could sustain under the general penalties prescribed for in other places. I think that the penalty for the first offence should operate after the passing of this clause.

Mr. FRED WALSH—I would not subscribe to any legislation that had as its objective the placing of the onus of proof on the defendant. It is a principle fundamental in British justice, and is really the foundation of our way of life. It has unfortunately become a very common trend in State and Commonwealth legislation and in local government by-laws to throw the onus on the defendant to prove his innocence. We claim that a man is innocent until such time as he is proved guilty—therefore the onus is on the State to prove that he is guilty. Once we subscribe to this principle we automatically subscribe to it in a later clause, and perhaps in other legislation that may be introduced.

Mr. Dunstan—I do not think we automatically subscribe to a later one.

Mr. FRED WALSH—Once that you sacrifice the principle, you cannot raise the same argument. I hope that other honourable members on this side will see the matter in the same light as I do. I should like Mr. Dunstan to withdraw his amendment. The Premier has indicated his acceptance of the proposal provided it conforms to certain phraseology and certain other conditions which are of no consequence. My basic objection is the sacrifice of the principle of the onus of proof, and I am not prepared to do that and I want the Committee to know clearly where I stand on the matter.

Mr. MILLHOUSE—I still have grave reservations about this clause. The amendment refers to offences under section 86, 87, 88 and 89. I did not realize before that sections 86 and 87 referred to non-mechanical vehicles, presumably horses and carts, and if we impose such penalties on drivers of horses and carts we will make ourselves ridiculous. I suggest that the member for Norwood delete reference to these two sections. I am still unhappy about the onus of proof, although I realize that sometimes it must be on the defendant.

Mr. O'Halloran—How else can the matter be proved?

Mr. MILLHOUSE—This clause will relate to people inside and outside the State. If someone from another State knows that the onus of proof is on him and that if he brings himself into our jurisdiction he may face a heavy fine, he may not come here to defend himself. Having the onus of proof on the defendant may discourage him from coming here to defend himself, which is undesirable.

The Hon. Sir THOMAS PLAYFORD—Recently there have been discussions about the onus of proof in another Bill being placed on the owner. It was decided to submit that Bill to the House merely stating that certain things are prima facie evidence of the facts alleged. That is not nearly as far-reaching as this amendment because if certain things are prima facie evidence the defendant may be able to raise a reasonable doubt in the court instead of having to prove his innocence. I think that is as far as we should go in this matter and that we could achieve that purpose simply by striking out the words "and the onus shall be on the defendant to satisfy the court that he did not cause or permit the vehicle to be so driven." That would enable the defendant to establish a reasonable defence without having to prove his innocence. This would go some of the way towards satisfying the member for West Torrens and the member for Mitcham. There would be a prima facie case against the defendant, but the onus would still be on the Crown to prove his guilt rather than on him to prove his innocence. That is the decision reached by Cabinet in relation to another matter that I hope will be before the House later this year, and I think it would be a reasonable compromise and would make the clause more acceptable to members than it is.

Mr. SHANNON—I do not like this amendment at all, even with the suggested deletions. Have members forgotten what will be contended before the court if a man is brought before it under this section? He will say he was acting under the orders of his employer and, if the court believes that, he will be acquitted. If the court believed the driver's contention that he was not overloaded there would be no case, so before the employer could be approached the court would have to be satisfied that there was an overloading. Then the credibility of the employer and the employee would have to be considered, and the court would have to decide whom to believe. What would the court do if

the employer denied giving these instructions? I think we are posing a problem for the poor unfortunate owner of a vehicle that will leave him in a cleft stick, and he will have no answer. If it is said that he is guilty before he starts, he is under an intolerable burden, and I cannot accept that situation.

I am worried about another aspect of this matter. The proposed new subsection (2) of section 91 states:—

The court may, in addition to imposing a monetary penalty, order that the defendant be disqualified from holding and obtaining a driving licence.

It is now proposed to put in another penalty, that for a first offence being £100 and for a second offence up to £500. Is this imposing one penalty on top of another penalty? I do not think that that is the intention, but it seems that we are doing it, for the wording of this amendment makes me suspect that such an interpretation could be placed upon it. Actually we are all of one mind regarding this problem. I am just as enthusiastic as any other member to do something about this problem of keeping these people from wrecking the roads. I know the problem; I live in an area where these transports can be seen every day of the week, but my own reaction to this proposal is that we are almost trying to show our spleen against these people.

After all, I think justice is all we are really seeking and all we should seek, and a fair penalty that will dissuade these people from overloading their vehicles is all I want to achieve; and I think the penalties suggested are sufficiently steep to satisfy anybody's cupidity. We would not want to impose a fine of more than £100 for a first offence. I should have preferred a fine of that amount for a second offence, leaving the penalty for a first offence to the court. After all, I suppose the courts of the land take some notice of the intentions of Parliament, but finally they have to interpret the law as Parliament drafts it. That is the way they must actually accept it as what Parliament really intends, for they cannot read our minds or even our debates to see what we intended. My own feeling is—and I say this with some apology to the member for Light, for whose amendment yesterday I did not vote—that with appropriate alterations to the penalties in the old Act we might achieve all we require. Section 89, which is really the appropriate section, states:—

Any person who drives or causes or permits to be driven on any road any motor vehicle carrying a weight greater than that computed in accordance with the rules contained in section 92 shall be guilty of an offence.

That section refers to "any person," not only the driver. The owner could cause it to be driven, and anybody under that section could be haled before the court, it being a matter for those in authority to decide who they thought was responsible. If, on apprehension, a driver told the policeman, "I am only driving this vehicle; so and so loaded it in Melbourne and I am driving for him; so and so is the owner of the vehicle; I do not know anything about what is on it, and I have no idea of the weight," then it is open for the policeman to say, "We will attack the person responsible." That clause is as wide as a clause of that nature could be, giving those in authority who want to police it as free a choice as to whom they should pursue in the way of an action as could be given.

Mr. Dunstan—These are exactly the people whom I have covered in my amendment.

Mr. SHANNON—I think the honourable member is dealing with the same matter again, and that we are cluttering up this legislation unnecessarily. I do not oppose what the member for Norwood is trying to do, which is to make severer penalties for certain classes of people. I think perhaps we might do some good in restraining people from overloading their vehicles, but I believe that could be done by amending the penalty clauses in the original legislation.

Mr. Dunstan—If you look at section 91 you will see that you would have to make a considerable amendment like this one.

Mr. SHANNON—I do not object to that, because I think it would be much more desirable than having two or three penalty clauses in the one legislation. It may be a good thing for legal people to clutter these things up in such a way that no-one else can understand them, but as a layman I like to be able to read an Act of Parliament and at least grip some of its principles. I suggest to the Premier that there is ample opportunity, if he so wishes, to deal with the penalties by appropriate action under the existing legislation.

The Hon. Sir THOMAS PLAYFORD—As there is still a considerable difference of opinion on this matter, and to enable it to be thoroughly studied, I move that progress be reported.

Progress reported; Committee to sit again.

VINE, FRUIT, AND VEGETABLE PROTECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1505.)

Mr. CLARK (Gawler)—At first glance at the provisions of this Bill one might be inclined to think that they are rather sweeping, and when one looks further one finds that that is so. Previously inspectors could examine and remove trees or plants, but now we find that not only can they do that but they can search for plants and trees suspected of being affected and can search vehicles. Vehicles can now be stopped and searched, irrespective of the objections of the occupants of those vehicles.

Although the provisions are rather sweeping, I believe they are very necessary and that we must support them. I think most members will agree that any move throughout Australia to strengthen the barriers controlling the entry of fruit fly from other States is a good one. The Minister, in his second reading speech, envisaged improved barriers to prevent fruit fly from penetrating our borders. We seem to have met with much success in our anti-fruit fly compaign, and although it has cost almost £2,000,000 the money has been well spent in safeguarding our commercial and private gardens. Many of us have seen the effects of fruit fly in other States. A few years ago when I was in Western Australia I was taken to the fruit market where I saw first hand the terrible damage fruit fly causes in that State. Reently when I was in Canberra as a delegate at the Commonwealth Parliamentary Association Conference I spoke to overseas delegates and when they told me of the ravages of fruit fly in their countries I was convinced then that whatever we could do to prevent it is good. We must support the Bill, and I do so.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

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

(Second reading debate adjourned on November 3. Page 1374.)

Bill read a second time.

Mr. DUNSTAN (Norwood)—I move—

That it be an instruction to the Committee of the Whole House on the Bill that it has power to consider amendments relating to a ceiling rate for rentals of properties previously released from rent control.

I think the motion gives members sufficient notice of what I desire that the Committee should be able to discuss.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I hope that the House will not pass this instruction because it introduces an entirely new subject into the Bill and would, in my opinion, prejudice its passing.

The House divided on the motion:—

Ayes (16).—Messrs. Bywaters, Clark, Corcoran, Dunstan (teller), Hughes, Hutchens, Loveday, McKee, O'Halloran, Quirke, Ralston, Riches, Ryan, Stott, Frank Walsh, and Fred Walsh.

Noes (16).—Messrs. Brookman, Coumbe, Dunnage, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Millhouse, Nankivell, Pattinson, and Pearson, Sir Thomas Playford (teller), Mr. Shannon, and Mrs. Steele.

Pairs.—Ayes—Messrs. Jennings, Tapping, and Lawn. Noes—Messrs. Laucke, Hall, and Bockelberg.

The SPEAKER—There are 16 ayes and 16 noes. As the numbers are equal I must give a casting vote and I give it in favour of the ayes so that the matters can receive further consideration in Committee.

Motion thus carried.

In Committee.

Clauses 1 to 5 passed.

New clause 2a—"Exemptions from Act".

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

2a. Section 6 of the principal Act is amended by inserting therein after subsection (4) thereof the following subsection:—

(5) In the case of leases entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1959, and of the kind described in subsections 2 (*b*), (*c*), (*d*), (*e*) 2b and 2c of this section the said subsections shall not apply unless the rental of the premises comprised in such lease has been fixed in accordance with Part III of this Act, and unless the rental provided by such lease is not more than one hundred per centum above the rent so fixed.

The purpose of this amendment is to provide that persons who have received release from rent control in future—be it noted not in the case of present leases but in future—will not get release from the provisions of the Landlord and Tenant (Control of Rents) Act in relation to rent control on leased dwellings if the rental set forth in the lease is more than 100 per cent above the controlled rental. There have been releases from the Landlord and Tenant (Control

of Rents) Act of premises where certain provisions obtained. Particularly, they are where the lease is for a two-year period or more now, or where there is a lease or agreement of some kind in writing. In some cases there have been considerable unjustifiable and unfair increases in rentals. Nobody could suggest that, if the rent were now fixed on premises at the ruling rates provided under the Landlord and Tenant (Control of Rents) Act and that figure were increased by 100 per cent, that would be an unfair return to a landlord. Indeed, when I moved a similar provision on another occasion, the Premier agreed that that would be a fair return for a landlord, and nobody could suggest otherwise.

Mr. Bywaters—A very generous one.

Mr. DUNSTAN—The increase in the C Series index is about the same as this. This figure is arrived at by increasing the 1939 rental by 40 per cent plus the increased cost of outgoings, which means in effect that it is increased by something over 60 per cent. Then the resultant figure is increased by 100 per cent. It is hard to calculate the increase in the cost of living since 1939 but it is just over 300 per cent. The same figure of increase as far as the landlord is concerned is arrived at. In addition, the landlord's property has increased in value very much more than that percentage in capital value. This will not inconvenience any landlord who is making a fair increase in rental. He will still have his lease, he can specify his rental in the lease without let or hindrance. The only man likely to be caught is he who has a property, for the whole of which originally the rental fixed by the Housing Trust was 35s., and then proceeds without doing any alterations to the premises to let it as two non-self-contained flats at £7 a week each. Nobody can say that is fair treatment. In fact, what he is doing is exploiting the very shortage in housing that the Premier said was the reason for the continuance of this legislation. This is something that through the ages Governments of all complexions have taken action against. Back in the time of the code of Hammurabi there were provisions that prevented people from exploiting markets in times of stress for the general public.

Mr. Millhouse—Did it work?

Mr. DUNSTAN—So far as we can discover from the records it did. The provision will apply only to houses that were let between 1939 and 1953 and which are empty and for which some agreement in writing is executed. All I suggest is that landlords should not be allowed to go more than 100 per cent above what is the present controlled rental. A landlord can apply at any time to have the rent fixed for a house before he executes any lease.

Mr. Millhouse—Supposing that the rental was 20s. in 1939, what would he get now?

Mr. DUNSTAN—He would get 60 per cent on his 20s., which takes it to 32s., and we then allow 100 per cent on that, making £3 4s. If the honourable member looks at any house for which the trust fixed the rent of 20s. in 1939, he would find that £3 4s. now is by no means an unfair rental to the landlord for that property.

Mr. Heaslip—There would be no new homes built for rental if your suggestion were accepted.

Mr. Millhouse—As I understand it, this will affect only homes which go out of control after the passing of this Bill.

Mr. DUNSTAN—To any lease entered into after the passing of this measure. This may apply to some houses which are now leased after that lease expires; but it does not apply to any existing arrangements, only to arrangements made in the future. There is no retrospectivity. All it does is to place a limit on the rapacity of the unfair landlords who choose to take more than a fair rental because of the market shortage. All my amendment provides for is that in future unfair landlords will not be able to act unfairly, and fair landlords can continue to get a fair increase above what has been fixed as a controlled rental. I can see nothing unfair about that. I do not think that fair landlords will find any difficulties in this, but only those who choose to do the sort of thing I outlined earlier and take advantage of people in poorer circumstances by charging exorbitant rentals which are beyond their capacity to pay, but which they must pay to the detriment of their families. In those circumstances we should step in and do something about it. Therefore, I feel that this provision is perfectly fair.

The Hon. Sir THOMAS PLAYFORD—I think it would take some time to turn up the references the honourable member mentions in his amendment. As I understand it, the amendment provides that in the sections where we have provided that rent control shall not apply, the honourable member says that in future it shall apply.

Mr. Dunstan—Only in certain of them.

The Hon. Sir THOMAS PLAYFORD—The amendment refers to section 6 (2), which provides:—

The provisions of this Act shall not apply—

(*b*) with respect to any lease entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1953, of the whole of any premises which or any part of which was not let for the purpose of residence at any time between the first day of September, 1939, and the time of the said passing;

(*c*) with respect to any lease in writing of any dwellinghouse the term of which is for three years or more and which is entered into after the passing of the Amendment Act, 1953.

(*d*) with respect to any lease in writing of any dwellinghouse the lease of which is for two years or more and which is entered into after the passing of the Amendment Act, 1954;

(*e*) with respect to any lease in writing of any premises to which this Act applies any part of which is let or used as a shop the term of which is for one year or more and which is entered into after the passing of the Amendment Act, 1954.

Section 6 (2*b*) provides:—

If any lease in writing of any dwellinghouse is entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1955, and if the lease provides that the term thereof shall commence from a date specified in the lease and shall terminate upon a date specified in the lease, then the provisions of this Act relating to the control of rents shall not apply with respect to any rent payable under the lease in respect of the term so specified in the lease.

The amending Act of 1957 enacted subsection (2*c*) as follows:—

If after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, the lessor and the lessee under a lease of any premises for a term of not less than six months agree in writing as to the amount of the rent thereof, then (whether the rent of the premises has been determined under this Act or otherwise) the provisions of this Act relating to the control of rents shall not apply with respect to the rent payable under that lease or under any holding over by the tenant after the expiry of the lease.

In general terms, the honourable member's amendment applies to exemptions, but the exemptions have been made in respect of any lease entered into under any agreement such as I have quoted.

Mr. Dunstan—Any agreement in writing.

The Hon. Sir THOMAS PLAYFORD—The amendment provides:—

. . . the said subsections shall not apply unless the rental of the premises comprising such lease has been fixed in accordance with part III of this Act, and unless the rental provided by such lease is not more than 100 per centum above the rent so fixed.

I do not pretend to be a lawyer, but in my mind the question of the implications arises. Does this mean that if the Housing Trust had fixed the rent in accordance with part III in respect of houses that had been released from rent control in 1953 the 100 per cent would be taken back to that, or would there be a new fixation by the Housing Trust now, and is the 100 per cent in relation to the new fixation?

Mr. Dunstan—You have a new fixation. The landlord can apply.

The Hon. Sir THOMAS PLAYFORD—Why not say so?

Mr. Dunstan—It is not necessary to say so, as the landlord can apply.

The Hon. Sir THOMAS PLAYFORD—If it means that, it certainly does not say it.

Mr. Dunstan—Neither do the shared accommodation provisions say that, but obviously they mean that.

The Hon. Sir THOMAS PLAYFORD—I have yet to see where it says that, and I cannot find any words to indicate that it says it or when this rent, which is not to be more than double, has been fixed. I do not know whether it is supposed to be a fixation now, one that took place in 1953, or some other time before 1953. My second point is that this is going back to the position we departed from long ago, as it provides that people cannot freely enter into agreements between themselves. During the war all houses were controlled. When the war was over, in an attempt to induce people to build houses for rental, we made one or two concessions to property owners by providing that any houses built after the passing of the Act were to be free from the control of the Act. Then we said that any person who had not previously let his house would be free from the provisions of the Act if he let the house. We then went further by providing that, if a landlord and tenant entered into a lease, the lease would be free from the provisions of the Act. What are the effects of this amendment on all these things? Does this mean that a house built after rent control had been abolished on new houses would come under the amendment if a lease were made in respect of it?

Mr. Dunstan—No; new houses are outside it altogether. They are in subsection (2) (*a*).

The Hon. Sir THOMAS PLAYFORD—Then what about houses erected under the assurance that they would be free from the Act? Are they subject to this provision?

Mr. Dunstan—Under certain circumstances.

The Hon. Sir THOMAS PLAYFORD—Then we are saying to a landlord who has not previously been under rent control that he will be brought under control; in other words, we are going back on provisions that we made quite clear. We have told people that if they liked to enter into leases their houses would be free from rent control. These leases are normally for two years, and they are now coming up for renewal. The honourable member's amendment will bring them back under control, and it is not clear where the date for fixation is to apply. I can find no clue for fixing the time. Under these circumstances I do not think the Committee could accept the amendment. I am not quite sure that we are doing tenants a good turn by signifying in legislation that we are prepared to accept a 100 per cent increase. We would be saying that they would not come under control unless the rent went 100 per cent above the amount previously fixed. I would not like to support a proposal that rents can go up by 100 per cent.

Mr. Hambour—They may not be charging that much.

The Hon. Sir THOMAS PLAYFORD—It is an indication, and the Committee would be saying that a 100 per cent increase is not unreasonable. I think there is a psychological angle to this that I personally would not care to support. The third point is that this legislation, as members know, is not particularly popular in another place.

Mr. Shannon—Not too popular here, either.

The Hon. Sir THOMAS PLAYFORD—Whatever a few members behind me may say will be quite mild compared with what may be said in another place, and if we start fiddling around with rent control provisions we shall lay ourselves open to two alternatives, neither of which is in the interests of tenants. More rents will be put up and the present limit fixed by the Housing Trust will be raised, and the other alternative is that this Bill may find itself lacking the necessary numbers for its acceptance. In those circumstances I ask that this amendment, which I regard as retrograde and to a certain extent going back on assurances that we have previously given, be rejected.

Mr. SHANNON—Whilst agreeing entirely with the Premier's summing up, I find myself on the other side in my approach. For me to be supporting an idea that has come from the Opposition benches is almost too good to be true, but I do not think anybody has had a look at this question. The member for Norwood did a small sum a moment ago and worked on a £1 a week rent. Three pounds a week was not an exorbitant rent in 1939 for a decent sort of residence of perhaps six or seven rooms.

Mr. Hambour—Work on £2.

Mr. Fred Walsh—Do you know what was the living wage in 1939?

Mr. SHANNON—I want to let the honourable member and the members supporting him know where we are heading. The rental of that particular house today, under the suggestion of the member for Norwood, would be £9 12s. a week. The member for Norwood is after a few greedy people who have done wrong, and to catch those few greedy ones he is going to encourage a very large section, who at the moment are letting on leases, to adopt his scale.

Mr. Dunstan—Why must they?

Mr. SHANNON—I suggest the honourable member is inviting them to adopt this scale.

Mr. Dunstan—There is a stage beyond which they must not go, but at the moment the sky is the limit.

Mr. SHANNON—I suggest that the sky is not very far off the member for Norwood's suggestion. I understand that under the Act it is always possible for either party to approach the rent control section of the trust for a rent fixation. That is always available, and I understand that it can be done periodically by either party. I agree with the member for Norwood that at the moment the trust's policy is to adopt a figure of 60 per cent above the 1939 rental.

Mr. Dunstan—It is not the 1939 rental; it is the 1939 valuation by the trust.

Mr. SHANNON—That was the base year, at any rate. We could have a further fixing of rentals brought about through an application by either party, and the rent could be fixed at something more than 60 per cent above 1939 in some cases because of different factors which the trust takes into account, but the member for Norwood is prepared to double that in certain circumstances. We are creating a vast number of categories in the field of home ownership, and if we go on as we are going we shall ultimately have more categories

than we have homes. At present we have people who have never been free of control because they have never taken the various steps they could have taken under the amendments referred to by the Premier a moment ago. They have never taken the opportunity of getting free of rent control because the only way they could have done it was to give notice of sale. Those people did not wish to do that, so they remained on the 1939 plus 60 per cent mark. Then we have the category of persons who have purchased a house on vacant possession, lived in it for a time and then decided to let, and they can do so free of rent control. They can let by lease or straight out.

The member for Norwood apparently has not appreciated what he is doing to tenants. After all, many of these leases are fair and reasonable, and the member for Norwood will be the first to admit that. He is suggesting by this amendment that we are facing an even greater inflationary period and that landlords should be getting an even greater increase in their rental basis than they are getting. Some landlords may not wish to put rents up to the figure the honourable member has mentioned.

Mr. Dunstan—Nearly all of them have done at least that.

Mr. SHANNON—I do not know. I have not heard too much evidence of that. I know that many leases are reasonable as far as rentals are concerned, although I also know that a few landlords are a bit hungry. I oppose this type of control, especially when I realize that different sections of the community will enjoy varying grades of benefit under the proposed legislation. Some will be dead unlucky; some will be a little less unlucky, and some will be really fortunate and cop the lot. They are going to get what the honourable member for Norwood offers them. If I wanted to kill this legislation my attitude would be to support the member for Norwood.

Mr. DUNSTAN—I wish to clear up one matter that the member for Onkaparinga has gone some way to clear up. The Premier asked when this rent fixing was to date from. It dates from when the landlord or tenant chooses it to operate from. If a landlord is about to let premises or if a lease is expiring and the premises are vacant or become vacant and he is going to seek a lease it will take him out of the normal rent control provisions. The tenant is not interested because at that stage he is not a tenant and he is not making an application for rent fixation. The landlord chooses his time to make application for fixation and normally he will make his application just before he signs a lease and under section 14 the lessor or lessee under any lease of any premises to which this Act applies may, from time to time, make application in writing to the trust to fix the rent of the premises to which the lease relates. The premises to which the Act applies are any dwellinghouses which have been under the Act and for which a lease is not in existence at the time.

In any of these cases we are talking about, there being no lease, they are not taken out of the Act. They are not under the Act when a lease is signed and application may from time to time be made to the trust to fix the rent of the premises. The landlord if he chooses can go to the trust and get the latest fixation which will give him the maximum amount. If he chooses not to do so it is in his hands. As for landlords choosing to increase their rentals under leases to 100 per cent above the controlled rental where they have not now charged that amount, all I can say is I am amazed that it is suggested landlords will do this where they have not already done it because if they were going to do it they would have already done it. There is no limit on them now and if they were going to increase their rental now to 100 per cent of the controlled rental they would have done it because there is nothing to stop them doing it, but if they choose to treat their tenants fairly I cannot see that they will refuse to treat them fairly in the future. I cannot see that this amendment will induce any landlord who has not chosen to take that figure at present to take it in future.

Mr. STOTT—This applies only to leases but what happens in the case of a new lease, the old lease having expired because of this amendment? If this provision applies the owner will only have to tell his tenant he doesn't want to enter into a lease and then this provision would not apply. That tenant would lose the tenancy of the premises. Isn't this a loophole?

Mr. DUNSTAN—The position the honourable member mentioned is covered this way; if a lease in writing for any of the exempt periods is executed the provisions of the Act with relation to the recovery of the premises do not apply in certain circumstances. Should the landlord allow the lease to run out and constitute his tenant a weekly tenant thereafter, because of the holding over, the rent control provisions would not apply. The landlord, unless he sought to get a new lease or possession of the premises under the terms of

our last amendment last year within the prescribed period would be creating a weekly tenancy to which the recovery provisions of the Act would apply, so that the landlord would place himself in this position: if he chose not to execute a new lease he would be faced with the difficulty that he would not be able to get his tenant out and that tenant would be there until such time as the landlord could force the very stringent recovery provisions of the Act. Under those circumstances the tenant would be there at the rental of the lease which had expired. The tenant would have his position secured. He does not have to get an order and cannot get an order. In 1957 we amended section 6 of the Act by inserting subsection (2*c*) as follows:—

If after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, the lessor and the lessee under a lease of any premises for a term of not less than six months agree in writing as to the amount of the rent thereof, then (whether the rent of the premises has been determined under this Act or otherwise) the provisions of this Act relating to the control of rents shall not apply with respect to the rent payable under that lease or under any holding over by the tenant after the expiry of the lease.

Once the tenant is allowed to hold over and the landlord does not exercise his rights of recovery on the expiry of the lease then the rent that obtains is that which was fixed by the lease which has expired and the landlord has to use the ordinary recovery provisions of the Act to secure his premises. The circumstances the honourable member fears would not obtain and the landlord would be putting himself in a much more difficult position if he allowed that to happen than if he executed a new lease. The tenant would have more protection than if a new lease were executed.

Mr. MILLHOUSE—It is probably obvious that if this amendment is accepted it will mean a harvest for the legal profession. I bitterly oppose the amendment, except on that ground, and except for the reason that the Premier hinted, that it might be a good way of getting rid of this legislation. Let us remember that we have mitigated the rigours of this legislation by the lease provisions. Dwellings remain controlled and are only exempt so long as there is a lease removing them from the provisions of the Act. In Great Britain the Conservative Government has provided that the actual tenancy at the particular time is protected and when that tenancy ends then the dwelling comes out of control altogether. The result of this amendment is that in time every dwelling in South Australia, except those built since 1953 and Housing Trust homes, will be back under rent control. I believe the member for Norwood suggests that this amendment will apply to section 6 (2) (*e*) of the Act which states:—

With respect to any leases in writing of any premises for which this Act applies any part of which is let or used as a shop the term of which is for one year or more . . .

Mr. Dunstan—It still has to be a dwellinghouse.

Mr. MILLHOUSE—In certain circumstances it will apply to shops.

Mr. Dunstan—It is a dwellinghouse with a small shop attached.

Mr. MILLHOUSE—I congratulate the member upon his cunning because within a few years he will have succeeded in bringing back every dwellinghouse under the rent control provisions. One could argue specific cases of hardship both to landlords and tenants, but members should realize the full import of this amendment, quite apart from the other pitfalls implicit in it, such as when the rent is to be fixed.

The Committee divided on new clause 2a:—

Ayes (14).—Messrs. Bywaters, Clark, Corcoran, Dunstan (teller), Hughes, Hutchens, Loveday, McKee, O'Halloran, Ralston, Riches, Ryan, Frank Walsh, and Fred Walsh.

Noes (16).—Messrs. Brookman, Coumbe, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Millhouse, Nankivell, Pattinson, and Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Mrs. Steele, and Mr. Stott.

Pairs.—Ayes—Messrs. Jennings, Tapping, and Lawn. Noes—Messrs. Laucke, Hall, and Bockelberg.

Majority of 2 for the Noes.

New clause thus negatived.

Title passed.

Bill reported without amendment. Committee's report adopted.

ADJOURNMENT.

At 9.23 p.m. the House adjourned until Thursday, November 12, at 2 p.m.