HOUSE OF ASSEMBLY.

Tuesday, October 30, 1962.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

PETITION: MARKETING OF EGGS ACT.

Mr. BYWATERS presented a petition signed by 232 poultry farmers and respectfully praying that the Marketing of Eggs Act, 1941-1959, be amended to provide that the three producer members of the South Australian Egg Board be elected by ballot instead of appointed by the Governor.

Received and read.

QUESTIONS.

NORTHFIELD WARDS.

Mr. FRANK WALSH: I understand that the Northfield wards under the control of the Hospitals Department were due for a review by the Commonwealth Department of Health about two or three months ago in regard to non-recognition for Commonwealth hospitals benefits. I also understand that that review was deferred at the request of the South Australian Government because it was contemplating some structural changes in the Northfield wards. Can the Premier say whether these structural alterations will bring the Northfield Hospital into line with the Royal Adelaide Hospital regarding Commonwealth hospital benefits?

The Hon. Sir THOMAS PLAYFORD: I cannot say whether it will or not. The Commonwealth Government submitted a general proposal to the States for a renewal of the agreement between the Commonwealth and the States but the details of the agreement have yet to be worked out by officers of the State and Commonwealth. I am of the opinion (I cannot be precise on this) that the Commonwealth Government has not accepted within this scheme all mental patients and that it still excludes that part of the Royal Adelaide Hospital at Northfield used for the hospitalization of elderly people. However, I will see if I can give the honourable member additional information. We have repeatedly stated that, in our opinion, there is no case for discrimination between mental and other hospital patients, or between elderly and other patients. I believe that one State has considered this matter and now proposes, as a matter of policy, to accommodate its mental patients in ordinary hospitals. That idea may be practicable; it will be examined by this Government in due course.

GOOLWA BARRAGE BY-PASS.

Mr. JENKINS: Two or three weeks ago the District Council of Port Elliot was asked to submit to the Premier, for submission to the River Murray Commision for approval, a plan for a by-pass road around the Goolwa barrages. Has the Premier had a reply from the commission yet?

The Hon. Sir THOMAS PLAYFORD: No; I have received no reply. I will send the commission a telegram to see whether I can expedite the matter.

NAME PLATES.

Mr. HUTCHENS: A report in a recent edition of the *Sunday Mail*, under the heading "British Firm will make Name Plates", stated that the Adelaide City Council had gone overseas to buy name plates for Adelaide streets. According to the report, a contract worth £2,468 for 1,800 name plates had been let to a firm in Britain although South Australian firms that had tendered had quoted prices within £200 or £300 of the price quoted by the British firm. In view of the current unemployment, the obvious ability of the South Australian firms to carry out this work, and the fact that die-casting for similar name plates would be more costly to smaller cities and municipalities and would make the purchase of locally manufactured name plates prohibitive, will the Premier, in the interests of South Australian industries, workers, and the public generally, and in an effort to create employment and circulate currency within this State, approach the Adelaide City Council with a view to asking it to reverse its decision in this matter?

The Hon. Sir THOMAS PLAYFORD: I will take up this matter with the council to see whether I can get some arrangement made similar to that which the State Government exercises in connection with contracts. The State Government contracts have always a margin of preference for South Australian manufacture. We believe that people prepared to invest money in this State deserve to have a margin of preference; also, we realize the importance of maintaining employment in the State. I will discuss the matter with the Lord Mayor in due course.

NAVAN WATER SCHEME.

Mr. FREEBAIRN: Has the Minister of Works a reply to the question I asked last week about the time of completion of the Navan water scheme?

The Hon. G. G. PEARSON: Yes. The pipes for the Navan water scheme are, as I understand it, placed on site, and the gang that will lay the main will commence work on it early in January. At present it is located at Nuriootpa and is engaged in completing the Springton and Eden Valley scheme and some subsidiaries on the Warren scheme. After Christmas, when that work is completed, the gang will be moved and commence work on the Navan scheme. It is expected that it will take about three months to complete the laying of the main from the time of commencement in January.

MATRICULATION STANDARDS.

Mr. CLARK: Last Wednesday I sought from the Minister of Education information on the new matriculation requirements for the university. I pointed out that many members and their constituents were most interested in this matter. As press information so far has been rather meagre and as I understand that the Minister has a carefully prepared statement on the new requirements, will he give it to the House?

The Hon. Sir BADEN PATTINSON: As my proposed reply to this important question is longer than usual, I ask leave to make a Ministerial statement.

Leave granted.

The Hon. Sir BADEN PATTINSON: Most universities in Australia have a matriculation based on a minimum of five years of secondary education. But in South Australia the Leaving examination, normally taken at the end of the fourth secondary school year, is the matriculation examination. In order to be matriculated here a student must pass in at least five subjects, including English and at least one other arts subject and at least one mathematics or science subject. Among his five required subjects he must pass in either mathematics or a foreign language. If he fails in English, but satisfies the examiners of his ability to use the language as an instrument of expression, he may be awarded the qualification EgQ and thereby satisfy the matriculation English requirement. EgQ does not, however, count towards his five required subjects. A candidate need not take more than one subject at a time. He must be at least 16 years of age when he signs the students' roll. In addition to the Leaving examination there is at present a Leaving Honours examination normally taken after one more year at school. It is especially intended for those who will enter the university. Already about 70 per cent of university entrants upon full-time undergraduate courses take it, and the percentage is rising annually.

At present there is a strong incentive for intending university entrants to science-type courses to concentrate on mathematics, physics and chemistry and to neglect other subjects in their fifth school year, for by passing well in those subjects in the Leaving Honours examination they can gain status in certain courses at the university. It is considered that such specialization after only four years of secondary education is premature. All students coming to the university should be encouraged to continue a broad education in arts and science subjects in their fifth school year. They will thus have a broader preparation both for their university studies and for their subsequent careers and lives in general. For several years I have felt and have publicly expressed the opinion that we should not remain out of step with the rest of Australia and that appropriate improvements should be made to the requirements for entry to the University of Adelaide. These opinions were shared by many leading educationalists.

In June, 1960, the council of the university appointed a committee "to investigate the whole question of university matriculation requirements and, in particular, to examine the desirability and the implications of a matriculation based on five years' schooling at secondary level". The committee was widely representative. It consisted of the chairman of the University Education Committee as its chairman, the Vice-Chancellor, a senior member of the Education Department, the principal of an Adelaide high school, a headmaster and a headmistress of independent schools, and a number of professors of the university. The committee issued two interim reports. After its unanimous final report had been discussed by a large number of bodies, including the university faculties and boards of studies and the Public Examinations Board, it was approved in principle by the council. The report was then forwarded to me for perusal and advice as to when it would be practicable for the proposed new matriculation to be held.

After detailed consideration of the report by the Director of Education and his principal officers and their discussions with the chairman and leading members of the committee, the Director recommended two important amendments. He advised that, subject to the inclusion of these amendments, the proposals could be introduced in 1966. These amendments have been included and this advice has been

accepted by the council, which, at its meeting on last Friday, October 26, approved of the amended statute. It will be submitted for the approval of the senate of the university at its meeting on November 28.

The council proposes that commencing in 1966 there should be a new matriculation examination normally taken at the end of the fifth secondary school year, and that the first examination should be held at the end of that year. Although university entrants should be encouraged to sit for six subjects, they will be required to pass in five subjects, much as at present with a similar spread of subjects and with a similar provision for EgQ. The five subjects should normally be taken at the same time and preferably passed all together. An annual matriculation examination shall be held towards the end of the calendar year and a supplementary matriculation examination in the following February. The examination shall be designed, in general scope and standard, for candidates who have completed five years of academic secondary education (following seven years of primary education) in South Australia.

At the request of the Director of Education, the council has provided that there shall be no alternative two years' syllabus leading from the Public Examinations Board's Intermediate examination to the new matriculation examination. In other words, the only syllabuses available will be the 12 months' syllabus leading to the Leaving certificate examination and then a further 12 months' syllabus leading to matriculation. It will not be compulsory for any student to take the Leaving certificate examination itself. It has also stipulated that the content of the courses to be prescribed for the new matriculation examination will be such that a student of reasonable ability would be able to pass in six subjects. As a guide it should be assumed that the total amount of work required by a reasonably able student to obtain a pass in six subjects is not greater in quantity than the amount of work required by the same student to obtain a pass in four Leaving Honours subjects in the present courses. To become a matriculated student a candidate shall have attained the age of 17 years, but in exceptional circumstances the council may admit a qualified candidate aged 16 years.

Mr. CLARK: With other members, I am pleased with the reply given by the Minister. However, I think he will agree that this poses a problem. I think he said that about 70 per cent of students going to the university at present had completed their Leaving Honours year. That means that about 30 per cent of them go there after obtaining only a Leaving certificate, and I would guess that most of those are from the country. However, under the new arrangement by 1966 this will mean that those who complete the four-year course (the present Leaving course) will not be eligible to attend the university, but must pass their matriculation examination beforehand. This would mean under existing arrangements that most country boys and girls would either not be able to go to the university at all or would be forced to go to matriculation standard classes in the city or in the schools where such classes had been established in the country. Is it planned that by 1966 most high schools (I refer particularly to those in the country areas) will have a fifth-year class established so that boys and girls will be able to matriculate in the country without being forced to come to city schools to complete their high school education?

The Hon. Sir BADEN PATTINSON: Yes. The committee that the university appointed in June, 1960, included the Superintendent of Recruiting and Training in the Education Department (Mr. A. W. Jones) and also a very experienced high school headmaster, Mr. W. M. C. Symonds, Principal of the Adelaide Boys High School, who had had extensive experience as a headmaster in various country high schools. They were well aware of the problem posed by the honourable member. In addition, after the final report of this committee was approved in principle, it was referred to me for consideration and also advice on when it could safely be put into operation. I referred that again to the Director of Education (Mr. Mander-Jones), the Deputy Director of Education (Mr. Walker), the Superintendent of Recruiting and Training (Mr. Jones), and the Superintendent of High Schools (Mr. Statton). They considered it at great length and conferred with representatives of this investigating committee. Finally, the Director of Education gave me a written report that, provided the safeguards he recommended were included in the statute, it could be safely brought into force in 1966; that is, the new course could be established at the beginning of 1966 and the examination could be held safely at the end of 1966. In the meantime the Leaving Honours course will be continued. It is safe to say that all country students desiring to take the course at country high schools can be adequately catered for in the country.

CHAIR OF MENTAL HEALTH.

Mrs. STEELE: Has the Minister of Education a reply to the question I asked last week about an appointment to the Chair of Mental Health at the University of Adelaide?

The Hon. Sir BADEN PATTINSON: The Vice-Chancellor of the University of Adelaide states:

The university has been trying to find a qualified person for appointment to its Chair of Mental Health since October, 1960. We have not yet been successful in finding a suitable person. There is a very serious shortage of qualified people suitable for appointment to this Chair. However, negotiations are proceeding and I greatly hope that a solution may be found within the next few weeks.

ASIAN LANGUAGES.

Mr. LOVEDAY: In view of the growing importance of our relationship with Asian nations to the north of Australia, both as regards trade and otherwise, has the Minister of Education considered providing classes for the study of Asian languages and scholarships to encourage the study of these languages? If not, will he consider these matters?

The Hon. Sir BADEN PATTINSON: Yes. I have considered both these matters in consultation with the Director of Education and some departmental specialist officers, but no finality has been reached. However, I do hope that some plans will soon be evolved, which I shall submit to the proper authorities for their approval.

CHOWILLA DAM.

Mr. COUMBE: It was reported in the press that the Premier would not be attending a conference regarding the Chowilla dam. Will the Premier say why the conference has now been cancelled and indicate that he is at all times willing to attend any conference on this matter on behalf of this Parliament and the people of South Australia?

The Hon. Sir THOMAS PLAYFORD: The first I heard of this was in a letter from the Prime Minister stating that he was hopeful of having a conference today and asking whether I could attend. I immediately got in touch with the Leader of the Opposition, who, without hesitation, agreed to a pair being provided for me so that I could attend, and I replied to the Prime Minister accordingly. The conference was accepted immediately by South Australia, but I heard subsequently that the Premier of New South Wales was unable to attend this week, and for that reason the conference had to be cancelled.

SEMAPHORE CARNIVAL.

Mr. TAPPING: Has the Premier, as Acting Minister of Railways, a reply to my recent question regarding excursion fares for people attending the annual carnival at Semaphore?

The Hon. Sir THOMAS PLAYFORD: The Railways Commissioner has replied that excursion fares are not issued for metropolitan travel, so no issue could be justified in the instance mentioned by the honourable member. The Commissioner points out that the department assists the committee organizing the beach carnival at Semaphore by printing and displaying placards free of charge.

COMMUNISTS IN SCHOOLS.

Mr. MILLHOUSE: Under the heading "R.S.L. Concern at Report", the following appeared in last Saturday's *Advertiser*:

The State Board of the R.S.L. was concerned at a report which indicated that the Government was powerless to remove nine members of the Communist Party from the teaching staff of the Education Department, the R.S.L. State president (Mr. T. C. Eastick) said last night. He was commenting on a report by the Director of Education (Mr. E. Mander-Jones) which had been made available by the Minister of Education (Sir Baden Pattinson).

As exposure and publicity are the best means to reduce the effectiveness of Communist activities in any sphere, will the Minister of Education disclose the contents of the reports to this House?

The Hon. Sir BADEN PATTINSON: On July 30 the Director of Education supplied me with a first interim report on this subject and on September 25 with a second interim report. On October 2 I wrote to the State President of the R.S.L. (Mr. Eastick) supplying him with the contents of both of those reports. I know that they have been considered in detail by the State board of the league, and it would seem that it was for the league to publish the letter if it were so inclined.

SCHOOL DENTAL SERVICES.

Mr. BOCKELBERG: Has the Minister of Education a reply to my question of October 17 regarding dental clinics at schools on Eyre Peninsula?

The Hon. Sir BADEN PATTINSON: My colleague, the Minister of Health, states:

Two of the nine school dentists work regularly on Eyre Peninsula. One is allotted to the north-eastern part of the peninsula centred on Kimba. The other is in the northern central area centred on Wudinna. It is

expected that an additional dentist will be available in 1963, and he will be allotted to north-western Eyre Peninsula.

FRUIT CANNING.

Mr. BYWATERS: On April 19, and again on August 15, I asked the Premier questions relating to Brookers (Aust.) Ltd., and I pointed out that £70,000 was still owing to growers. I said that the member for Chaffey and I were concerned about this matter. On both occasions the Premier offered to get a report. Can he now give a reply? Has any of this money been paid to the growers by Foster Clark (S.A.) Ltd., which took over Brookers? If not, is it intended to pay anything to the growers?

The Hon. Sir THOMAS PLAYFORD: I point out that under no circumstances would Foster Clark (S.A.) Ltd. undertake to pay any money in connection with the liabilities of Brookers (Aust.) Limited. This firm purchased the assets of Brookers and the disposal of those assets would be in accordance with the law and not in the way of any payment by Foster Clark, which did not undertake to discharge the liabilities of Brookers. Although it purchased the assets, the liabilities had to be met from the purchase price obtained for those assets. As far as I know, that arrangement was submitted to the creditors of Brookers and all other parties, and as it possibly meant that that firm would get something in place of having nothing, it accepted it. Foster Clark certainly would not be paying any money to any creditors of Brookers, which could be paid only after the secured creditors had been paid in the distribution of the assets. It is not a matter in which the Government is directly involved and it is not a party to this matter. As far as I know, these debts were incurred by Brookers prior to any Government guarantee. On inquiring whether there were any liabilities to growers after the Government gave the guarantee, I was informed that the liabilities to which the honourable member referred had been incurred before the Government guarantee was in force. This matter is outside the scope of the Government. The liabilities and the distribution of the assets must be in accordance with the law of the land, which in this case is covered, I think, by Commonwealth legislation: I think the receiver would be acting under Commonwealth instructions. I can find no suggestion whatever that Foster Clark is to make any payment to the creditors of Brookers in connection with any debts incurred before Foster Clark purchased the company.

SCHOOL CANTEENS.

Mr. HARDING: Recently I asked the Minister of Education a question regarding canteens in new schools. I congratulate the Minister on the type of school now being built at Penola and Naracoorte. Can he say whether canteens will be built in these two schools?

The Hon. Sir BADEN PATTINSON: As I told the honourable member in my reply of October 4, I have taken up with the Education Department and the Public Buildings Department the question whether sites could be reserved at both these schools for canteens. The Director of the Public Buildings Department was asked to advise whether it would be possible to make certain structural provisions in these schools so that canteen sites would be close to water, electricity and other facilities, or if this was not possible, whether separate sites could be reserved at both schools for future canteens.

The Director of that department now states that, because of the advanced state of construction of both schools, it would be impracticable to initiate any structural alterations. However, the best possible sites for any future canteens which may be built on subsidy have been reserved after giving consideration to the proximity of electrical and plumbing services, the convenience of children and the ease of delivering canteen goods.

MOUNT GAMBIER LEAVING HONOURS CLASS.

Mr. CORCORAN: The people in the Mount Gambier district are anxious to know whether a decision has been made regarding the provision of a Leaving Honours class at Mount Gambier in order that they can finalize arrangements for their children to attend the class, wherever it may be, next year. I have reason to believe that a survey, apart from the one mentioned by the member for Victoria (Mr. Harding), was conducted on October 9. Has the Minister of Education the result of that survey, and can he say whether any decision has yet been reached about whether a class will be provided at Mount Gambier in 1963?

The Hon. Sir BADEN PATTINSON: The latest information on this matter is contained in a report dated October 23 from the Superintendent of High Schools which I received from the Director of Education last Friday. This report shows that there may be 18 qualified and available students, including 12 from Mount Gambier, one from Naracoorte, two from Penola, and three from Millicent. It is true

that eight other students, including four from Mount Gambier, may be willing to take the course but are unlikely to qualify. I am afraid that I cannot take the matter any further at present. I had a further discussion with the Director of Education this morning, and he is endeavouring to obtain the latest information for me concerning the four schools named earlier—the three high schools at Glossop, Nuriootpa and Port Pirie, and Whyalla Technical High School—and the Mount Gambier High School, and, for good measure, the Port Augusta High School.

BALAKLAVA-RIVERTON ROAD.

Mr. HALL: Recently I received a letter from the Clerk of the Balaklava District Council stating that the council had approached the Commissioner of Highways with a request that the road between Balaklava and Riverton be included in the main roads schedule. The council, in its reason for this application, said:

This road appears to have preference among transport users for interstate trips because it has smaller gradients than the road that goes through to Auburn.

As this council administers its area wisely and would not make such a request without good reason, will the Premier, as Acting Minister of Roads, have this matter investigated with a view to favourably considering the request?

The Hon. Sir THOMAS PLAYFORD: Yes.

WILD LIFE.

Mr. CURREN: Reports in the weekend press referred to the indiscriminate shooting of wild life and the failure to prosecute people transgressing in this way. I heard over the radio this morning that about 100 swans were found shot dead on Lake Bonney, near Barmera, which is part of a wild life reserve. In view of these reports, I have been asked by the Upper Murray Sporting and Game Protection Association to seek the following information of the Minister of Agriculture, as Minister in charge of the Fisheries and Game Department. What sum is collected annually in gun licence fees? How many officers are employed in the Fisheries and Game Department's wild life section? What steps are being taken to conserve and propagate water fowl? What penalty is imposed on persons found to be shooting protected wild life or caught shooting out of season?

The Hon. D. N. BROOKMAN: I do not know whether I am expected to answer these questions offhand; if I am, I had better have the list of the questions to refer to. I think that in general I could say that the expected revenue from both gun and fishing licences would be about £25,000. That information is to be found in the Estimates of Revenue on the honourable member's file. The amount received in respect of gun licences, as distinct from permits to trap and fishing licences, would be the major part of that amount. As the honourable member knows, the wild life section of the department is comparatively new. It has been established primarily to conserve wild life and to see that our laws are properly administered. Four officers are employed in that special section, but they are not the only officers able to administer the Act. In addition, the fisheries inspectors in another section of the department are inspectors under the Animals and Birds Protection Act, and there are about 30 to 40 honorary wardens throughout the State. I am not sure how many country policemen are inspectors for this purpose, but I believe they all are, and in any event they are there to see that the law is observed. Therefore, a good cover is provided. On the other hand, I am personally very interested to see that the laws are properly observed. To this end we have increased activities tremendously, particularly during the duck-shooting season but also at other times of the year, to see that the law is not broken. I hope the honourable member can substantiate his information relating to the shooting of 100 swans; one of the difficulties I find is that often we do not know whether a report that spreads is sound. I have not heard about the incident mentioned and I should like to get the full story from the honourable member. If the story is true, it is a serious matter and will be followed up by the department in the same way as all reports are followed up. Although I cannot say how many prosecutions have been launched, there have been prosecutions aimed at conserving wild life recently.

TRAMWAYS TRUST.

Mr. JENNINGS: Has the Minister of Works a reply to a question I asked on August 29 about the extension of public transport to the northern part of my district?

The Hon. G. G. PEARSON: I apologize to the honourable member for not conveying this information to him earlier; I was unaware that it had arrived in my office. The honourable member asked two questions, the first being about what machinery was provided and necessary to enable the Municipal Tramways Trust to enlarge the area of its services. This

matter is governed by the Municipal Tramways Trust Act, and a proclamation is required to extend the area over which the trust has jurisdiction. In the second part of his question the honourable member asked that I request the trust whether it would extend its services to Pooraka, Dry Creek and Burford Gardens. The Pooraka area is outside the trust's prescribed area, but the two other areas are within it. I have a schedule showing the number of trains and private buses that serve these areas, and I ask permission to have it incorporated in *Hansard* without my reading it.

Leave granted.

Pooraka—Daily Return Trips to City.

	Railway.	Bus. *Ex* Para Hills.	Bus. *Ex* Para Vista.
Week days	13	12	9
Saturdays	11	4	7
Sundays	—	4	—

and

Dry Creek-Burford Gardens—Daily Return Trips to City.

	Railway.	*Ex* Parafield Gardens.
Week days	50	3
Saturdays	37	—
Sundays	9	—

The Hon. G. G. PEARSON: The schedule shows that many services are provided by both the Railways Department and private bus services. The General Manager of the M.T.T. concluded his report by saying that at this stage of its development the trust could not possibly economically justify operating to these centres even if the way were otherwise clear to do so.

TEA TREE GULLY SCHOOLS.

Mr. LAUCKE: Will the Minister of Education say what steps are being taken to provide primary school accommodation in the northern parts of Tea Tree Gully?

The Hon. Sir BADEN PATTINSON: A site of about 10 acres is at present being obtained in Steventon in Tea Tree Gully North, and the provision of a school on this site will be considered when the next Loan Estimates are being prepared. In addition, Cabinet approval has been given for the purchase of a site for a primary school of 10 acres in section 1578 for Ridgehaven and Redwood Park. No steps have as yet been taken towards securing an area for a primary school in the Surrey Downs area. Although it is known that the need for a school site will arise, it does not appear as urgent as other proposed school sites, and therefore no investigation or recommendation has been made up to the present. If the need arises through the overcrowding of the Tea Tree Gully school, children from Redwood Park and Ridgehaven can be enrolled at the Modbury school, where a new building of twelve rooms is expected to be ready for occupation at the beginning of 1963. At this time, it does not appear that children from the Modbury district will fill the school during next year.

NAPPERBY HALL.

Mr. RICHES: I have received the following letter from the Napperby hall building committee:

At a meeting of the above committee I was instructed by the members to contact you with regard to the availability of Government funds for the building of our memorial hall. The funds now in hand (£4,000) have been raised through the efforts of the local citizens and they feel that, seeing that funds are made available in other places for such things as swimming pools, playing areas, libraries and so on on a subsidized basis through the Government, they may be eligible for same. If you could see your way clear to bring this matter before Parliament at its next sitting, we should be much obliged.

Napperby is a small community in the Flinders foothills just outside Port Pirie. Will the Premier say whether any funds are available out of which he can assist this worthy cause?

The Hon. Sir THOMAS PLAYFORD: There is no line on the Estimates that would cover this expenditure.

SALK VACCINE.

Mr. CASEY: Has the Premier a reply to my recent question regarding the administration of Salk vaccine in areas outside local government areas?

The Hon. Sir THOMAS PLAYFORD: The Hawker local board of health applied to the Director-General of Public Health for the Government to bear part of the cost of immunizing people residing outside the area of the District Council of Hawker. The local board of health suggested that the medical officer of health conduct the immunization and that the Government pay a fee of 2s. 6d. an injection for persons residing outside the district. The Minister of Health has approved this payment and the Hawker local board of health has been advised to this effect.

LOCK ELECTRICITY SUPPLY.

Mr. BOCKELBERG: Recently the Elliston council applied to the Electricity Trust for a supply of electricity to the town of Lock and

was told that the Engineering and Water Supply Department was making a move to have electricity extended to the Polda scheme and Lock. Has the Minister of Works any information about this project?

The Hon. G. G. PEARSON: When it became necessary to utilize the Polda Basin for water supply purposes the question immediately arose about what power could be provided for the pumps necessary for the scheme. I asked the Chairman of the Electricity Trust whether the trust was interested and whether the project would have any economic appeal to it. The trust has informed me in general terms that the matter is well worth considering but it will take a little more time than is at present available, prior to the operation of the Polda scheme, for the matter to be properly considered. In the meantime the Polda scheme will be equipped with diesel units so that water can be made available in the Tod trunk main, I hope within two or three weeks; but extending electricity supplies to serve this pumping station and the booster station at and the township of Lock is a matter that the trust is considering and on which it will come to a conclusion, I hope soon.

Mr. BOCKELBERG: The Minister said that pumps would be driven by diesel power, but he did not say whether this would be a permanent or a temporary arrangement. Will he amplify his reply?

The Hon. G. G. PEARSON: I regret that I may have conveyed the wrong impression. The pumping station at Lock will be temporarily equipped with diesel power and the pumps and mountings have been so designed that if electricity is available they can be changed over readily to electrical operation. That is part of the department's policy. It is highly desirable to use electric pumps because they can be operated by remote control, they are completely automatic, and they "fail safe" in the event of a power breakdown. The department will be anxious to change over to electrical power as soon as it is available.

UNAUTHORIZED BOOK SALES.

Mr LAWN: I refer to the matter that has been raised in this House for the past two years of disreputable book salesmen who make out that they are representing the Education Department. Recently, two cases were heard by Mr. D. F. Wilson, S.M. The two housewives concerned each said in evidence that the defendant who had called on her had said, "I am from the Education Department." The magistrate (Mr. Wilson) said that in each case it was a matter of oath against oath and there was no independent evidence to support either side. As marine store collectors are licensed with the object of ensuring to householders that the persons so calling are reputable, will the Minister of Education consider introducing an amendment to the Act to provide that book salesmen, too, shall be licensed to guarantee some assurance to the householders that the people so calling are, to the best of the Police Commissioner's knowledge, reputable?

The Hon. Sir BADEN PATTINSON: I shall be pleased to consult my colleague, the Attorney-General, and perhaps he will discuss the matter with the Crown Solicitor and the Parliamentary Draftsman. I did read a report of the two cases referred to by the honourable member and, as I understand it, the salesmen approached these two women at their respective homes when they were alone. There was no independent witness. Each said that the salesman said he was from and was representing the Education Department, and in each case the salesmen denied it. The magistrate said it was a case of oath against oath and no doubt he was not satisfied beyond reasonable doubt that the salesman was guilty of the offence he was charged with. I should imagine there would be a rather melancholy prospect that a similar state of affairs could arise in many other cases, because it is the settled practice of these gentlemen to call on women at their homes during the day-time when the man of the house is absent. It is most unfortunate that this should occur, but I will take up the honourable member's suggestion with my colleague to see if any worthwhile amendment can be made to the Act, and in particular the one suggested.

BALAKLAVA HOUSING.

Mr. HALL: I have received a letter from two constituents living in Balaklava in which they state they are concerned at the apparent lack of rental housing in that area. They mention a family which has housing difficulties and then ask whether the Engineering and Water Supply Department houses, two or three of which, I understand, have been permanently erected in the township and will not be required soon when that department's work on the Warren-Paskeville trunk main is completed, could be made available for renting in Balaklava. Can the Premier say whether there is any form of liaison between the Housing Trust and the Engineering and Water

Supply Department that can be used to ascertain whether this is possible?

The Hon. Sir THOMAS PLAYFORD: Usually, when one department has surplus houses available, it ascertains whether they are wanted by another Government department and, if they are, appropriate adjustments are made in the accounts and the transfer is made. If the houses are surplus, of course, it is a different matter. On occasion, the Housing Trust has purchased houses and used them for the purposes mentioned by the honourable member. For example, the Housing Trust purchased houses from Radium Hill when the mine was closed. I will have the matter investigated. I do not know whether the houses are empty yet or whether they will be, nor do I know whether anyone desires to purchase them. I will find out and tell the honourable member as soon as possible.

PUBLIC TRUSTEE DEPARTMENT.

Mr. FREEBAIRN: Has the Minister of Education, representing the Attorney-General, a reply to the question I asked last week about establishing branches of the Public Trustee Department in the larger country towns?

The Hon. Sir BADEN PATTINSON: The Attorney-General has informed me that it is not practicable to establish branches of the Public Trustee Department in country areas at present as the volume of work offering would not meet the expense involved.

PARKSIDE CRAFT CENTRE.

Mr. LANGLEY: Has the Minister of Education a reply to the question I asked last week about the woodwork and domestic arts centre at Parkside?

The Hon. Sir BADEN PATTINSON: No, the report has not come to hand. I will see whether I can make it available by tomorrow.

TRAIN DERAILMENTS.

Mr. MILLHOUSE: Last Friday, at about 5 p.m., a serious derailment occurred on the main Hills line at Blackwood, as a result of which the time table for the next two hours or more was disorganized with some trains running only as far as Mitcham and others not running at all. I fully sympathize with the railway authorities in the sudden emergency and upset created by the derailment. I was not travelling on any of the trains, but I have received many comments—some amounting to criticism—that the Railways Department took too long to let passengers in Adelaide know what had happened and to arrange for a fleet of emergency buses to transport passengers to their destinations. Can the Premier, as Acting Minister of Railways, say whether the Railways Department has any standard procedure when such an unfortunate incident occurs; if it has, whether it could operate more quickly than it did last Friday; and, if it has not, whether procedure to cope with such an emergency could be evolved?

The Hon. Sir THOMAS PLAYFORD: When a dislocation of a service occurs the Railways Department does its utmost to look after passengers and to meet their requirements. I do not think any standard procedure could be evolved to meet the circumstances of a derailment because a derailment on the Ninety Mile Desert, for instance, would require a totally different procedure from a derailment near Adelaide similar to the one mentioned. However, I will ask the Railways Commissioner to report as to what action can be taken to invoke whatever emergency action is decided on and whether a general procedure could be evolved to enable emergency provisions to be implemented more quickly.

PORT PIRIE ABATTOIRS.

Mr. McKEE: The member for Stuart (Mr. Riches) and I have received a letter from the Port Pirie Abattoirs Board seeking an export licence. Can the Minister of Agriculture inform the House what assistance, financial or otherwise, the State Government provides to an abattoirs that receives an export licence?

The Hon. D. N. BROOKMAN: The State Government does not license an abattoirs to slaughter for export: that comes under the supervision of the Commonwealth Government. The conditions under which the Government will assist country industries have been mentioned in this House frequently. They have appeared in *Hansard* several times in the last two years. Apart from the question of finance (which it is possible to arrange by way of guarantees), the provision of housing, and the building of factories under certain conditions, there are specific provisions that relate to slaughterhouses whereby a country slaughterhouse can obtain some assistance. One such provision is that a slaughterhouse may be given the right to send meat into the metropolitan area—up to half of its total kill for export, but not exceeding one-seventh of the total consumption of the metropolitan area. To that has been added the provisions of the recent amendment to the Metropolitan and Export Abattoirs Act which could be of even

greater assistance. The Minister may grant licences for the sale of meat within the metropolitan area according to the conditions set out in the Act. I think the honourable member is familiar with these. Since that legislation has been passed by Parliament I have established a committee which is examining all applications for slaughtering licences. The committee is actually on the job this afternoon, and it has already had several meetings. Should the abattoirs, which the honourable member has mentioned, be interested in applying under that Act I suggest that it communicate with me as soon as possible.

TINTINARA AREA SCHOOL.

Mr. NANKIVELL: Has the Minister of Education a reply to the question I asked last week about the construction of a woodwork centre at the Tintinara Area School?

The Hon. Sir BADEN PATTINSON: Tintinara is one of the smallest area schools. It has a secondary enrolment this year of only 35 pupils, which is expected to increase slightly during the next few years. There are only 20 boys requiring instruction in crafts at secondary level and at present there are no facilities available at the school for them. However, in view of the demand for boys' craft centres at other area schools and because of the limited number at Tintinara, it has not been possible to date to provide a suitable boys' craft centre at the school, which was only recently upgraded to become an area school.

With the completion of the new school at Keith and the appointment of a fully trained boys' craft teacher at the commencement of the next school year, consideration is being given to a proposal that the school bus be used on one half day a week to convey secondary boys from Tintinara to Keith, a distance of 23 miles, for craft instruction. The Assistant Superintendent of Rural Schools will visit both Keith and Tintinara this week and it is hoped that an arrangement satisfactory to both schools can be made. If successful, this should resolve the difficulty for the next few years, after which the question of providing Tintinara with its own boys' craft centre will again be considered. As the honourable member knows, there is already a properly equipped girls' dressmaking room at this school.

MORPHETT STREET BRIDGE.

Mr. LAWN: Can the Premier, as Acting Minister of Roads, say whether plans have been prepared by either the Adelaide City Council or the Highways Department for rebuilding the Morphett Street bridge?

The Hon. Sir THOMAS PLAYFORD: The Government set out in general terms some proposals regarding the rebuilding of the bridge. It stated that it was prepared to pay half the cost of widening the bridge in order to make it a major entry into the city. I do not remember having received any reply to my letter, and as far as I know the city council is still investigating the matter. I believe some doubt was expressed about what was contained in my letter regarding the offer. The honourable member will recall that the structure known as the Morphett Street bridge covers a distance over the railway lines and leads to the Victoria bridge over the River Torrens. I have made it clear in discussions that the Government intended its offer to apply not only to the bridge structure but to the total structure, including the approaches to the bridge. The Government stated that it was prepared to pay half the cost of the total structure. We stipulated one other provision, and that was that as the Government was short of technicians for road and bridge work, the city council's officers should undertake the preparation of plans and specifications and supervision work on the bridge.

MURRAY BRIDGE CROSSING.

Mr. BYWATERS: Last week I asked a question regarding a tender being called for a crossing over the railway line four miles south-east of Murray Bridge. I understand a tender was called some time ago. Can the Premier say whether a tender has been let or whether it is likely to be let soon?

The Hon. Sir THOMAS PLAYFORD: The Commissioner of Highways reports that tenders for the construction of a bridge at this point will be advertised on Tuesday, October 30 (today) and will close on November 20. It is expected that work will commence immediately in the new year.

ABORIGINES' HOUSES.

Mr. RICHES: Can the Minister of Works tell me the number of buildings to be erected for Aborigines in the near future and their location; and in particular can he inform me of the building programme at Port Augusta? The progress of building at Port Augusta is hopelessly inadequate to cater for the number of Aboriginal families seeking houses. I understand that the department has negotiated with the Housing Trust or appropriate bodies for

houses from Radium Hill. Can the Minister say whether any of those houses are to be placed at Port Augusta, or what is proposed regarding the housing of those families who are still living in wurlies around Port Augusta?

The Hon. G. G. PEARSON: I am not able to give the honourable member details offhand, but I shall endeavour to get them for him before Parliament prorogues. The housing requirements for Aboriginal families, in my opinion, are outgrowing the resources of the Aborigines Department to supply, and I think that is a good thing. We have been discussing the matter with the Housing Trust, because it was established for the purpose of building houses. If the families concerned apply to the trust, it will examine the circumstances and the capacity of the people to occupy satisfactorily a modern house. I believe that the proper thing is for those people to apply to the trust and become tenants in the normal way. Quite apart from the transition housing which the Aborigines Department has supplied in the past, I am hopeful to direct more and more inquiries to the Housing Trust.

Mr. Riches: Would the Aborigines be assisted in paying their rent in the initial stages?

The Hon. G. G. PEARSON: That depends entirely on the circumstances of the family applying. The Aborigines Department has power to help over a very wide sphere of social assistance. I point out that a number of Aboriginal breadwinners are very competent at shearing and other things and earn very good wages, and there is no reason at all why they should receive any special assistance. I am sure the department would be sympathetic to applications where it considered assistance was justified.

EMERSON STATION.

Mr. LANGLEY: Can the Premier, as Acting Minister of Railways, tell me when the work now being done on the Emerson railway station will be completed?

The Hon. Sir THOMAS PLAYFORD: The Railways Commissioner reports that it is expected that the station will be completed by December 31, 1962.

MINGARY-COCKBURN ROAD.

Mr. CASEY: I understand the Premier has a reply to my recent question regarding the hazardous state of the Mingary-Cockburn road.

The Hon. Sir THOMAS PLAYFORD: The Commissioner of Highways reports that the Mingary to Cockburn section of the Terowie to Broken Hill main road is at present under construction. The formation work was carried out departmentally, and a contract has been let for the stabilizing of material to provide a base for bituminous sealing. The formation work has been completed, and the stabilizing of materials is in hand. Because of the dry weather and resultant shortage of water, dusty conditions were unavoidable. The position has improved since the recent rains, as water is again available from the railway dams, the creek, and Radium Hill. It is expected that by Christmas about half of this length will be sealed with bitumen, and every endeavour will be made to make the uncompleted section as trafficable as possible. It is expected that the whole of the section will be sealed by the end of February or the beginning of March next year.

MENINGIE AREA SCHOOL.

Mr. NANKIVELL: I believe the Minister of Education now has an answer to my question concerning the provision of a girls' craft centre at the Meningie Area School during next financial year.

The Hon. Sir BADEN PATTINSON: During the last few years the Meningie Area School has been almost completely re-established on a new site and now has modern classrooms, science laboratory, library and administrative centre. As the honourable member mentioned last week, a boys' craft centre incorporating the latest developments and measuring 88ft. x 32ft. is nearing completion. One of the rooms in the original stone building across the road from the new school is being used as a girls' craft room, and a visiting teacher from Murray Bridge provides instruction. It is difficult at present to give any definite date when a new girls' craft room can be provided, as several other area schools have submitted claims for similar facilities. However, as an increasing number of Aboriginal children (including those from Point McLeay mission station) will seek enrolment at Meningie, the special needs of the school for girls' crafts will be borne in mind.

OODNADATTA SCHOOL.

Mr. CASEY: I recently received a letter from the Oodnadatta School Committee asking me to request that the schoolyard be bituminized. The letter states that the yard is only dust through which stones protrude and that when it rains (which happens infrequently) it becomes a mud patch through

which children and teachers must go to get to the toilets. Bituminizing would provide an assembly area and basketball court, which would be a great asset. Will the Minister of Education take up this matter with the department?

The Hon. Sir BADEN PATTINSON: Yes. To the best of my recollection, this is the first time I have had the pleasure of hearing from the Oodnadatta school. Out of a total of about 750 schools, Oodnadatta is the school from which I receive the fewest requests and complaints; the people there must be most self-reliant. I shall be only too pleased to investigate the requests and give them my earliest sympathetic consideration.

URRBRAE AGRICULTURAL HIGH SCHOOL.

Mr. MILLHOUSE: During the debate on the Loan Estimates I asked the Minister of Education a question relating to the provision of boarding accommodation at the Urrbrae Agricultural High School. I have since received a letter from Superintendent Finn, the secretary of the high school council, in which he says:

My council feels that boarding accommodation at the school is something that must not be lost sight of, but the primary need is the new school buildings for educational purposes.

As the Minister is not able to supply boarding accommodation, is he in a position to recommend the erection of new classrooms that have been requested on several occasions by the high school council and by me?

The Hon. Sir BADEN PATTINSON: Owing to the decentralization of the teaching of agricultural science at an increasing number of our country high schools, enrolments at the Urrbrae Agricultural High School are not increasing at present. In 1961 there were 564 students, this year there are 555, and the estimated enrolment for next year is 565. At one time over 800 students were enrolled. For the estimated attendance for next year, the present buildings are considered adequate. The Director of Education has informed me that no proposal is being considered at the moment for the addition of a new classroom block for this school. However, I understand that members of the school council have arranged to meet the Director and myself within the next week or so, when the whole matter will be fully discussed. From previous experience, I have no doubt that it will be thoroughly, if not exhaustively, discussed.

SITTINGS OF THE HOUSE.

Mr. LAWN: Will the Premier say whether the Government intends to have an early session of Parliament next year?

The Hon. Sir THOMAS PLAYFORD: This, of course, will depend on several circumstances. If, for example, it is found that the appropriation provided is not sufficient or there is a change of policy by the Loan Council it will be necessary to call Parliament together. Normally, I consider it necessary to call Parliament together before the end of a financial year, but I hesitate to make a definite statement at this stage.

RISDON PARK SCHOOL.

Mr. McKEE: Has the Minister of Education a reply to a question I asked last week about the erection of additional classrooms at the Risdon Park Primary School?

The Hon. Sir BADEN PATTINSON: When the priority list of timber classrooms for the current period was compiled, only one room for Risdon Park was included because of the urgent demands of other schools. Subsequently, because the Finsbury Works Branch of the Public Buildings Department was not able before February, 1963, to erect all the rooms approved, it was necessary to defer the less urgent items. Risdon Park was one of these. It now seems that the earliest this room can be erected is the end of February, 1963. It will be necessary for the school activity room to be used for classroom purposes for a short time until the new timber classroom is erected and ready for occupation.

WOODWORK AND HOME SCIENCE TEACHING.

Mr. CLARK: Will the Minister of Education say whether a departmental decision has been made to discontinue the teaching of woodwork and home science in primary schools and confine their teaching to secondary schools and, if it has, whether he is in accord with it?

The Hon. Sir BADEN PATTINSON: I answered one or two questions on this matter last week, and the member for Unley this afternoon asked me a specific question about the Parkside Primary School.

Mr. Clark: That related only to woodwork.

The Hon. Sir BADEN PATTINSON: Yes. Courses of instruction in various classes of schools are the responsibility of the Director of Education, who is given these powers under the Education Act. However, he pays me the courtesy of making his decisions in the

form of recommendations. Some time ago he recommended to me that the teaching of domestic arts in primary schools be discontinued, and I concurred in his decision. He also recommended that the teaching of woodwork in primary schools be discontinued. He and his principal officers considered it would be far more effective and beneficial if the teaching of these crafts were commenced at the first year of secondary school; and that is the considered present policy of the department. I understand that the members of the central authority of the Teachers' Institute are anxious to see me about this. I am seeing them on one or two more urgent matters later this afternoon and, after the House has prorogued, I intend to discuss these important questions with them. If it is capable of review, and it is wise to review it, no doubt the Director and I will do so soon.

CANING IN SCHOOLS.

Mr. TAPPING (on notice): What is the policy of the Education Department regarding caning of children attending primary and secondary schools in South Australia?

The Hon. Sir BADEN PATTINSON: The policy of the Education Department regarding caning of children attending primary and secondary schools is in accordance with the provisions of Regulation XXVII, Parts 6-10, which read as follows:

6. Corporal punishment may be used only as a last resort. It is not to be given for trivial breaches of school discipline, but may be employed for offences against morality, for gross impertinence, or for wilful and persistent disobedience.

7. Corporal punishment may be inflicted only by the head teacher, except that he may, on his own responsibility, authorize the senior assistant (being a male) to act in his stead. In such case the senior assistant must report every punishment inflicted by him to the head teacher, who shall initial the record of it in the punishment book.

8. Except as hereinafter specified, corporal punishment may not be inflicted in the presence of other pupils.

9. In flagrant instances of insubordination, or where an offence has been committed against the public morals of the school, corporal punishment may be inflicted on boys publicly. Such instances are to be specially recorded in the punishment book, and a report of the circumstances is to be forwarded at once to the Director.

10. The corporal punishment of girls is prohibited; it is expected that so far as the young children and all the girls of the school are concerned, corporal punishment will be rendered unnecessary by the teacher's methods of government and of instruction.

LEFEVRE TECHNICAL SCHOOL.

Mr. TAPPING (on notice): When is it proposed to open officially the new LeFevre Boys Technical High School?

The Hon. Sir BADEN PATTINSON: The new buildings on the new site were occupied early this year, but the development of the grounds has not yet been completed. The school will be officially opened next year on a date to be mutually arranged between the school authorities and the Education Department.

HOSPITAL DISPENSARY.

Mr. DUNSTAN (on notice):

1. Is it a fact that on Monday, October 15, the waste pipe of the sterile room in the new dispensary area of the new building at the Royal Adelaide Hospital overflowed and flooded the room to a depth of about four inches with human excreta and sewage effluent?

2. If not, did the waste pipe overflow at any time?

3. If so, when, and to what extent, did it overflow?

4. What caused the overflow?

5. What measures are being taken to rectify the waste pipe connection to sewerage pipes and at what cost?

6. Is not the proposed new dispensary now profusely contaminated?

7. Will it be possible in future for it to be used as a dispensary and, if so, when?

8. Did not the Administrator direct that the overflowing of the waste pipe be treated as confidential?

9. If so, what aspects of the matter were confidential, and why?

The Hon. Sir THOMAS PLAYFORD: The replies are:

1. to 3. On Tuesday, October 16, 1962, it was discovered that the sewerage pipe had blocked and flooded the proposed dispensary in the east wing at the Royal Adelaide Hospital with sewage effluent.

4. The blockage was caused by sanitary pads snagging a piece of lead which was discovered after the blockage was relieved.

5. It is not proposed to separate the waste water disposal from the sewage disposal.

6. On the recommendation of the Senior Medical Bacteriologist the affected area has been swabbed out and treated with sodium hypochlorite.

7. It is understood that the Senior Medical Bacteriologist is seeking further advice on this matter.

8 and 9. This section of the east wing had not been taken over by the Royal Adelaide Hospital—it was still in the possession of the contractor. Accordingly, it was not under the jurisdiction of the Administrator.

PORT AUGUSTA OFFICES.

Mr. RICHES (on notice):

1. Have tenders been called for the erection of new offices for the Engineering and Water Supply and other Government departments at Port Augusta?

2. If not, when is it proposed to call tenders?

3. When is it expected that building operations will commence?

The Hon. G. G. PEARSON: The replies are:

1. No.

2. The firm preparing the specifications has advised that it expects to complete the contract documents for tender call in approximately six weeks' time.

3. It is expected that a contract for the building will be let early in 1963.

CHOWILLA DAM.

Mr. CURREN (on notice):

1. What is the area of the proposed Chowilla dam in acres?

2. What is the average annual evaporation rate in the area?

3. Would the increased hydraulic pressure of the stored water upon the underlying saline aquifers seriously increase the danger of salt contamination of the river downstream from the dam, especially during periods of drought?

4. Is it a fact that large areas of the proposed dam would never contain more than 10ft. of water, and, if so, would this bring a massive weed growth which could destroy the anticipated scenic and recreational value of the dam?

5. Would such weed growth increase or decrease the water loss from evaporation?

6. Is the Minister satisfied that these factors are being adequately provided for in the planning of this necessary and important project?

The Hon. Sir THOMAS PLAYFORD: The replies are:

1. 2,560,000 acres.

2. 48 inches.

3. Investigations into the permeability of the foundations have shown that no serious contamination will occur.

4. Experience at Lake Victoria does not indicate any serious nuisance.

5. Increase.

6. Yes. The Government is satisfied that there is no sound basis to support the objections raised in the honourable member's question.

STATE BANK LOANS.

Mr. HUTCHENS (on notice):

1. How many applications for housing loans were received each week at peak level by the State Bank during the financial year 1960-61?

2. What was the duration of the peak period?

3. What was the total number of applications for housing loans received by the State Bank during the financial year 1960-61?

4. How many unsatisfied applications lodged during the year remained on June 30, 1961?

5. What amount of funds voted for State Bank housing loans for the financial year 1960-61 was used for financing loans applied for during the financial year 1959-60?

The Hon. Sir THOMAS PLAYFORD: The replies are:

1. 237.

2. August 17 to August 24, 1960.

3. 2,693.

4. 465.

5. Loans approved up to June 30, 1960, which were financed from 1960-61 funds were:

	£
Home Builders' Fund	86,202
Advances for Homes	309,158
	395,360

OVERSEAS VISIT BY CLERK.

The SPEAKER: It is my pleasure to inform the House that approval has been given by the Government for the Clerk of the House of Assembly (Mr. G. D. Combe) to visit the House of Commons and other Commonwealth Parliaments during the Parliamentary recess next year. The Clerk of the House of Commons has offered to provide the facilities and opportunities to enable Mr. Combe to observe the proceedings of the House and its Committees, to have discussions with members and officers, and where appropriate to participate in the duties of the various Parliamentary departments at Westminster. I am sure honourable members will be glad to know that the Clerk is able to undertake this visit. In the past he has afforded us ample evidence of his outstanding knowledge of Parliamentary procedure, and given us the benefit of his wealth of experience as a table officer in both Houses. His study at first-hand of the practice and trends at the source of our own procedure—the mother of Parliaments—will serve to enrich

his knowledge and will ultimately prove most beneficial to the House, to the Standing Orders Committee, and to all honourable members.

MARINE ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

FISHERIES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

STOCK DISEASES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

RED SCALE CONTROL BILL.

Returned from the Legislative Council without amendment.

SAN JOSE SCALE CONTROL BILL.

Returned from the Legislative Council without amendment.

BARLEY MARKETING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1746.)

Mr. LAUCKE (Barossa): Orderly marketing schemes for primary products that are approved by growers and are controlled by them are always worthy of support in this Chamber. I have pleasure in supporting this legislation, which provides for the extension of the Barley Marketing Act for a period of five years beyond the coming harvest. The benefits that have accrued to the barleygrowers of South Australia and Victoria through the operations of the board have been real. A stability within the industry has been engendered through the collective strength in marketing, and in recent years, when we have encountered fierce overseas competition, this strength, which comes from unity of approach, has been of assistance in ensuring the best possible prices to growers.

I believe that the bargaining strength could be further built up were there one marketing authority for barley for the Commonwealth. Were that to be the case, as applies to wheat, then the benefits that the wheat industry has gained through the better chartering of ships for larger hauls in a given period and so forth could eventuate, rather than there being a broken approach as between different organizations on the question of finding markets and of chartering ships to fill them. It is to be much regretted that some growers, through the provisions of section 92 of the Commonwealth Constitution, have weakened the position of orderly marketing because of their actions. This has been avidly and quickly seized upon by those who would seek to have systems other than the ones the growers themselves desire. Ultimately there should be one organization for all Australian barley producers. With one authority controlling the receival and marketing of barley we would not have the problem of the movement of barley between States.

I am glad that two additional grower representatives are to be appointed to the board, one from South Australia and the other from Victoria. That will add to the strength of the growers. Orderly marketing should be based on growers having the major say in the conduct of their own affairs. The Chairman of the board is to be nominated by the South Australian Governor. This pleases me because South Australia is the major barley producer of the two States. This legislation looks to the future, but consideration should be given to the inclusion of a provision to enable the Barley Board, at the request of the growers, to deduct certain charges and tolls to provide for bulk handling facilities. If that were done the Bill would provide for all that was required for the time being. I wholeheartedly support this legislation.

The Hon. D. N. BROOKMAN (Minister of Agriculture): I appreciate the assistance given by members to the passage of this Bill. I am happy to note that members widely approve of the legislation and its continuance. As was mentioned by the member for Barossa, we should be prepared to look ahead, and in the circumstances I feel justified in asking the House to agree to an instruction to enable the Committee to consider including a provision whereby the Barley Board can deduct payments from growers on a voluntary basis. This matter has not been submitted to the Victorian Government, with whom we work closely, and it would naturally require Victoria's passing complementary legislation, but I do not expect any difficulty in that regard from the Victorian Minister of Agriculture. While this legislation is before us I should like provision to be made so that there will be no hitch in the marketing of barley and in the development of bulk handling later.

I hope that ultimately the Australian Barley Board will become the authority to combine with growers from all States.

Bill read a second time.

The Hon. D. N. BROOKMAN moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider a new clause to enable the Australian Barley Board to deduct from South Australian growers on request any amounts out of moneys payable to them and to apply such amounts towards the provision of bulk storage facilities for barley.

Motion carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Amendment of principal Act, section 19."

The Hon. D. N. BROOKMAN (Minister of Agriculture): I move to insert the following new subclause:

(2) The following subsection is inserted in the said section 19 of the principal Act after subsection (4) thereof:

(5) The board may deduct from any money payable to a person in South Australia under this section any amount specified in a written request made to the board by any such person and may apply any amount so deducted towards the provision of bulk storage facilities for barley.

This is simply putting into effect what I foreshadowed a few moments ago. It is not certain whether there is any need for this provision, but the Act does not appear clear regarding whether the board has power to make this deduction, and in order to be sure, and in the absence of time to fully consider the position, it is advisable to include the provision. Members will note that the reference is to persons in South Australia only, so Victoria is not involved in any difficulty. Further, the deduction will be made only after being specified in a written request, so there is no suggestion that anybody will have deducted from his cheque money that he has not specifically authorized to be deducted. It is a simple amendment, and the Committee will understand its purpose.

Mr. SHANNON: I think there is a grave doubt as to how this provision will operate. Under the legislation setting up South Australian Co-operative Bulk Handling Limited, growers entered into a contract with the company for the bulk handling of their wheat. I point out that not necessarily even the majority of growers will authorize the Barley Board to make these deductions. Many growers may take the view that in any event they will get what benefits are available, and will not agree to any deductions. It would be a peculiar impasse for the board to be placed in. Perhaps 30 per cent or 40 per cent of the growers will agree to the deduction. With bulk handling of wheat we fixed a minimum number of growers, and the promoters of bulk handling achieved that objective. If 5 per cent of the growers agree to the deductions and 95 per cent do not do anything about it, what is the Barley Board to do?

Mr. Nankivell: I suggest the growers will be circularized.

Mr. SHANNON: But there would not necessarily be a response. It should be stipulated that no payment will be deducted from any grower until a certain percentage of growers agree to have those deductions made. Unless we do something about this, I am not sure what the board will do.

Mr. HUTCHENS: I agree that the provisions in this Bill are desirable, but in view of the remarks made by the member for Onkaparinga (Mr. Shannon) it may be a good idea to report progress. The honourable member said that a minority group could ask that deductions be made and that subsequently most producers might decide that it was premature. Could this happen?

The Hon. D. N. BROOKMAN: I do not think there is any difficulty about this provision, which simply gives the board power to do something if requested by growers to do it. The board may have the power now, although that may be subject to argument in a court. To ensure that the board has power, this provision is sought. I cannot speak with up-to-the minute authority on the board's intention. I know that this matter has been exercising the minds of many people for many years and that there are technical and other difficulties, including the grades under which the board now operates. I think the Barley Board has one of the best possible grading systems. One cannot introduce a system of bulk handling of barley from the farm straight into the bulk bin without in some way modifying the grading system. On the other hand, transit facilities are already provided in some places and will be provided in others, so bulk handling is partly launched but is not on a full scale. The board is not prepared to introduce any full-scale system without a clear indication of what the growers want. I do not think that the board will want to deduct money from barley cheques; I think the growers will be asking the board to do this. This provision will give the board power to deduct if this is requested by growers and

the board consents. It simply follows the old principle approved by this Parliament on many occasions: that the marketing of primary products shall be largely controlled by the growers themselves. The system of deducting by agents is often done now, and I suggest that the Committee can carry the amendment without any fear.

Amendment carried; clause as amended passed.

Remaining clause and title passed.

Bill read a third time and passed.

DOG FENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1683.)

Mr. CASEY (Frome): I wholeheartedly support this Bill. The dog fence to which this Bill refers came into being in 1946 by Act of this Parliament. The fence stretches for about 1,350 miles from the New South Wales border just north of Cockburn across South Australia to the Great Australian Bight and is mainly an adaptation of previously existing fences erected in the 1880's to cope with the spread of rabbits. The main object of the dog fence now is to deal with the dingo menace for the benefit of sheep and cattle breeders inside the fence. These dogs share the most undesirable traits of humans in that they kill not only for food but for the pleasure of killing. Professor McIntosh, who is Professor of Anatomy at the University of New South Wales—and who, incidentally, is the greatest living authority on dingoes in Australia today —estimates that in Queensland, for example, a dingo has been known to kill up to 600 sheep in one night. That seems incredible. Nevertheless, that has been proved to be the case. The dingo has the characteristics of killing not only for food but also for the sheer pleasure of doing so.

Dingoes have multiplied greatly with the introduction of sheep and cattle into this country; so much so that they are probably the greatest single menace to our pastoral industry. It is difficult to estimate the losses incurred every year in South Australia but in Queensland it is estimated that 250,000 sheep are lost annually by reason of the dingo menace, as a result of which Queensland has erected a fence that has been completed only in the last few years. It stretches a distance of 3,250 miles. It is in the shape of a horseshoe, running from the New South Wales border north into Queensland to a point approximately opposite Townsville; then it turns around and comes back again. Within that area surrounded by this type of fence 16,000,000 to 20,000,000 sheep and 750,000 cattle are grazed. The Queensland Government found it absolutely necessary to erect this fence for the protection of the sheep and cattle industry there. To give honourable members some idea of how far 3,250 miles is, if a fence began in London and stretched that distance, it would skirt the coast of Spain and go across Southern Europe into one of the extreme eastern portions of Turkey.

Most graziers in the north of this State to whom I have spoken about the dingo menace believe there is no easy answer to it: the only way is the hard way—to trap and kill the dingo within the dog-proof fence. For that reason the pastoralists are liable for the upkeep of the fence crossing their own property. The Government bounty is £1 a head and, whilst many people think that that is not sufficient, I point out that South Australia is in the unenviable position of being surrounded by all the other States of the Commonwealth—except Tasmania, of course; we are in the unfortunate position of having dogs coming in from all States and this does not apply to any other State to the same degree. It is estimated that between 7,000 and 8,000 scalps over the last 10 or 12 years is the average number brought in annually. However, due to the drought conditions in the Far North last year, only about 4,758 scalps were brought in, and so far only 3,310 this year, so the depletion in the number of dingo scalps over the last two years can be compared with the normal average. The bounty of £1 a scalp is quite sufficient. It is more difficult today to trap dogs because owners have to be relied upon to do the job themselves, whereas years ago trappers in the far northern areas made their living out of trapping dogs. Unfortunately, today they are a dying race. Therefore, all this work reverts to the property owners.

Mr. McKee: It would not be very lucrative work, would it?

Mr. CASEY: Most of the "doggers" were, as I understand it, pensioners who received their old age pensions but took it unto themselves to go to the Far North and live a life of roaming around the northern parts and calling in on various cattle stations, working when it suited them; they were happy to do that. We have today other methods of destroying dogs outside the fence, by aerial bait dropping, which is conducted by a board set up, and I understand that the man in

charge is Mr. Rankin, one of the best authorities on dingoes in South Australia. He is capable and competent in the organization and distribution of aerial bait. Only recently he returned from the Far North where tens of thousands of baits were released from aircraft on to natural feeding grounds. These baits are usually composed of brisket fat approximately one inch in diameter. Inside them is put a small dose of strychnine. The fat is then wrapped in a little piece of greaseproof paper and dropped from the aircraft. The heat of the sun and the warmth of the sand melt the brisket fat and so attract the attention of the dingo, which has a particularly strong sense of smell and has no difficulty in sniffing out the fat. Probably the worst offenders in damaging this fence are kangaroos. These animals, particularly outside the dog fence, are sometimes without food and water and are powerful enough to tear the netting with their paws and so force their way through, leaving an opening for dingoes to follow them through. That is why owners must exercise eternal vigilance. Once a dingo gets through the fence he is likely to mate with another dog inside and there is breeding within the fence, which is most undesirable. I support the Bill and sincerely hope that other members will do likewise.

Bill read a second time and taken through its remaining stages.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1682.)

Mr. HUTCHENS (Hindmarsh): I support the second reading of this small but highly technical Bill. Its introduction arises from discussions that began in 1930 when a committee recommended that steps be taken to bring about uniform legislation covering weights and measures. It was found that it was not possible under the Constitution for the Commonwealth to pass legislation without the approval of the States. In 1939 the matter was referred to a Premiers' Conference and was then referred back to the Commonwealth for further consideration. Finally, an agreement was reached between the States and the Commonwealth which resulted in the introduction of Commonwealth legislation in 1948. However, it was found most difficult to operate. In fact, last year the Commonwealth Minister introduced a Bill to provide for uniform legislation, and it contained provisions to enable the States to enact complementary legislation. This Bill proposes that the Commonwealth provisions will apply in South Australia until such time as legislation specifically related to South Australia can be introduced. Uniformity is desirable, but we must take the utmost care to ensure that those bound by such legislation are thoroughly conversant with what it contains.

Mr. COUMBE (Torrens): I support the Bill, which is simple to understand because it contains only one major clause. There should not be much argument about it. However, an important principle is involved. This Bill puts into effect a recent Commonwealth enactment regarding weights and measures, but these measures will not apply until January, 1964, which will enable adjustments to be made and certain legislation to be enacted. The Commonwealth Government has determined certain standards and it will supply to this and other States certified standards of measurement which will apply as the yardstick for the implementation of weights and measures legislation. This is a uniform Bill. We seem to be considering a batch of uniform legislation. We have already considered the uniform Companies Bill and later we shall consider the uniform Business Names Bill. The trend is towards uniformity in social, industrial and commercial legislation.

As I understand the position, it will be necessary to amend our State Act next year. This will probably apply to other States also. I point out that every person in the community encounters the provisions of this Act daily. Every time we visit a shop and buy a pound of butter, a pound of lamb chops, or a loaf of bread we are affected by this legislation. So important is it that special inspectors are appointed under the State Act to administer its observance.

Mr. Frank Walsh: Who appoints them?

Mr. COUMBE: They are usually appointed by local councils.

Mr. Frank Walsh: How many are appointed?

Mr. COUMBE: I would not know. However, one of the duties of a council is to administer the provisions of the Weights and Measures Act within its area. Councils do not always appoint an inspector for their area as such, but engage an inspector who services several council areas. As a matter of convenience, and in order to spread the work, one inspector probably would look after three or four councils.

Mr. Frank Walsh: About 30.

Mr. COUMBE: I should imagine that at least one inspector would be necessary in the city of Adelaide.

Mr. Frank Walsh: We have one here; another controls from Glenelg to Whyalla.

Mr. COUMBE: If the Leader is so interested in this he should have said so earlier, or are we to be kept in suspense to hear the wisdom of his words? I am interested in the aspect of marketing by package. For many years when people purchased threepence or sixpence worth of confectionery they were sold it at so much an ounce, or they purchased a packet of sweets that had the weight branded on the packet. In the same way, the words "one pound" were imprinted on the wrapping enclosing butter. We find that the marketing trend has shifted somewhat. Delicatessens now display prominently packets of sweets in attractive cellophane wrapping; they are usually hanging from a suspended fitting or in a rack. Only rarely can we find an indication of the weight, although the price is prominently displayed. How can any person check adequately that he is getting so many ounces of sweets for a certain price? I do not think people stop to worry much about that. However, that is the trend, and it is perhaps getting away from the provisions of this legislation, because there is no adequate way of checking the weights of articles purchased. Regulations may exist, but it is not easy to check them.

I think that when we come to these provisions of the Act next year, as I presume we will, this aspect will have to be examined. I recall mentioning in this House a year ago another aspect of contravention of the Act. I referred then to the textile industry. Certain manufacturers were selling sheets that purported to be of a certain standard but, when checked, the sheets were found to be short. In other words, people were short-sheeted. I believe that subsequently the Minister looked into this aspect and it was corrected. Everyone at some time or another during the day comes into contact with this Act. It may be said to be minor legislation, but it is extremely important in the everyday life of the housewife, in commercial and industrial life, and I suppose in the life of Parliament. The Bill lays down a standard that the Commonwealth Government has determined shall apply. It has fixed certain standards of measurement, and this State will use those standards in 1964. In the meantime, a standard will be available for the State to use until it enacts legislation itself.

Bill read a second time and taken through its remaining stages.

THE POPPY DAY TRUST DEED BILL.

Mr. JENKINS brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and read. Ordered that report be printed.

THE REPORT.

1. In the course of its inquiry, your committee met on two occasions and took evidence from the following persons:

Brigadier T. C. Eastick, State President of the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Inc., and Chairman of Trustees of the Poppy Day Trust Fund;

Mr. A. J. Lee, Trustee of the Poppy Day Trust Fund; and

Mr. K. W. Hoffmann, State Secretary of the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Inc., and Secretary of the Poppy Day Trust Fund.

2. Advertisements inserted in the *Advertiser* and the *News*, inviting interested persons to give evidence before the committee, brought no response.

3. The committee is of opinion that there is no opposition to the Bill, and recommends that it be passed in its present form.

The Hon. D. N. BROOKMAN (Minister of Agriculture) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the consideration of the Poppy Day Trust Deed Bill.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of clause 2 of Trust Deed."

Mr. JENKINS: This Bill is designed to extend the authority of the trust to spend portion of the fund to provide houses for ex-servicemen and their wives. The fund has been administered in two parts. The first Poppy Day Fund provided for the immediate needs of ex-servicemen of the First World War and the second Poppy Day Fund was applied similarly to men of the Second World War. At Myrtle Bank there are now 105 inmates and there is no waiting list. This has taken much money from the fund. The trust has turned its attention to providing cottage houses for the persons I referred to previously and after an exhaustive survey of similar houses in this and other States has concluded that a double-unit house costing about £4,000 is desirable. These houses will be provided for ex-servicemen and their wives who are now living in substandard houses and paying exorbitant rents. The trust does not

intend to make money out of this scheme; it will charge rents in accordance with ability to pay.

This proposal was taken to the State board which, by resolution, presented it to the annual sub-branch conference of the Returned Servicemen's League where a resolution was passed giving the trust authority to endeavour to obtain legislation to give effect to the decision. About £63,000 is invested in this fund but only portion of this will be used to build the first cottages. The main portion will be kept for the purposes for which the fund was originally designed. The first cottages will be built on land adjacent to the sea-shore and will not cost the trust anything, it being expected that a sub-branch of the league that owns the land will provide it for this purpose. If the initial enterprise is successful, the trust intends to extend its activities farther afield in the metropolitan area and then into the country. It is intended that the handling of the scheme for cottage houses shall remain the responsibility of the Poppy Day Trust. No evidence has been tendered in opposition to this proposal. The trust has the full and complete confidence of members of the league; such a proposal could not be in better hands. In supporting this clause, I wish the trust every success.

Clause passed.

Remaining clause, preamble and title passed.

Bill read a third time and passed.

EXCESSIVE RENTS BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1675.)

Mr. FRANK WALSH (Leader of the Opposition): The Housing Trust, with 20 years' standing, has had every facility to establish reasonable rents. It knows the location of properties, the transport available, and all matters that go toward making a house comfortable, and its officers have done a most commendable job in fixing rents since the Landlord and Tenant (Control of Rents) Act was introduced in 1942. For example, between November, 1942 (when the Act came into operation) and June, 1961, the trust fixed rents in 60,527 cases. Appeals against its fixations may be heard by a local court, but appeals were made in only 59 cases. The court varied trust decisions in 27 of these cases (nine of which were in respect of business premises) but to my mind the important point is that the last court variation was made in 1949. In other words, over a period of 12 years to 1961 applicants before the Housing Trust have seen no reason to appeal to a local court against a fixation by the trust.

Now, however, if a person says, "This rent is excessive," because it has been increased, he will have to state a case before a magistrate. He will have to prove everything to have a reasonable chance of success, and the magistrate will be able to determine a rent only on the evidence placed before him. Let anyone deny that. If he does, my view is that the magistrate will be getting beyond the ambit of his jurisdiction, because he is obliged to adjudicate on evidence submitted. In addition, both landlord and tenant applicants will incur comparatively heavy legal expenses in the determination of their respective cases.

The Prices Commissioner has had much experience in price fixation, but neither he nor his staff has had experience in fixing rents. I have reason to believe that any officer of the Housing Trust who has been engaged in this particular section would prefer to remain with the Housing Trust because of the security of permanent employment. The grounds for this belief are that the continuation of the Prices Department depends on the annual renewal of its legislation, whereas with the Housing Trust an officer not only has a job but has an assured permanent career ahead of him. I should be surprised if the Housing Trust were overloaded with staff, and the officers who have been doing much of this work will still be required to administer another Act.

Today, there are about 260,000 dwelling houses in South Australia, and of this figure approximately 72,000, or 28 per cent, is rental accommodation. Therefore, at the end of this year there could be up to 72,000 cases to go before the various magistrates. Where is the provision in this Bill to make additional magistrates available to carry out these hearings? Also, should there not be some provision that the rents fixed under the Landlord and Tenant (Control of Rents) Act will remain in force until the magistrates have the opportunity to hear the large number of cases that will go before them? Perhaps they will be dealt with after the expiration of this year. So, until the Government knows that the magistrates will be available, there should at least be a carry-over period from December 31 of this year.

The Premier admitted that one magistrate could not do all the work and it is intended to be done by the magistrates in the respective areas. Has the Premier any knowledge of

the probable time lag between the application for a rental variation and its determination, and what will be the legal costs involved? Not being a solicitor, I would not know, but I remember that in the early days of the rent control legislation the legal fees were not light. In the past, the provision of rental accommodation was based on an economic rent. The economic purchasing power of the basic wage was used as a measuring rod for the fixing of rents, and it was recognized that a day's work for the basic wage earner was equal to his economic rent. Persons who were receiving a margin over and above the basic wage were considered to be in a position to pay more than one-fifth of the basic wage as rent. However, in clause 8, the magistrates have been given none of these terms of reference to be used as criteria in the fixing of rents.

Rent fixation must be viewed in the light of the recent inflationary tendency and the land boom. Although much subdivision of land has taken place not many houses have been built, the reason being the difficulty of would-be builders in obtaining loans. On the other hand, some people have bought land as an investment. The Premier told us only the other day that even with the State Bank there is a waiting period of 11 months from an applicant's first being interviewed until a loan is finally made available to him. Because money is not readily available for house-building purposes, a greater demand is created for rental accommodation for people having to wait for loans, which in turn creates a further tendency on the part of the owners of properties to increase rents because of the increased demand for rental accommodation. Under this Bill we are now to have divided control of rental accommodation. We shall have the local courts assisted by the Prices Department for ordinary rents under this Bill and we shall have the Housing Trust fixing rents for houses that come under the Housing Improvement Act, Part VII. There is no appeal against the Housing Trust when it fixes rents under this Act because, in its wisdom, it considers that improvements have to be made to the property to bring it up to standard: in other words, it considers it is a substandard house, and the rent is fixed accordingly.

In addition to the 60,527 cases I referred to earlier where the Housing Trust had actually fixed the rent, there have been just as many cases where Housing Trust officers have given advice to both tenants and landlords with rental problems, even though no actual recorded investigations were carried out. So long as letting agreements in writing are exempt from the provisions of this Bill, the attempts by the Government to control rents will be abortive. That is why I shall move to delete the exclusion of written agreements for periods of more than one year from the operation of the Bill. In clause 3 is included the definition:

> "letting agreement" . . . does not include any agreement in writing and signed by the parties for the letting or subletting for a period of more than one year of any premises . . .

The Premier should pay particular attention to this provision. It is all very well for members opposite to say that people should know what they are signing, but if no other accommodation is available people are willing to sign anything in order to get a roof over their heads. There can be no greater hardship on a man with a wife and family than having to seek accommodation. In addition, some of these agreements, which on the face of it appear reasonable, have unfair conditions contained in the body of the agreement. For example, some tenants sign up for what seems to be a reasonable rental, say for 18 months or two years, but at the end of this period the unscrupulous landlord then comes along and insists that a great deal of deferred maintenance be carried out in order to put the premises in first-class condition. When the tenant reads the small type in the agreement that he signed, he finds that he is legally liable for this heavy maintenance cost. This is the type of agreement that this legislation should control, in addition to ordinary weekly rentals. These unscrupulous landlords are badgering on the market shortage of rental houses and these are the people we should seek to restrict, but this legislation will not do that. In my view it encourages them to avoid the legislation by having written agreements. Some of the main people being fleeced now are persons obtaining single-room accommodation. They sign an agreement for a room because they have nowhere else to go, and they are charged exorbitant rents. Therefore, I believe this is a good ground for all agreements to be registered, and they should be registered where the Prices Department has access to carry out investigations if it thinks they are necessary. If the Prices Department is to be used as the Premier stated in his second reading explanation, it would be used to investigate cases, and

if the leases are available to the Prices Department's officers the Prices Commissioner should be empowered to act as is provided in the prices legislation where exorbitant charges are re-controlled. I trust that Government members will give serious consideration to my proposed amendment. I shall not proceed with the second of my proposed amendments. I support the second reading.

Mr. LAUCKE (Barossa): I express my gratitude at the introduction of this legislation, which will end a discrimination against a numerically small section of the community —those landlords who built houses at a certain date. Discriminatory legislation is undesirable and I welcome this Bill, which will replace the Landlord and Tenant (Control of Rents) Act, because it does fairly provide for those people who could be exploited by having recourse to a court to determine what is a reasonable rent. The Prices Commissioner will be approachable in this matter and will provide legal representation, if necessary, to given people to have their cases heard before a court. This legislation, whilst removing certain anomalies, does provide a background of protection for individuals, which is highly desirable.

Mr. Millhouse: Of course, the Prices Commissioner is not mentioned in the Bill.

Mr. LAUCKE: No, but during his second reading explanation the Premier indicated that the Prices Commissioner would be available in cases where a tenant regarded his rent as excessive.

Mr. Millhouse: He is not mentioned in the Bill.

Mr. LAUCKE: Those actions that the Premier refers to when introducing a Bill are invariably implemented. Action must be taken at all times to prevent exploitation, and for that reason I supported price control this year to ensure that we had, on our Statute Book, machinery to which recourse could be had by individuals should exploitation occur. Within this Bill we have the machinery to be implemented should exploitation occur. I welcome this legislation and hope that it is truly effective in the purposes for which it was introduced. I commend the Premier for introducing this new approach in a matter vitally important to many individuals. I have no doubt that the provisions will be adequate for the requirements of the populace in providing protection against excessive rents by any landlords. I support the Bill.

Mr. DUNSTAN (Norwood): I, too, support the second reading. The policy of the Labor Party is the introduction and establishment of a fair rents court in which the circumstances of all parties to a written agreement may be examined and the fair thing done by the court acting as an arbitrator. That has been our policy for a long time and we welcome a measure that is designed to establish a fair rents tribunal in some such way. But, there are two things that a fair rents court must be able to do if its work is to be effective. First, it must be able to protect the decisions it makes. Secondly, it must not be possible for landlords to remove their premises from the jurisdiction of the court, because in that case any protection which the court would otherwise give to its decisions would be useless. If the Bill is not to be merely a piece of window dressing, it must be effective on those scores. As the Bill stands, I do not believe it is effective in any way. Let me show what can occur under the Bill. At the end of this year the Landlord and Tenant (Control of Rents) Act will come to an end. It is not proposed by the Government to re-enact that provision. A number of houses for which there were oral tenancies dating from before 1953 are the subject of control under the Landlord and Tenant (Control of Rents) Act, and certain few others have been subjected to control because the tenancies have not been the subject of a written agreement for two years or more. That has largely been through the ignorance of the landlord, and the landlords in those particular cases have been almost entirely migrants; but there are very few of those.

Let us see what will happen to the houses that are under control now upon the ending of the Landlord and Tenant (Control of Rents) Act and the substitution of this legislation, if the legislation proceeds in its present form. At the end of December landlords will be able to give to their tenants notice to quit within the provisions of the old Landlord and Tenant (Control of Rents) Act, which of course is still on our Statute Book. That will mean in the case of oral weekly tenancies that they will be able to give a week's notice expiring at the end of the next week of the tenancy, and, if the tenant does not go, will be able to take one of the forms of ejectment proceedings open either under the Supreme Court Act or under the Local Courts Act.

What is the tenant then to do? How does he protect himself? His landlord may say to him, "Oh well, if you want to stay on here you will have to pay an increased rental, and in order to pay that increased rental you will

sign a lease for a year so that I can put up your rent by 100 per cent, 200 per cent, or 300 per cent, and if you don't agree to that I will proceed with the eviction proceedings." What protection has the tenant then got under this legislation? He could apply to the court for a declaration that the rent was excessive, but that would not be any good if it were a controlled rental; the court would not find that it was excessive, and would promptly dismiss his application. As soon as his application was dismissed or no order was made fixing a rent in those circumstances, the landlord could proceed with his eviction proceedings. If the tenant did not sign the lease, out in the street he would go, and as he had vacated possession of the premises the landlord would then be able to say to any tenant who wanted to come in, "You will pay the kind of rental that I will demand for this, and in order to get into these premises you will sign a lease for a year." That would take it out of any control by the local court under the excess rents legislation.

That is what could happen under this legislation, and it is most certainly what will happen. If that is so, the legislation will not be effective at all, for there will be no real protection even to those few tenants who are now under the Landlord and Tenant (Control of Rents) Act. As for the others, they will not be within it because those premises which have been exempted from the Landlord and Tenant (Control of Rents) Act are almost entirely under written agreements for lease for a period of a year or more. What investigation of excess rents will there be? Not very much. We will not have to appoint any extra magistrates to the local courts to provide for investigations under this legislation, because there will not be many, nor will many people be required in the Prices Department to go into the investigations, because there will be very few investigations and very few hearings. The thing will not be effective, simply because landlords will be able to get out of it.

The local court may make an order only in the case of its considering that the rent being charged is excessive. If it does not think that the rent being charged is excessive, then it will dismiss the application and make no order, and when there is no order in force the sky is the limit for notices to quit and eviction proceedings. That situation can be dealt with in only two ways. One is to say, "Well, all premises are to be under this Act; it does not matter whether there is a lease in writing or not, if an excess rent is being charged it ought not to be charged." If it is not a fair rental, it is not a fair rental in relation to a fixed term either. The court ought to be able to say, "Well, nobody is going to take advantage of the shortage of houses to charge what is plainly an excess rent." Nobody can say that the provisions of clause 8 are unfair to a landlord in finding out what a fair rental would be; the local court will take all his costs and outgoings into account, as well as the capital value of the premises. In fact, there is nothing unfair to landlords in this, so why should there be any reason for all premises not to be subject to this Act?

If all premises are subject to the Act, the landlord will not be able to use the release of his premises from landlord and tenant control and the making of agreements in writing a means of evading the excess rents provision and charging an excess rent. He has to remember that if he charges an excess rent he is likely to be taken to the court, which may make an order in respect of his premises. Why should this provision be different from the provisions of the Money-lenders Act? Under that Act written agreements are necessary in order to set forth certain things, yet a person may ask the court to investigate an agreement if the amount of usury being charged is an excessive amount. The person who is being loaned the money knows what he is signing under the Money-lenders Act. The point is that because of his circumstances he is being forced into the position of taking the money at a high rate of interest. In the same way, a tenant may be forced to sign a lease simply because he has nowhere else to go. I have people in my district trying to live on social services and paying £6 a week under a written agreement for lease for half a house—three rooms and use of bathroom and kitchen. How in the world they manage to feed their children in those circumstances I am blessed if I know; the churches nearby are making handouts all the time. The member for Burra (Mr. Quirke) knows the kind of rack-renting that is going on not only in my district but in all the metropolitan districts in which there are many rental premises. All the crowded metropolitan districts, especially the ones close to the General Post Office, those places upon which the Premier can throw a stone when he is in an athletic mood, have many places that can be rented from rack-renting landlords.

I do not mean to say that all landlords are like that: some are very fair. However, some would rob their grandmothers if it meant they

could get an extra penny. They will certainly be able to use the provisions of this legislation as it stands to force tenants into paying far more than is fair for premises or than the tenants can possibly afford, simply because of the loophole provided by the clause under which agreements for letting in writing for a period of a year or more are outside the provisions of the Act. I believe the best way to provide that there are no loopholes is to say, "Everyone is subject to this Act. You do the fair thing by your tenant or it will not be any use your taking it to court." Section 8 means that if a person does the fair thing he can get a reasonable return in relation to the premises. There is nothing harmful to the landlord in those provisions. If we do not do this, the other alternative is to say that the courts shall be able to enforce agreements. I ask leave to continue my remarks.

Leave granted; debate adjourned.

DEATH OF MR. R. F. RALSTON.

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

That the House of Assembly express its deep regret at the death of Mr. Ronald Frederick Ralston, member for Mount Gambier, and place on record its appreciation of his public services, and that as a mark of respect to the memory of the deceased member the sitting of the House be suspended until the ringing of the bells.

I think every member was shocked this afternoon to hear of his untimely death. As a member of the House Mr. Ralston won for himself a reputation as a hard worker and a fair-minded representative of his district. All of us who knew him confidently expected that he would be able to serve his district and this Parliament for many years. He was one of those people who, when he took up a cause, fought it to the end. He was always careful to see that his facts were correct and, having established that, he was most tenacious in advocating what he believed to be in the best interests of the district and fair to all sections of the community. Mr. Ralston won friends on both sides of the House. I am sure that members will wish to express their sympathy to his family. This is not a case where a member ripe with years has passed on to his reward; we had every hope that Mr. Ralston would be in this House for many years.

Mr. FRANK WALSH (Leader of the Opposition): With regret, I second the motion. Undoubtedly Mr. Ralston did a splendid job in the interests of his constituents. He was a hard-working man. On many occasions I discussed with him matters of importance to this House and the State and found him most assiduous in all matters he undertook. The member for Millicent (Mr. Corcoran), who informed us today of his death, was most attentive during his illness. This morning we were shocked to receive the unpleasant news that Mr. Ralston had been admitted in a serious condition to the Royal Adelaide Hospital. Fortunately, Mrs. Ralston was able to make the journey to Adelaide in company with Mr. Corcoran, arriving at about 8 p.m. on Monday, so that she was in attendance during the most critical period of his sickness. I trust that you, Mr. Speaker, will convey to Mrs. Ralston and the family the sympathy of all members.

Mr. HUTCHENS (Hindmarsh): I join with the Premier and Leader of the Opposition in expressing my deep sympathy to the widow and family of our friend. I think I was the first to approach Mr. Ralston to convince him that he should seek Parliamentary office. I did so because I realized that he was a man of great sincerity and deep conviction. We who had known him were impressed with all his good qualities.

Mr. LAWN (Adelaide): I join with the Premier and the Leader and Deputy Leader of the Opposition in paying my respects to Mr. Ralston. I was shocked at his death. I should feel just the same if it were any other member—and it could happen to any of us. I did not know Mr. Ralston until I went to the South-East to assist in the campaign preceding the by-election in which he was successful. I came to know him well and became attached to him, as did other members. As the Premier said, he was persistent when he had prepared a good case, and I have known him on occasions to work until the early hours of the morning. Having prepared his case, he would refuse to take "No" for an answer from anyone. Both in this House and outside, he gave his district 100 per cent worthy representation. Undoubtedly, his constituents have lost a really good member who will be hard to replace. Through all his keenness and hard work for his district, he was always of happy disposition and always had a sense of humour. He never let the job get him down. I join with other members in their expressions of sympathy.

Motion carried by members standing in their places in silence.

[*Sitting suspended from* 5.31 *to* 7.30 *p.m.*]

EXCESSIVE RENTS BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1808.)

Mr. DUNSTAN (Norwood): When this debate was adjourned, I was saying that there was only one other way for the courts to deal with the control of excessive rents and that was for Parliament to introduce, or re-introduce, some general form of control on evictions. But it is the complicated nature of the present control upon evictions that is one of the things the Government needs to get away from in this Bill. Inevitably with a general control upon evictions, all sorts of exceptions are required to be written into the law. Various anomalies arise but, by the time someone finds his way through the present control of evictions legislation, he has felt as though he has read an encyclopaedia without much understanding it. I do not think that is an effective way to deal with it.

The far preferable way is that suggested in the amendment placed on the file by the Leader of the Opposition—that we should provide that all premises in South Australia are the subject of investigation as to excessive rents upon application by the tenant. Thereupon, of course, we have some effective control over excess rents. No landlord can use loopholes in the Act to get out of it, and the fair thing can be done in all circumstances. If that is done, then I think that here we have a useful piece of legislation. If it is not done, then this legislation will be a pretty piece of window dressing but its effect upon the citizenry of South Australia is virtually nil.

Mr. HUTCHENS (Hindmarsh): Briefly, I support the second reading. In doing so I join with the Leader of the Opposition in expressing appreciation to those who have been in charge of rent control, which is now coming to an end. We members who represent highly industrialized areas like Norwood have had much experience of the difficulties of the residents of those areas, many of whom live as tenants of houses and have had much experience with the Housing Trust and the department controlling landlord and tenant legislation. Any requests made to them on behalf of our constituents have always been received with great consideration, and the action taken has always been firm but fair. Further, I express my approval of the sentiments voiced by the member for Norwood (Mr. Dunstan). Again, it is we in the highly industrialized areas who find that people who are somewhat unfortunate and of limited income, often having families that they are compelled to protect, are in houses not worth the rents charged for them; but they, like many others, have been applicants for Housing Trust houses and have sought in vain to secure suitable accommodation for their wives and families. Of course, they are not well received by prospective landlords because they have families and limited incomes. Therefore, we often find that these people who need protection more than any others are faced by an unscrupulous landlord, because it is these people that the unscrupulous landlord preys on.

He often says to the tenant, "I want to sell this place" or "I can sell it, but I have not any security. If you like to enter into and sign a contract, you can live on." The poor unfortunate tenant realizes that it is a choice between taking his wife and family out into the street and signing a contract. Immediately he signs the contract, the house becomes outside the landlord and tenant rent control provisions. At the earliest opportunity the unscrupulous landlord takes advantage of this. The member for Port Adelaide (Mr. Ryan) and I today were discussing a case that added up to this. A woman who had been with her husband in a house for more than 20 years prior to his death found it difficult after his death to obtain suitable accommodation and after 22 years was told by the landlady that she wanted to sell the property because the prices were good. The widow started to search for accommodation, and the landlady said, "If you like to enter into a contract for a term of 12 months you can stay on." Three increases in rent have taken place now under the contract, and the woman can no longer stay in the house that she contracted for because she has been priced out of it. I mention this in order to show that this will happen under the proposed legislation with some people. There would be no need for this type of legislation if we did not have the unscrupulous landlord.

Mr. Jennings: There will always be one or two of those.

Mr. HUTCHENS: Yes. If there were only one or two, we would not mind, but there are more than one or two and, while there is still a shortage of houses for a large section of the community, this proposed legislation can be effective only when it applies to all types of dwelling. I see no reason why it should not because, while a person who is privileged to own a property that he can let for tenancy

is reasonable in his charges, he has nothing to fear. It is only when the charges and the person become unreasonable that trouble occurs, for there are no depths to which such a person will not sink to exploit those in need. I believe that the foreshadowed amendment should be seriously considered.

Mr. Millhouse: You mean my amendment?

Mr. HUTCHENS: I was not aware that the honourable member had foreshadowed an amendment, so my remarks did not apply to it. However, I will consider his amendment on its merits.

Mr. Jennings: I don't think you need worry about it, because if he moves it you will vote against it. You will be safe that way.

Mr. HUTCHENS: I do not do that sort of thing. I vote not on personalities but on the value of the proposal. This Bill meets our policy to a certain extent, but I hope it will be amended in Committee to be of real value to those it seeks to help.

Mr. TAPPING (Semaphore): I support this Bill which has many virtues compared with the present legislation. The Premier said that tenants who believed they were being charged excessive rents would have the right to go to court where a magistrate would determine the appropriate rental. That sounds all right, but it could cost a tenant a considerable sum. When constituents of mine who have been served with eviction notices have sought my advice, I have told them not to go to court because all they could expect would be for an extension of time before the eviction order applied and that this would cost them about £25 to £30, which is what lawyers charge. Thousands of people who believe that their rents should be fixed would not take action because they could not afford the legal costs. The Premier said this legislation would not apply to leases for a period of more than one year. That is a weakness, because for many years our legislation regarding leases has been abused. By way of interjection the member for Adelaide informed the Premier that many leases were signed by persons under duress. That is abundantly true of many people living at Semaphore. Some people have signed leases for rentals of £5 a week.

Mr. Dunstan: In some cases the rent is £6 to £8 a week.

Mr. TAPPING: Yes. Because of the difficulty of securing other accommodation people sign leases although they cannot afford to continue paying exorbitant rents. The Government should provide that before a lease is entered into it should be submitted to the Prices Commissioner for approval. If this were done the Prices Commissioner would ensure that the rental demanded by the landlord was reasonable. The Premier said that people in necessitous circumstances could obtain legal aid, but at present the only people who can obtain legal aid are pensioners. A family man earning £16 a week would not qualify for legal aid, so thousands of people who would seek rent fixations would not get legal assistance. The Prices Commissioner and his officers will examine rentals to determine whether they are fair. Officers of the Housing Trust will be transferred to the Prices Department where their experience will be of great value. If a tenant resorted to court proceedings to have his rent determined it could cost him £25 to £30 for a lawyer, but I question why rent fixations should be referred to a court. We could get equally good results if the power to determine rents were placed in the hands of the Prices Commissioner and his officers. I point out that a man might want to contest his rental on the basis that it is perhaps 5s. a week too much, but as it could cost him £30 for a lawyer he would not proceed with his claim, so the purposes of the Bill would be defeated.

Mr. Clark: It could cost him more than £30.

Mr. TAPPING: Yes. If the case were adjourned or letters had to be written it could cost him up to £50. The Prices Commissioner could make a determination that would be fair to the landlord and to the tenant. Houses that were occupied by owners before 1939 are not subject to rent control at present, but since 1939 many of these houses have passed into the hands of speculators. Some of my constituents pay £4 10s. to £5 a week for weather-board houses. Under the proposed legislation such cases could be referred to a court, but they could be better considered by the Prices Commissioner. At present substandard houses are covered by the Housing Improvement Act. After a house has been declared unfit for human habitation or substandard, the Housing Trust has the right to make a fair determination of the rent.

Some people yearly go to pleasure resorts and rent houses for periods of up to four weeks. If the period does not extend beyond four weeks, the rental is not subject to control. I presume that under the Government's proposals a person can still charge any rent he likes as long as the period for this type of letting does not extend beyond four weeks, and I maintain that that is wrong. About 14 years

ago it was the practice for people living at Broken Hill to come down to the various seaside resorts, including Semaphore and Largs Bay, for a period of three or four weeks over the Christmas holidays. Those people were charged high rents, and as a result the Zinc Corporation acquired a considerable area at Largs North and built a large camp. For some years since then more than 1,000 people from Broken Hill stay in this camp each year rather than pay exorbitant rents for houses. Unless we do something to tighten up on this aspect we are not being fair to our tourist trade. If we can attract people to our pleasure resorts and our hills resorts we will be doing something for the tourist trade and for the State. I support the Bill, and look forward to some worthwhile amendments to make it workable.

Mr. RYAN (Port Adelaide): Although I agree that the Bill effects certain improvements to the present legislation, I do not altogether agree with it as submitted. The amendment of the Leader of the Opposition is good. As it now stands, the Bill leaves the legislation wide open to misuse, for the loopholes that exist are just as wide as they are under the old legislation. The Premier says that he objects to placing leases within the scope of this legislation because a lease is a voluntary document—an agreement entered into by both parties. I do not agree with him on that.

Mr. Clark: Did he say "voluntary"?

Mr. RYAN: He said that; I did not. It is apparent to me and to other members who have had considerable experience in these matters just what is happening today. Only the other day I investigated a case where a tenant had been renting premises for 25 years. The gun was held at his head, and he was told that unless he entered into a lease the property would be sold. He had no option but to accept the terms laid down by the landlord and to enter into a lease for about 12 months. However, immediately the lease was produced for signing the rent had jumped by 150 per cent. That tenant was told at practically a minute's notice that the rental system was out and the lease basis was to be the accepted principle, otherwise he could look for some other property, because if he did not sign a lease the owner intended to sell the property. The old legislation can still operate, and the transfer of ownership from one person to the other could result in the obligations imposed by the Bill being evaded. Under the old legislation, if a property was under lease the only control would be that the Housing Trust could inspect and declare the property substandard. Under its powers it could then invoke the provisions of the legislation until the property was brought up to what it considered a reasonable standard. After the property had been brought up to that standard, the jurisdiction of the trust under the old legislation vanished.

The Housing Trust, as the authoritative body in the past, can verify that this has often happened, and I think that amply demonstrates that the legislation should cover leases which are incorporated for the purpose of evading the terms of the landlord and tenant legislation, whatever we may call it. Under the proposed legislation "rent" means "the actual rent payable under a letting agreement and includes . . .". What is a lease? A lease provides that so much rent shall be payable weekly for a certain time. To the landlord and to the tenant it is a rent. Once they enter into that lease—and there is nothing voluntary about it for the tenant—they are then outside the ambit even of the new legislation. Practically every week I have cases brought to my notice where tenants have been told that their rental system is terminating and that they must enter into a lease or look for something else. In those circumstances they are forced to accept the terms laid down by the landlord. I have had no case yet brought to my notice where the rate under the lease has been reduced; in practically every case the rent has been increased by at least 100 per cent.

No matter what legislation we introduce, somebody finds loopholes in it. Unfortunately, the advice given the landlords comes from one profession—the legal profession. Landlords are advised that if they adopt a certain procedure they place themselves outside the ambit of the legislation, and it pays the landlords to adopt that advice. I have always maintained that in any legislation certain people will deliberately go out of their way to find ways and means to escape the obligations imposed. This Parliament should take steps to see that people do not evade the provisions of this legislation. It is no good members burying their heads in the sand and saying that abuse will not occur, because it will occur. Let us be one yard in front. The advantages that the landlord stands to gain under this legislation will be removed if we accept the Leader's amendment. It will not complicate the legislation, but it will protect the people the Premier is seeking under this legislation to protect.

It has been said in this House that in some of the Labor strongholds in the metropolitan

area some of the houses are becoming old and delapidated, with poor hygienic standards, and that these are the places being purchased cheaply. Immediately after purchase the new owner forces the tenant to enter into a lease or look for some other accommodation. Under the old legislation they were obliged to let the house once again after purchase, but even then on many occasions properties were transferred from father to son or father to daughter for the express purpose of dodging the provisions of the Act. These people were not involved in big expenditure in transferring their properties to other members of the family (which they did only to beat the law) but the income they received under the lease compared with the previous rental more than compensated them. Nobody would say that a house let for between £1 15s. and £2 a week would be worth between £4 and £6 a week under a lease, yet that is what happened.

These are not isolated cases, and the trust can supply all the evidence necessary to prove that they are still occurring and will occur in the future. Providing for a lease of 12 months will not help. All the owner is concerned about is that he will receive £5 or £6 a week, and even though the higher charge is regarded as a payment under a lease there is no difference to the tenant. In many cases tenants who have had to pay more than twice as much under leases have taken their rent books along to landlords and have had them marked in the same way as when they were paying rent. If this legislation is passed, it will be necessary later for us to bring before the notice of the authorities cases involving deliberate breaches of this new legislation. Probably we shall be asked to consider new legislation in 12 or 18 months, but I hope there will then be a sympathetic Government that will introduce legislation to stop these evasions. Is it not better to deal with this now than to find it necessary in future to introduce further legislation to deal with it?

Under this legislation, if people believe their rent is excessive, they will have the right to apply to the courts for a reduction. The court is to be the final authority, but its fixation shall be for a period of only 12 months. If the court reduces the rental by 50 per cent, at the expiration of 12 months it is only natural to assume that the landlord will hold a gun at the head of the tenant and tell him he must sign a lease for the amount for which he is told to sign it or he must find another house.

The Premier said that the agreement would be voluntary. However, although a tenant may sign it, he certainly will not do so voluntarily. This type of legislation is introduced to protect landlords. Recently the member for Hindmarsh (Mr. Hutchens) spoke about a person who had rented a property for about 25 years. What hope would such a person have of renting a house from the Housing Trust? His application would be considered on the basis of how long his application had been before the trust and, as it had been lodged for only three weeks, he would have no chance to obtain accommodation. The trust will be placed in an invidious position because there will be vastly increased numbers of applications caused through tenants who are forced into agreements looking for ways to dodge the extra financial burden. They will look for an avenue of escape and apply to the trust for a house for which they can afford to pay. Rather than have amendments become necessary in 12 months, surely it is better to provide for these things in this Bill. In the past the Government has often said it will wait to see if the cases we have predicted will occur, and often after a period it has had to introduce amending legislation. Why not admit that these things can occur and take steps now to prevent them?

I ask the Government to consider the amendment. Unfortunately, I have no figures and do not know whether they are available but from my own experience I have no doubt that the number of new leases entered into since the introduction of the old Landlord and Tenant Act has considerably increased, for the express purpose of certain people dodging that Act. When this new legislation becomes law, the number of leases that will be forced on tenants and voluntarily entered into, as mentioned by the Premier, will again considerably increase, for the express purpose of landlords' being outside the ambit of this legislation. Does it matter much whether it is a lease or a rent? The worker is the one we are out to protect; we are attempting to protect those who cannot protect themselves. I know of no case where a worker will enter into a lease of, say, £6 a week and then pay the annual lump sum to cover the period of that lease: he pays it out of his weekly wages on the poor man's overdraft system—hire-purchase in rent. So the legal term "lease" has no significance for that sort of person. If we want to be genuine and sincere in our efforts to protect those who cannot protect themselves, let us go the full distance and cover those who will be immediately placed

outside the ambit of this legislation. Then I think we shall be doing a worthwhile job for them.

I appeal to the Government once again not to place any encumbrance on the people who will be brought under the terms of this Bill, not to make the Bill lengthy and unworkable. It is only a matter of a slight amendment to the present legislation and the loopholes that will appear if this legislation is carried in its present form will be overcome. A term commonly used with whatever legislation is introduced is that there are "sharpshooters". They are people who deliberately set themselves out to dodge the law. In this case they will be not breaking the law but just dodging it as it will exist.

Mr. Lawn: Not necessarily dodging it; they can use it.

Mr. RYAN: They can use it for their own purpose. It is not illegal for a landlord to force a tenant into entering into a lease to cover a dwelling. It may have been under occupation for 25 years, but it will not be illegal for the landlord to force the tenant into a lease. However, the moment the tenant signs it, any jurisdiction over the landlord is finished. The Premier has many times set himself up as a champion of the poor. Let him prove his sincerity now by doing something that people in these circumstances will welcome: then his claims may prove to be true. This amendment even Government members could easily accept.

The SPEAKER: The honourable member is not in order in discussing an amendment that is not yet moved.

Mr. RYAN: It is indicated at this stage.

The SPEAKER: You can only refer to it; you cannot discuss it.

Mr. RYAN: I am giving my reasons at this stage for opposing the Bill, because it makes no provision for people who enter into leases; it is concerned only with people paying rent as distinct from those observing a lease. At this stage I indicate that I intend to oppose the Bill unless it is amended as suggested.

Mr. JENNINGS (Enfield): I want to avail myself of the opportunity to draw attention to the fact that the housing position, despite what we have often heard, is rapidly (I think I can say that advisedly) deteriorating in South Australia. In 1952-53 the Housing Trust built 4,126 houses, the following year 3,555, the next year 3,268, the next year 3,238, and the next year 3,140, coming down to 3,174 in 1960-61. The total houses built in the State, according to the Commonwealth Bureau of Census and Statistics, was 10,299 in 1961, and 9,757 in 1962, despite our rapidly increasing population. I believe that this legislation is like the curate's egg—good in parts; but one of the things that we in this House, irrespective of which side we are on, must be ashamed of is that many people in our community are exploiting the awful burden of homelessness. Rents of £7, £8 and £9 a week are shameful and shocking. This legislation might do something about that. I applaud the fact that the Premier, even though we know it is not in the Bill, has promised that the Prices Commissioner will be made available to help people out of any trouble they may be in with excessive rents. That is also a good reason for amending the Prices Act so that the Prices Commissioner is established on a permanent basis, as this legislation will be. With those brief but, I hope, enlightening remarks, I support the Bill.

Mr. LAWN (Adelaide): I oppose the Bill, and make no apology for so doing. The Premier, in introducing this Bill, pointed out what might happen under this legislation, but I want to say what will happen. We know that the Liberal Party has been canvassing for a pay-out ever since the last general election and it has now got William Angliss in the bag.

The SPEAKER: Order!

Mr. LAWN: The member for Mitcham will now be able to go to landlords and members of the legal profession to seek another cornsack contribution to the Liberal Party. Legal advisers are at present advising land agents that on January 2, 1963, all they need do is to get landlords to give tenants a week's notice and they will not be covered by this legislation. I challenge any member opposite to deny that. As soon as a landlord gives a week's notice the tenants must either find other accommodation or be evicted. There will be no law to stop that. However, a tenant can talk to the landlord and say, "What can I do? You're a bit tough! I've been a tenant of yours for about 20 years and I cannot get another house because I haven't got an application in with the Housing Trust," and the landlord can say, "I was going to sell the property and that is why I gave you notice, but if you are prepared to enter into a lease for 12 months or so at three times the rent you can stay." There is no law to stop that and that is what I had in mind when I made my interjection about duress when the Premier introduced the Bill. The Premier said:

Where there is a written agreement of a year or more, this new legislation does not interfere with that agreement. But obviously, I point out to the member for Adelaide (Mr. Lawn), where an agreement for a year or more has been entered into, the parties have consented to it.

I interjected, "Yes, but one party may be under duress." People have come to me in scores seeking my help in obtaining a Housing Trust house. When I have inquired about their present condition many have said that they have been paying at least £6 10s. a week rent under leases for 12 months or more. They had no option but to sign leases. They could not get houses elsewhere and their landlords were threatening to sell the houses. It is useless for the Premier to suggest that parties consent to agreements. One party consents under duress because he has a wife and family and unless he signs an agreement for double the rent he has been paying he is threatened with eviction. After December 31 there will be no law to stop that practice. This Bill is all loaded in favour of the landlord. If any member opposite suggests that the Liberal Party will be bankrupt next year, I will not believe him. I do not believe it was bankrupt after the last election.

Let us examine the claim that this will be permanent legislation providing some security for the tenant to challenge an excessive rent. If a person believes he is being charged £1 a week more than he should he must consider whether he should brief a lawyer to take the matter to court. That could cost him at least £30. He will think, "I am up for £30 if I go to court and I have to take a chance on whether I win the case. If I win it and the rent is reduced by £1 a week I will be only a few shillings better off." That is so, because if he saves £52 in rent and it costs him £30 for a solicitor he is only £22 better off—and he has to take a chance on winning the case! No-one will know until a few cases have been heard how magistrates will interpret the law. The landlord and tenant legislation was amended frequently in the first couple of years because of magistrates' decisions that were contrary to the Minister's intention when he introduced the legislation.

I have many other objections to this Bill. I know that landlords are being advised that at the end of this year they will need only to give a week's notice to their tenants to be outside the provisions of this legislation. Any tenant who seriously considers availing himself of the provision permitting him to take action before a local court must take the risk of winning his case, and it will cost him a lot. The Bill isn't worth a cracker! It is the Government's responsibility. In view of this legislation and the electoral boundaries legislation we considered recently, I challenge the Government to go to the people next year. I would welcome an election next year. The Premier said that the Prices Commissioner would assist people. The member for Enfield asked him whether the assistance of the Prices Commissioner would apply only to people in necessitous circumstances. The Premier replied:

No. He would give advice, investigate any case and provide legal aid in necessitous circumstances.

That is the vital point.

Mr. Ryan: It will be provided on a means test basis.

Mr. LAWN: Yes. I asked the Premier how long we could expect assistance from the Prices Commissioner. The Premier was telling the House that this legislation would be permanent, yet the day before we had considered the Prices Act Amendment Bill which extended the life of that Act for 12 months. I predict that just as we will see the Landlord and Tenant (Control of Rents) Act disappear from our Statute Book in 1962, so we will see the Prices Act disappear in 1963.

Mr. Ryan: What will happen to this legislation then?

Mr. LAWN: This is not worth anything now. The Prices Commissioner will give assistance to a person in necessitous circumstances if he feels that the rent is excessive and that the person cannot afford to take the case to court. How many of such cases are going to happen? I do not know. I am not prepared to accept this Bill merely on the statement that the Prices Commissioner will assist persons in necessitous circumstances, when I have no guarantee that the Commissioner will continue in office after December, 1963. I suggest that if members knew the full facts they would oppose this Bill. I say unhesitatingly that I oppose the Bill in its present form.

Mr. SHANNON (Onkaparinga): I did not propose to speak and would not have done so but for some of the comments that have been made. It is rather difficult to understand what the member for Adelaide (Mr. Lawn) is driving at. I notice that the Leader has amendments on the file, and it is obvious from what has been said that members opposite will vote for the second reading. The member for Adelaide is under a serious misapprehension.

The major function of this Bill is to change the authority responsible for adjudicating on this very vexed question of rents from the Housing Trust to the court. I cannot see any objection to that. Surely we can expect at least justice from the court, which is being given many directions in this Bill as to how it will arrive at its decision regarding a fair rent. I am a little perturbed that my friends opposite are prepared to abrogate agreements, and the Opposition's first amendment sets out to do just that. I do not think even the member for Norwood (Mr. Dunstan) would be happy to draw up an agreement for a client knowing that that agreement could be broken at will by an Act of Parliament, as his Party is proposing here.

Mr. Dunstan: I should be quite happy to draw it up within the terms of clause 8.

Mr. SHANNON: I am talking of agreements entered into between parties fairly and squarely and prepared on legal advice. It would not be right to set aside such an agreement and place the major subject matter of the agreement—the financial aspect—in the hands of the court to decide. I do not agree with the abrogation of solemn agreements entered into in fair business arrangements between parties.

Mr. Dunstan: It is not a fair business arrangement to contract for an excess rent.

Mr. SHANNON: We are talking of agreements for the lease of property, entered into by two people—the owner and the tenant. The Opposition's first amendment proposes to give the court the power to rub out the agreement entered into between the owner and the tenant.

Mr. Ryan: Wouldn't you have any confidence in the court?

Mr. SHANNON: That is not the point. There is no need for the tenant, if he is well advised, to enter into any agreement. He is better protected under the provisions of this Bill without an agreement than he is with an agreement. After the passage of this Bill it will be safer for the tenant not to enter into an agreement for the lease of premises, because then he will have the protection of the court regarding the amount he is charged for rent.

Mr. Dunstan: No he won't, because the landlord can turn him out.

Mr. SHANNON: What about clause 15? That clause states:

The landlord of any premises in respect of which an application to the local court under this Act is pending or an order fixing the rent under this Act is in force shall not, without the leave of the local court, give any notice to terminate the tenancy or take or continue any proceedings to recover possession of the premises from the tenant or for the ejectment of the tenant therefrom.

Mr. Ryan: That is only while it is pending.

Mr. SHANNON: As soon as the case is heard by the court, the court will decide what is a fair thing. There are six headings under which the court will assess whether or not this man is a suitable person to occupy the premises.

Mr. Ryan: How long will that operate for?

Mr. SHANNON: The court will make an order, and I understand that that will be interminable.

Mr. Dunstan: You have not been listening to what has been said.

Mr. SHANNON: I have, and I do not accept some of the interpretations that have been suggested.

Mr. Dunstan: Go and ask the Parliamentary Draftsman, or the member for Mitcham (Mr. Millhouse).

Mr. SHANNON: I shall not ask the member for Norwood; I have already had to correct some of his arrangements. I do not wish to belittle the honourable member too much. He might know all the answers, but I have my doubts. No attempt is made here to avoid a fair rents court; in fact, on the contrary. I think the court is a more suitable body than the Housing Trust to decide this matter. The trust is the largest landlord in the land. I do not criticize what it has done, but I think many people have some doubts about an organization that is such a very large land owner and property owner in its own right having the field almost to itself.

Mr. Ryan: Where does the legislation give the court power to make the order indefinitely?

Mr. Dunstan: Where does it give the power at all?

Mr. SHANNON: That is implicit in clause 15, otherwise what would be the point of going to the court at all? Clause 15 places in the hands of the court certain functions. It decides first whether the tenant has done any of the things the landlord has alleged. For instance, he might have been keeping the house for an illegal purpose, such as for a betting shop.

Mr. Ryan: The court hasn't any power to make the order indefinite.

Mr. SHANNON: I am pretty sure that the court has authority to issue an order that the owner of the property shall not evict the tenant on the grounds upon which he seeks to evict him, and also that if there is any argument about the amount of rent involved the court can fix the rent.

Mr. Dunstan: When does the court have that power?

Mr. SHANNON: Either party can approach the court. It could be that the landlord wants to evict the tenant on certain grounds and he takes him to court, or it might be that the tenant is not satisfied that he is paying a fair rent and he takes the landlord to court.

Mr. Dunstan: The only way there is any restriction on eviction is if the tenant has already obtained or is in the process of obtaining an order that there is an excess rent.

Mr. SHANNON: If the owner of the property employs wrongful means or duress to frighten the tenant, he is liable to a penalty of £50.

Mr. Dunstan: Would the honourable member consider this situation? The landlord, without putting up the rent, gives a notice to quit to the tenant and then says to him, "Either you enter into a lease for an increased rental or you go out."

Mr. SHANNON: The tenant would then appeal to the court.

The SPEAKER: Order! I suggest that this conversation be held tomorrow.

Mr. SHANNON: I am not objecting to the honourable member's seeking enlightenment.

Mr. Dunstan: I appreciate any enlightenment.

Mr. SHANNON: In the case postulated the tenant would take his case to the court to be resolved.

Mr. Dunstan: But he can take only an existing rental to the court. If it has not already been put up, the court can make no order.

Mr. SHANNON: The court has power to assess the rental.

Mr. Dunstan: It cannot assess the future rental proposed under a lease.

Mr. SHANNON: I have already advised the honourable member that I hope he does not draw any more leases; I think his clients will have more protection without a lease. Possibly we are taking the bread and butter out of the mouths of the unfortunate people this will affect, and I hope they will not be too tough on us for doing that. However, a person without any lease has more protection than one with a lease.

Mr. Dunstan: But he cannot get the protection.

Mr. SHANNON: I suggest the honourable member and I are at cross purposes.

The SPEAKER: It is now 8.40. I suggest that the honourable member get on with the Bill.

Mr. SHANNON: There is much difference of opinion between members of the Opposition about this. Some want to amend but others do not. I support the Bill.

Mr. QUIRKE (Burra): For many years this legislation has been a vexed question with me. This Bill has some features that do not meet some situations. I have made no secret in this House about my antipathy towards those people who savagely and under duress exact extortionate rents. This should not be permitted. However, there are two phases of this Bill. Where there is a lease, this legislation will not operate.

Mr. Bywaters: Do you think it should?

Mr. QUIRKE: I am telling the honourable member something.

The SPEAKER: The honourable member had better tell me. The honourable member should address the Speaker.

Mr. QUIRKE: If there is an existing lease, no matter how extortionate, the terms of this Bill will not affect it.

Mr. Jennings: You should support the amendment.

Mr. QUIRKE: I am not dealing with the amendment. In every case the landlord has some rights. I do not agree with members opposite who seem to think that landlords are always at fault just because they are landlords.

Mr. Riches: Have you any authority for that?

Mr. QUIRKE: Yes, from about six members on your side.

Mr. Shannon: The Opposition has already admitted that.

Mr. QUIRKE: People who have no leases have an opportunity under this Bill. Frankly, I do not know the answer. This matter lends itself to a cross-fire of legal interpretation of what can be and is to be, and I am not competent to judge. I intend to support the second reading because we shall never get anywhere until the Bill reaches Committee, where it can be analysed. Although I support the second reading, I do not like some parts of the Bill and I think some amendments can be introduced to make it more effective and just. No legislation should be introduced that will create any injustice to present landlords.

The member for Norwood (Mr. Dunstan) mentioned some cases and said that I knew something about them, which I did. To my knowledge there have been, not only in the country but in the metropolitan area and in

one instance in his district, cases where landlords who have taken rent under the conditions should have been gaoled for what they were doing. They are men without heart or principle, yet they were protected. I do not like that type of person and, if there is some way of stopping them, I am all in favour of it. However, all legislation must be just, which means that it must not penalize well-intentioned landlords—and there are many of them.

Mr. Dunstan: How would any fair landlord be penalized by clause 8? Any fair man would be entirely within its provisions.

Mr. QUIRKE: I have given my attitude on this matter. Probably something can be done about this in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Mr. FRANK WALSH (Leader of the Opposition): I move:

After "service" in definition of "dwelling-house" to strike out "but does not include any agreement in writing and signed by the parties for the letting or subletting for a period of more than one year of any premises whether with or without the use of furniture goods or services:"

We said we would seek to amend this clause so that it would apply to all and sundry.

The CHAIRMAN: The member for Mitcham (Mr. Millhouse) has an amendment on the file dealing with the same clause. The Leader of the Opposition has moved to leave out the words after "service" in line 7, page 2, and the honourable member for Mitcham's amendment is to leave out the words "more than" in line 10. So the question I will put to the Committee is that the words "but does not the parties for the letting or subletting for a include any agreement in writing and signed by period of" stand part of the clause. If the words stand part of the clause, then the member for Mitcham will be entitled to move the amendment that the words "more than" do not stand part of the clause.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): When this legislation was being prepared, obviously one of the most difficult problems was to decide how and to whom it was to apply. The amendment of the Leader of the Opposition is not a provision that has been overlooked by the Government. I carefully considered this phase of it, but, on balance, came down to thinking that any lease of a year should be excluded from the Act. I arrived at that conclusion for a number of reasons, the first of which is (and I think every honourable member will accept this as being a proper proposition) that it is undesirable for Parliament to tamper with agreements if it can avoid doing so. Any agreement that has been made between the two parties is something that Parliament should hesitate to interfere with, and particularly in this case it is designedly weighted to protect the tenant. Who are these people who have entered into a lease of one year or more? Obviously they are people who have entered into a lease because a lease was available and satisfactory to them. There are two reasons why. The first is that we have had rent control legislation in operation since the Second World War and any premises under the control of the Act were premises where the rent was protected and the tenants did not have to enter into a lease unless they wanted to. If a person entered into a lease for controlled premises, he did so voluntarily; he did not have to enter into it to get them out of control. In fact, it was often to his advantage to stay in unless there was some other overriding factor.

The second reason is that, if the premises are premises not previously controlled, he entered into the lease of them because he wanted to get the accommodation and was prepared to pay the terms of the lease. The position has been so far, I believe, that to a fuller extent than in other States those renting houses have been protected by the law. On many occasions persons have come to me, and probably to other members as well, and said, "I have the opportunity of a lease along these lines."

Mr. Ryan: Under duress.

The Hon. Sir THOMAS PLAYFORD: No; there is no duress in this country.

Mr. Ryan: Not much!

The Hon. Sir THOMAS PLAYFORD: The honourable member is interjecting but he knows very well there is no duress in this country. If we include leases in this legislation, we bring upon ourselves the criticism that Parliament has interfered in matters that have been freely agreed between parties.

Mr. Ryan: Leave out the word "freely".

The Hon. Sir THOMAS PLAYFORD: Again, many of these premises would not have been available at all for renting but for the fact that a lease had been provided with them. Time and time again people would have hesitated to act. In fact, we have had provisions in our old Landlord and Tenant Act enabling a person to give a lease outside of the Act, especially to try to encourage him to make the premises available for letting. In answer to a question

by an honourable member from the other side, I recently gave the figures for the letting of houses. What did we find? We found that in the last few years, with the exception of the Housing Trust, no-one was providing new houses for letting. In other words, but for the Housing Trust there would be no additional accommodation for letting. That is a serious state of affairs. It is not in the interests of the tenants that no-one now is providing houses for letting because, whether or not we like it (and I think every honourable member does not like it; we would all prefer that a person should own the house he lives in), the fact remains that there are in our community today many people who, for one reason or another, cannot own their own houses. At present the only accommodation built by private enterprise for renting is flats, and the rental is beyond a family man. In any event, I do not think that flats are the right type of accommodation for a family man. Whilst our existing legislation may have protected a person to a certain extent—and whether or not we have protected him is a matter of opinion—it has effectively stopped the building of houses for rental. That is borne out by statistics. The building of houses for rental is no longer an attractive proposition. Plenty of people are building houses for sale and are using the facilities of the State Bank, the war service homes scheme, and other avenues for financing them, but they are not building houses for rental.

Mr. Riches: Does rent control apply to new houses today?

The Hon. Sir THOMAS PLAYFORD: No.

Mr. Riches: Then how has that stopped the building of houses for rental?

The Hon. Sir THOMAS PLAYFORD: There is a fear of rent control. Up to the present Parliament has said to house builders, "If you build houses from now on for renting, they will not be controlled," but in this legislation we have gone back on that because all houses will be brought under control if excessive rents are charged. I do not think we should go to the extent of breaking agreements that have been entered into by parties. However, they must be regular agreements. I am prepared to accept the amendment to be moved by the member for Mitcham, because we have always taken the view that a lease for a year is a regular lease.

I realize that the Opposition has the numbers in Committee to carry its amendment if it desires, but I do not think this is a good amendment. I point out that some leases are entirely satisfactory to tenants, but not to the owners. Under clause 6 only a tenant has the right to go to the court. If we included leases and permitted one party to go to the court to seek the variation of an agreement, we should give the other party the same right. That would be my feeling. Notwithstanding criticism from members opposite, this Bill was designed to protect tenants from excessive rents. It was not designed to protect owners from agreements which they entered into but in which the rent was too low. Last week I saw a tenancy agreement under which a tenant is paying 30s. a week for a good cottage. That agreement will not be affected by this legislation. Although we may have a policeman patrolling a street, he is not doing so because we believe that every person in the street is going to break the law: the policeman is there to deal with the few people who may transgress the law. Most of the people in the community are law-abiding. I have strong views on this matter: I do not regard all landlords as unscrupulous and harsh. I know many who are the opposite.

Mr. Ryan: We agree with that.

The Hon. Sir THOMAS PLAYFORD: In a previous debate, to which I cannot refer, members opposite said that the Prices Commissioner's functions were important because he dealt with factors that were not directly under his control.

The CHAIRMAN: The Premier would be out of order in discussing that.

The Hon. Sir THOMAS PLAYFORD: Yes, Sir, and that is why I am not referring to it. Members have frequently said that it is better to have a law that has a deterrent effect rather than that people should be taken to court. Probably every member, except the members for Mitcham and Norwood, will agree with that. If we can prevent a case from going to the court it is a better way of dealing with it. I have discussed with Mr. Murphy the type of assistance we can give by way of administration under this Act. Probably all members have brought to my notice instances where persons have been overcharged or where they have not been properly treated, and Mr. Murphy, without issuing orders or going to court, has been able to achieve a satisfactory solution. Only last week I obtained a refund, in a case which one member brought to me, of no less than £600. I believe that if this legislation is given a fair trial it will show a reasonable result; I know it will not give the perfect result, for no Act we can design in

this respect can do that. However, I believe that we can achieve something under this system that we have not been able to achieve before.

I said some time ago that there were two classes of houses—those that were controlled and those not controlled. I could have gone further and said that there were three classes of houses. The third class consists of those houses that were controlled when the tenants of them did not know they had the protection of control. I believe that third class has probably given us more difficulty than the other two classes. I believe that with the set-up we propose we shall have more chance of reaching that class, because publicity will be given in this matter; the first case that arises will immediately focus attention on the law. Would any honourable member like a court judgment to be given against him to the effect that he had been trying to charge excessive rent? Great publicity will attach to that. I should very much dislike that type of publicity. Honourable members know how often people will willingly pay a fine rather than have their offence disclosed to the public.

This legisation is designed to prevent the charging of excessive rents and to maintain a fair balance between the landlord and the tenant without going so far that we would make it totally unattractive for any person ever to consider making his house available for rental. The Opposition's amendment will be accepted if a division is called for, but I do not believe it will be in the interests of the people the Leader is seeking to serve. Quite apart from that, I consider it will make this legislation much more difficult to become accepted. I believe that the legislation as introduced will have a much better chance of acceptance by everybody than if it starts by breaking down agreements entered into freely between parties.

Mr. DUNSTAN: I have listened attentively to the Premier's reply to the Leader's amendment. What the Premier most carefully does not deal with is the fact that the maintaining of the words which the Leader proposes to strike out in this definition provides a means whereby any landlord minded to do so may evade the provisions of this legislation.

Mr. Ryan: Without any publicity.

Mr. DUNSTAN: Any landlord whose premises are at present controlled under the existing legislation need never come within the terms of this legislation at all. All he has to do is this: as soon as December 31 has arrived, the next day he may give one week's notice to quit to his tenant.

The Hon. Sir Thomas Playford: If on January 1 the landlord gave notice to quit and on January 2 the tenant applied for a rent reduction, what would happen?

Mr. DUNSTAN: That would be perfectly simple for the landlord to meet. He is still charging the controlled rental. How is the tenant to show to the court that it is excessive? He could not possibly do so.

The Hon. Sir Thomas Playford: There is no control of rental on January 2.

Mr. DUNSTAN: The landlord will still be charging the rental he has been charging all along. All he needs to do is to give one week's notice to quit, and he can then say to the tenant, "Look, I intend to get vacant possession of these premises; there is no tenancy control any longer; these premises are uneconomic for me as things stand. If you do not want me to get vacant possession of the premises all you need do is enter into a lease with me."

The Hon. Sir Thomas Playford: If the honourable member has another look at it he will see that that matter is well covered.

Mr. DUNSTAN: Where is it covered so that a landlord has no power to give a notice to quit?

Mr. Millhouse: Clause 15 (1).

Mr. DUNSTAN: The honourable member had better read clause 15 (1), which states:

The landlord of any premises in respect of which an application to the local court under this Act is pending—

Mr. Millhouse: That is far enough.

Mr. DUNSTAN: Let us consider the situation that I have just outlined. On January 1 the landlord gives the tenant a notice to quit; the tenant is still paying the rental he always paid when the premises were under control; the tenant then applies to the court for a finding that the rent which he is being charged is excessive—and that is what he has to prove. The court may only make an order in respect of those premises under this Act if the rent being charged at the time the application is made is excessive. That is the only power the court has to make any order. The tenant makes his application; the rent which he is being charged is the previously controlled rental, so the court promptly dismisses his application. It cannot do anything else: it has no power to do anything else. As soon as the application is dismissed there is no order fixing the rent because the court has not found that any excess rent is being charged.

The Hon. Sir Thomas Playford: The amendment we are discussing does not deal with that case at all.

Mr. DUNSTAN: The Premier just has not seen what the effect of this is, so I will explain it to him. The landlord whose premises have been controlled under existing legislation will have all controls lifted from the end of December. He need not put up the rent; he need simply give the tenant notice to quit, which he will have every power to do because no tenancy control will be left. What rights will the tenant have then? He can say, "I will go."

Mr. Ryan: If he has anywhere to go!

Mr. DUNSTAN: He can always go out into the street, of course. Either that, or he can ask, "How can I stay here?" The landlord will say, "If you want to stay here I will agree to withdraw the notice if you enter into a lease for a year at a greatly increased rental."

Mr. Ryan: That would not be duress, of course!

Mr. DUNSTAN: Of course not! That will be perfectly valid and it will be a complete way to get round this legislation. The tenant will not be able to go to the court for an order because he will not have been charged an excessive rent. The sum the landlord proposes to charge under the lease will not be something that the court can pass upon, as it will not be a rent; it will be only a proposal for an agreement and it will take the landlord outside the provisions of the legislation. What protection will the tenant have?

Mr. Ryan: None.

Mr. DUNSTAN: No, he will have none.

The Hon. Sir THOMAS PLAYFORD: I think the honourable member is saying that what is worrying members opposite is not leases now in existence but new leases.

Mr. Dunstan: Some existing leases are worrying us, but that is not the main thing.

The Hon. Sir THOMAS PLAYFORD: All leases now in existence will not terminate on December 31. I think what the honourable member is concerned about is that on January 2 tenants will get notices to quit and will be told by landlords that if they enter into leases the notices will be withdrawn. If that is the problem, I shall have no hesitation in accepting a way to overcome it. This is totally different, however, from the Leader's amendment, which goes farther by dealing with leases of perhaps 15 years' duration. If members opposite are interested only in protecting people under leases that may be demanded under notices to quit, it can be provided that these are not within the provisions of the Act. I believe that proposal is fair and reasonable. We have already provided that the moment a person applies to a court he is protected until the court has dealt with the matter. If the Leader or the member for Norwood agrees to amend the amendment to provide that the lease mentioned is not a lease entered into under duress after the passing of this Act, or words to that effect, I shall be happy to accept it. I do not know whether that helps members opposite.

Mr. DUNSTAN: I am not certain how we can draft a proposal of this kind. We cannot use the word "duress", and this will require considerable thought and careful drafting. If the Premier is prepared to compromise, we may be able to reach agreement.

Mr. Quirke: That answers my point.

Mr. FRANK WALSH: The Parliamentary Draftsman has informed me that it will be difficult to draft this amendment. I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Consideration of clause 3 deferred.

Clauses 4 and 5 passed.

Clause 6—"Application to determine whether rent excessive."

Mr. SHANNON: If clause 3 is amended as proposed, I think the two parties to the agreement may have to be covered.

The Hon. Sir THOMAS PLAYFORD: The Leader's amendment would have a bearing on this clause, but the proposed amendment will have a prospective effect.

Clause passed.

Remaining clauses (7 to 20) passed.

Clause 3—"Interpretation."—reconsidered.

Mr. MILLHOUSE: I move:

After "period of" in the definition of "dwellinghouse" to strike out "more than"; and after "one year" to insert "or more".

The normal period for a lease is one year, and there seems to be no reason why that period should be disturbed. That is the reason for my amendment.

Amendment carried.

Mr. FRANK WALSH: I move:

After "services" in the definition of "dwellinghouse" to insert "not being any such agreement made at any time after the commencement of this Act after the giving to the tenant of a notice to terminate the tenancy or in consequence of a threat by the landlord to give a notice to terminate the tenancy:"

I have conferred with the Premier, the member for Norwood, and the Parliamentary Draftsman on this amendment.

The Hon. Sir THOMAS PLAYFORD: The amendment is acceptable to the Government.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

Bill recommitted.

Clause 7—"Powers of Local Court"—reconsidered.

The Hon. Sir THOMAS PLAYFORD: I have examined the clauses relating to evictions and have discovered that an omission was made when the Bill was drafted. If the court establishes that an excessive rent has been charged it has power to order that a notice to quit shall not be given to the tenant. However, there is no provision to enable the court to say that the rent is satisfactory and still give the tenant protection from eviction. The amendment I shall move will make it clear that a person can go to court and have no fear of any repercussion from a landlord for so doing. I assure honourable members that there is no sinister motive for moving this amendment. I therefore move:

After "application" second occurring in subclause (1) to insert "provided that the Local Court may, notwithstanding that it is not of the opinion that the rent is excessive, make an order that the landlord shall not, without the leave of the Local Court, give any notice to terminate the tenancy."

That makes it clear that the court, notwithstanding that it does not make an order altering the rent, can still give protection against any victimization merely because the tenant has applied to the court. With your permission, Mr. Chairman, I point out that in clause 15 I shall move to omit the words "fixing the rent". That makes it clear that the court may make this order even if it does not fix the rent.

Mr. SHANNON: I should like the Premier to assure me that there is nothing sinister for the landlord in this amendment. It is my guess that this amendment will take away his existing rights under the Landlord and Tenant (Control of Rents) Act to gain possession of his premises. I do not know whether the court may take steps to prevent a landlord from legitimately obtaining an order on the ground that he wishes to sell his premises.

Mr. Dunstan: That is covered in clause 15 (3) (*f*).

Mr. SHANNON: But what are "special reasons"? It seems a wide term. Under the existing legislation the owner who wishes to sell his premises may get vacant possession in due course by giving notice to quit for that purpose, and it seems to me that this Bill denies him that privilege.

The Hon. Sir THOMAS PLAYFORD: It would be completely foolish to pass a law that gives a man the right to go to the court to have his rights expressed if we are then going to allow him to be victimized for going to the court.

Mr. Shannon: I do not propose victimization.

The Hon. Sir THOMAS PLAYFORD: The whole point of this amendment is to prevent any attempt to victimize a man for going to the court. It is all in the hands of the court. All we are trying to do with this amendment is to give the court power to prevent victimization, and it does not have that power without this technical amendment. The amendment does not alter the general law: it merely gives the court the power to say, "Although we have not decreased this man's rent, nevertheless he is not to be victimized for coming here." That is a fair proposition.

Mr. MILLHOUSE: I sympathize with the object the Premier has in mind and I under stand it, but I ask him whether the period during which the local court may prohibit proceedings for eviction is definite or indeterminate. As far as I can see it is indeterminate and it could be any period. Under clause 15 (1) it cannot be for longer than 12 months.

Mr. Shannon: Then he can get another order.

Mr. MILLHOUSE: Yes, but he has to get another order. It seems to me that the local court could under this amendment prohibit any proceedings for eviction for two years or five years or any period it likes. I think we should provide a limitation, and say that the prohibition can be for not longer than 12 months or six months, as a guide to the court as to what Parliament had in mind with this amendment. I do not think the amendment is governed by clause 15 (1), and if it is not I think we should provide a time limit as a guide for the court as to the period during which there shall be no proceedings for eviction.

The Hon. Sir THOMAS PLAYFORD: These amendments have been placed on the file only this evening and therefore there has not been much time to consider them. However, I will see that the position is examined so that before the Bill passes another place it will be examined to see that what this Committee has clearly indicated is done.

Mr. SHANNON: I accept the Premier's assurance, but I point out that there is some urgency about the securing of possession of houses in deceased estates. If a tenancy is a cheap one, obviously the price of the house is affected accordingly, and since we are denying a trustee the opportunity he has under the existing law, it appears that this aspect should be covered and that there should not be any shadow of doubt. I am not sure that the direction regarding "special reasons" is sufficient direction to the court.

Amendment carried; clause as amended passed.

Clause 15—"Restriction on termination of tenancy"—reconsidered.

The Hon. Sir THOMAS PLAYFORD moved:

After "order" in subclause (1) to strike out "fixing the rent".

Amendment carried; clause as amended passed.

Bill read a third time and passed.

COMPANIES BILL.

Returned from the Legislative Council with amendments.

BUSINESS NAMES BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1680.)

Mr. FRANK WALSH (Leader of the Opposition): I prepared a lengthy speech to deliver on this Bill but, in view of the Minister's statement in his second reading explanation that it would bring our legislation into line with that of other States, I do not intend to delay the House in discussing this uniform measure. I support the second reading.

Bill read a second time and taken through its remaining stages.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 24. Page 1685.)

Mr. FRANK WALSH (Leader of the Opposition): When the consolidating and amending Motor Vehicles Act was passed in 1959, it was expected that some minor amendments would be necessary after the legislation had been put into effect. Such an instance was the Motor Vehicles Bill that was considered earlier this session and was supported by members on this side of the House. The Bill before us now is in a similar category but has more serious implications and the main amendment is contained in clause 4, which provides for a new section 118a. The rest of the clauses are consequential or machinery amendments. In order that a motor vehicle may be eligible for registration the owner must take out a third party insurance cover with an approved insurer in accordance with Part IV of the principal Act. By definition in section 99,

"approved insurer" means a person or body of persons approved by the Treasurer as an insurer under this Part.

Therefore, I assume that, before an organization was approved to undertake third party insurance, it was investigated by the Government. In spite of this, some insurance companies have got into financial difficulties. I have given instances to the Government in the past of insurance companies being in financial difficulties, and apparently this Bill is designed to afford third party cover to owners of vehicles in the event of the insurance company with which they have done business being wound up or having entered into a compromise or arrangement with its creditors. This additional protection is subject to the Governor, on the recommendation of the Treasurer, issuing a proclamation which will have the eventual effect of permitting the spreading of the claims from the insolvent insurance company to the rest of the approved insurers by means of a nominal defendant.

Excluding this new section 118a, Part IV deals with approved insurers, which may include both persons and corporations whereas new section 118a (1) brings in a restriction that an approved insurer must be a corporation. I have been assured that there are no persons in this State who are approved insurers. However, I still contend that, if it is possible for a person to be an approved insurer, it is also possible for a person who is an approved insurer to go bankrupt, and the amendment before us now should provide for this contingency. If the Government has no intention of approving persons to become approved insurers, then the rest of Part IV should be amended to conform with this new section 118a. I believe my contention is strengthened by 118a (6) which states:

All moneys paid out or incurred by the nominal defendant under this section in respect of any claim, action or judgment shall be paid—

(*a*) out of moneys contributed by approved insurers pursuant to a scheme under section 119 of this Act; or

(*b*) if no such scheme is in operation, by the Treasurer and approved insurers in accordance with section 120 of this Act.

Members will notice that an approved insurer does not need to be a corporation in order to become liable for contributions under this new section. I do not wish to move an amendment but I believe my objective could be achieved by deleting the words "being a corporation which is incorporated in the State or elsewhere" in new section 118a (1), and I put the suggestion forward for the Government's consideration. I believe that this Bill seeks to improve the existing legislation and, subject to my foregoing remarks, I support the second reading. I again refer to new section 118a (1), which reads:

Where the Treasurer is satisfied that an approved insurer being a corporation which is incorporated in the State or elsewhere has insufficient assets to meet all its liabilities . . .

I am concerned, however, with the definition in section 99, which reads:

"approved insurer" means a person or body of persons approved by the Treasurer as an insurer under this Part.

Is there any reason why the term "being a corporation" is included in this amending legislation?

Mr. LAUCKE (Barossa): I welcome this legislation as something necessary to give full effect to the purpose of compulsory third party insurance. The original legislation was introduced to make it compulsory for a motor car owner to be insured under a third party policy in case he should injure another person, who might have obligations or be a family man with liabilities. The driver of the car might have no money himself and could kill the breadwinner of a family. The original legislation was to protect the injured person or his family against what could happen to him on the road. On the other side of the picture we have the car owner who, in good faith, insures to ensure that he or his estate will not be claimed against in the event of a major accident. The insuring person, thinking that he is covered all the time, may find that because the insurance company cannot meet its liabilities at a critical time his insurance is void and he has no cover at all. That is a serious matter that could have a direct impact on any person who owns a motor car. I admire the Premier's activity in persuading insurance companies to agree to carry the liabilities of any defaulting insurance company. It is a difficult proposition to put to any person to ask him to accept the liabilities of another, but through the other companies accepting that liability we are covering that which could be claimed against a given individual who insures in good faith. This legislation is vitally important and I welcome its introduction. It could be that premiums may rise slightly as a consequence of this arrangement with the insurance companies, but the cost will be small for the sure knowledge that a protection exists for the insuring person come what may.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Enactment of section 118a of principal Act."

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

After subsection (4) to insert the following subsection:

(4a) Notwithstanding any other Act, where the nominal defendant appointed in relation to an insurer pays or is liable to pay any sum pursuant to subsection (3) of this section and the amount so paid or liable to be paid or any part thereof would, if paid by the insurer, have been recoverable by the insurer from another person under a contract or arrangement for re-insurance, the nominal defendant shall have and may exercise the rights and powers of the insurer under that contract or arrangement so as to enable the nominal defendant to recover that amount from that other person.

Before explaining this amendment, I should answer the Leader's inquiry as to why the definition in this Bill is different from the definition in the principal Act. The limitation in this Bill has been inserted because Lloyd's is not incorporated in this State or elsewhere; it is an underwriter. Lloyd's has agreed to contribute, but we are not able to bring it under the provisions of the Bill. It is not an insurer within the terms of the Act. It will be the only company excluded. If Lloyd's were the only company, we would not need this legislation.

Mr. Fred Walsh: What about Lumley and Sons?

The Hon. Sir THOMAS PLAYFORD: They are agents for Lloyd's. Lloyd's is prepared to play its part in the scheme but it cannot be included in the legislation. To explain my amendment I shall read a letter I have received from the firm of Alderman, Clark, Ligertwood and Rice, as follows:

We act for the Fire and Accident Underwriters' Association of South Australia and we have perused on their behalf the Bill for an Act to amend the Motor Vehicles Act, 1959-1961, which you recently introduced into the House of Assembly. As you then indicated, the members of our client association do not agree with the principle whereby they are called on to answer for the defaults of another insurer, but in view of the Government's decision to introduce legislation of this nature

they are prepared, and willing, to co-operate with the Government for the future along the lines of this amendment.

After careful perusal of the Bill, our clients are satisfied with its general provisions, which they feel will be satisfactory and capable of being harmoniously administered. However, there is one point which we have been instructed to draw to your attention. Our clients feel that there should be some provision in the Bill so that where the nominal defendant is called on to pay out moneys to claimants as the result of the liquidation of an insurer, any claims that the insurer (in liquidation) would have had against re-insurers under a contract or arrangement of re-insurance should be made available to the nominal defendant and not to the liquidator. We feel that this is in harmony with the spirit of the legislation —other insurers are being called on to make good the default of one insurer, and, as all contracts of re-insurance are with insurers, the parties making good the default should be able to have the benefit of contracts of re-insurance from within their own circle. Having this in mind, we have ventured to prepare an amendment to the Bill in a new subsection (4a) which we enclose herewith.

The Government has considered this, and it believes that there is inherent justice in the proposal. In fact, it would be grossly unfair if we called upon the other companies to make good a deficiency without giving them the opportunity of any redress.

Amendment carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

The Hon. G. G. PEARSON (Minister of Works): I move:

That this Bill be now read a second time.

It makes amendments to Part VI of the Births and Deaths Registration Act necessitated by the passage of the Commonwealth Marriage Act of 1961. That Act is not yet in force, and accordingly clause 2 of the present Bill provides that the amendments will come into operation on a date to be proclaimed. It is expected that the Commonwealth Act will be proclaimed to commence early next year. The relevant portion of the Commonwealth Marriage Act for present purposes is the part that concerns legitimation. As members know, on the coming into force of the Commonwealth Act any State laws on the subject of legitimation will, in so far as they are inconsistent with the Commonwealth provisions, become inoperative. The principal difference in regard to legitimation in the future will be that an illegitimate child will be legitimated by the marriage of its parents, whether or not there was a legal impediment to their marriage at the time of birth of the child. I may add, incidentally, that the validity of the Commonwealth provisions regarding legitimation was recently upheld by the High Court of Australia.

While the Commonwealth by its Marriage Act has made provision concerning legitimation, it has made no provision regarding the registration of legitimated children, which matter is left to State law. Nor does the Commonwealth law (as it could not) make any provision concerning the rights of legitimated persons, this being a matter that remains within the ordinary law of the State. The purpose of the present Bill is therefore twofold. In the first place, by clauses 6, 7 and 8 it makes the necessary amendments to the principal Act to enable the Registrar of Births to register legitimations of persons legitimated in accordance with Commonwealth law. The amendments are of a technical character and have been approved by the Registrar, who will have to carry out the necessary functions, and I do not go into the details. I should, however, refer to the last provision of the Bill which increases the fee for endorsing legitimation on a registration of birth and re-registration of birth, after a period of three months, from 5s. to 10s. The current fee has been in force since 1936, and it is considered desirable to encourage parents to apply as soon as possible after marriage.

The other amendments are made by clauses 4 and 5. Part VI of the principal Act provides, among other things, for certain property rights for legitimated persons. Such persons are, however, defined by section 37 as persons legitimated by our own Act, and similar references occur in section 39. The amendments will extend the definition to cover persons legitimated under Commonwealth law and will thus give effect, so far as property rights are concerned, to legitimations effected under the Commonwealth Act.

Mr. FRANK WALSH secured the adjournment of the debate.

ADJOURNMENT.

At 10.37 p.m. the House adjourned until Wednesday, October 31, at 2 p.m.