LEGISLATIVE COUNCIL.

Wednesday, November 21, 1951.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

STOCK FEED PRICES.

The Hon. F. J. CONDON—A few weeks ago the Commonwealth Government decided on certain action of which South Australia did not approve in regard to the price of wheat for stock feed. I note that the Commonwealth Government has now decided to grant an increase, bringing the price up to 12s. a bushel, the difference of 4s. 1d. to be met by that Government. Will this Government introduce legislation this session to ratify the agreement?

The Hon. R. J. RUDALL—Yes.

MAGAZINE ROAD CROSSING.

The Hon. A. J. MELROSE—Has the Chief Secretary's attention been drawn to the recurrence of serious accidents at Magazine Road crossing on the northern railway line and, if so, will steps be taken at the earliest moment to place an efficient warning device at the crossing?

The Hon. A. L. McEWIN—I will refer the matter to the Minister concerned. Whether the honourable member's suggestion is the answer to the problem is a question for consideration. I noticed in the report to which the honourable member refers that a warning signal was being given, and it is a question of whether people can hear it or see it. However, the matter is of importance and I will accede to the honourable member's request.

THREATENED CLOSE DOWN OF INDUSTRY.

The Hon. K. E. J. BARDOLPH—Has the Attorney-General a reply to the question I asked on November 7 regarding the closing of the Finsbury munition plant because of the shortage of copper?

The Hon. R. J. RUDALL—I have not a reply today, but I will see if I can get one for the honourable member.

COURSING RESTRICTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 14. Page 1240.)

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill has been presented to this Chamber in a rather unusual fashion. Generally, when a member introduces a Bill and moves the second reading his speech is in confirmation of the measure and it is commended to the Council. However, I compliment the honourable member who introduced this Bill on the remarks he made concerning it, and I think we were left in no doubt by the time he had concluded his speech just where his own sympathies were, but it was because of his appreciation of the responsibility of this Council, under the bi-cameral system of Government, to give a decision on a matter which has been passed by another place that he made sure that that opportunity was given. I support him in his appeal to members to ensure that this measure receives a decision this session.

I feel that his speech would be quite sufficient for this Council to give a decision on, for he covered both sides of the question effectively. First, he gave us the affirmative side and all the points in favour of the Bill. If I were to attempt to add anything to what he said it would be that the request for this measure was, I think, justified by those who are sympathetic and inclined to this form of sport; there was no attempt to "put one over" in presenting the Bill, which really amounts to a nullification of the Coursing Restriction Act of 1927, by which Parliament decided that no-one should be permitted to take part in racing any dog after a mechanical quarry. The Bill provides that, in certain circumstances, it can be done. Those circumstances are that there shall be only one club in the city and ten in the country, which can race, in the city, once a week on a certain night and, in the country, once a week on a certain afternoon. That would break down the restrictions imposed by Parliament to the possible extent of about 600 meetings a year. That requires some justification and the first principle I would consider is whether Parliament was right in making the restriction in 1927, or whether it would be right in 1951 to admit that we were partially right and partially wrong in 1927 and that we think this is an innocent sport, and because we have a guarantee that no gambling will be associated with it we are willing to break down that principle to this degree. I appreciate that those associated with the promotion of this legislation are thoroughly well-meaning in their actions, but I am afraid that as members of a responsible constituted chamber we have responsibilities that go a little beyond some innocent thinking or desire which might be quite safe, so far as the innocent are concerned, and make a practical approach to the matter.

People interested in this legislation have approached me personally and I respect those

associated with the club which made the request. I am not convinced at this stage, however, that it is possible to conduct tin hare racing or the use of a mechanical lure without some form of gambling. We have either to conform to the principles that exist or else say that our ideas are wrong and that we must reverse them. If we accept the principle on 600 occasions let us be logical and abandon the idea of any restrictions. If it is fair for 10 towns in this State to engage in this pastime, surely it cannot be rightly withheld from 250 other towns if they so desire it?

The Hon. F. J. Condon—Would you apply that to the Port Pirie betting shop?

The Hon. A. L. McEWIN—I have not the privilege of doing that either to Port Pirie or elsewhere. I am not discussing betting shops, but a principle which was laid down by Parliament in 1927. I am not suggesting that we should water the Act down a little and say that we can go that far and hold that it is another matter altogether. I am not so innocent as to think that that could be done and I do not think that many members who support the proposal even expect it. It was openly suggested by some speakers in another place that the pastime could not proceed without gambling facilities. I dispense from my mind any innocent approach or that we can tamper with this thing to this degree and say, "Oh, we provided that gambling shall not be extended." I have heard debates here on every phase of the matter. Only last session we made certain exceptions because of restrictions on another sport. It was said that it was not logical to hold the sport in one area and not extend it to others. The same arguments apply to this Bill. The point is not whether we will permit one club to course greyhounds on Friday nights and 10 country clubs to race on Saturday afternoons or Saturday nights on every Saturday in the year, but whether we will support or abandon the principles enunciated in the 1927 Act. I am not disposed to take that plunge at the moment.

I have visited other States where this sport is held and extensively supported. I admit that in those States opportunities are provided for gambling on it. If that were extended here and opportunities were afforded for racing dogs after a mechanical lure we would soon find ourselves in a similar position to those States and therefore it is fair to make comparisons with them. In the course of my travels I have discussed the matter with all sections of the community. I have not sought advice from those administering the legislation or who have dealt with the idea of obtaining revenue from it. A lot has been made out of the fact that much money can be made out of lottery and gaming legislation. I am not concerned with that at the moment, because we have greater responsibilities than that of collecting a few pounds by those means. I am concerned with the moral approach to the question and our responsibilities as citizens. We have far greater responsibilities confronting us today than deciding whether we can find some new avenue, such as this legislation provides, upon which to waste money and time.

I found that in one State great objection is taken by councils to their districts being used for carrying on this sport. In another State I found that the first thing that happened was that it allowed a lot of people with greyhounds to parade around the streets. The public found they could not walk along the footpath unless somebody with a greyhound dog on a leash got tangled up with them. Steps were then taken to prohibit dogs from being walked along footpaths and owners were forced to lead them along the roads. That, however, resulted in their being tangled up with vehicles. If we are to have this legislation we should require those who are involved in such incidents to report to the police every time a dog is bumped on the nose or knocked over. It would be far better if we kept them out of the city.

I am as fond of a dog, in its right place, as anybody. If I were engaged on my farm there is nothing I would appreciate better than a good kelpie or a collie. Those dogs are useful and entitled to good food because nothing is of more service to man than a dog. I would even be happy to house a greyhound for the purpose of hunting and keeping down vermin, such as foxes and rabbits. An increase in the number of these animals will create a nuisance in the suburbs. I have not been bothered by greyhounds, but I have known dogs which have yelped at night and to which I would like to have administered sleeping draughts. It has been shown that wherever this sport is introduced it gets out of hand and reaches a stage where it is impossible to retrieve the damage done. Mr. Cudmore placed the arguments for and against the measure so clearly that any member will be able to give a decisive vote. I am in sympathy with those who like greyhound racing but the associations which spring from this sport are undesirable and not in the best interests of the State, particularly at a time when we are calling for

increased production and cannot meet our meat contracts overseas. We will not help the position if we add a few tens of thousands of greyhounds. For those reasons it is not desirable that we should amend the 1927 Act.

The Hon. E. H. EDMONDS (Northern)—I support the Bill for two reasons. Firstly, because the approaches made by the people interested in this branch of the sport are reasonable and fair, and secondly, because there are definite safeguards in the Bill which remove any chance of the introduction of objectionable features connected with the sport. I propose to review the history of this sport and the background of the clubs associated with it which have been instrumental in having this Bill introduced. Greyhound racing has been carried on in this State for as long as I can remember—either by open coursing or plumpton coursing, and in the manner to which this Bill refers, which is known as speed coursing. The Bill does not strive to introduce some new line of sport; it has been going on for some considerable time. The South Australian Greyhound Racing Club has been in operation for 11 years and until the club held a demonstration of greyhound racing at the 1950 Royal Show the officers of the club were under the impression that the means they were using to conduct the sport were within the ambit of the 1927 Act. As a result of that demonstration court action was taken and officers of the club were prosecuted and mulct in fines and costs, because the court ruled that there had been an infringement of the law. I witnessed that demonstration and thought it a novel and interesting sport and I could not understand why there had been a prosecution. As a consequence of the prosecution, these people, who are law-abiding citizens, desire an amendment to the law so that they can pursue the sport they have conducted for 11 years. That is the object of one amendment in the Bill.

There is a provision in the Bill which definitely prohibits the introduction of gambling or the authorizing of totalizators and the licensing of bookmakers. I have no misgivings that the people who are responsible for the conduct of this sport are genuine in their desire not to have gambling. Obviously they have seen what has happened in other States when this sport has been associated with unlimited gambling and it is their desire to see that it will not happen here. The Act was passed in 1927, and if members peruse the speeches made on that occasion they will see that all the objections raised against the sport were based on pure assumption. The Attorney-General of the day, in introducing the Bill, said, "The Bill is introduced not for the purpose of suppressing a form of racing but to suppress a possible new form of gambling." The Bill was not to suppress greyhound racing which went on and has continued ever since. There is ample evidence to show that the contention that it might introduce some form of gambling has been completely discounted. The present position is that there is a metropolitan club—the Adelaide Greyhound Racing Club—and four other clubs in country districts. All these clubs come under the jurisdiction and control of the National Coursing Association of South Australia. Clubs have to be registered with the N.C.A.: any dogs taking part in racing have to be registered with the N.C.A. and any action taken by stipendiary stewards has to be endorsed by the N.C.A. The clubs in turn carry on under a properly drawn constitution laying down rules and by-laws which have to be approved by the N.C.A., and clubs cannot alter these rules without the sanction of the governing body. I think this demonstrates that the sport is not run as an irresponsible parklands affair by irresponsible people, but is under the control and management of reputable citizens.

The Hon. K. E. J. Bardolph—The same as racing clubs.

The Hon. E. H. EDMONDS—Exactly, and the stipendiary stewards have very wide powers, even to the extent of expelling for life members guilty of an infringement of the rules. Now I propose to answer some of the criticism which has been levelled against this Bill both inside and outside Parliament. I sum up the two main lines of opposition as being, firstly, the objection that gambling may be introduced and, secondly, that there is some degree of cruelty connected with this sport. We all know that there are two forms of gambling—legal and illegal. Some people say that this legislation is simply the thin edge of the wedge for the introduction at some future date of legislation to legalize gambling in connection with this sport. We have the complete answer to that in the terms of this Bill, which specifically lays down that no gambling facilities will be provided. If that were not enough, I remind members that no alteration of those conditions could be made without the sanction of Parliament; in other words, the rescinding of the operation of the Act. Furthermore, we have the assurance of the people making this request that they do

not desire gambling to be introduced. Reference has been made to the unsatisfactory condition of the sport in other States. We know that Royal Commissions have inquired into this matter in other States and other countries, and we must freely admit that the inquiries have revealed that this sport has been conducted in an undesirable way in some places, but it does not follow that it will happen here. I have confidence in the integrity of the people behind this sport and accept their word when they say they realize the danger there would be to it in gambling; they want to preserve their sport and have no wish to introduce some feature which will ultimately lead to its abolition.

I have made some inquiries regarding speed coursing in other States and I am satisfied that all the objectionable features associated with it have arisen from the fact that, without exception, all the big clubs in the other States are proprietary concerns, run by individuals for profit—and not too fussy, according to the evidence before Royal Commissions, about the way in which they make it. There is nothing proprietary about the clubs here; they are just little homely affairs, not large numerically, which desire only to conduct their own sport without interference from other people—and within the ambit of the law.

Now I turn to the aspect of illegal gambling. We are all men of the world and know that illegal gambling goes on and always will. An international cricket match will be played on the Adelaide Oval within a few weeks and I venture to say quite a few people will have a little side wager between themselves. No league football matches are played without a certain amount of money changing hands in side wagers, or even with S.P. bookmakers. Do we want to disqualify football on that account?

The Hon. K. E. J. Bardolph—That is an all embracing statement.

The Hon. E. H. EDMONDS—I am making it and I stand behind it. With a view to seeing whether there has been any illegal gambling associated with this sport during the last 11 years it has been conducted I communicated with the Police Department and, with the assistance of a very courteous officer, endeavoured to get figures in relation to any prosecutions against anyone associated with greyhound speed coursing in this State. Unfortunately, it was found that in the statistics there was not a very fine division between the various kinds of offences; they were all lumped under the heading of offences against the gaming laws, but the officer responsible for the compilation of those statistics told me that he could not recall one prosecution of anyone associated with greyhound racing. Once again we simply come back to the irrational argument that because something has happened in New South Wales, Victoria or South Africa it must happen here. The fact is that it has not happened here, and I am quite satisfied to take the word of those responsible for conducting this sport that they will leave no stone unturned to see that this undesirable feature is not introduced.

The Minister referred to the usefulness of greyhounds. If we contemplate controlling them on those grounds we had better start amongst some of the other nondescripts we see about the place, whose chief occupation seems to be the disfigurement of the landscape; if we want to do something to reduce the number of useless canine inhabitants of this country we had better start there. Greyhounds have a usefulness because, in connection with this sport, there has been built up quite a little industry in the breeding of these dogs, which have been exported from this State, and are in great demand at satisfactory prices. However, to develop these characteristics of stamina and speed so necessary in greyhound racing there must be this speed coursing, and that is one of the main objectives of this association. They want to assist the industry in the breeding of greyhounds and for that reason, among others, their request is worthy of some consideration. The Chief Secretary also said something regarding the objectionable feature of having dogs housed in our somewhat restricted urban areas. My answer to that is that there are boards of health which can exercise control over dogs, as they do over cowyards and stables. Obviously the people interested will be prepared to measure up to their responsibilities in this connection, for they are not likely to jeopardize their sport by allowing their dogs to become a nuisance. It has not happened here. That is the sum total of my argument; any other contention is built up on a flimsy sort of poor assumption.

I do not hold a brief for anybody and nobody interested in the sport of greyhound racing has said one word to me about the Bill. I have only endeavoured to give fair-minded consideration to it. It has led me to the conclusions I have endeavoured to put before members, who have had the same opportunity as myself to study what the Bill really means and the background to it. They can easily ascertain the

bona fides of the people associated with the measure. If they study the Bill they must give a fair hearing and unbiased consideration to the request that has been made. I support the second reading.

The Hon. R. R. WILSON (Northern)—I shall not speak at length on the Bill nor shall I record a silent vote because it is a matter vital to the future of this country. I found open coursing most popular on Eyre Peninsula, having lived there for the biggest part of my life. There were no hares or coursing on Eyre Peninsula when I went there in 1927. The difference with the Bill, however, is that it deals with racing and not coursing. Requests have been made by people living in the northern parts of the State, having coursing in mind, for support for the Bill. Under the Bill an attempt is being made to mechanize Nature by racing dogs after mechanical hares. The hare is gifted by Nature with speed, its chief defence, and it is a most powerful animal for its size. It has the habit of turning quickly and can easily evade a dog. The use of a mechanical hare will make this pastime racing. Surely we can take a lesson from the States which have had experience of this sport. South Africa saw fit to declare it illegal. Much has been said about betting being associated with the pastime. I appreciate the letter I received from Mr. Hall, secretary of the Adelaide Greyhound Racing Club; it was well worded and most interesting. He put the case most clearly and I think that his club is out to prevent any form of gambling.

The Hon. A. L. McEwin—That has not been contested.

The Hon. R. R. WILSON—It has not. I have been associated with thousands of people who are interested in racing and have found that where there is racing there is betting.

The Hon. K. E. J. Bardolph—Only a percentage of them.

The Hon. R. R. WILSON—I agree, but if the Bill becomes law there will, sooner or later, be some form of betting. Mr. Edmonds mentioned football and cricket, but they are games and are far different pastimes from racing. We are passing through critical times and are probably facing an international crisis. We are calling up young men for defence training, because it has been found that that is necessary. We must always bear that in mind. I do not think we are doing the right thing by introducing an additional sport. I oppose the Bill, but want the National Coursing Association to realize that I have given it every consideration.

The Council divided on the Hon. F. J. Condon's motion to adjourn the debate—

Ayes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), and A. A. Hoare.

Noes (15).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore (teller), L. H. Densley, E. H. Edmonds, N. L. Jude, A. L. McEwin, A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall, Sir Wallace Sandford, and R. R. Wilson.

Majority of 11 for the Noes.

Motion thus negatived.

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—The last speaker contended that we should not be wasting our time on this matter, but he voted against the motion for adjournment. This shows what the position is in Parliament today. I am happy about the matter because I realize that the majority always counts. Recently, when we had a Bill before us to spend £41,000,000, there was only one speaker when the debate was adjourned. Mr. Cudmore, who sponsored the Bill here, reminded me of a criminal judge who was both for and against a prisoner and then said, "I will leave it to the jury." He also reminded me of hunting with the hounds and running with the hare. However, I compliment him on having taken up the matter here. He explained his reasons for doing so and perhaps it would not be out of place if I mentioned the part I played in the introduction of the Bill. Unfortunately, no member was prepared to introduce it into this Chamber.

The Hon. E. Anthoney—Not even the honourable member.

The Hon. F. J. CONDON—I was asked to do so, but refused. I realized that it was the duty of some member, whether he agreed with the Bill or not, to introduce it for consideration here, because it had been passed by the House of Assembly. As a matter of courtesy I said I was prepared to introduce it, but Mr. Cudmore, realizing what an important Chamber this is, did so and I think that that was the correct procedure. My remarks this afternoon will express my own personal views. I do not connect any members of my Party with the views I hold as I believe that on all social matters there should be an expression of indi-

vidual opinion. As a Party man I am always prepared to carry out the decisions of my Party. This is a free and open question on which I have not consulted any of my colleagues on any action they might desire to take. Members have a right to express their views and any criticisms I make this afternoon are not personal. As the Leader of the Opposition in this House I hold an important position and have the right to criticise. I have received a request from 360 people but that will make no difference to my opinions and I shall vote according to my conscience. About 90 per cent of the persons who signed that request are in Central No. 1 district but many reside in Central No. 2 district and the country. When I was interviewed I said that any Bill coming before Parliament would receive my consideration after I had perused it. I am not in the habit of making promises before I know what is involved. Unfortunately there are some members who are prepared to pledge their support to a Bill before knowing what it involves, but that is a wrong attitude to adopt.

There are a number of people who are opposed to gambling and racing and I respect their views because they conscientiously believe that what they advocate is in the best interests of the community. The arguments against this Bill are that it will foster illegal betting and that this form of greyhound racing is a cruel sport. I cannot see any harm in this sport and if illegal betting occurred it would be because our laws made it possible. Our Statutes provide penalties for illegal betting and, although greyhound racing has operated for 11 years, there have been no charges against bookmakers illegally operating on this sport. The Bill seeks to legalize a practice which until recently had operated in South Australia for 11 years.

The Hon. E. Anthoney—I think there have been many complaints.

The Hon. F. J. CONDON—The honourable member will have an opportunity of pointing those complaints out when he speaks. The people conducting this sport assert that they are opposed to gambling. I have never been to a greyhound course and, although a number of fellow politicians viewed the sport at Hobart when I was in Tasmania, I did not do so. It is not a sport with which I am acquainted but sporting people have rights and if the Bill is passed there is a law to deal with illegal betting. Subclause 3b of clause 3 reads:—

(1) No licence shall be granted authorizing the use of a totalizator at any meeting where dogs race after a mechanical quarry.

(2) A bookmaker's licence granted under the Lottery and Gaming Act, 1936-1950, shall not authorize a bookmaker to bet on the ground where any meeting for the racing of dogs after a mechanical quarry is being held, or on any such race.

There are a number of members in this Chamber who do not believe in gambling and yet they are prepared to balance the State Budget with revenue received from taxation on winning bets.

The Hon. W. W. Robinson—Does that tax encourage betting?

The Hon. F. J. CONDON—The honourable member is opposed to gambling but has he made any attempt to abolish the betting shops at Port Pirie? Members cannot deny that there are bookmakers operating illegally in every town. I know that it is wrong, but can we prevent it? When members are prepared to be gamblers one day and non-gamblers the next they are inconsistent and dishonest. Last year when the Government introduced a measure to secure additional revenue from betting the churches did not oppose the legislation and revenue from winnings tax last year was £350,000 and this financial year it is estimated that it will be £750,000.

The Hon. R. R. Wilson—Are betting people complaining?

The Hon. F. J. CONDON—I am not suggesting that, but I point out that you cannot blow hot and cold. I realize that if there is a legalized form of betting there is no room for an illegal form of betting but by imposing a winnings tax illegal betting has increased. When I introduced an amendment to reduce the tax to 3d. in the pound the only members to support me were the Hons. K. E. J. Bardolph, A. A. Hoare, N. L. Jude and the late E. A. Oates. The opposition to my amendment was that it would reduce the revenue by many thousands of pounds. Those who opposed it were Messrs. Anthoney, Bice, Densley, Edmonds, Perry, Robinson, Rowe, Rudall, Wilson and Sir Wallace Sandford. Messrs. Cudmore and Melrose paired for me against Messrs. Cowan and McEwin.

The Hon. R. R. Wilson—I wonder what made the Government introduce that legislation?

The Hon. F. J. CONDON—To get extra revenue. Without gambling there would be no surplus today. Did members who supported it care how they got the extra revenue? Did principles worry them? Then I moved that the amount invested in a winning bet should not

be taxed, and again I was defeated. This time, Messrs. Bardolph, Edmonds, Hoare, and Oates supported me, and Mr. Jude paired in my favour. Against me were Sir Wallace Sandford and Messrs. Anthoney, Bice, Cudmore, Densley, Melrose, Perry, Robinson, Rudall, and Wilson.

The Hon. F. T. Perry—What does all that prove?

The Hon. F. J. CONDON—The inconsistency of some members. An amendment moved by a Labor member is wrong, but the same amendment moved by a Liberal member is right.

The Hon. C. R. Cudmore—There is no betting involved in this Bill.

The Hon. F. J. CONDON—The honourable member has made his wishy-washy speech, and I am making mine. Had I introduced this Bill I would probably have done a better job than my honourable friend, because I would have been sincere.

The Hon. F. T. Perry—But you have already congratulated him on it.

The Hon. F. J. CONDON—I know it is hard for members to take the knock when their inconsistency is pointed out to them, but they should not be hypocrites. They always claim to be great believers in principles; let them stand up to them. I have no objection to the attitude adopted by the mover of the second reading, but it is my job to point out what I think to be wrong, and members cannot deny the truth of what I have said this afternoon.

The Hon. R. R. Wilson—A lot of that tax went to increase stakes.

The Hon. F. J. CONDON—Of course it did, but the Government was not satisfied with what was offered. The Premier saw a good chance of getting revenue and doubled the tax.

The PRESIDENT—I think the honourable member had better come back to the Bill.

The Hon. F. J. CONDON—I was merely following up what other members have said and probably, you, Sir, have stopped me from saying any more.

The Hon. C. D. Rowe—All the honourable member has said is, "I thank Thee that I am not as other men."

The Hon. F. J. CONDON—I am neither a Pharisee nor a publican. I support the Bill because I see no harm in it. I credit those who are opposing it with honest intentions, but I trust that in future they will be a little more consistent than they have been in the past.

The Hon. A. A. HOARE (Central No. 1)—Mr. Cudmore, when introducing the Bill, said he could say a lot in favour of it, but a great deal more against it, and he said much more against it than for it. He emphasized the point that whatever was attempted to stop gambling could not be effective, and I agree with him. Mr. Edmonds said there would not be any gambling with tin hare racing. All I can say is that if that is the case the sport will not last long. What was the state of trotting before legalized betting was introduced? A mere handful of people attended the meetings and the owners of winning horses were given small trophies. When legalized betting was introduced, however, tens of thousands attended the meetings and that is why the Trotting Association has met with such success. The sponsors of this sport are probably honest when they say they do not desire to see gambling associated with it, but they will quickly learn that the sport will not grow without betting. If people imagine they can prevent betting on dog racing they must have another think. When I was a younger man I attended open coursing meetings, where the hare always got a good start, and I knew that sweepstakes were conducted in association with them. Does anyone imagine that we wiped out gambling when we abolished betting shops? I know, as any member knows, that betting goes on wherever large numbers of men are employed.

Members of the Greyhound Racing Club came to my house and, after placing their case before me, asked if I could support it. I said I could not. They assured me there would be no betting associated with it, but I told them that I knew quite well what would happen. I reminded them that they had had tin hare racing for 11 years and asked them what more they were hoping for. They said that they were hoping for what the Bill would give them, and assured me once again there would be no gambling. However, experience has taught me a different story. Before betting shops were in existence I went into the shop of a friend at Port Adelaide on a Monday morning. While I was there two men walked in, one in plain clothes and the other not, and my friend went to his till and handed them some money. After they had gone I said, "Who are those fellows?" and he replied, "Two nuisances. They always have five shillings on the winner of the last race." I said, "They are policemen," and he admitted it.

We know what occurred years later as the result of the big inquiry into police bribery. When I was in Federal politics I frequently

went to Sydney, and one morning a friend of mine, who lived at Glebe, said, as we were on our way to the city, "I want to call in on a Chinaman and have a bet." When we got there I declined to go in as I said it would not be a good thing for a Senator to be caught in a Chinese betting shop. He said there was no danger, and so I went in to see what was occurring. He was given a ticket with Chinese characters on it and I said to the Chinaman, "Any danger of being caught, John?" and he replied, "No, it is not my turn for a long time yet." I think betting will be carried on wherever there is racing of any kind, whether it be dogs, horses, or men.

Many years ago, when I was frequently in Sydney and well acquainted with Federal politicians who lived there, this tin hare racing became prevalent. All courses had to be registered by the Government and shares were put on the market for each course. One course, which was considered the best in the Sydney metropolitan area, offered shares which were bought up freely by working people. After thousands had been sold it was announced that there would be no tin hare racing there, so the shares fell from 3s. 6d. to 4d. Then someone bought in all the shares at 4d., and it was subsequently announced that the course would be registered. Gambling cannot be stopped by saying there will be none, for we know perfectly well that no organized sport can live without it. It will be just as hard to stop it here as it is in New South Wales or any other place. Apart from that, I see no necessity for it, for already there is enough sport in South Australia. There are trotting meetings on Tuesdays in the country and on Saturday nights in the city, and racing on Wednesdays in the country and on almost every Saturday in Adelaide. If people want to waste more money they can bet on Melbourne and Sydney races on Saturday afternoons and trotting meetings at night.

It is not the sport that counts, but the betting behind it. Tin hare or no tin hare, the gambling spirit remains amongst thousands of people. I think that we are overburdened by sport. Why should there be more racing, either by the use of tin hares or otherwise? I enjoy trotting meetings, which are most interesting, but I do not go there for betting as I am not a betting man. When betting shops were closed men who wanted to bet were forced to go to the racecourses, which did not seem fair. Why should we drive every person who wants to put a bob or two on a horse to the racecourse to invest it? It is claimed that tin hare racing is necessary for the breeding of greyhound dogs in this State and that we breed a better class dog than other States, but I doubt it. The Bill will not do any real good and I cannot support it.

The Hon. W. W. ROBINSON (Northern)—I am in a rather unique position as, although I have taken an interest in coursing and sport generally throughout my life, I oppose any increase in the suggested sporting activities. Coursing has always been held in my district and landowners protect the hares to ensure successful meetings. As a youth I was nearly drawn into the sport through selecting a puppy from a Waterloo cup winner named Midnight, a dog which it was claimed was one of the best to be bred in the northern areas. The Bill is not for open coursing, but provides for the use of a mechanical lure. The Leader of the Opposition contended that my attitude towards betting was inconsistent and mentioned betting shops at Port Pirie. Before I became a member of this Chamber legislation was passed to enable the Betting Control Board to control betting shops. The board took evidence in various towns before granting any betting licences. In addition to Port Pirie, Peterborough and Quorn were granted licences for betting shops, but following later investitions the board decided that it was undesirable to have betting shops in the two latter towns.

As regards the use of a mechanical lure we cannot dissociate that form of racing from betting. Mr. Edmonds said that wherever football or cricket matches were held there would be betting and I am sure that no member can deny that there will be some form of betting if tin hare racing is introduced here. When I was in the northern district some time ago I was invited to go for a drive on a Sunday afternoon. I did not know where we were going, but I was taken to a secluded spot where I found a number of people conducting a coursing meeting with a mechanical lure. Later, when asked for my opinion about it, I said I could not see any harm in it in the way it was being conducted. The dogs were caged in boxes, with four doors. Before the race a rabbit was brought along and the dogs were allowed to smell it. Upon the sounding of a bell the doors opened and the dogs were released, chasing the mechanical lure uphill for about two furlongs. It was most difficult

to determine which dog won, but the judge indicated the winner.

When I learned that this Bill was likely to be introduced I endeavoured to ascertain the pros and cons of the question. I found that a Royal Commission consisting of Mr. H. B. Piper (later Mr. Justice Piper), as chairman, Mr. Sanderson, S.M., and Mr. S. Powell, as members, was appointed to go into the matter. The commission reported that members had attended dog meetings in Sydney, Melbourne, and Launceston and were in no way impressed with the racing as a spectacle. Races took approximately 26 seconds to run and, apart from the betting, members felt that the meeting had little attraction. A speed coursing club, formed in South Australia in 1936, acquired a course and held several meetings during the 1936-37 season. The club was subsequently abandoned and I think that that has been the fate of most clubs which conducted meetings without betting facilities.

Members mentioned that they had received a circular letter from Mr. Hall, secretary of the Adelaide Greyhound Racing Club, together with a copy of the rules and regulations which appear to have been carefully drawn up to ensure clean sport. As far as I can see they amply provide for conducting the sport on a fair and proper basis. Mr. Hall has assured members that no betting facilities are desired by his club and that it would use every endeavour to suppress betting. In looking through the National Coursing Association's register for 1950 I find the following entry in regard to speed coursing:—

A determined effort was made during the year by the Adelaide Speed Coursing Club for a Bill to permit the totalizator to be used at speed coursing meetings. The Bill was introduced by Mr. P. H. Quirke, M.P., and it was unfortunate that a number of members broke their promise to support the Bill after the Premier had spoken against it.

Three or four attempts have been made to introduce Bills into the House of Assembly to provide totalizator facilities for this sport, but the Bill prohibits betting in its entirety. If the Bill was passed the same would apply as did in Port Pirie when the Betting Control Board took evidence and discovered that illegal betting was so rife that they considered it desirable to provide for legal betting shops. If we introduce this sport and betting becomes rife, as is reasonable to assume it will, an attempt will be made to legalize betting. In the Transvaal in the Union of South Africa a commission appointed to inquire into speed coursing reported against it and it was abandoned.

The Hon. F. J. Condon—Why go to South Africa?

The Hon. W. W. ROBINSON—I am coming nearer home. A Royal Commission was appointed in England and I need not read its report because members are acquainted with it. In 1938 a Royal Commission was appointed in New Zealand and it reported in the same way. The report of that commission is in the Parliamentary library and is available for perusal by members. As far as I know no verdict has ever been given in favour of speed coursing and on this evidence I have based my decision and I oppose the Bill.

The Council divided on the second reading—

Ayes (5).—The Hons. K. E. J. Bardolph, F. J. Condon (teller), E. H. Edmonds, A. A. Hoare, and S. C. Bevan.

Noes (14).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, N. L. Jude, A. L. McEwin (teller), A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall, Sir Wallace Sandford, and R. R. Wilson.

Majority of 9 for the Noes.

Second reading thus negatived.

TRAVELLING STOCK RESERVE: NORTHERN AREAS.

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:—

That it is desirable that the travelling stock reserve running north from Willochra through the hundreds of Boolcunda, Kanyaka, and Barndioota to Hookina, containing an area of 4,370 acres approximately as shown on the plan laid before Parliament on June 27, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purposes of being dealt with as Crown lands.

HOUSING OF AGED PEOPLE.

Adjourned debate on the motion of the Hon. K. E. J. Bardolph—

That in the opinion of this House, there are problems connected with old age which call urgently for solution, the most fundamental of which is housing, and that it is imperative that the South Australian Housing Trust should immediately embark upon the construction of single unit homes either in their present group schemes or the establishment of a garden suburb in order to solve this urgent problem.

(Continued from November 14. Page 1242.)

The Hon. S. C. BEVAN (Central No. 1)—I support the resolution. I assume that we are asked to express an opinion that it is imperative that single unit homes should be made available to pensioners in this State. My comprehension of a single unit home is that it is one which is surrounded by its own grounds. At present old age pensioners are being parted because of the inadequacy of housing. I appreciate the job the Housing Trust is doing and realize that there is a shortage of building materials and a necessity for providing homes for the community generally, but it is to be hoped that in the future the Housing Trust can provide single unit homes for this class of pensioner. In one or two instances homes have been built for pensioners but, notwithstanding that, pensioners have been parted. Consideration should be given to providing homes for pensioners at a reasonable rental wherein they can spend their old age without the fear of being parted. That they should be parted is a tragedy and I suggest in all sincerity that this House gives an expression of opinion favourable to the resolution.

The Hon. F. J. CONDON'S motion for the adjournment of the debate negatived.

Motion negatived.

ROAD TRAFFIC ACT AMENDMENT BILL.

Read a third time and passed.

SUPERANNUATION ACT AMENDMENT BILL.

Read a third time and passed.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL.

Second reading.

The Hon. R. J. RUDALL (Midland—Attorney-General)—This is a short Bill providing for the disposal of certain profits arising from transactions entered into by the Government in connection with the Wallaroo distillery building, which, together with the plant, machinery and tools was purchased by the Government from the Commonwealth for £105,000. It is now estimated that the sale of the plant, machinery and tools will produce £115,000, thus creating a credit in the Loan Account of approximately £10,000, representing profit. In addition, the Government still has the land and buildings, the proceeds from which, if they were sold, would also be credited to the loan account. The land and buildings have been leased to S.A. Refractories Ltd., a company which has applied for a loan under the Industries Development Act for the purpose of enabling it to manufacture firebricks and high-tension insulators. On this application, the Industries Development Committee has recommended and the Government has approved of a loan of £65,000.

As the loan account is already in credit to the extent of about £10,000, following on the transactions to which I have referred, and as the Government still holds the land and buildings at Wallaroo, which are of considerable value, the Government considers it appropriate that the proposed loan to the company shall be partly financed by means of a transfer of money from the loan account to the Country Secondary Industries Fund. The Bill therefore proposes that £25,000 shall be so transferred and shall be applied towards making the approved loan to the company. When the transfer has been made the loan fund will stand £15,000 in debit, which may be regarded as representing a nominal value of the distillery land and buildings still held by the Government. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.

CATTLE COMPENSATION ACT AMENDMENT BILL (No. 2).

Second reading.

The Hon. R. J. RUDALL (Midland—Attorney-General)—The Cattle Compensation Act, 1939, sets up a scheme under which a stamp duty is imposed on the sale of cattle, the proceeds of which duty are paid into a fund from which compensation is payable when cattle or the carcasses of cattle are condemned because of disease as defined by the Act. Section 6 of the Act provides that if cattle are destroyed and are found to be free from disease, the compensation is to be the market value of the cattle. If the cattle are found to be diseased, the compensation is to be three-quarters of the market value. It is provided, however, that in no case is the market value of any one head of cattle to be deemed to be more than £30. Compensation for carcasses condemned because of disease is on a scale prescribed by regulation and this scale, of course, conforms with the compensation limits provided for cattle. The limit of £30 per head of cattle was fixed in 1948. Since then the market value of cattle has increased substantially and it is therefore proposed by the Bill that this £30 limit should

be increased to £60. The Government is advised that this increase in compensation limits can safely be provided for without either requiring any increase in stamp duty and without jeopardizing the fund.

At June 30, 1951, the fund had a credit of £48,098. During the year ended June 30, 1951, the revenue derived from stamp duty was £14,548 whilst £5,658 was paid out in compensation. It is estimated that, if the amendment proposed by the Bill had been the law during the financial year in question, the claims against the fund would have been increased by approximately £1,000. It is therefore considered that, whilst the fund must be maintained at an amount which will enable compensation claims to be met in the event of an epidemic of infectious disease, the amount to the credit of the fund and the annual stamp duty are such to permit the maximum compensation being increased as provided by the Bill. If the Bill is passed it will, of course, be necessary to make regulations altering the prescribed scale of compensation for carcasses so as to conform with the maximum compenation provided by the Bill. I move the second reading.

The Hon. J. L. COWAN secured the adjournment of the debate.

MINING ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Northern—Minister of Mines)—This Bill deals with the penalties for late payment or non-payment of royalties and payments in the nature of royalties under mining leases. At present this matter, so far as it is covered at all, is dealt with by section 125 of the Mining Act. This section was enacted in 1893 at a time when royalties were a relatively small matter; and it appears to have been drafted principally to deal with rents. It is unsatisfactory and difficult to interpret in its application to royalties. It appears to mean that if a royalty is not paid on the due date a penalty is to be added to the rent. If the royalty is not paid within a month after the due date a further penalty of 10 per cent is to be added, but it is not clear whether it is 10 per cent of the increased rent or 10 per cent of the original royalty. The matter is further complicated by the fact that royalties are not payable at the same time as rents. The rents are payable quarterly but often not on the usual quarter days. Royalties are payable yearly or half-yearly. Thus there may be no rent owing to which the penalty for late payment of royalty can be added. These and other difficulties render it necessary to redraft section 125 to make clear how it applies to royalties and the Bill does this. It will not appreciably alter the present law as to penalties for non-payment of rent. But as regards royalties or any other similar sum the Bill provides that if a royalty is not paid on the due date a penalty of 5 per cent of the amount thereof will be immediately added and will be payable on the day after the appointed day. Further, if a royalty, together with the penalty, is not paid in full within one month after the appointed day a further 10 per cent of the amount of the royalty will be added and will be payable on the first day after the expiration of the month. The Bill further provides that any sum payable under a mining lease, whether rent or royalty, may be recovered by the Minister of Mines by an action brought by him in his official name. At present the Minister is required to sue in his personal name, a fact which would lead to difficulties if there should be a change of Minister while legal proceedings were in progress. I move the second reading.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

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

Adjourned debate on second reading.

(Continued from November 20. Page 1316.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—This is essentially a Committee Bill and therefore my remarks will be brief. There has been a considerable controversy in the last few years regarding the continuation of the Act, and amendments have been made to it from time to time since 1943. However, this type of legislation will operate until such time as the demand for housing is met or unless a depression sets in—which is very likely under the present Federal Government. The House of Assembly carried a resolution requesting the appointment of a committee to consider alterations to the Act, and the Government appointed an independent body consisting of experienced men quite dissociated from politics. I think we are very fortunate that such a competent committee was appointed and its members deserve the congratulations of all who know anything about this vexed question. It was regrettable that Sir Oscar Isaachsen died during the course of its inquiry,

as he was a man who rendered valuable services to the State. He was replaced by another gentleman of experience, and although I do not agree with all the views and suggestions of the committee, or with all the clauses in the Bill, I think it fair to say that, in view of the comprehensive inquiry, we should accept as nearly as possible the committee's recommendations.

In view of the volume of work involved I think a special committee should have been set up to deal with the fixation of rents, evictions, and so forth. It was my privilege to appear before the committee, where I expressed the view that a fair rents court should be set up to deal with the applications which the Housing Trust is now called upon to consider. It is not possible for the trust to deal with the applicants from landlords and tenants in respect of rents and it has been its policy to delegate the work to certain members, who are changed from time to time.

The Hon. E. Anthoney—How would it be to let the landlords and tenants have a try themselves to come to some agreement?

The Hon. F. J. CONDON—We are dealing with extraordinary circumstances, but the time will come when this legislation will not be necessary. Until we get out of the wood, however, some provision must be made to meet the situation. I realize that there are many instances of landlords experiencing hardship, just as there are tenants, and a number of landlords are entitled to more consideration than they have received. The Bill will remove many of the complaints which have been made during the years. Since the introduction of the landlord and tenant legislation the Housing Trust has had 23,430 applications for rental fixation before it, increases being granted in 13,255 cases. The proportion of cases where rentals were increased ranged from 36 per cent to 77 per cent. From January 1 to September 30, 1951, rents of premises used as dwellings were increased in 2,636 cases. Of that number increases were granted for 1,972 cottages, the percentage increase on the previous rent being 17.9; for 303 flats, the percentage increase being 17.2; for shared accommodation, 236, the percentage increase being 20.0; and for 125 shops and dwellings, the percentage increase being 27.6.

The report of the Enquiry Committee is most comprehensive and authoritative. The Bill contains 46 clauses and 35 sections of the Act will be amended. Part II. of the report deals with the control of rents of dwellings. The committee recommended that control should be continued, rents being fixed on the basis of the annual rental value of 1939, adding 22½ per cent. It also recommended that the amount of any increase in annual rates, taxes, and insurance on premises should be allowed on the 1939 level. It recommends, too, a reasonable amount over the 1939 level of costs for maintenance and repairs actually done. The recovery of possession of dwellinghouses is dealt with under Part III. The committee recommended that the existing scheme of restricting lessors' rights to recover possession of dwellinghouses be continued, with certain modifications. It also deals with the question of nuisance and annoyance being created where accommodation is shared. It is an important amendment. Apart from the committee's recommendations Parliament has seen fit to add recommendations approved by the committee chairman.

The Hon. C. R. Cudmore—The committee subtracted from the recommendations.

The Hon. F. J. CONDON—No, it added certain powers to them. Members will have to form their own judgment on the committee's recommendations. Although I do not approve of some of its recommendations I compliment its members on their work. Landlord and tenant legislation has been up for discussion in Parliament every year for the past eight years. I support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—Like the Road Traffic Act Amendment Bill, which was before members yesterday, this legislation comes up for annual review. I cannot raise any objection to the necessity for continuing it for another year. It has been brought forward year after year in the hope of our eventually getting rid of these controls. The Bill is essentially a Committee one. Members must have been somewhat horrified yesterday at the length the Chief Secretary had to go in explaining its clauses during the second reading. It was an example of the extent to which this and similar legislation goes in interfering with the ordinary rights of individuals, and the frightful mess into which we have got as regards freedom of contract. It has become impossible for the layman to understand all the clauses in the legislation and even frightening to members of the legal profession. Year after year I have striven to get some amelioration of the unfortunate position into which landlords have been forced by this legislation.

Immediate rent increases, amongst other things have been suggested but, in general, there has never been a real review of the legislation until now. The appointment of the committee was the result of a motion moved in the House of Assembly by Mr. Dunks, the member for Mitcham. Members are well aware of the personnel of the committee and I join in paying a tribute to their work. It has produced a most excellent report, which takes a lot of reading. The committee has gone exhaustively into the question and its recommendations will do something in favour of landlords that is long overdue. I welcome both the report and the Bill which, as introduced in the House of Assembly, embodied recommendations contained in the report. Many small recommendations favouring landlords, who have received scant consideration until now, are contained in the Bill.

A recommendation of particular interest is that affecting the rights of owners of property to obtain possession of their property. So far it has been a weakness in our legislation that it has not recognized the paramount right of owners to obtain possession of their own property. This legislation is not singular to South Australia by any means. I have recently had the privilege of visiting different overseas countries and the thing which struck me most of all in France was the dilapitated condition of the houses, particularly in country towns. The reason is that rents there have been controlled since 1919. Government after government has come into office and stayed for the usual 10 days or three weeks and gone out again, but none has tackled the question of rent control. French people have a happy way of refusing to pay taxes and frequently refuse to pay rent, and landlords have had no hope of getting money to do the necessary repairs. Tenants will not do them and it is impossible for landlords under present conditions to do so. Many of the buildings are literally falling down and their capital value is vanishing quickly. The whole place is living on its capital and it is a mystery to me how the matter will be rectified. Shortly after I arrived in England I found that this was a burning question there too. Let me quote some extracts from leading articles which appeared in the London *Times* of May 7 last. I do so because they are pertinent to matters before us. The *Times* states:—

The value of money has been halved and the total amount received as personal incomes, even after direct taxation, has somewhat more than doubled since before the war. The increase, after tax, in total incomes from wages alone has been considerably above the average; the increase in total incomes from salaries has been just about the average, while the increase in total incomes from rent, dividends, professional earnings, farming and profits of sole traders and partnerships has been appreciably below the average. Income from **rent has lagged** most. It is clearly anomalous—to use no stronger word—that the rents of most private dwellings should remain fixed at what they were in 1939. A large and growing section of house owners are deprived of the means of keeping their property in good repair. The legal enforcement of 1939 rents was a temporary protection for tenants which was to be suspended after the war by a completely reformed system of rent control. Nothing has been done. The repair problem is plainly too urgent to be left to drift. An interim measure of reform is needed now. Various schemes which have been canvassed for enabling repairs to be facilitated without raising rents—mainly by making local authorities bear the cost or lend the money—offer no solution of the main difficulties. A better suggestion is that made by the Royal Institute of Chartered Surveyors (in a memo. issued today and reported on another page), to add a fixed amount to the rents of each group of houses classified according to ratable values. The institution's scheme is designed to raise rent only to the extent justified by the increased cost of repairs, and to deny the increased rent to the owner who fails in his responsibility. Its method of determining what increase of rent should be allowed revolves around the difference between the gross value and the ratable **value of a** house—a difference which allows for necessary repairs, insurance, and other expenses of maintenance.

I mention these things simply to show that we are in line with other countries, which used to comprise the British Empire, when we are discussing the serious position which arises when the landlord cannot get enough rent to keep properties in some sort of repair because it means that, as a whole, the country is, like France, living on its capital.

Another quotation from the *Times* is:—

The bad landlord has always regarded his property as merely an immediate source of income; but he is being joined nowadays by more and more good and responsible owners who no longer have the means to serve their tenants by keeping their property in good condition. The reason is the fact that nearly all private landlords (including philanthropic trusts) are still not permitted to charge a penny more rent than in 1939 . . . The present system of rent control is increasingly driving good owners to do what the bad have always done—to seek to maintain their personal standard of living now, in the face of rising prices and taxes, by deliberately neglecting the future condition of their property.

I have quoted enough to show that if rent control is carried too far properties are permitted to deteriorate and, taking a long view, we will be in the hapless position where houses are falling to pieces. This is undoubtedly a Committee Bill but I have been given a small graph showing a comparison between the basic wage and the rents permitted from 1927 to the present. In 1927 before the depression, in rather prosperous times, the basic wage was about £4 4s. and the average rent 25s. In 1939 the basic wage was down to £3 18s. and rents to 22s. In 1951 the basic wage is approximately £9 15s. and the rent 25s.

The Hon. R. J. Rudall—Is the 25s. arrived at from the 1939 figure?

The Hon. C. R. CUDMORE—From the rents allowed by the Housing Trust on the same places.

The Hon. R. J. Rudall—Where the rent has been fixed by the Housing Trust?

The Hon. C. R. CUDMORE—Yes. The proposal is that rents will increase by 22½ per cent on the 1939 rent, not on the present rent, and there will be grave disappointment by people who depend for their livelihood on rents from property because they will not get the rises they expect because they have had small rises in the meantime. In 1939 Australia had not recovered from the depression and rents were lower than in 1927.

I commend the Bill because it follows the recommendations of the Committee of Enquiry, but there are one or two matters I hope will be amended. One is the question of shared accommodation. The committee made a clear recommendation that if people allowed one other group of people to share their accommodation and they did not behave decently the lessors would be able to get them out of their houses. The committee made it clear and mandatory that the court under those conditions should say that people should get out. There are people, including widows, who have room available in their houses and who are quite willing to assist the general housing position by letting a couple of rooms for a small return, but they must share the kitchen, bathroom and lavatory. They may not know the people very well before they let them in and the people may make themselves objectionable. If a member shared his house with others and they were objectionable he would want to get rid of them. The committee said that lessors should have the right to give two months' notice and get rid of those with whom they share.

There are a number of people who would be willing to share accommodation with a young married couple if they were sure that they could get rid of them if they did not behave. At present they are frightened to do so and that is why the committee made this recommendation. However, the committee's recommendation has been broken down because the definition of "shared accommodation" has been changed to mean where people share a habitable room. There is some doubt as to what that means but I take it that the House of Assembly thought it meant a room in which you sleep or eat. It certainly does not apply to the lavatory or bathroom which are the most important aspects of shared accommodation. In Committee I propose moving that the words "bathroon" and "privy" be added in order to make it clear. The two amendments made by members from either side of the House of Assembly had the effect of doing away with the suggestion of the committee, because the committee said that a person sharing accommodation should have the right to give two months' notice and that, in those circumstances, the court should not take into account the ordinary hardship clauses. The Bill at present states that the court may, if it thinks fit, make an order without considering any of the matters mentioned in subsection 26u, that is to say, without considering the hardship clauses. I think the amendments have swung too far the other way. The Bill as introduced in another place by the Government, following the recommendations of the committee, said that the court should not take into account the hardship clause and I propose, in trying to find a middle course, to alter it to say that the court shall not make an order unless it considers that special circumstances exist, in which case it may, in its discretion, take into consideration the hardship clauses. That is a compromise which agrees with the committee's recommendation. The two amendments in the House of Assembly had the effect of nullifying the committee's report as to the right of landlords getting rid of objectionable people in their houses who share conveniences.

Another question to be considered is the right of the landlord and tenant being able to come to agreement on the question of rent. We have permitted that in regard to business premises and, following the report of the committee, the Bill goes further and says that

when people have agreed to the rental of business premises, such premises are removed from control. That is a desirable amendment because most of us do not want these controls any longer than necessary. But that does not apply to dwellinghouses and I wish that it should where reasonably possible. It has been said that if we tried to apply that to weekly tenancies of small dwellinghouses there would be danger of duress, as the landlord may say, "You must agree to this or I will take action," and so my amendment is not to apply to small weekly tenancies, but to larger houses usually let for longer periods. I still think it reasonable that the landlord and tenant should be able to make their own agreements in such cases and not have to go to the Housing Trust. I remind members that this type of legislation in England and other places is limited to the smaller houses and smaller rentals, and a person owning a larger house who wants to let it for two or three years at 6 guineas a week may do so. Why should they not make their own agreements. I propose another amendment to that end.

The Hon. R. J. Rudall—What period is the honourable member suggesting?

The Hon. C. R. CUDMORE—A year and anything over. In respect of dwellinghouses we put in a provision last year that if a person had owned a property for five years and wanted it for his own occupation he could give 12 months' notice and then he had the right of obtaining possession, irrespective of the hardship clauses. We did not do that in respect of business premises and I think it was an omission. I therefore propose to move to bring them into line. If a person in business buys a building for the purposes of his business, or for readjustment of it, it is reasonable that he should be able to look ahead to a definite time when he will be able to get possession. Therefore, I suggest that the same thing should apply as we have accepted for dwellinghouses. After all, it is a matter of six years from the time he acquires it, and I think we just missed a chance of doing this for business premises.

I do not wish to labour the question any further although I could say much more. I have spoken for many hours on this subject over the last 12 years. The Committee work will be difficult and strenuous. I welcome the report of the Committee of Enquiry and have, for the first time, very great pleasure in supporting the second reading of a Bill to amend the Landlord and Tenant Act.

The Hon. S. C. BEVAN (Central No. 1)—I realize that this a Committee Bill, but it appears to me to be more than anything else a landlord's Bill, for as I see it it will provide for wholesale applications by landlords for rent increases, and it is not likely that tenants will be applying. The administration of the Act is in the hands of the Housing Trust which, already overburdened with work, will be called upon to deal with a multitude of applications, and this must involve a considerable increase in staff. The trust, as the largest house letting organization in the State, should not be the body responsible for fixing rents generally, but a fair rents tribunal should be set up to receive and determine the numerous applications which will flow from this measure.

I agree with what Mr. Condon said regarding the administration of the Act. According to the *Statesman's Pocket Year Book*, up to April 30, 1951, the Housing Trust completed in the metropolitan area 6,219 permanent houses and 1,248 temporary houses. There are 1,304 permanent homes and 330 temporary homes under construction and contracts have been let for a further 6,723 permanent homes and 170 temporary homes. The trust has a colossal job in attempting to house our people and that is a further reason why a fair rents tribunal should be set up, thus allowing the trust to concentrate upon its own problems and not be saddled with this added responsibility.

The Bill provides for the control of house rents, but it appears to favour the landlord. It is to be hoped that no increases will be granted in respect of houses lacking modern conveniences. Unfortunately, there are some in that category. I refer to homes without bathrooms or laundries and the usual amenities we have come to expect in modern homes. Clause 7 amends section 18 of the principal Act by adding the following subsection:—

(5) Notwithstanding any of the foregoing provisions of this section the trust may in any case in which it is of opinion that it is just to do so fix as the date for which any determination of the trust shall take effect any date not earlier than one month after the date upon which the application was made to the trust for the determination of the rent.

That gives the application retrospective effect, and if we visualize the numerous applications which will follow the passing of the Act, and consider the time which may elapse before the trust will be able to deal with them, we must realize that six months may elapse before some

are considered, and the trust may order retrospective adjustments for that length of time. Any adjustments of the basic wage operate from a given date, and never retrospectively. The same principle is applied in price control, but under this clause the trust may make determinations retrospective, and this could cause great hardship to a tenant. It is unfair that a tenant should be faced with the possibility of having to meet six months' arrears of adjusted rent.

Clause 19 (*f*) is another provision which could create hardship. There are often valid reasons why a tenant is in arrears with rent. For example, the breadwinner may suffer a severe illness which incapacitates him for a few months. During that time he has no income and it could reasonably be assumed, unless he had a private bank balance to fall back on, that he would become indebted to tradespeople or the landlord. The same thing could apply to a person who met with a road accident involving a serious lay-up without any income. Despite the fact that the tenant may have been the occupier of a dwelling for a considerable number of years and never been in arrears the landlord can obtain possession on the grounds of arrears of rent. I would like to see some safeguard inserted in this clause in respect of what I would term "*bona fide* tenants," *i.e.*, those who have been tenants for a number of years and always paid their rent. Clause 22 deals with shared accommodation. Subsection 2 of the proposed new section 26wa states:—

I. The lessor shall give notice to quit to the lessee for a period of not less than two months:

II. At the time of the giving of the notice to quit and during the period of twelve months prior to the giving of the notice, the lessor shall not have let shared accommodation in the dwellinghouse to different lessees under two or more leases in existence at the same time.

II. The lessor shall at the time of the giving of the notice to quit reside in the dwellinghouse and shall have resided in the dwellinghouse during the whole of the period of twelve months prior to the giving of the notice to quit:

Young married couples who have been unable to secure a home, either by purchase or rental, have had to share accommodation. More consideration should be given to this matter in Committee. Although the Bill proposes to increase the penalty from £50 to £500 for a person obtaining possession of a house under what might be termed "false pretences" or by making false statements, loopholes apparently still exist. It appears that all the lessor has to do is to remain in the property, as occupier, for a short period after getting the lessee out. He can then place the property on the market for sale at a considerable profit.

The Hon. C. R. Cudmore—Where will he go then?

The Hon. S. C. BEVAN—It is being done today.

The Hon. C. R. Cudmore—Should the Bill control the sale of houses; it is rent control?

The Hon. S. C. BEVAN—There appears to be a loophole in the Bill which will allow exploitation. It will be most difficult for anybody to prove a false statement. I know of one case where a tenant rented a property at 27s. 6d. He has received a notice from the Housing Trust that the rent has been increased to 37s. 6d., to take effect immediately unless the tenant lodges an objection. He intends to do this. I cannot understand why the Housing Trust should grant an increase of 10s. a week for a four-roomed house—actually three rooms and a kitchen—and would like some explanation of the matter.

The Hon. F. J. Condon—Has any money been spent on its maintenance?

The Hon. S. C. BEVAN—I understand no renovations have been made for about 14 years.

The Hon. C. D. Rowe—The tenant has the right of appeal.

The Hon. S. C. BEVAN—He is exercising it. I am afraid of what might happen in future if such increases can be granted under present rent control. Some adjustment of the 1939 basis of rentals should be made. I support the second reading.

The Hon. C. D. ROWE (Midland)—I support the remarks of other speakers. The Landlord and Tenant Enquiry Committee's report is most comprehensive and worthy of great study. We should follow out the recommendations and try to put into practice the alterations suggested. It is essentially a Committee Bill and there are one or two amendments I propose to move in due course. The first is in regard to notices to quit. The Act requires that the notices must be served in a particular way, but it sometimes happens that there is difficulty in getting hold of a tenant on whom to serve a notice. I have had brought under my notice a case where a husband was the tenant. He had some difference with his wife and has gone into "smoke" and cannot be found. His wife became sick of the position, left the premises and returned to live with her mother. In the

meantime nobody is paying rent and no notice can be served because nobody is ordinarily resident at the house. I propose to add a new subclause to clause 12 to enable a substitute notice to be served. This will facilitate the services of notices to quit in the type of case just mentioned. It is a type of service that is provided under the Local Court Act and could, with advantage, be inserted in the Bill.

I also propose to move an amendment to provide that where a company is the owner of a house and desires to get possession it can do so provided it has owned the house for five years and after it has given 12 months' notice to the tenant. I understand that it has been held that a company is not a "person" and that it cannot obtain possession of a house for its own occupation. Today companies have no legal right to recover possession of house properties, but they should be placed on the same basis as private individuals, provided that they comply with the conditions mentioned.

I agree with practically all the committee's recommendations except one as regards notices to quit. Its recommendation is that there shall be endorsed on the face of every notice to quit a notice to the effect that the lessee to whom notice is given is not legally obliged to comply with the notice unless he is ordered to do so by the court. That is bordering on the ridiculous. Apparently it is supported by the contention that tenants who have received notices to quit have left the premises when they could have remained. The true position appears to be that if a tenant gets a notice to quit and finds it easier to leave the premises than interview somebody about his legal rights there is no hardship on him. Everybody should know where they can get legal advice. If this endorsement is put on the the notice it will mean that fewer people will take proper notice of any notice when issued. We could allow the position to remain as at present. I have pleasure in supporting the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

Consideration of the following report of the Standing Orders Committee:—

The Standing Orders Committee of the Legislative Council has conferred with the Standing Orders Committee of the House of Assembly concerning section 3 of the Constitution Act Amendment Act, 1950, relating to the Committee on Subordinate Legislation. The Committee recommends the repeal of Joint Standing Order No. 23 and the substitution of new provisions and a consequential amendment of Joint Standing Order No. 20.

The Hon. A. L. McEWIN moved that the report be adopted.

Motion carried.

MAREEBA BABIES HOSPITAL LEASE BILL .

Adjourned debate on second reading.

(Continued from November 20. Page 1329.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—This Bill proposes to give the Minister of Health power to lease the Mareeba Babies Hospital to the Adelaide Children's Hospital. At present 35 per cent of the accommodation at the Children's Hospital is taken up with poliomyelitis cases. Can the Chief Secretary say how long it is proposed to lease the hospital and under what terms? Will there be any heavier liability on the Government? I think the Government is tackling this matter in the wrong way. It would be better if the age limit of entry to the Mareeba Hospital was raised. The poliomyelitis epidemic has been with us for about three years and there has not been a great attempt to meet the position. I realize that the Northfield Hospital has been used to some extent but with an increase in population Mareeba may be concerned. Could not the position be met by making provision at the Western Districts Hospital to accommodate children? Satisfactory progress is being made with the erection of that hospital. The Government has decided that Mareeba Hospital should be for children but if children are sent from the overcrowded Children's Hospital, what protection is there for the future? If a lease is entered into and it is found that accommodation is wanted at Mareeba what will happen?

The Hon. A. L. McEwin—The accommodation is not sought for poliomyelitis patients.

The Hon. F. J. CONDON—If the age limit at Mareeba was raised to 10 or 12 years children could be sent there from the Children's Hospital.

The Hon. A. L. McEwin—That is what the Bill proposes.

The Hon. F. J. CONDON—The Mareeba Babies Hospital is administered by the Hospitals Department. In 1947 the number of

daily pations was 45; in 1948, 38; in 1949, 35; in 1950, 26; and in 1951, 33. The cost per bed for the years I have mentioned was, in 1947, £410 11s. 11d.; in 1948, £564 19s. 11d.; in 1949, £793 11s. 11d.; in 1950, £1,169 17s. 3d.; and in 1951, £1,124. It cost less in 1951 for 33 occupied beds than in 1950 for 26 beds. The daily average cost in 1947 was £1 3s. 4d. as against £3 1s. 7d. at present. I would like to know the conditions under which the hospital will be leased? I do not want children to be handicapped in future years.

The Hon. C. R. CUDMORE (Central No. 2)—I support the Bill because it seems to me a practical solution to a difficulty which, in a nutshell, is having empty beds in one place which cannot be used and having difficulty in obtaining beds in another institution. No doubt the Minister will reply to the questions raised by Mr. Condon which seems to me to be a different matter—the altering of the constitution of Mareeba to raise the age of admission. That does not seem to arise out of this Bill at all. I imagine the Bill is only before us because under the constitution of Mareeba, its control by the Government and the Minister of Health, it cannot give a lease to the Children's Hospital without coming to Parliament. I would have thought it possible for the Children's Hospital to take a lease but apparently Parliament has to authorize it. As to the terms of the lease and the length of it, as I see it, in the ordinary way they would be free to make their own arrangements, but because the Mareeba Hospital is controlled by the Government a lease cannot be given without authority. From a practical point of view it seems that it is going to do something desirable and in these days of difficulty of obtaining staff the Mareeba home may be a valuable annexe to the Children's Hospital.

The Hon. A. L. McEWIN (Northern—Minister of Health)—This Bill is, as Mr. Cudmore suggested, merely to give authority for the Minister of Health to execute a lease. As a result of a conference it was mutually agreed that it would be advantageous. There is nothing binding about the term of the lease and a lease would not be necessary if the Children's Hospital had sufficient accommodation. There are vacant beds at Mareeba and it is a hospital ready to function. The figures quoted by Mr. Condon indicate that the demand for beds at Mareeba has not increased with the population. With the lease, if it is arranged, as everything indicates it will be, the board will be able to make its own rules and take in children of a greater age than are now admitted. It is unfortunate, perhaps, that discussion on this measure has rather emphasized the problem of poliomyelitis. It was never intended that these cases should be sent to Mareeba, but it is their after-care, when the infectious stages have passed, that is causing the pressure on the accommodation at the Children's Hospital. The board could send appropriate cases to Mareeba, but I cannot say what those cases will be; it has been suggested that they could be medical, or perhaps skin complaints. I do not know, and have no wish to suggest what they will be. The first call on the institution will still be the treatment of babies, for which it was established, and only the idle beds will be used, through the machinery of the Children's Hospital, much more effectively than they could be under the Royal Adelaide Hospital Board.

The Hon. F. J. Condon—What control will the Government have over it?

The Hon. A. L. McEWIN—The administration of the Children's Hospital is well established and we have certainly had no quarrels during the years. I have sufficient confidence to believe that, whatever the institution did, it would be for the best and in full collaboration with the Government.

As regards cost, I thought it was obvious from my remarks yesterday that the provision which the Government makes towards the Children's Hospital is more than half its expenses. It is quite obvious that if it is asked to accept an institution already the responsibility of the Government it can only be accomplished by the Government meeting the cost of running it. The Government is not trying to escape any obligations in this direction. The Children's Hospital has the support of a very sympathetic public and we are not running away from our liabilities. It is simply a mutual arrangement to make better use of facilities available. I had a letter only this morning from the board putting forward suggestions which they desire to discuss before taking over, but that is merely to settle arrangements as to financial arrangements, and so forth. I thank members for the attention they have given this measure.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Received from House of Assembly and read a first time.

TRAVELLING STOCK RESERVE: HUNDRED OF BLACK ROCK PLAIN.

Consideration of the following resolution received from the House of Assembly:—

That it is desirable that an area of approximately 70 acres of the travelling stock reserve between sections 137, 142, and 143, hundred of Black Rock Plain and the railway line, as shown on the plan laid before Parliament on June 27, 1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purposes of being dealt with as Crown lands.

The Hon. R. J. RUDALL (Midland—Attorney-General)—The land in question is cut off by the railway from the balance of the travelling stock route and, following on inquiry from a settler to lease the area, investigations were made by the department to ascertain whether the area was still required. Reports from the Surveyor-General and the district inspector indicate that the area is fenced off and is not used by travelling stock, a small portion of the south end being fenced in with the parklands adjacent to the town of Black Rock. The Stockowners Association has advised the department that there is no objection to the land being resumed. I move that the resolution be agreed to.

The Hon. R. R. WILSON (Northern)—This resolution refers to one of the many travelling stock reserves in the north, and I presume that quite a number of these pieces of land will be resumed in the near future, for they are no longer of value for the purposes for which they were reserved, they harbour a lot of vermin and always a strong growth of noxious weeds, particularly around Orroroo where noxious weeds are prevalent. As the Stockowners Association says that the land is no longer required as a travelling stock reserve I support the resolution.

Resolution agreed to.

TRAVELLING STOCK RESERVE: HUNDRED OF AYERS.

Consideration of the following resolution received from the House of Assembly:—

That it is desirable that section 900, hundred of Ayers, containing 17 acres which is set aside as a travelling stock reserve as shown on the plan laid before Parliament on July 24, 1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

The Hon. R. J. RUDALL (Midland—Attorney-General)—The land in question is withheld as a camping ground for travelling stock and, following inquiries from settlers to lease the area, investigations were made by the department to ascertain whether it was still required. A report from the district inspector indicates the land is on the side of a hill sloping south towards a creek that runs along the south-eastern boundary and is only suitable for grazing. At the north-eastern end of the section the creek is very rocky with a small cascade formation. This portion could be used to hold water with very little expense. At present the only value in the holding for watering is whilst the creek is running and for a while afterwards until the rock holes dry up. The clerk of the district council of Burra Burra advised the inspector that the council would offer no objection to the disposal of this section, for the reserve had become a stamping ground for stray stock and for people moving stock without legitimate reasons. Some of these persons had 1,000 sheep on the reserve for a week at a time and the council was constantly receiving complaints of damage to fencing and slight losses from local flocks. Rabbits, too, had been bad, but recently the council had cleared the warrens. For these reasons the council would welcome the allotment of the land. The Stockowners Association has advised the department that there is no objection to the land being resumed. I move that the resolution be agreed to.

The Hon. W. W. ROBINSON (Northern)—All the evidence points to the desirability of resuming this land. It also has the support of the member for the district, and I understand there is an alternative and more suitable camping ground adjacent to it. I support the resolution.

Resolution agreed to.

HOSPITALS ACT AMENDMENT BILL.

Consideration in Committee of the House of Assembly's amendment to insert the following new subsection in new section 54:—

(4a) If the person who has died or been bodily injured has received tratment at more than one hospital, and the total amount of the claims of those hospitals in respect of treatment afforded to that person exceeds one hundred and twenty-five pounds, the sum of one hundred and twenty-five pounds shall be divisible between the hospitals in proportion to the claims of the hospitals.

The Hon. A. L. McEWIN (Chief Secretary)—The new section will cover treatment which patients receive at more than one hospital. It is really a drafting provision. The Assistant Parliamentary Draftsman reports:—

New section 53 provides, in effect, that an insurer is to meet a hospital claim of up to

£125 and subsection (5) of new section 53 provides that where two or more hospitals have claims in respect of the same patient, and the total of those claims exceeds £125, the sum of £125 is to be divided among the hospitals in proportion to their claims. New section 54 provides for the recovery of hospital expenses from other than insurers and is intended to cover a case where the person liable is not covered by insurance. This section also provides that the liability to a hospital is not to exceed £125. However, no provision is made in this new section to cover the case where two or more hospitals have claims which in total amount to more than £125. Obviously, provision similar to that made by subsection (5) of new section 53 should be made to provide for such a case and this is done by the amendment which inserts in new section 54 a subsection identical with subsection (5) of new section 53.

The Hon. C. R. CUDMORE—I raise no objection to the new section which will mean that if a person is treated at more than one hospital the respective hospitals will share in the payments if the amount exceeds £125. I understand the money will not come from insurance companies. From a practical point of view, if a person is injured in a road accident and is treated at, say, the Tailem Bend Hospital and later removed to the Royal Adelaide Hospital for treatment, both institutions will share in the amount to be recovered. I support the amendment.

Amendment agreed to.

ADJOURNMENT.

At 5.53 p.m. the Council adjourned until Thursday, November 22, at 2 p.m.