LEGISLATIVE COUNCIL.

Thursday, November 22, 1951.

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

ASSENT TO ACTS.

His Excellency the Governor intimated, by message, his assent to the Industrial Code Amendment (No. 3), the Young Men's Christian Association of Port Pirie Act Amendment, and the Offenders Probation Act Amendment Acts.

PARLIAMENTARY BROADCASTS.

The Hon. F. J. CONDON—In view of the inaccurate press reports of Parliamentary proceedings, will the Chief Secretary refer this matter to Cabinet with a view to having the proceedings broadcast?

The Hon. A. L. McEWIN—I will be happy to do so. The honourable member will recall that there was a decision of Parliament on the matter which will also have to be considered. I point out that we have *Hansard* which records an accurate report of what members say. *Hansard* is available at a reasonable fee and I think it would be much more economical for people to obtain *Hansard* and read an authentic record of what happens in Parliament.

CONSOLIDATION OF STATUTES.

The Hon. K. E. J. BARDOLPH—Will the Government approach the committee of the Law Society during the Parliamentary recess and seek its aid in the consolidation of various Bills which have been passed during the last three sessions of Parliament?

The Hon. A. L. McEWIN—I will obtain a report from the Parliamentary Draftsman on the whole procedure.

MAREEBA BABIES HOSPITAL LEASE BILL.

Read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—The purpose of this Bill is to make a number of amendments to the Local Government Act, almost all of which arise out of suggestions for amendment which have been made from time to time by various local government organizations and which have been recommended by the Local Government Advisory Committee. As is customary with Bills amending the Local Government Act, the Bill deals with many different topics of varying degrees of importance and it is therefore desirable to consider the clauses seriatim. Section 27 of the Act now provides that a petition to annex a part of a local government area to another area must be signed by a majority of ratepayers in the portion concerned. Clauses 2 and 3 provide that a petition for such annexation may be made by the two councils concerned, but in such a case the ratepayers in question are to be notified by the councils of what is proposed and that they have the right to submit a counter petition.

Section 49 now provides that a district council is to consist of not fewer than 5 nor more than 10 councillors. As regards municipal corporations, the section provides for a minimum of five members but no limit is placed on the maximum. Clause 4 removes the maximum limit imposed on the membership of district councils. The case of the district council of Loxton has brought to notice the need for this amendment. This council now consists of 10 members but the creation of an extensive irrigation area at Loxton has brought about the need for increased representation on the council and the council has suggested that this be done by the creation of a new ward leaving the representation of the existing wards unchanged. Any change of this kind must, of course, be done by proclamation and this must have the approval of Executive Council.

Clause 5 deals with the case where a councillor or alderman whose term of office does not expire for another year resigns from the council in order to contest the mayoralty or, in the case of a councillor resigning, an aldermanic vacancy. The Act now provides that nomination day for the annual election is the second Saturday in May. Thus it follows that a member of a council desiring to seek higher office in the council must resign at least in May. It is the practice of councils not to fill a vacancy so created until the annual election in July so that the ward which the councillor represents is not fully represented during the intervening period. Another circumstance is that, if the councillor is elected as mayor or alderman, he has a gap in his service in the council of some months which is obviously undesirable. Clause 5 therefore provides that where a member of a council resigns for the purpose of nominating for a superior office and he, in fact, so nominates he shall be deemed to continue in office until the vacancy created

by his resignation is filled. That would in the normal circumstances be at the annual election in July.

Clause 6 enables a council rating under annual values to adopt the waterworks assessment instead of making its own assessment. Councils rating under land values already have the right to adopt the Government land values assessment instead of making their own assessment. The Act now provides that where a councillor is a ratepayer and he wishes to appeal against his assessment he cannot appeal to the assessment revision committee of the council but must appeal direct to the local court. The reasons for this provision are obvious. However, no provision is made where a councillor is a joint tenant or tenant in common with another and it is provided by clause 7 that in such circumstances any person who holds land jointly with a councillor and who wishes to appeal against an assessment must also appeal direct to the local court. Clause 8 makes amendments to the Act consequential upon the amendments proposed by clause 7.

Clause 9 also deals with appeals to the local court. There is some doubt at present whether on procedings in an appeal the local court has the power, under section 25 of the Local Courts Act, to make an order for discovery or inspection of documents or as to other matters which the court has power to make in ordinary proceedings before a local court. The clause makes it clear that the court has such power. Section 233a now provides that a district council may impose on any property a minimum rate not exceeding 2s. 6d. Municipal corporations have a similar power but the maximum amount in that case is fixed at 10s. The purpose of this provision is to provide that a council may, if it thinks fit, fix a minimum rate which will be sufficient to meet the costs incurred in making the assessment, issuing rate notices, etc. It is proposed by clause 10 to increase this maximum, in the case of districts, from 2s. 6d. to 5s. The 2s. 6d. maximum was fixed in 1938 and it is obvious that the operating expenses of councils have increased substantially since that time.

Clause 11 deals with the rating powers of councils and is one of the most important clauses in the Bill. Councils, in common with others, are finding that their costs are rising and that the rates must, in many cases, be increased to meet the increased cost. A request has been received from various associations for a general increase in the rating power of councils. It is proposed by clause 11 to increase the rating powers of councils which assess under the annual values system by 1s. in the pound, which will mean that the maximum general rate for municipal corporations will be increased from 4s. to 5s., and in the case of district councils from 3s. to 4s. In the case of both municipal and district councils which assess under the land values system it is proposed to increase the maximum general rate from 1s. 4d. to 1s. 8d. in the pound. In general, a rate of 1s. in the pound under annual values is the equivalent of a rate of 4d. under land values so that the proposals in the clause provide for the same general increase in rating power for all classes of councils. In instances, councils will need to use this extra rating power while in others it will be unnecessary so to do, but it is obvious that the powers of councils must be such that they can raise such rate revenue as a council considers necessary to carry out its operations.

Section 287 sets out the purposes for which a council may expend its revenue. It is proposed by clause 12 to empower a council to expend revenue for purposes associated with the visit to the State of His Majesty or any member of the Royal family. In addition, the clause provides that a council may subscribe to any local government organization or any other organization having as its object the development of any part of the State in which the area of the council is situated. The provisions of this clause apply both to municipal councils and district councils. Clause 13 deals with the powers of district councils to expend their revenue. It is provided that a district council may provide a salary or subsidy for a registered dentist practising in the district. District councils already have a similar power with respect to medical practitioners.

Section 319 deals with the powers of councils to recover from the owners of property abutting on streets and roads a proportion of the cost of roadmaking. At the present time a council can recover up to 5s. a foot from the owners of abutting property, that is, a council can recover from the owners on both sides of a street, a total of 10s. per running foot towards the costs of roadmaking. This amount of 5s. was fixed in 1948 since which time costs generally have increased substantially. It is proposed, therefore, by clause 14 that the contribution which can be required by councils will be increased from 5s. to 7s. The clause also deals with another matter. It is often the practice for a council to cut and form a new road and then to put a temporary surface

such as cinders on the road. It is frequently at this stage that the utility services such as the Engineering and Water Supply Department and the Gas Company place mains in the street. After this work is done and the excavations have consolidated the council will pave the street with a permanent material. It has been contended on occasion that if a council places cinders or other similar material on a road surface, it has paved the street and therefore cannot recover the cost of any subsequent paving when that is carried out. It is proposed by clause 14 to provide that, where a council is satisfied that the work in question is not of a permanent nature, it need not require a contribution from the adjoining owners for that work and that work will not preclude the council from recovering for the permanent work carried out at a later stage. In order to amplify this provision it is also provided that if a roadway is paved with any material other than concrete, bitumen, tar, or asphalt, and is subsequently paved with one of those materials, then the paving of the roadway to the extent that it was not carried out in that material shall be deemed not to have been previously carried out. The purpose of the section at present is that a council can recover the road moiety where work has not been previously carried out and the intention of the amendments in the clause is to make it plain that work of a temporary nature, so long as that work is not charged for, will not preclude the council from doing the work in a proper manner at a later stage and recovering for the permanent job so done up to the limits provided by the section.

Section 322 authorizes the surveyor of a municipal council to barricade a street when repair work is in progress. The purpose of clause 15 is to provide that any other officer of the council authorized by the council for the purpose may also erect these barricades as the surveyor is frequently not available to do this necessary work. Section 328 deals with the right of a council to recover the costs of making footpaths and the section now provides that an amount of 1s. per foot may be recovered from the owners of abutting property. This amount was fixed in 1948 and, in view of the increases in costs which have occurred since that time, it is proposed by clause 16 to increase this amount to 1s. 6d. The clause also makes amendments of the section similar to those made by clause 11 to section 319 and deals with the case where temporary work is carried out such as the cinder surfacing of a footpath.

Section 375 provides that a district council may lease a road to an adjoining owner and permit the owner to fence the road, but it is provided that the council is to direct the owner to provide either a gate not less than 18ft. in width or a ramp together with a wire panel gate not less than 18ft. in width or a gate 12ft. in width and a wire panel gate of 18ft. There is some doubt whether the council is to direct which alternative provision is to be made or whether the owner has the choice. Obviously, the matter should be one for decision by the council and clause 17 makes it plain that this is the case. Section 416 provides that a council, for the purpose of taking soil or any other materials to carry out any work or undertaking, may enter any land not being, in the case of a municipality, 400yds. or, in the case of a council, 5 miles, from the work or undertaking for which the materials are to be used. The section also provides that a council cannot exercise this power with respect to a garden or orchard or similar premises or nearer than 500yds. of the dwellinghouse of the owner of the land from which the soil is taken. If a council exercises this power it must, of course, pay compensation assessed under the Compulsory Acquisition of Land Act. It has been pointed out by councils that the limitation that the material is not to be taken further away than 400yds. or five miles from a work, according to whether the council is a municipal council or a district council, is not appropriate to modern conditions when motor transport can shift these materials speedily, and it is proposed by clause 18 that this limitation shall be deleted.

The Hon. C. R. CUDMORE—Where does this come from?

The Hon. A. L. McEWIN—These recommendations come from the advisory committee. I have in mind, for example, the South-East main road, for which the materials must have been brought a very long distance. In one case in my own district council area the material which was approved as satisfactory by the Highways Department was conveyed at least 15 miles; the requirements of modern road making are much more exacting than they were when these clauses were put into the legislation.

Part XXI. deals with the borrowing powers of councils. Section 424 provides that a council can borrow amounts up to limits which are determined according to the amount of the assessment of the council. By section 435 of the Act it is provided that the Minister

may authorize a council to borrow for works which are revenue producing. In both cases the matter must be submitted to the ratepayers and, if so required by the ratepayers, there must be a poll on the question. It has generally been considered that the money borrowed under section 435 is additional to money borrowed under section 424 and that the limits imposed by section 424 do not apply to borrowing under section 435. In fact, if this were not the case there would be little point in having section 435 in the Act under which, in addition to the ratepayers having to be consulted, the Minister must give approval. As borrowing under section 435 is only for revenue producing projects, it follows that, in the normal case, a borrowing scheme under section 435 does not involve any charge on the rates but the particular undertaking should meet the costs of servicing a loan authorized under the section. Whilst the Crown Solicitor is of opinion that section 435 gives powers additional to section 424 one of the leading financial institutions has been advised by its solicitors that this is not the case. In order to place the matter beyond doubt, it is proposed by clause 19 that where money is borrowed pursuant to section 435 that borrowing is not to be taken into account for the purpose of the limit fixed by section 424.

Section 623 provides that, in a municipality, it is an offence to light any fire in the open air without the consent of the council or to deposit any embers or ashes in the open air. In addition, of course, the provisions of the Bush Fires Act apply to the matter. It is considered that this section goes much too far and, in fact, it is likely that most householders in suburban areas who dispose of garden refuse by burning habitually commit a breach of this section without knowledge of their offence. It is proposed to repeal the section by clause 20 and to enlarge the by-law-making powers of municipal councils to enable by-laws to be made regulating, controlling and prohibiting the lighting of fires in the open air.

The Hon. N. L. Jude—Will there be time to do it for this season?

The Hon. A. L. McEWIN—The honourable member will have the opportunity to assist this legislation through speedily.

The Hon. N. L. Jude—I meant will there be time for the councils to make by-laws?

The Hon. A. L. McEWIN—It depends on how quickly they move; they could take action as soon as the Act was proclaimed. It is obvious that in some areas it may be necessary to have strict control of this matter and to meet such a case a council may make any necessary by-laws, but in most parts of the State the provisions of the Bush Fires Act adequately deal with the problem.

Section 666 authorizes a council to remove any vehicle left in a public place and to recover the cost of removal from the owner. Clause 21 extents this to include the cost of removal, custody, and maintenance of the vehicle. There is a similar provision in the Road Traffic Act relating to the powers of the police in this matter and it is desirable that there should be uniformity in language and the language proposed to be inserted in the Local Government Act by clause 21 conforms with that used in the Road Traffic Act.

Clauses 22 and 26 are drafting amendments to sections 667 and 670 of the Act which deal with the by-law-making powers of councils. Up to 1946, section 461 gave to councils certain rights to grant licences for the removal of timber, etc., from Crown lands. In 1946 this section was repealed. The purpose of clauses 22 and 26 is to make amendments to the by-law-making powers conforming to the repeal of section 461. Clause 23 authorizes a council to make by-laws prohibiting the drinking of liquor on any footpath within 300yds. of any licensed premises.

Municipal councils now have power to make by-laws dealing with the control of premises used for the sale of raw or green hides, for preventing the burning of rags and other offensive substances, for preventing the keeping of animals or birds so as to be a nuisance. It is proposed by clause 24 that this by-law-making power shall apply both to municipalities and to townships within district council districts. Thus, although the clause does not alter the powers of municipal councils it extends the powers of district councils by giving them the same powers in townships as are now given to municipal councils. Clause 25 provides that a municipal council may make by-laws regulating the hours during which ladders, scaffolding, and other similar appliances may be used upon footways. This by-law-making power is necessary for a council, such as the city of Adelaide, where it is obviously desirable that there should be control over the use of these appliances on footways in crowded streets.

Section 689 deals with the manner in which model by-laws may be adopted by a council. A council, after adopting a model by-law, is now required to submit it to the Governor for approval and the procedure now followed is

unduly cumbersome as each model by-law must be brought to Executive Council for confirmation. It is considered that this procedure is unnecessary as, before a council can adopt a model by-law it must have first been made by the Governor in the Executive Council and approved by Parliament. It is therefore proposed by clause 26 that in future the resolution of the council adopting the model by-law is to be submitted to the Crown Solicitor who is to certify that the provisions of the Act have been complied with. After the certificate is given notice of the adoption of the by-law and the certificate of the Crown Solicitor is to be published in the *Gazette* and the adoption of the model by-law will then take effect.

Clause 27 provides that it shall be an offence in connection with a local government elections to publish an electoral advertisement or issue an electoral notice unless it bears the name and address of the person authorizing it. This provision is similar to one contained in the Electoral Act and is intended to prevent advertisements or other electoral matter from being issued by other than authorized persons as has occurred in some local government elections during the last few years. The amendments are all worth while and have been recommended. I move the second reading.

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 21. Page 1368.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill. As the Minister pointed out, £25,000 was taken from the Loan Fund and placed to the credit of the Country Secondary Industries Fund to provide a loan recommended by the Industries Development Committee in connection with the establishment of S.A. Refractories Ltd., at Wallaroo. The Government has made a good deal in the purchase of the building and machinery at Wallaroo because the Federal Labor Government sold the building and plant to the State Government for £105,000. The Government realized £115,000 by the sale of machinery, plant and tools, leaving it with an asset in the building and land, which is valued at more than £10,000. S.A. Refractories Ltd. was formed to manufacture fire bricks and high tension insulators for the Electricity Trust of South Australia. The Industries Development Committee was informed in evidence that the company was entering into an agreement with world-famed manufacturers of high tension insulators—Lapp and Co.—which has a secret patent for the mixing of various clays. I think that negotiations with the company for technicians to come to South Australia to develop the industry at Wallaroo have been completed.

I pay a tribute to the Government, and Parliament in particular, for the manner in which it has voted moneys from time to time to the Industries Development Committee. I shall not weary members with its work other than to say that every application made to it for the establishment of a secondary industry has always been thoroughly examined and its recommendations accepted by the Government. Advances are made by way of loan, free of interest, or by bank guarantee. Apart from matters affecting finance for various projects and the establishment of industries in this State to manufacture essential articles which have been and will continue to be in very sparse supply, the industry will provide much needed goods for the development of the Electricity Trust. Some of the insulators cost the trust 7s. 6d. and 10s. each to import. The company is well on the way to production and the trust will be saved the high cost of importing these articles. Practically all insulators manufactured in other States are absorbed there.

The Hon. N. L. Jude—If the company proves a success do you suggest that the Government should remain a shareholder in it?

The Hon. K. E. J. BARDOLPH—That is not a question for me to answer; all that the committee does is to make a recommendation and the Government enters into the necessary covenant with the company as to how long its representatives shall remain on the company and how long the loan shall remain in force. I think 25 years is the maximum, but if a company can repay the Government within two years, the Government has no option but to allow the company to discharge its liability. The committee does not attach any strings to its recommendations, but believes that wherever public money is invested or guaranteed the Government should have the right to elect, during the currency of the loan, one or two members to the board of directors—a wise provision. I also pay a tribute to the work of the committee. Some members have mentioned from time to time that no report of the committee's activities has been submitted

to Parliament. The statute under which the committee acts does not call for a report, but all the relevant facts relating to money recommended by the committee as loans are contained in the Auditor-General's report. The various amounts guaranteed from year to year are fully explained therein. Members need have no fear that any public moneys are lent to any company that applies to the committee without the watchful eye of the Auditor-General being focused upon the transaction. Mr. C. R. Dunnage, M.P., is chairman of the committee, other members being the Hon. L. H. Densley, M.L.C., Mr. L. G. Riches, M.P., Mr. G. Seaman, of the Treasury Department, and myself. The secretary is Mr. J. White of the Attorney-General's Department. The committee's work is most interesting and the applications submitted to it are always connected with the State's development. Some members may be under the impression that if a person desires finance he applies to the committee, but that is not so. He applies to the Treasurer who gets the officers of his department to make preliminary investigations and submit a report to him. If the Treasurer agrees the application is submitted to the committee for investigation and report back.

A number of industries in South Australia have been financed by the Government on the committee's recommendations. One case which readily comes to mind is that of Cellulose Australia Ltd., in the South-East. A matter affecting that company will be dealt with in another Bill to be brought before this House. That industry would have been lost to South Australia had it not been for the work of the committee. I pay a tribute to the Barr-Smith family for their desire to keep the industry in South Australia and for their giving up their rights as first debenture holders and accepting second debentures. That was the first big project which came before the committee, then the Secondary Industries Committee, the chairman of which was Mr. C. L. Abbott (now Mr. Justice Abbott).

The Hon. L. H. Densley—They were protecting their own capital.

The Hon. K. E. J. BARDOLPH—I would not say that because at that time it would have been better for them to get out of the show.

The PRESIDENT—Order; I must ask the honourable member not to deal with that subject any further.

The Hon. K. E. J. BARDOLPH—This measure will do a service to the State.

The Hon. E. ANTHONEY (Central No. 2)—This is the first occasion since the committee was established that I have heard an explanation of its activities. The committee should report to Parliament and I have asked the Parliamentary Draftsman to draft an amendment to make it obligatory for the committee to do so.

The Hon. K. E. J. Bardolph—The Act has been amended from time to time and an account of the committee's activities is included in the Auditor-General's report every year.

The Hon. E. ANTHONEY—The Auditor-General's report does not give a full summary of the activities of the committee.

The Hon. K. E. J. Bardolph—A lot of evidence is taken in camera.

The Hon. E. ANTHONEY—I appreciate that. The committee was established in 1941 for the purpose of stimulating industries and the idea was a good one. The war was still on and there was a possibility of industries coming to this State. Some persons were anxious to branch out into industry and the Government came to their assistance through this committee. Dealing with the Industries Development Act the Auditor-General's report states:—

The Industries Development Act, 1941-1949, empowers the Treasurer, subject to a report and recommendation from the "Industries Development Committee," to:—

(*a*) Guarantee the repayment of loans made or to be made to any person engaged or about to engage in an industry for the purpose of enabling him to establish or carry on or extend such industry.

(*b*) Make a loan or grant of money out of the General Revenue of the State to any person for the purpose of enabling him to produce or increase the production of any building materials no such loan or grant to be made after the 31st December, 1952.

(*c*) Make a grant or loan out of the Country Secondary Industries Fund to any person for the purpose of enabling him to establish or carry on or extend any secondary industry outside the metropolitan area, or to conduct experiments, research and investigations relating to any such industry or the possibility of establishing any such industry.

Parliament should be fully cognizant of what the committee does and the Auditor-General's report does not make it clear. I assume that the words "make a grant" mean that it may make a gift of money. As trustees of the public we are entitled to know how the money is being spent.

The Hon. K. E. J. Bardolph—A grant is made only by a unanimous decision of the committee.

The Hon. E. ANTHONEY—Sometimes the committee is not unanimous in its decisions. Let us examine the amount of money advanced to date.

The PRESIDENT—The honourable member has overlooked the title and objective of the Bill and will have to keep to the Bill. It is a one clause Bill with the object of dealing with a certain amount of money for a certain purpose. I will admit the previous speaker was off the track but I was not listening to him. I will have to ask the honourable member to keep his remarks to the Bill.

The Hon. E. ANTHONEY—May I ask what opportunity has the House of discussing the activities of this committee?

The PRESIDENT—The honourable member can bring in a motion on any subject he likes at any time by giving the necessary notice. He can also discuss it in the debate on the Appropriation Bill or the Address in Reply, but he cannot do it in a Bill of this nature.

The Hon. E. ANTHONEY—I bow to your ruling, although it seriously cramps my style. I realize the Bill deals with a specific purpose, that of taking over a building at Wallaroo which was built to handle surplus wheat.

The Hon. K. E. J. Bardolph—That is not so. It is to provide capital for a company.

The Hon. E. ANTHONEY—This building has been bought from the Commonwealth for that purpose. If the Parliamentary Draftsman has time to draft my amendment I will ask members to place in this Bill a provision whereby the committee must report to Parliament.

The PRESIDENT—I advise the honourable member that it would be no use his introducing such an amendment because it would be outside the scope of the Bill and I would not allow it to be discussed.

The Hon. C. D. ROWE (Midland)—I am pleased that after a rather checkered career the buildings at Wallaroo will be put to some useful purpose by this industry upon which the Industries Development Committee has favourably reported. I have driven past these buildings on numerous occasions and it has always been a source of regret to me that no satisfactory use could be found for them. The committee has recommended that an amount of £25,000 be transferred by way of loan to South Australian Refractories Ltd., it having already been granted another £40,000. I hope the industry will progress for the sake of the people of Wallaroo and the State who are badly in need of the articles to be manufactured. Having been assured by Mr. Bardolph that the matter has been completely investigated by the committee and having listened to the tribute he paid to himself and the other members of the committee that they are a desirable body of men, I feel we can pass the Bill with confidence.

The Hon. F. T. PERRY (Central No. 2)—This Bill provides for £25,000 to be transferred as a loan for the purpose of establishing a factory at Wallaroo. Mr. Bardolph has told us of the activities of the Industries Development Committee and has listed the members. I was a member of the committee when this matter was being investigated. The committee was formed for the purpose of hearing and discussing the merits or otherwise of the cases presented and the committee then accepted the responsibility of recommending to the Government grants or loans under certain circumstances. It is true that there is no report to Parliament on the actual work of the committee. I cannot support the Bill because the committee's recommendation was not unanimous. The judgment of the committee is not always unanimous and it is the majority decision that carries weight and then it is only a recommendation to the Government which must decide the matter. In this case the Government has to come to Parliament to authorize a loan, but there are a number of occasions when such action is unnecessary and then Parliament accepts the Auditor-General's report. I support the idea of the committee but its work has extended beyond the original intentions of Parliament. When it comes to dealing with loans of money in a wholesale way and the only references are in the Auditor-General's report, it is a method of finance which is undesirable. It is building up a loan obligation which is not in full view of the public.

The Hon. K. E. J. Bardolph—Does not the Government merely guarantee the loan and the bank actually lend the money?

The Hon. F. T. PERRY—What does this Bill do but make a grant from loan funds for a certain purpose, namely, the setting up of a factory engaged in competitive business with other industries throughout Australia.

The Hon. K. E. J. Bardolph—The other industries cannot supply the articles needed.

The Hon. F. T. PERRY—There are many other industries which cannot supply enough of their products. I cannot give this proposal

my approval because, as a member of the committee, I did not support it. I further suggest that this type of finance does not meet with my ideas of Government finance. This venture may be a success; I certainly hope it will be, but it is a matter of opinion. I thought that in view of what was said by Mr. Bardolph I should make this explanation.

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—In view of your chastisement of some honourable members, Mr. President, I shall have to curtail the remarks I had prepared and be careful what I say. It is a tragedy that the Federal Government undertook the erection of these four grain distilleries throughout the Commonwealth, only one of which ever worked, namely, that at Cowra, New South Wales. An enormous sum of the taxpayers' money was spent and never a wheel turned in three of them, and I think the Government is making a very good deal in this proposition. At Wallaroo we have premises which cost about three times more than the Government paid for them. They contained a valuable boiler which was removed to the Leigh Creek coalfield, so that was an appreciable offset to the cost. The Government is trying to establish an industry in the country, which means decentralization, and under this Bill it gets out of its obligations very lightly. I know of one instance where it was called upon to help another industry to the tune of £100,000. We should forget all about private industry and Government control, for both play an important part in industry in South Australia; there are proprietary concerns in Australia which have rendered invaluable service to the Commonwealth. Under this Bill the Government is called on to enter into negotiations which will eventually result in a profit—

The Hon. Sir Wallace Sandford—"Will" or "may"?

The Hon. F. J. CONDON—Will. This Government came to the help of the cellulose industry with £100,000, and that industry is doing a wonderfully good job.

The Hon. E. Anthoney—Take that to its logical conclusion and the Government will be asked to pull all and sundry out of the mire.

The Hon. F. J. CONDON—A company says, "We cannot start an industry without Government assistance," and surely the Government should have some interest in that industry by appointing one of the directors.

The Hon. C. R. Cudmore—Does this company require Government assistance?

The Hon. F. J. CONDON—It is asking for it.

The Hon. C. R. Cudmore—That is a different thing.

The Hon. F. J. CONDON—What company which has asked for assistance has proved to be a failure? Consider what the Government has done in regard to the fishing and cement industries.

The Hon. E. Anthoney—I think the honourable member will agree that Parliament ought to know what is going on.

The Hon. F. J. CONDON—I agree that Parliament should be supreme in everything. The Industries Development Act of 1941-49 empowers the Treasurer, subject to a report and recommendation from the Industries Development Committee, to guarantee the repayment of loans made or to be made to any person engaged or about to engage in an industry for the purpose of enabling him to establish or carry on or extend such industry, and make a loan or grant of any money out of the general revenue of the State to any person for the purpose of enabling him to produce or increase the production of any building materials, no such loan or grant to be made after the end of 1952. It will be noted that the Act is limited in operation, and therefore Parliament is protected; the guarantee does not go on forever.

The Hon. C. R. Cudmore—It goes on until someone pays.

The Hon. F. J. CONDON—This Act applies only until the end of 1952. If an industry which has been assisted fails, the Government and Parliament have their remedy, but we should never take into consideration the question of private enterprise *versus* Government enterprise. No-one can object to what the Government has done to assist private enterprise. I would not care if it were the B.H.P. company which sought assistance.

The Hon. C. R. Cudmore—They have had it.

The Hon. F. J. CONDON—This represents an attempt to encourage the establishment of industry in the country and I therefore support the second reading, although I agree with Mr. Anthoney that Parliament should be apprised of all these things.

The Hon. C. R. CUDMORE (Central No. 2)—This is a very innocent, simple looking Bill of one clause, as you have said, Sir, and all it does is to provide that "From the money standing to the credit of the Loan Fund Account there shall be transferred to the Country Secondary Industries Fund the sum

of £25,000.'' Perfectly simple! No trouble! Nothing in it! It goes on: ''The sum so transferred may be applied by the Treasurer towards making a loan to the company known as S.A. Refractories Ltd. in accordance with the recommendations of the committee.'' That is all we have. We do not know anything about the recommendations of the committee. What we do know is that it is a general principle of Parliamentary government in this State that the Government should not expend more than £30,000 without the authority of Parliament. Under the Industries Development Act, of which this Bill is an amendment, it can apparently do anything it likes—even guarantee up to £800,000. I think that is wrong. Parliament should know what is going on. I am all for decentralization, such as the setting up of industries at Wallaroo, but are we satisfied that S.A. Refractories Ltd. could not get the money required on the Stock Exchange or somewhere else? I am not, and nothing has been put before us to suggest that it could not do so.

The Hon. K. E. J. Bardolph—The Act does not provide for it.

The Hon. C. R. CUDMORE—The Act does not provide that we should be told anything, and that is the point—the honourable member has given the whole show away.

The Hon. K. E. J. Bardolph—Parliament passed the Act.

The Hon. C. R. CUDMORE—And I am saying it is not working in the right way.

The Hon. K. E. J. Bardolph—Why didn't you say so then?

The Hon. C. R. CUDMORE—Because I did not know then what sort of committee we would have. My friend has paid a great tribute to himself and other members of the committee, but what I am saying is that Parliament should be given more information on the project before it is asked to approve of this advance of £65,000, for that is what it means. From the Minister's speech I understand it is proposed to advance £65,000 to the project.

The Hon. R. J. Rudall—This Bill does not authorize that.

The Hon. C. R. CUDMORE—The Industries Development Committee has recommended and the Government has approved that there should be a loan of £65,000.

The Hon. R. J. Rudall—You said that the Bill provides for that.

The Hon. C. R. CUDMORE—What is it for? If the Government can do that without this Bill, let us throw it out and know what we are doing. I suggest that we do not know what we are doing. When members passed the original Act they wanted to assist in establishing brick and other necessary industries and also help the cellulose industry, which was using thinnings from Government forests. I do not know who S.A. Refractories Ltd. are or whether they need this assistance. We are simply told that the Industries Development Committee has recommended to the Government, and the Government has approved, that there should be a loan of £65,000. I suggest that the matter is getting out of hand. The Government should not be able to indulge in making such large amounts available without any kind of reference to Parliament, and I enter my protest. I think the Industries Development Committee has developed in a way that no-one intended or thought it would develop when it was created by Parliament. It is approaching closely to socialization of industry if the Government is going to put its money into this kind of enterprise. Parliais being ignored. The Minister's speech only took about three minutes and he told us nothing. Parliament should know much more about the position, and much more about what is going on in the Industries Development Committee, before it is asked to pass Bills of this type, which look so simple, without having before it the real reason why the Government is putting its money into a private project which should be a matter for private enterprise.

The Hon. R. J. RUDALL (Midland—Attorney-General)—This Bill is for one specific purpose and not for making a loan of £65,000 to S.A. Refractories Ltd. The whole matter is wrapped up with the Industries Development Act which Parliament passed and under which the Government is given certain powers. Parliament protects itself under the Act by requiring the approval of this committee before the Government can make an advance. To suggest that no protection is given to Parliament is simply a blank vote of no confidence in the committee, because the Government does not do this kind of thing without an investigation by its Parliamentary Committee. What Mr. Cudmore quoted was a statement regarding actual facts which had taken place under the Industries Development Act. I pointed out in my second reading speech that a profit had been made on the distillery building at Wallaroo and at present there was in the loan account a profit

of £10,000 in connection with that transaction. All the Bill does is to provide that that money can be used in the secondary industries fund.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Transfer of certain money to Country Secondary Industries Fund."

The Hon. C. R. CUDMORE—I am prepared to accept subsection (1) of new section 16aa, but will not support subsection (2), which is as follows:—

The sum so transferred may be applied by the Treasurer towards making a loan to the company known as S.A. Refractories Ltd. in accordance with the recommendations of the committee.

We should have something placed before us showing why the loan should be made. The Minister said the Bill simply transferred money from one loan account to another, but we are also told that this money may be used by the Treasurer towards making a loan to the company. Before agreeing to that I should like to know the circumstances of the company and why it should have this assistance.

The Hon. K. E. J. BARDOLPH—I support the clause as printed. I am surprised that Mr. Cudmore should have raised this issue. The correct thing would be not to bring into the Council evidence submitted to the Industries Development Committee.

The Hon. C. R. Cudmore—Why should we not be told?

The Hon. K. E. J. BARDOLPH—If I had sought similar information from the honourable member when he was chairman of the Land Settlement Committee he would have taken the same stand as members of the Industries Development Committee now take. It is the responsibility of members of the committee to protect, if any protection is needed, the work of the committee. Mr. Cudmore said he does not know who S.A. Refractories Ltd. are. It has been published in the press that it is Pascoe & Company.

The Hon. E. Anthoney—Who are they?

The Hon. K. E. J. BARDOLPH—Any captain of industry would know. They are the leading refractory people in South Australia. I hold no brief for them. Mr. Cudmore said that I basked in the reflected glory of the committee, but I do not. The committee had before it a recommendation in favour of the project from no less a person than Mr. Lea, manager of the S.A. Electricity Trust. He mentioned the difficulties experienced by the trust in getting insulators to distribute electric energy to country areas. My friend said that he believes in decentralization, but we cannot have that unless electric power is provided for the development of country industries. Notable South Australian manufacturers, as well as bankers and economists, also appeared before the committee. Mr. Perry never raised these objections when he was a member of the Industries Development Committee.

The Hon. F. T. PERRY—The Minister should agree to the deletion of the clause as members could be charged with voting £25,000 without knowing anything about the company's status or the purpose for which it was formed. The matter has gone beyond what the Act intended. The voting of large sums of money is, in my opinoin, quite outside the ambit of the original Act. Most of the evidence about this company could be made public. I hope that some examination of the ambit and purpose for which the Industries Development Committee was appointed will be made.

The Hon. C. R. CUDMORE—I move—

That subclause (2) be deleted.

The Hon. R. J. RUDALL (Attorney-General)—I ask the Committee not to agree to the amendment. I did not expect this point to be raised. We are being asked to override a recommendation made by a committee appointed by Parliament. The committee has approved of the loan. The point raised is an extraordinary one and I move that progress be reported.

The Hon. F. J. CONDON—The Bill has been fully discussed and is now in Committee. Yesterday when the Opposition asked for two adjournments they were refused by the Government. Why should this Bill be adjourned today? I oppose progress being reported.

The Hon. E. ANTHONEY—I support the Minister's request, as there is a lot of difference between it and a motion for adjournment. It would appear that the clause calls for some explanation.

The Hon. K. E. J. BARDOLPH—Yesterday, through being absent from the Chamber at a deputation to the Premier about the settlement of an industrial dispute, I was denied the right of replying to a motion I had on the Notice Paper. The Leader of the Opposition sought an adjournment of the debate on my behalf, but it was refused.

The CHAIRMAN—The question before the Chair is that the Committee report progress.

The Hon. K. E. J. BARDOLPH—I oppose the motion and ask that progress be not reported so that the business of the House can be proceeded with rapidly.

The Hon. S. C. BEVAN—I oppose the motion. Members have been told that the Bill is a simple one, in fact, Mr. Cudmore said that the House was only wasting its time. The matter should be disposed of forthwith.

The CHAIRMAN—I draw members' attention to Standing Order No. 375, which states that on a motion that the Chairman report progress and the Committee have leave to sit again there shall be no discussion and that it shall be immediately determined.

The Committee divided on the Hon. R. J. Rudall's motion that progress be reported—

Ayes (15).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, 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 (teller), Sir Wallace Sandford, and R. R. Wilson.

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

Majority of 11 for the Ayes.

Progress thus reported; Committee to sit again.

CATTLE COMPENSATION ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 21. Page 1368.)

The Hon. F. J. COWAN (Southern)—This is a simple one-clause Bill which does not require much comment. I commend the Government for introducing it because it will meet with the approval of cattle owners throughout the State. This Act was amended earlier in the session by adding two diseases to the three already included for which compensation could be claimed. Now it is proposed to increase the amount of compensation which may be claimed from £30, as fixed in 1948, to £60. This amount is in accord with the present prices being realized for cattle in our markets. The increased amount can safely be provided for without requiring any increase in stamp duty and without unduly affecting the fund. On June 30 last the fund had a credit balance of almost £50,000, the revenue for the 12 months prior to that date being £14,548. The amount paid in compensation during that period was £5,658 and had a limit of £60 operated then only £1,000 more could have been claimed.

The Hon. N. L. Jude—Have you ever made a claim?

The Hon. J. L. COWAN—No, but I know of people who have claimed and received compensation. The Bill extends a measure of security to cattle owners. Particular care must be exercised in transferring cattle from the northern pastoral areas to the more thickly populated areas in the southern district where dairying is extensively carried out. I support the second reading.

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

MINING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 21. Page 1369.)

The Hon. E. H. EDMONDS (Northern)—The Bill is a machinery measure which deals with penalties for late or non-payment of royalties on mining leases. Section 125, which is amended, was enacted almost 60 years ago and it can be appreciated that mining activities and the payment of royalties were a different matter then to what they are now. There is ample evidence of that from a perusal of the *Mining Review* which has just reached members and which sets out all phases of mining throughout the State. At present any penalty for non-payment of a royalty must be added to the rent. That has created difficulty because payments for royalties and rent occur at different times. Rents have to be met quarterly and royalties every half-year. That brings about a deal of confliction in the administration of the section. The Bill has been introduced to simplify that aspect and I support the second reading.

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

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

In Committee.

(Continued from November 21. Page 1375.)

Clause 2—"Interpretation."

The Hon. C. R. CUDMORE—I move—

Insert after "room" in line two of paragraph (*c*) "bathroom or privy."

Briefly, the position is that the Government introduced the Bill as recommended by the Committee of Enquiry, but in respect of

shared accommodation two amendments were made in another place, one from each side of the House, and their effect was to do away almost entirely with the recommendation of the committee on this point. If they were sure they could get rid of them if they proved objectionable, a large number of people would be prepared to take in tenants and give them a couple of rooms, but they cannot always provide separate bathroom, lavatory, and so on, involving plumbing, as it is almost impossible these days to duplicate such conveniences. The Enquiry Committee recommended, accordingly, that under existing tenancies owners of premises could give two months' notice to quit, and in future tenancies, 30 days' notice, and the court should not take into account the questions of hardships as provided elsewhere in the Act. In another place discussion arose as to the definition of shared accommodation and it was suggested that it might apply to laundries, the use of backyards, and various things of that sort. One member moved that a new definition of "shared accommodation" be inserted limiting it to the use of habitable rooms. That, of course, excludes bathroom or lavatory which, in good old English in my amendment is termed "a privy." That is the crux of the whole situation and, I think, what the committee had in mind. My amendment does not go quite so far as to put back all of the things recommended by the committee, such as laundries, backyards, and so forth, but I am certain I have the support of a large number of people who are prepared to make accommodation available if they know they can get rid of objectionable tenants.

The Hon. A. L. McEWIN (Chief Secretary)—If the honourable member has not gone all the way in restoring all that was recommended by the Committee of Enquiry I do not know what part is left out unless it be the garage or the incinerator. The opinion of another place was that it went too far and the Government accepts that view. The amendment made in the Assembly defines any part of the house which is actually lived in, such as kitchen or living room, where it can be imagined trouble might occur. Further it is confined to existing tenancies, and, of course, the whole purpose of the Act is to protect people in occupation of premises. The Government is satisfied that the amendments inserted in another place do not conflict with the recommendations of the committee and, indeed, go a very long way towards giving complete effect to them. I therefore ask members to oppose the amendment.

The Hon. A. J. MELROSE—I willingly support the amendment. The relative importance of different parts of shared accommodation is a matter of opinion, but one cannot help feeling that, perhaps, the members of another place did not realize the relative importance of a kitchen and a bathroom or lavatory, as one can imagine more friction arising over the latter than over a living room.

The Committee divided on the Hon. C. R. Cudmore's amendment—

Ayes (13).—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. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

Noes (5).—The Hons. K. E. J. Bardolph, F. J. Condon, A. A. Hoare, A. L. McEwin (teller), and S. C. Bevan.

Majority of 8 for the Ayes.

Amendment thus carried.

Clause as amended passed.

Clause 4—"Exceptions from Act."

The Hon. C. R. CUDMORE—I move to insert the following new subsection:—

(1*d*) If, after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1951, the lessor and lessee under any lease in writing of any premises (being a dwellinghouse) the term for which lease is for twelve months or more agree in writing as to the amount of the rent thereof, then (whether the rent of the premises has been determined under this Act or otherwise) the provisions of this Act relating to the control of rents shall not apply with respect to the rent payable under that lease or under any subsequent lease of those premises (whether entered into by the parties or otherwise).

This is a question of allowing people to make their own agreements for leasing a house. The amendment will make it possible for people owning dwellinghouses to make their own arrangements without going to the Housing Trust. At present it is difficult for anybody to know where they stand. Under the Bill an enormous number of applications for rent increases will be made to the trust, involving a terrific amount of work. I discussed this matter with the Institute of Valuers who wanted anybody to be able to make such an agreement, but I felt it would be going too far to make it apply to weekly tenancies. If a landlord was of a rapacious type he could, in a month's time, ask for another agreement and keep on exercising duress against the tenant. The amendment will apply to leases for 12 months or more; it cannot possibly do any harm and there can-

not be any question of duress. If both parties agree to the rent to be paid the premises will thereafter be out of control.

The Hon. E. H. Edmonds—Smaller residences would not be let on a long lease; no distinction is made in the amendment.

The Hon. C. R. CUDMORE—Are we to take away the rights of people who agree amongst themselves? We have accepted it for business premises and the Committee of Enquiry has said that once that has been done they are outside control. Parliament should not say that people cannot make an agreement between themselves as to rent. The only argument against this amendment is duress. I admit that might be so in the case of short tenancies, where people pay weekly. That is why I have limited the amendment to a lease of 12 months or more.

The Hon. A. L. McEWIN—I would like to think that the amendment is as innocent as it appears and that it would be possible for people to enjoy the wonderful freedom of which Mr. Cudmore speaks. The position as regards dwellinghouses is much different from that of business premises. The practical effect of the amendment will be that, where tenants are prepared to agree to increased rents in exchange for a 12 months' term, rents will be increased substantially and tenants will have to pay what rent is asked.

The Hon. C. R. Cudmore—Rubbish!

The Hon. A. L. McEWIN—I need to be convinced before I accept what the honourable member says. He is trying to throw sand in the eyes of the Committee and prevent me from stating the case as I see it. Houses are in a far different category from business premises. I strongly oppose the amendment and I ask the Committee to reject it.

The Hon. L. H. DENSLEY—There appears to be no obligation on a tenant to accept or make a contract if he has no desire to do so. The position will not be altered if a man has no wish to alter it. If he likes to make a contract he should be allowed to do so. The amendment is desirable and I support it.

The Hon. F. J. CONDON—The object of the amendment is to defeat the purpose of the Bill. A committee has made a report and I do not deny any member the right to discuss it or to move an amendment to the Bill. The Opposition has expressed the view that it is in accord with the Bill. This matter is between the Government and its followers and we are not interested in any speech because we realize that the Bill has been decided upstairs by the Liberal caucus.

The ACTING CHAIRMAN (Hon. E. Anthoney)—I do not think the honourable member is in order in making a statement of that kind.

The Hon. F. J. CONDON—I have every right to make that statement in view of what happened yesterday and today. What is the use of the Opposition arguing against the Government. It is no use the Government looking to the Opposition for further support. We have decided that we will not say anything more about these matters but will vote according to our consciences.

The Hon. W. W. ROBINSON—The amendment will undermine the purpose for which this legislation was enacted. To suggest that there is an analogy between business premises and dwellinghouses is over-stating the position. Business people are trained in such matters but people who are in need of housing would be intimidated by the landlords. I oppose the amendment.

The Hon. C. D. ROWE—I was surprised at the suggestion that tenants would be intimidated by landlords, as my experience is the reverse. For every case of a tenant being embarrassed by the actions of a landlord I could quote two instances where tenants have effectively put the stick about the landlord. The Committee is under a misapprehension regarding this clause. Every person who is in a house as a tenant at present enjoys the protection of the Act in two regards. First he is protected so far as the rent he must pay and secondly he is protected with regard to his possession of the premises. The amendment does not affect either of those matters so long as the Act remains in force. If the amendment is passed the tenant may remain in occupation at the present rent unless it is increased as a result of this Bill. There is no question of the landlord being able to do anything to the tenant, but the tenant can secure a tenancy for a period of 12 months. There is no question of duress, and the amendment cannot disturb present tenants.

The Hon. F. T. PERRY—It surprises me that there should be discussion on this amendment, which is designed to reduce the number of applications which will be made to the trust for determination of rent. At present the trust is compelled to inspect a property before it makes a determination, and if every house had to be inspected it would take a long time. The Bill permits the retrospective payment of rent to operate one month after an application is lodged. It may take months to decide an application and it will simplify

the matter if the landlord and tenant can agree on the amount of rent without either side abrogating their rights under the Bill. The amendment provides a means of settling a lot of claims which otherwise would have to be determined by the trust. There is no suggestion of duress and I support the amendment.

The Hon. C. R. CUDMORE—I thank Mr. Rowe for making it abundantly clear that the amendment does not affect the position of anybody who is housed at present. A tenant can refuse to enter into an agreement with the landlord. Clause 6 sets out the procedure to be followed if there is an objection to a determination and I am trying to avoid additional work. If people can agree, why should Parliament stop them?

The Hon. A. L. McEWIN—On the remarks of Mr. Cudmore we may just as well repeal the Act because everybody will be permitted to agree on the rent in these circumstances.

The Hon. C. R. Cudmore—If you think that, then abolish the Act.

The Hon. A. L. McEWIN—I know that is what the member wants. The purpose of the amendment is to break down the whole principle of landlord and tenant rent control during a period of shortage. To say that people can reach agreement and that a man in possession of a house cannot be disturbed is very well in theory but it does not apply in practice. You cannot make an agreement in those circumstances any more than you can fight a duel when one man has his hands tied behind his back.

The Committee divided on the Hon. C. R. Cudmore's amendment.

Ayes (8).—The Hons. E. Anthoney, C. R. Cudmore (teller), L. H. Densley, N. L. Jude, A. J. Melrose, F. T. Perry, C. D. Rowe, and Sir Wallace Sandford.

Noes (11).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, A. A. Hoare, A. L. McEwin (teller), W. W. Robinson, R. J. Rudall, and R. R. Wilson.

Majority of 3 for the Noes.

Amendment thus negatived.

Clause passed.

Clause 5—"Notice of provisional determination of rents."

The Hon. A. L. McEWIN—I have two amendments, both of a drafting nature, consequential upon the altered definition of "shared accommodation" inserted in another place. I move—

In line 3 delete "other than shared accommodation" and insert "not premises which are part of other premises leased separately."

Clauses 5 and 7 provide that where the Housing Trust fixes a rent, it must, except as regards shared accommodation, give to the person concerned a break up of the rent in the notice given to the lessor and lessee showing the amount of the rent attributable to rates and taxes, maintenance, etc. Obviously, this break-up cannot be given where, for example, the rent of a couple of rooms in a house is fixed as rates will be charged on the whole house and not specifically on the rooms let and, similarly, maintenance charges will be related to the whole house. Thus, clauses 5 and 7 do not apply to shared accommodation. However, clause 2 restricts the definition of "shared accommodation" and, unless clauses 5 and 7 are altered, the trust would have to attempt to give a rent break-up where parts of premises are let which do not come within the definition now provided in clause 2. Accordingly, the amendments alter the language of clauses 5 and 7 to provide that, instead of referring to shared accommodation, the clauses will refer to premises which are part of other premises. Thus, the rent break-up will not be required to be given in respect of rents fixed for parts of premises. The effect of the amendments is merely to provide that the clauses will have the same application as they had under the Bill as introduced into another place.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—"Notice of final fixation of rent."

The Hon. A. L. McEWIN—I move—

In line 4 of paragraph (*a*) to delete "other than shared accommodation" and insert "which are not premises which are part of other premises leased separately."

This is consequential upon the amendment to clause 5.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9—"Matters to be considered in fixing rent."

The Hon. C. R. CUDMORE—I have no amendment on the file in respect of this clause, but I wish to discuss subparagraph (*h*1) of paragraph (*b*), which refers to the difference

between the "reasonable value of any repairs or maintenance work carried out" and "the reasonable expenditure which would have been incurred in carrying them out prior to September 1, 1939." One of the important recommendations of the Enquiry Committee was that the landlord could get, in addition to the 22½ per cent increase in rent, an increase in respect of rates and taxes and an increase on account of expenditure for painting and repairs, etc., which, as we all know, has gone up 200 per cent. I do not know who is going to assess the "reasonable value" of repairs carried out; I imagine it will be the task of the Housing Trust but I do not know how it is going to assess it. I think it ought to be actual cost, for the landlord has had to pay it, and not what someone else may think is a reasonable value of what has been done.

The Hon. A. L. McEWIN—The reason why we have this Bill so late in the session is that the Committee of Enquiry has only very recently furnished its report and it has not suggested that we should go the limit, as the honourable member seems to wish to do with everything. If we throw the gate wide open obviously the cost can be anything. If there is no limitation, in view of the black marketing of labour and materials and everything required one can imagine what sort of situation will arise. On the other hand, there is the handyman who can do the work himself; so, if it is to be "actual" cost, what is the cost to be? On the one hand there is the aggravated cost, and on the other a diminished cost, and a determination cannot be made unless someone has power to assess what is a reasonable cost. I think the drafting as it stands is sensible and we should retain it.

The Hon. F. T. PERRY—I agree with the Minister. I take it that the rent is fixed at so much a week and these "reasonable values" are based on a year's expenditure. It must be an assessed figure and I assume that in the final working out it will be some percentage of the rental.

Amendment negatived; clause passed.

Clauses 10 to 13 passed.

Clause 14—"Grounds for giving notice to quit."

The Hon. C. D. ROWE—I move—

Before paragraph (*a*) insert the following:—

(*aa*) by inserting after subsection (4) thereof the following subsection:—

(4*a*) Where for any sufficient cause the service of any notice to quit cannot be effected, a special magistrate may, upon an affidavit showing grounds, make such order for substituted or other service or substitution for service of notice by advertisement or otherwise as may be proper.

There are occasions when it is not possible to effect service on the tenant in the ordinary way. I cited the case of a tenant who had some difference with his wife and left the premises. Subsequently, the wife returned to her mother and there was no-one in occupation of the premises on whom notice could be served. The amendment provides that, in such cases, application may be made to the court for permission to serve a substitute notice. There is a similar provision in the Local Courts Act.

The Hon. A. L. McEWIN—I accept the amendment.

Amendment carried.

The Hon. C. D. ROWE—I move—

After paragraph (*c*) insert the following paragraph:—

(*c*1) by inserting therein after paragraph (k1) of subsection (5) thereof the following paragraph:—

(*k*2) that the premises being a dwelling-house, are reasonably needed for the personal occupation in consequence of that employment of some person employed by, or about to be employed by the lessor:

At present a company which owns a house cannot secure possession on any grounds, it being held that it does not require it for its own use and occupation. I know of one case of a company having a house and requiring it for its caretaker. Considerable inconvenience is often caused because an employee has to travel some distance to his place of employment. If a company owns a house on or near its property it would be reasonable to provide that it should be able to recover it for the use of an employee. This amendment, in conjunction with the other amendment I intend to move, will have that effect.

The Hon. A. L. McEWIN—It is possible that there are odd cases where difficulty might arise, but the amendment is contrary to the objective of the Act to protect the interests of existing tenants. Under the amendment some tenancies of long standing might be disturbed. I oppose the amendment.

The Hon. C. D. ROWE—I omitted to mention that my two amendments must be considered in conjunction, because one is consequential on the other. There would be no application unless the lessor had been the owner of a property for five years and had given 12 months' notice to the tenant to quit.

Under the other amendment I propose to move the owner could not get possession of more than two of his dwellinghouses in one year. That would obviate any wholesale application of the provision. Therefore, if a firm had bought a dozen houses it could not give notice to all the tenants in the one year. If the provision is limited in that way it will get over the anomaly and clear up cases of the kind I mentioned, of which there are a number. I propose to amend my second amendment by adding at the end:—

Provided no lessor shall recover possession of more than two dwellinghouses in any one year under the provisions of this subsection.

The Hon. F. T. PERRY—I know of similar cases to those mentioned by Mr. Rowe. One property has been owned by a firm for 20 years, but since this legislation has been in force it has been unable to obtain possession of it for an employee. I think the safeguard of five years' ownership, the need to give one year's notice and the limit of two houses being taken over in any one year should be sufficient. I support the amendment.

The Hon. A. L. McEWIN—Mr. Perry said a firm had owned a house for 20 years. There were 10 years at least in which something could have been done about it, but apparently the tenant had been satisfactory. Under the amendment such a tenant could be forced to leave the property. Whatever the limitation of the number of houses that could be taken over in the one year, the principle would still apply that there would be interference with the rights of tenants under this amendment and that is the reason why I oppose it.

The Hon. F. T. PERRY—The ownership in the case I mentioned extended over 20 years and during that time there was no difficulty in people obtaining houses. It is only in recent years that that difficulty has arisen. For the last 10 years the owner of that house has been unable to use it for the purpose for which it was purchased.

The Hon. C. D. ROWE—At present there is no power for a company to obtain possession of a house on any grounds. We should give a company the right, when it finds itself in an awkward position, to obtain possession of its house for use by a caretaker or employee who is required to live close to his work. This provision will not result in any wholesale upsetting of the legislation and I ask the Committee to favourably consider my amendment.

The Hon. C. R. CUDMORE—The Committee appears not to be remembering the elementary common law rights of people to deal with their own property. The Minister said that the amendment would interfere with the legislation, but it is the legislation that is interfering with the rights of everybody, and the less we interfere with people's rights the better. We should only have as much of this restrictive legislation as is absolutely necessary. If we can relax the restrictions without doing anybody any harm we should do so.

The Hon. J. L. S. BICE—I will support the amendment if Mr. Rowe will give an undertaking that he will amend his next amendment by making it apply to one house instead of two.

The Committee divided on the Hon. C. D. Rowe's amendment—

Ayes (10).—The Hons. E. Anthoney, J. L. S. Bice, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, F. T. Perry, C. D. Rowe (teller), and Sir Wallace Sandford.

Noes (9).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, J. L. Cowan, A. A. Hoare, A. L. McEwin (teller), W. W. Robinson, R. J. Rudall, and R. R. Wilson.

Majority of 1 for the Ayes.

New subclause thus inserted; clause as amended passed.

Clauses 15 to 18 passed.

Clause 19—''Matters to be considered by court.''

The Hon. J. L. S. BICE—I move—

After ''(*k*)'' in new subsection (4a) to insert ''(*k*1)''.

When the 1950 Bill was passed members were under the impression that people carrying on primary production were entitled to obtain possession of homes on their properties, but subsequently it was discovered that that was not the position. There is difficulty in obtaining possession of houses on properties, particularly vineyards and orchards. We have all experienced the high prices for the products from these properties and many contend that the only way these people can secure employees is to provide a home. This morning I received a letter from the S.A. Fruitgrowers' and Market Gardeners' Association and the relevant part reads:—

During the war years with the shortage of labour on gardens, homes were rented to outside families in an effort to assist in overcoming the housing shortage. In quite a number of instances growers had children of school-going age; now these children have grown up and are married with families of their own. An example of this was given by a leading grower at a recent meeting as follows:—On

this property are two homes, one a five-roomed stone building, and the other a four-roomed wood and iron building. The parents of the present owner occupied the stone building, and he and his family the iron building. At the decease of his parents during the war the house was rented to a family, the head of which works in the city, travelling to and from every day. Several attempts have been made to have the tenants leave the house, but without avail. The position in the iron building today is:—The owner and his wife; a married son and his wife and infant; a married daughter and husband, a family expected.

Under my amendment an employer must have an employee in view before he can take the case to court. The court will still have the final decision.

The Hon. A. L. McEWIN—Paragraph (*g*) of clause 19 provides that where eviction proceedings are taken against a tenant on the ground that he has used the premises for an illegal purpose, that he has been an employee of the lessor and has left that employment, that he has converted shop premises into a dwellinghouse without the consent of the lessor or that, in the case of shared accommodation, the tenant has been guilty of conduct which is a nuisance to others the court is not to take into account the hardship provisions and, in effect, is to make an order for eviction.

The effect of the amendment is to provide that this provision is to extend to a case where a notice to quit is given on the ground that a house situated on or adjacent to an agricultural property is needed for occupation by a person employed or to be employed by the lessor on that property. Thus, in these circumstances, if the amendment becomes law, the court will not have regard to the hardship provisions but must, if the proceedings are otherwise in order, make the eviction order. It must be understood that the circumstances under which such a notice to quit can be given are as follows. The lessor must have previously let the house to some person other than an employee, as if the tenant is an employee or an ex-employee, other provisions will apply. This letting to a non-employee would thus be on the ordinary basis of landlord and tenant. After the house is let, the lessor then discovers that he desires the house for an employee and, if the amendment is carried, the tenant must go irrespective of the hardship of the case.

It should also be noted that the amendment will relate to houses adjacent to the farm, etc., so that the lessor could buy a tenanted house near the property and in due course give notice that the house is needed for an employee. It should also be borne in mind that even if the amendment is not included in the Act, the court can make an order in favour of the lessor after considering the relative hardships but, as before mentioned, the effect of the amendment is that the court will not have any power to consider the relative hardships.

It is considered by the Government that the amendment goes too far and should not be accepted, therefore I oppose it.

The Hon. C. R. CUDMORE—We should not accept this amendment without knowing exactly what paragraph (*k*1) refers to. It reads:—

(*k*1) That the premises being a dwellinghouse situated in or adjacent to any grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm, or apiary of the lessor are reasonably required for the personal occupation as a dwellinghouse in consequence of that employment by some person employed by, or about to be employed by, the lessor for the purpose of the grazing area, farm, orchard, vineyard, market garden, dairy farm, poultry farm, pig farm, or apiary, as the case may be.

Mr. Bice's point is that if a person has a house on a vineyard or farm which has been let to an outsider and he wants to get possession of it for the purpose of housing an employee he should be able to do so. I see a danger in the words "or adjacent to" but if they were deleted this would be an excellent amendment. If they are not deleted a person could buy up a row of houses alongside his property and have the people evicted. If the house is on the property it would be a useful amendment.

The Hon. N. L. JUDE—I am grateful to Mr. Cudmore for drawing attention to the words "or adjacent to" but there are many instances where employees live in the village near the properties and the amendment as it stands is designed to cover adjacent houses as well as those actually on the property. In view of the importance of keeping labour in the country, no hindrance should be placed in the way of a primary producer making available accommodation to people he wants to employ. Therefore I have much pleasure in supporting the amendment as it stands.

The Hon. A. J. MELROSE—I would not like to see the amendment whittled down as suggested by Mr. Cudmore. A primary producer may have purchased a house for an employee, but have it empty temporarily. If we pass this amendment to the amendment I feel that the owner "of a house on or adjacent to his property" would not let it to anyone in the meantime, but keep it empty

until he had an employee to put in it. I know of instances where the completion of houses has been purposely delayed in order that this problem should not arise. It would be a kindness, possibly, to let these houses to people who would be willing to take them in the meantime on the condition that they went out when the employer obtained an employee. I support the amendment.

The Hon. J. L. S. BICE—I am very grateful for the support of the last two speakers, but I feel there may be difficulties in accomplishing the results I desire if the suggested amendment to the amendment is carried. Many of the properties in question are adjacent to townships such as Summertown, Uraidla or even Karoonda where farming properties come right up to the township boundaries. I can see the Chief Secretary's point that the amendment may affect the Bill to a greater extent than I really desire, and I ask him to give me the opportunity, by agreeing to recommit the Bill, to consult the Parliamentary Draftsman with a view to overcoming the difficulty.

The Hon. A. L. McEWIN—The honourable member apparently already has support for his amendment and if it is any consolation to him I suggest that by deleting "adjacent to" we will throw the amendment open to the wide heavens, for it would remove any limitation. Mr. Melrose advanced an extraordinary argument. My opposition to the amendment would become stronger if Mr. Cudmore's suggestion to delete "adjacent to" were carried, for it would then become infinitely more objectionable.

The Hon. C. D. ROWE—I do not follow the Minister's argument that it could refer to houses 20 miles away. If the Minister raises the objection that this might lead to people buying a number of houses and getting possession of them all, the answer would be a provision of the same type as I have already suggested, namely, to limit it to one a year.

The Hon. J. L. S. BICE—In view of the Chief Secretary's interpretation I ask the Committee to accept the amendment as originally proposed.

The Committee divided on the Hon. J. L. S. Bice's amendment—

Ayes (11).—The Hons. E. Anthoney, J. L. S. Bice (teller), J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, F. T. Perry, C. D. Rowe, and Sir Wallace Sandford.

Noes (8).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, A. A. Hoare, A. L. McEwin (teller), W. W. Robinson, R. J. Rudall, and R. R. Wilson.

Majority of 3 for the Ayes.

Amendment thus carried.

The Hon. C. D. ROWE—I move to insert the following new subsection:—

(7) In any such proceedings where application is made on the ground that a dwelling-house is reasonably needed for the personal occupation in consequence of that employment of some person employed by, or about to be employed by the lessor, proof is given to the satisfaction of the court—

(*a*) that the lessor has been the owner of the premises for at least five years before the giving of the notice to quit; and

(*b*) that the lessor is a British subject or is a body corporate incorporated or registered in accordance with any law of the State; and

(*c*) that the lessor has since the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1951, given notice to quit to the lessee for a period of not less than 12 months, provided that no lessor shall recover possession of more than one dwelling-house in any one year under the provisions of this section;

then the court shall not take into consideration any of the matters mentioned in subsection (1) of this section.

Nothing in this subsection shall limit any right of the lessor under any other provision of this Act.

The Governor may make regulations prescribing a form of notice to quit which may be given by any lessor in pursuance of this subsection and, without limitation of the right of a lessor to give notice to quit in any other form, any notice to quit in the form prescribed by regulation shall be deemed to be sufficient notice of all the matters referred to in paragraphs (*a*) and (*b*) of this subsection.

In this subsection "owner" includes a life tenant and the survivor of two or more joint tenants or tenants in common.

I need not add anything to what I said previously on this matter.

New subsection inserted.

The Hon. C. R. CUDMORE—I move to insert the following new subsection:—

(8) If in any such proceedings where application is made on the ground that any premises (not being a dwellinghouse) are reasonably needed by the lessor for occupation by the lessor proof is given to the satisfaction of the court—

(*a*) that the lessor has been the owner of the premises for at least five years before the giving of the notice to quit; and

(*b*) that the lessor is a British subject or is a body corporate incorporated or registered in accordance with any law of the State; and

(*c*) that the lessor has since the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1951, given notice to quit to the lessee for a period of not less than twelve months,

then the court shall not take in consideration any of the matters mentioned in subsection (1) of this section.

Nothing in this subsection shall limit any right of the lessor under any other provisions of this Act.

The Governor may make regulations prescribing a form of notice to quit which may be given by any lessor in pursuance of this subsection and, without limitation of the right of a lessor to give notice to quit in any other form, any notice to quit in the form prescribed by regulation shall be deemed to be sufficient notice of all the matters referred to in paragraphs (*a*) to (*d*) inclusive of this subsection.

In this subsection ''owner'' includes a life tenant and the survivor of two or more joint tenants or tenants in common.

It is a simple amendment. We have provided in the Act that if a person owns a dwellinghouse for five years and gives 12 months' notice to the tenant he can automatically get possession of it. We have not done that in connection with business premises and the whole purpose of my amendment is to bring them into line with what we have done as regards dwellinghouses.

The Hon. A. L. McEWIN—I do not intend to debate the provision which is similar to one the Committee accepted earlier.

The Hon. F. T. PERRY—Houses are being built and put on the market, but as regards business premises there is, unfortunately, a definite attempt, fostered by the Building Materials Office, to stop construction. There is a big difference between dwellinghouses and business premises—and the difference does not favor the latter. Location means something to them. Can Mr. Cudmore say whether this will apply to the matters which concern me? If a man is compulsorily shifted he must find other premises.

The Hon. Sir WALLACE SANDFORD—I cannot agree with Mr. Perry because he has been thinking probably only of established warehouses. He mentions that houses are being built, but shops are also being built. I do not agree that it is necessary for businesses to remain in the same locality. We have not had a clear definition of what is meant by ''business premises.'' I take it to mean a place perhaps with shops in front, a warehouse on the ground floor and offices upstairs, and because of the growth of the business it is desired to obtain possession of single rooms in other parts of the building. If a business is of any size, surely the persons controlling it would take care to have obtained either premises of their own or a long lease to give them security. On the other hand, a landlord who has a business cannot enlarge it because others, not engaged in the same business, rent single rooms in other parts of the building and won't make any attempt to get out. I support the amendment.

The Committee divided on the Hon. C. R. Cudmore's amendment.

Ayes (7).—The Hons. E. Anthoney, J. L. S. Bice, C. R. Cudmore (teller), L. H. Densley, N. L. Jude, A. J. Melrose, and Sir Wallace Sandford.

Noes (12).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, J. L. Cowan, E. H. Edmonds, A. A. Hoare, A. L. McEwin (teller), F. T. Perry, W. W. Robinson, C. D. Rowe, R. J. Rudall, and R. R. Wilson.

Majority of 5 for the Noes.

Amendment thus negatived.

Clause as amended passed.

Clauses 20 and 21 passed.

Clause 22—''Proceedings for recovery of possession of shared accommodation already leased.''

The Hon. C. R. CUDMORE—I move—

To delete ''may, if the court thinks fit'' in subsection (3) of new section 26wa and insert ''shall.''

This is a question of legal verbiage. In the Bill as originally introduced in another place and recommended by the committee the clause read that the court ''shall'' under certain circumstances give possession without going into the hardship clauses. In the House of Assembly it was amended to read that the court ''may, if the court thinks fit'' make an order without taking into consideration the hardship. I have explained this in connection with the definition of shared premises and my amendment is a compromise between the decision of the Committee of Enquiry and the amendment in another place and still leaves it quite clear that Parliament's intention is that the court shall make an order unless there are extra special circumstances which should be considered.

The Hon. A. L. McEWIN—The onus will be on the tenant to establish special circumstances?

The Hon. C. R. CUDMORE—Yes.

Amendment carried.

The Hon. C. R. CUDMORE—I move—

After ''26u'' at the end of subsection (3) of new section 26wa insert ''unless the court considers that special circumstances exist in which case the court may, in its discretion, take into consideration any of the said matters.''

To delete ''may, if the court thinks fit'' in subsection (3) of new section 26wb and insert ''shall.''

To insert ''unless the court considers that special circumstances exist in which case the court may, in its discretion, take into consideration any of the said matters'' at the end of subsection (3) of new section 26wb.

These are consequential amendments.

Amendments carried; clause as amended passed.

Clauses 23 to 45 passed.

Clause 46—''Reprint of Act.''

The Hon. C. R. CUDMORE—Every year for five years I have tried to persuade the Government to renumber the sections of the Act, as it has become a Chinese puzzle to everybody. I am glad to see that, a Committee of Enquiry having had the sense to recommend that its sections be renumbered, we will now be able to understand it, and I cannot resist the temptation to say how much I congratulate the Government on accepting this recommendation.

Clause passed.

Title passed and Committee's report adopted.

On the motion to suspend Standing Orders to enable the Bill to pass its remaining stages without delay.

The Hon. F. J. CONDON—I oppose the motion. Today a number of important amendments have been made to the Bill and no doubt some of them will be contested, therefore I think it is very unfair to pass the Bill without further consideration.

The Hon. A. L. McEWIN—As there is some objection to the passing of the Bill today, I ask leave to withdraw the motion.

Leave granted; motion by leave withdrawn.

ADJOURNMENT.

At 6.10 p.m. the Council adjourned until Tuesday, November 27, at 2 p.m.