LEGISLATIVE COUNCIL.

Wednesday, October 22, 1952.

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

PETITION: NARACOORTE TOWN SQUARE.

The Hon. N. L. JUDE presented a petition from the Corporation of the Town of Naracoorte for power to erect on the town square in Naracoorte a public bandstand and such other house or building as shall be approved by the Minister of Local Government.

Received and read.

NARACOORTE TOWN SQUARE (PRIVATE) BILL.

The Hon. N. L. JUDE, having obtained leave, introduced a Bill for an Act to alter the Trusts of the Town Square, Naracoorte.

Read a first time.

ELECTORAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 17. Page 548.)

The Hon. C. R. CUDMORE (Central No. 2)—I am very pleased that now that I am about to speak on this Bill its sponsor, Mr. Condon, is present, and I want to add my comments to those made yesterday as to how glad I am that he is back with us looking well and prepared to deal with his own Bill. Having said those few words I am sure he will not be encouraged to think that I am going to support it. I have never favoured compulsory voting for anybody. When another place decided to adopt it we did not strenuously oppose it in this place, but I always regarded the right to vote as a privilege which has, over hundreds of years, been fought for and won by different classes and individuals. It is a right to be honoured, and the idea of forcing people to exercise that right is entirely wrong if they do not take enough interest in their country or in the system of Government under which they live to do so voluntarily. Apart from that fundamental objection there is the difficulty of administration. We have a number of qualifications for voting from the Legislative Council, the smallest but not the least of which is the one referred to by the Attorney-General, namely, the right of returned soldiers to vote. Are we then to say that somebody has to police all this, and have a whole system of penalties for people who do not do things within a certain time? In a word, this Bill means more penalties, more compulsion, more regimentation by the Government of the people's right to exercise their own minds. I have spoken so often in this session on the desirability of getting rid of controls and the domination by the Government of everybody's thought and power to do what they want to do that I would be completely inconsistent if I supported the Bill. Under it people would lose their freedom to exercise their hard-won privilege of voting and would be compelled to enrol and vote. I am always interested in anything Mr. Condon puts before the House but on this occasion I cannot support his measure.

The Hon. A. A. HOARE (Central No. 1)—In my opinion everybody should take some interest in the government of their country and if they will not do so voluntarily they should be compelled.

The Hon. C. R. Cudmore—You can take a horse to water.

The Hon. A. A. HOARE—And sometimes it will drink. Mr. Rowe suggested that it would be wrong to force people to vote but I remind him that it was his Party—the Bruce-Page Government—which introduced legislation to provide for compulsory enrolment and voting in the Federal sphere. Supporters of that Government believed they would be assured of a return if people were compelled to vote but it happened that there were some changes affecting both parties at the next election. It does not necessarily mean that because voting is compulsory a party will benefit—it depends on which way the pendulum swings and there is evidence of that in the recent election for the district of Flinders in Victoria. Some members apparently fear that if this Bill is passed it will favour the Labor movement but this measure was not introduced with that object but because we believe that every person of 21 years should have a vote for the Legislative Council.

It has been suggested that it would be difficult to police the measure, but a few months ago I was approached by a person and asked to read a notice he had received from the Federal Electoral Office inquiring whether he had changed his address. That man had not been away from his home in which he had been living for 33 years. He had sold his house and the Electoral Office apparently had some knowledge of the sale and assumed that he had changed his address. If the Federal Electoral Office can police the law to that

extent the State authorities could do likewise because our officers are as smart as those employed by the Commonwealth. The Opposition expected better support but we realize that the Bill will not pass because of the fear that something detrimental might happen to the Liberal Party if it became law. In debating the measure Mr. Rowe said:—

We have ample evidence, in considering the history of the South Australian Parliament over the last few years, that the people have got the kind of Government they want, that their interests have been properly represented and that everybody, from the highest to the lowest in the land, has felt he has had a fair deal. That is the best test whether our present set-up is working satisfactorily.

From those remarks one would have thought that he had supported the Government in every Bill it had introduced but it is very seldom that he has voted with the Government and it is hard to understand why he should make such a statement. The Labor members in this Chamber and another place have on occasions been the stauchest supporters of the Government. What would have happened to the measure providing for the acquisition of the Adelaide Electric Supply Co. if the Opposition had not supported it? Electricity supplies throughout the State would not have been extended so widely and a huge power house would not be under construction at Port Augusta. The Government also received solid support from the Opposition in its Leigh Creek proposals. If anybody here is to receive praise for standing behind the Government it is the Labor movement.

The Hon. C. R. Cudmore—What has the Bill to do with the Government?

The Hon. A. A. HOARE—A lot, and that is why the Government and its supporters will not agree to it. I do not suggest that Mr. Cudmore is a supporter of the Government. He certainly has a conservative mind and is honest in his views, always keeping to them. There are occasions when I have given credit to the Government. I recall that on one occasion the Chief Secretary thanked me for pointing to the good work that the Government had accomplished, but I remind members that it was chiefly through the support of members of the Labor Party. Mr. Rowe said:—

In the first instance, even if we argued it from a theoretical point of view, it is wrong to compel a person to vote.

I remind him that supporters of the Bruce-Page Government evidently believed in compulsory enrolment and voting. Whenever there is any smoodging to be done Mr. Rowe is the man who can do it. He contends that we should support the Government for the good it has done. That is deliberately misleading, because he seldom supports the Government in anything. I cannot see what is wrong with the Bill. Although some people take a big interest in Parliamentary affairs and work hard, others completely disregard these activities. Many people would not go to a polling booth if it were not because they are compelled to vote. If Australia is to become a great nation it is everybody's duty to take an interest in Parliament. That spells progress. We have to consider the greatest good for the greatest number. That is democracy and we should endeavour to work along those lines.

I recall one occasion during the depression when my wife and I were in our motor car in the hills. We pulled up near a prospector's hut alongside a small stream. A big notice board was alongside on which was written in big black letters, "Don't bring your troubles here; we have enough of our own." Apparently that is the Government's point of view—it has sufficient troubles of its own without agreeing to this Bill. Perhaps we will some day become more democratic and the people will elect democratic candidates to the Legislative Council. I know that some members are democratically-minded and take a broad view on many questions.

I cannot understand why this legislation could not be properly policed as there is no trouble in policing compulsory enrolment and voting for the Commonwealth. The workers are the ones who wander about and are shoved from pillar to post in endeavouring to get a house to live in. Those who will not take an interest in the Government of their country should be compelled to do so. I was disgusted with one man who lives in my district. When I asked him how he was he said, "All right. I do not want any of your papers." When I asked the reason, he said he would vote for the Menzies Party. I said, "It is time you woke up and took a different point of view." About a month afterwards he came to me to fill in a paper for the transfer of some property. I said to him, "Didn't you tell me you were voting for Mr. Menzies? Why are you coming to a Labor man?" He said, "I have nowhere else to go," so I said, "Come inside and I will fix it for you although you don't deserve it." That is the viewpoint of some people. We are looking forward to the time when we will have compulsory enrolment and voting, not because we think it will help

us, for each Party has lost and won under the same voting system, so it makes no difference from that point of view, but it is the workers who neglect to vote and not the members of the Liberal Party. At the last by-election in the Northern District only 32 per cent voted in such places as Peterborough, Port Pirie, Port Augusta, and Whyalla, whereas at Bute 72 per cent went to the poll. No wonder we want compulsory voting.

The Hon. R. J. Rudall—The cat is out of the bag now.

The Hon. A. A. HOARE—It is not much use wishing the Bill success, but we have ventilated our ideas and if we have gained nothing we have lost nothing.

The Hon. F. J. CONDON (Leader of the Opposition)—In the first place I appreciate very much the kindly remarks by Mr. Bardolph and Mr. Cudmore concerning myself which show clearly that in personal friendships there are no politics, and that is very much appreciated. I note that only three members supporting the Government have spoken on this Bill and they were all members of the legal fraternity. When I introduced the measure I especially asked that it be dealt with on its merits and not as a Party measure, but I had a very strong suspicion even then that the matter had already been decided in another part of this building. I am not complaining about how members vote. This is the place in which to introduce legislation and I will never dispute the right of any member to vote as his conscience dictates. We on this side have nothing to be ashamed of because we advocate our principles, but don't let us try to bluff the people that this is a House of review; it is a house of politics equal to anything in Australia. I can quite understand the Attorney-General introducing a red herring, which is his masterpiece. No-one in this Chamber has greater admiration and respect for him than myself, but when a responsible Minister of the Crown and a Constitutional authority expresses himself in the way he did I think he deserves a little criticism, and I know he will accept it in the spirit in which I make it. He says we should not pass the Bill, firstly because we cannot police it. My reply to that is, "How do they police it in Tasmania and in Victoria, or how do we police the present legislation in South Australia?", so there is no effective argument in support of his view in that respect. Then he said there would be difficulties when people sold their properties and there was a change of titles. In reply to questions by myself the Attorney-General had already informed me that in the five Legislative Council districts thousands of names had been changed since the last elections, showing conclusively that this is not an insurmountable difficulty. That reminds me of the story of a man in the Midland District who owned a donkey which qualified him to vote for the Legislative Council. Between one election and another the donkey died and at the next elections the man presented himself to record his vote. He was informed by the returning officer that he could not vote because he did not have the qualifications and the elector said, "I voted at the last elections." "Oh! yes," said the returning officer, "You had the qualification then by owning a donkey. It has since died and therefore you have no qualification now." The man replied, "Then it was the donkey that had the vote and not myself."

The Attorney General said, referring to ex-servicemen, "It turns what was given as a privilege into a penalty." Members who have spoken on this Bill must have very short memories. Why did they provide a penalty for the returned soldier who does not record his vote for the House of Assembly, or if he does not enrol? When that Bill was introduced here every Liberal member supported it and it compelled compulsory enrolment and voting which my friend now complains about, therefore that argument falls to the ground. He went on to say, "I rather fancy returned men will be somewhat interested in the grim humor that underlies the proposal in the Bill." I do not think there is anything humorous in denying the right of an ex-serviceman to stand as a candidate for the Legislative Council until he has attained the age of 30 years. I am prepared to treat everyone alike, whether they are House of Assembly or Legislative Council voters. Again, he said, "I fear the Greeks even when they bear gifts." It is not the Greeks whom my friend fears, but the right of every citizen to vote in a democratic way.

The Hon. R. J. Rudall—They have the right.

The Hon. F. J. CONDON—You are denying them the right and I suppose by your vote directly you will say, "We will not compel you to vote for the Legislative Council although we compel you to enrol and vote for House of Assembly."

The Hon. C. R. Cudmore—I am afraid your friend who has just spoken has given the whole show away.

The Hon. F. J. CONDON—I appreciate the loyalty of my supporters. They have no fears and are prepared to do what they think is right, whether it benefits them personally or not. I am not attacking honourable members but the principle which denies people the right to vote for the Legislative Council.

The Hon. E. Anthoney—The principle involved it that of personal freedom.

The Hon. F. J. CONDON—Under threat of penalty the honourable member compels people to enrol and vote for the House of Assembly. If compulsion is right for the House of Assembly it is right here. If I was introducing fresh legislation and trying to establish something new I could understand the reasoning of members who oppose the Bill. If similar legislation can be policed in Victoria and Tasmania it can be effectively done here under the present set-up because our civil servants are as capable as those elsewhere. I have listened to many speeches in this Chamber but I have never heard a more effective reply than that given by Mr. Bevan to Mr. Rowe's comments. It is regrettable that one so young as Mr. Rowe should be so conservative in his outlook. The fathers of some members in this Chamber were called Tories but they were nothing compared with Mr. Rowe. I will always uphold the constitutional methods of this Chamber and although I cannot agree with the politics advocated by most members I do uphold the principles for which this House stands. We should be careful in denying people what I class as "rights." It is wrong that we should adhere to parts of our Constitution which were enacted 96 years ago. Although the Opposition has made several attempts to amend the Constitution it remains unaltered in many respects. We should not remain dormant but should advance with the times and add to the prestige of this Council not by denying people the right to exercise their franchise but by compelling them to enrol and vote for members of this Chamber.

The Hon. R. J. Rudall—This Bill has nothing to do with rights.

The Hon. F. J. CONDON—The present legislation denies ordinary citizens and women who have reared and educated children and helped build this nation the right to vote for this Council, and my Bill seeks to alter that. The Attorney-General suggested that this measure would penalize certain sections but he has already attempted to penalize over 435,000 people by compelling them to enroll and vote for the House of Assembly. We all know what happened in Queensland when the Legislative Council was abolished. In New South Wales they took away the rights of franchise and made their own selections. We do not want what happened in Victoria last June to happen here. I appreciate the consideration which has been given to this Bill, which merely seeks to extend the rights and privileges which apply to House of Assembly voters to this Chamber.

The Council divided on the second reading.

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, 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.

Majority of 11 for the Noes.

Second reading thus negatived.

LOCAL GOVERNMENT ACT AMENDMENT BILL (CITIES).

Adjourned debate on second reading.

(Continued from October 15. Page 927.)

The Hon. C. R. CUDMORE (Central No. 2)—This is a small private members' measure for one specific purpose and deals with the country only. It will enable country towns upon attaining a population of 10,000 to petition to become a city. Section 47 of the Local Government Act states:—

If the council of any municipality has reason to believe that the total number of inhabitants within the municipality exceeds 20,000, the council may, by petition, pray the Governor to make a proclamation declaring the municipality to be a city.

Mr. Densley, in explaining the Bill, made it clear that the request for his measure came from Mount Gambier because neighbouring towns in the western district of Victoria, with considerably less population, have become cities. I see no reason for objecting to country towns, upon attaining a population of 10,000, obtaining the dignity of being called cities. The measure may do something to increase the dignity and status of our larger country towns and anything in the way of decentralization which can happen because of that is a good thing for the State and therefore I have pleasure in supporting the second reading.

The Hon. N. L. JUDE (Southern)—As members are aware, the Bill has been virtually requested by the town and council of Mount

Gambier. The civic pride of the district is most laudable. I feel that friendly rivalry between various country towns, some industrial and some rural, leads to a raising of the standards of outlook and attainment of people. Some towns lay claims to greatness because of their butter factories, others because of their bowling, marksmanship, pride on the high standard of their gardens and some because of the standard of their conveniences. When members consider a town like Mount Gambier, situated in the very south-eastern portion of our State, with its natural beauty and physical attractions and make reasonable comparisons with similar cities in Victoria they have no alternative but to acquiesce in the people's request. The municipality of Mount Gambier has, with the possible exception of Whyalla, shown by far the greatest development of any part of the State. The present Government has envisaged that the South-East may, in the distant future, carry a population of 500,000; such a suggestion has been made from time to time by the Government. If that is what this progressive Government has envisaged, surely Mount Gambier is entitled to become one of the first country cities in the State. I remember that Euripides wrote, "The first requisite to a man's happiness is birth in a famous city." In that case, let us endeavour to give happiness to some people in the community. I have pleasure in supporting the Bill.

The Hon. A. L. McEWIN (Chief Secretary)—The Bill is a simple one and has been amply explained. I shall not attempt to add anything in that direction, but I think the Government should express its reasons for supporting it. As indicated, the Bill makes it possible for country towns which have achieved a population of 10,000 to apply to become a city. South Australia is a scattered community, not so favourably placed by Nature as some States, even the one referred to by previous speakers where several towns, with much smaller populations than 10,000, have been proclaimed cities. They have more favourable conditions, both climatic and geographical. South Australia has so much territory with a light rainfall that it is only sparsely populated and it is unlikely that the privilege sought will apply to give happiness to some people in the com- to many country towns. The only one likely to qualify at present is Port Pirie, with a population of 12,800; Whyalla will probably qualify later. I think that the figure of 10,000 is reasonable. In Queensland a population of 10,000, and in New South Wales a population of 15,000 is necessary to enable a town to attain city status. I understand that in Victoria it is not a question of the population, but of a revenue figure of £20,000. In view of the position that exists in more favourably situated States we will be only adopting a reasonable attitude towards towns in South Australia by accepting a figure of 10,000.

Bill read a second time and taken through Committee without amendment.

Committee's report adopted.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

Second reading.

The Hon. E. ANTHONEY (Central No. 2)—I move—

That this Bill be now read a second time.

This is a small Bill which met with no opposition in the House of Assembly and with the exception of a blessing from one member went through all stages in one sitting. Under the Industrial and Provident Societies Act it is obligatory on all societies registered under it to supply to the Registrar of Companies each year a statement of receipts and payments, profit and loss account and balance sheet. All the Bill seeks to do is to amend the Act by deleting the words "of receipts and payments and" in sections 15 and 16. I understand that it has been the custom of most companies not to present a statement of receipts and payments; all that is presented is an audited balance sheet and profit and loss account. The Registrar of Companies informed me that the public would be fully protected if the words were deleted. A statement of receipts and payments conveys practically no information, whereas a profit and loss account does. In order to remove a certain amount of dead wood from the Act and also save companies a lot of unnecessary clerical work the Bill proposes, by clauses 3 and 4, to remove the words. The Bill will not do any harm and I have pleasure in moving the second reading.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

Second reading.

The Hon. A. L. McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The first matter dealt with is the age at which persons are eligible to be appointed to

the Electricity Trust. The Act at present provides that a person over 65 years of age cannot be appointed. During the next three years this provision will, unless altered, prevent the re-appointment to the trust of two members who, in the Government's opinion, are still capable of performing useful services. The loss of these men would be particularly unfortunate at this juncture because only two of the original members now remain on the trust and their knowledge and experience are of considerable value. The Government realizes, of course, that it would not be wise to allow members of the trust to continue in office without any age limit, but considers that some relaxation of the present law is desirable. It is proposed, therefore, in this Bill to allow persons over 65 to be appointed to the trust and at the same time to impose a rigid retiring age of 70. If a person is over 65 when appointed the normal term of office—five years—will be shortened in his case so that he will not remain on the trust after the age of 70.

The other matter dealt with in the Bill is the issue of inscribed debenture stock. At present the trust has no power to issue this form of security and it is proposed by the Bill to confer such a power. As members are doubtless aware, inscribed debenture stock differs from the present type of debentures issued by the trust. Under the existing system, the title of a debenture holder is evidenced by a document issued to him which, like any other document, may be lost, stolen or fraudulently used. Under the system of inscribed debenture stock, however, no document of title is issued to the holder of the stock, but his title is evidenced by and depends upon an entry made in the books of the trust. This form of security has definite advantages and is preferred by many investors. The trust has been informed that if inscribed debenture stock were available it would assist in the successful flotation of loans. The technical details relating to the issue and transfer of such stock are set out in clause 5. The general principle of the clause is similar to that governing the issue of inscribed Commonwealth stock to investors in Commonwealth loans, but the details have been worked out to meet the special requirements of the trust. I do not propose to go through all these details at present, but if in Committee any member desires further information on any point I will be glad to supply it.

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

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Second reading.

The Hon. R. J. RUDALL (Attorney-General)—I move—

That this Bill be now read a second time.

Its purpose is to make some administrative amendments to the Metropolitan and Export Abattoirs Act. Section 67 of the Act provides that the Metropolitan and Export Abattoirs Board may pay its funds into a banking account which is to be operated on by cheques signed by the chairman or two other members of the board and countersigned by the secretary. For an organization carrying on business to the extent the board does this method of signing cheques is cumbersome and inconvenient and the board has suggested that the procedure proposed by clause 2 should be followed. Clause 2 provides that cheques of the board are to be signed by the chairman, any member of the board or any officer of the board who is authorized by the board to sign cheques, and that the cheques are to be countersigned by an officer of the board who is authorized by the board to countersign cheques. The clause gives to the board power to authorize officers to sign or countersign cheques, as the case may be, and to withdraw any such authority.

Clauses 3 and 4 have been suggested by the Royal Zoological Society of South Australia and have been approved by the Abattoirs Board. Section 85 of the Act, among other things, prohibits the slaughter of stock within the metropolitan abattoirs area except at the Metropolitan Abattoirs and the feeding to animals of stock not slaughtered at the abattoirs. A proviso to the section exempts stock killed at the Zoological Gardens for consumption by animals there. However, this proviso does not cover the case of animals which are slaughtered elsewhere than at the abattoirs and the society has asked that this limitation be removed. Clause 3 accordingly redrafts the proviso to section 85. The effect of the clause is that the exemption given to the society with respect to the use of slaughtered stock for the feeding of animals at the Zoological Gardens will apply to stock wherever slaughtered.

Section 86 of the Act provides that where any stock dies or is killed in the metropolitan abattoirs area the owner is either to apply to an inspector for leave to bury the carcass or is to convey the carcass to the abattoirs for disposal. The Zoological Society points out

that where an animal such as a horse or cow dies, or is injured so that it must be destroyed, the section now precludes the society from taking the carcass and using it as food for animals in the Zoological Gardens. Clause 4 therefore provides that, in addition to the alternatives now provided in the section, the owner of the stock in question may arrange for the carcass to be conveyed to the Zoological Gardens for consumption by animals there. The existing proviso to the section dealing with the Zoolgical Gardens is also re-drafted by the clause in conformity with the amendment proposed by clause 3.

As members can see, the first part of the Bill is purely administrative and the remainder is designed to help the work of the Zoological Gardens, and I am sure that my colleague, Mr. Melrose, who is President of the Zoological Society, will be very interested in it.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

PHARMACY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 21. Page 972.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading, and at the outset pay a compliment to the members of the Pharmacy Board and particularly Mr. Lipsham and Professor MacBeth and others whose duty it is to train young pharmacists in South Australia. When it was first mooted that this measure was to be introduced I had some misgivings because I visualized the possibility of a rush of New Australians to become registered as pharmacists. I offer no objection to those people being registered but at least they should conform to the standard set by the various authorities governing the granting of degrees or diplomas. Although the standards in the countries from which they came may be high they do not conform in some instances to those set by this and other Australian universities, or those in other parts of the British Empire. Furthermore, while there is reciprocity throughout the British Empire it is not enjoyed by members who desire to practise in other parts of Europe. In South Australia there are 435 registered pharmacists. The course is a part-time university and part-time apprenticeship course covering four years and the subjects are:—Theoretical Inorganic Chemistry; Practical Inorganic Chemistry; Theoretical Organic Chemistry; Practical Organic Chemistry; Pharmacy I. (Elementary Pharmacy); Forensic and Commercial Pharmacy; Pharmacy II. (Volumetric Analysis and Drug Assay); Botany or Biology; and Pharmacy III. (Pharmacy, Materia Medica and Dispensing). This Bill is for the purpose of extending the board's power to make regulations, and the points I desire to make are that the Bill is similar to the proposal considered by the Pharmacy Board and will necessitate the framing of regulations by the board to provide safeguards to the public. Like all other regulations these will be subject to disallowance by either House of Parliament. I have discussed this matter with Mr. Lipsham, who gives the Bill his benediction because it safeguards both students and the public. The Act will be administered by the Pharmacy Board and will allow it to obtain the advice of those officers of the university who have had experience of this problem in other faculties. Upon an application by a New Australian for registration he will have to produce a statutory declaration that he has reached a certain standard, and if he can satisfy the deans of the various faculties he will be given credit for that standard to permit him to enter on a course of pharmacy.

The Hon. E. H. Edmonds—They will be subjected to some tests.

The Hon. K. E. J. BARDOLPH—Yes, and if necessary to examinations set by the board. Mr. Lipsham, the chief lecturer in pharmacy, his assistant, Mr. Bowey, and Professor McBeth, will ascertain what standard of training they have reached in their respective countries and whether it is necessary for them to undertake further training in order to become proficient. The Bill does not automatically register these men on the production of their foreign certificates. It may be that some applicants do not possess a good knowledge of the English language and of Australian conditions. It would be futile to register them, no matter how proficient they are, if they are unable to express themselves in the English language or to understand the general working of an Australian pharmacy. Others will definitely lack such proficiency and their applications will need to be considered on their merits in deciding what attendance at lectures, practical experience and examinations will be necessary. The board will have the final say as to whether their knowledge is sufficient. It is desirable to remember that there are big differences between the practice of pharmacy as conducted on the Continent and the systems in use in South Australia and that our own students are required to serve a four years' apprenticeship. A board of pharmaceutical studies comprising professors, senior lecturers and two representatives of the

Pharmacy Board has been established at the university, and applicants will be examined by this board as to their standard of ability and the board will decide whether they will be permitted to enter the course.

The Hon. E. Anthoney—Is there any shortage of pharmacists in South Australia?

The Hon. K. E. J. BARDOLPH—I have already mentioned that there are 435 registrations in force to date and the average number of students who pass each year is 28. The number who withdrew from practice last year was 13 so, in effect, there are about 15 more pharmacists this year. Although there may be some dearth of pharmacists today I am prepared to leave it to the discretion of the Pharmacy Board to determine whether these people are proficient enough to be registered. I am satisfied that pharmacy students and the public will be protected from unqualified persons compounding and administering drugs which are of vital importance to the health of the community.

The first known treatise on pharmacology was that of Dioscorides who lived almost 1900 years ago. On it all subsequent pharmacopoeias have been founded. It was translated and extended by the Arabs and Persians who were the authorities on pharmacology in the Middle Ages and who made some attempts at classification according to the action of known drugs. I mention that to show that pharmacy has played a greater part in medicine than any of the kindred faculties. The compounding of drugs has played a prominent part in the preservation and extension of life as we know it. Little advance in pharmacology was made in Great Britain until the seventeenth century when a series of pamphlets was published describing the action of drugs from America and the Far East. Members will no doubt recall having read in history that before then the tonsorial artist, or barber, was regarded as a surgeon and for all manner of ailments and maladies used to bleed the sufferers. The nineteenth and twentieth centuries have witnessed the discovery of new drugs and the sifting of old ones. Many have been removed from the pharmacopoeias as a result of critical tests made to determine their efficacy. Today there are wonder drugs which are used for the preservation and extension of life.

The Hon. E. Anthoney—And the extermination of life.

The Hon. K. E. J. BARDOLPH—Yes, when used by unskilled hands. From the seventeenth century the training of pharmacists has made it possible for wonder drugs to be utilized for the benefit of mankind. Years ago many people died through the use of drugs about which little was known. Australian pharmacists by their training have a greater all-round knowledge than those from overseas. I have no doubt this Bill will protect the public and conserve the rights and interests of pharmacy students and as it has the recommendation of the Pharmacy Board I support its second reading.

The Hon. J. L. S. BICE (Southern)—I support the second reading and commend the Government for its endeavour to utilize the services of these knowledgeable aliens. The Chief Secretary emphasized the possible disadvantages associated with the matter and stressed the fact that the Government had submitted the Bill to the Pharmacy Board and the Federal Pharmacy Board in order that they would have an opportunity of expressing their opinions. I always thought Mr. Bardolph was an architect but after listening to him this afternoon I am sure his phamaceutical knowledge far outweighs his architectural knowledge. I also took the precaution of submitting this Bill to a person actively associated with pharmaceutical work and communicated with the secretary of the Pharmacy Board. I was pleased to hear that Mr. Bardolph had taken that precaution and he submitted facts he had obtained from the president of the board which substantiate the information I obtained. The main difficulty associated with this Bill seems to be that relating to the use of our language. Everything connected with the registration of an alien as a pharmacist has to be placed before the Pharmacy Board which will be responsible for permitting these people to practise. In conclusion I emphasize the necessity of protecting the public by the board having the responsibility of providing a certificate to the effect that the migrant chemist is qualified to undertake the important work of a chemist without supervision.

The Hon. E. ANTHONEY secured the adjournment of the debate.

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

Adjourned debate on second reading.

(Continued from October 21. Page 976.)

The Hon. F. T. PERRY (Central No. 2)—In the past few years most members have had an opportunity of expressing their views on this legislation. Since it was first introduced the legislation has been tightened rather than relaxed, although last year some slight modifications were made. I hope that the reprinting

of the Act does not signify its permanency in our Statute Books. This legislation was introduced for a specific purpose and as soon as conditions are favourable it should be dispensed with. When houses were more plentiful landlords were not able to let their premises and now that there is a shortage they are penalized because the Act prevents them from enjoying the laws of supply and demand which function in some of our activities today. I agree with members that the time has perhaps not yet been reached when we can, with surety, dispense with this legislation in regard to dwellinghouses. Although there are many good landlords who have suffered because of it there are, unfortunately, a few who take every advantage of shortages and have inflicted penalties on the community.

The Housing Trust has been entrusted as the sole authority to control this legislation. I feel, like most members, that notwithstanding that the trust is one of our greatest rental institutions and is actually acting in a dual capacity, it is functioning well. I have not heard of any real complaints against any of its decisions, but I feel that in most cases it has erred in favour of tenants. This legislation has become interwoven with legislation that allows landlords to increase rentals by 22½ per cent. The cost of administration, about £18,000, has had to be borne by the Commonwealth Government and anybody who studies the position as it affects rental properties must feel somewhat concerned. We seem to be establishing not exactly a privileged class but a favoured class. In the metropolitan area there are 110,000 dwellinghouses. If we estimate that about 20 per cent have been built since the legislation began in 1939 the number will be reduced to about 90,000. Tenants have enjoyed the same rental, plus 22½ per cent, with perhaps a slight increase in rates and other taxes, but people who have had to build houses for their own occupation since 1939 have had to pay interest, which is another form of rental, only of a much higher figure.

Tenants have enjoyed much more favourable conditions than those who have had to provide homes either with their own money or with money obtained from some financial authority. That position must become much worse for home builders, who will be called upon to pay a higher interest rate. The regular established practice of working people investing their savings in homes for themselves and their families has, unfortunately, not fulfilled the functions expected.

This type of legislation not only favours tenants, but does a grave injustice to people who have invested their money in houses. They can be bracketed with those who invested their money in Commonwealth loans and mortgages, but the time has arrived when 3 per cent loan money cannot be obtained. Although 3 per cent has risen to 4½ per cent, owners of rental houses have only been allowed an additional 22½ per cent. These people have rendered a great service to the community by providing homes for the people. That responsibility has now to be accepted by the Government. Members will appreciate that the control of business and commercial premises has become irksome.

The Hon. E. Anthoney—It largely arose through the action of one person.

The Hon. F. T. PERRY—Yes. I think that Parliament realized at the time that there was a reason for the provision. There have been times when building was so difficult that tenants could not build their own homes. An attempt was made last year to eliminate the provision which controlled the rent of commercial or business premises. It will probably be argued by those who seek to have this form of control continued that it is impossible to remove it at present because building is, to a certain extent, controlled under the provisions of the Building Materials Act. Much has been said about the availability of building materials, that the business community could be left with the responsibility of building and that they should be able to operate without the protection afforded by the Act. I know that many business people have moved from premises in compliance with requests from owners. The average businessman, who knows his landlord wishes to occupy the premises he is in, naturally seeks to obtain other premises as soon as possible. In most cases these people realize the threat against them, after due notice has been given, and seek new premises. The fact that some do not is to the detriment of the property owner. Although ownership has more or less suffered an eclipse, or has fallen back, it should still count for something. We must make a start to alter conditions that have existed for so long and give people an opportunity to exercise that self-judgment and action which the community needs. I support the Bill, and the amendments proposed by Mr. Cudmore.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—This legislation was introduced in 1942, and, as Mr. Cudmore said

yesterday, has met with considerable opposition. He reminded us that the Bill of 1942 was based on English legislation of 1915, but when it was introduced here something was not pointed out, and possibly some members are not aware that the English Act applied only in certain circumstances. For instance, it did not apply to houses in the Metropolitan Police District of London, which includes the greater part of that huge city, when the rent was over £35 per annum, which is the equivalent of about 13s. 6d. a week. In Scotland, where that very valuable quality of thrift has always been so highly developed, a rent of 11s. 6d. was the figure above which there was no application of this principle. Most of us who did not like the legislation in the form it was submitted sought to fix the rent beyond which the Act should not apply to a figure as high as 30s. a week, but the majority thought there should be no limit and therefore the legislation developed upon the lines it has maintained ever since. Had a limit been fixed at that time perhaps some of the difficulties and inequities would not have developed.

I have always felt that this legislation was one-sided and I submit that no law should be one-sided. A tenant may get into arrears with his rent, but woe betide the landlord if he slips behind with his rates and taxes; the interest charges will pile up, and the narrow and ever-narrowing margin of profit on his investment will become less. He has given a hostage in the form of the property his tenant is using, and we have seen no small number of cases where evidence clearly showed that the arrangement is very much more to the advantage of the tenant than the landlord. The landlord has rendered a service to the community and, as we have just heard from Mr. Perry, a lot of that service has now to be performed through another channel, but I do not think the change-over has been advantageous to the community. I am sorry to think that there is a danger of what the landlord has done for the community being forgotten.

The Act came into force in due course and has been carried on since 1943 by yearly renewals. It was first amended in 1946, and when the Chief Secretary spoke on the second reading he reported that from its inception to the middle of October, 1946, 7,602 cases had been dealt with. In 2,266 cases the rent had been increased, in 3,597 it had been decreased and in the remainder, 1,739, it had not been altered, so it will be seen that in about half of the cases rents have been decreased. When the Treasurer moved the second reading of the Bill in another place he said that since the Act came into force in January, 1943, the trust had finally determined rents in 34,785 cases. In 1947 the Act was further extended for another year and amended so as to provide for the control of rents of caravans. A year later the Act came up for the usual year's extension and was amended so as to apply to business premises. Members have heard from more than one speaker reference to both caravan rents and, more importantly, business premises.

In 1949 there were two amending Bills. The first extended certain definitions and exempted certain types of premises, among them those used in association with rural activities. It also dealt with premises licensed under the Licensing Act, and the net was further spread to include billiard saloons. The second of the 1949 Bills was passed at the end of the session and amended the Act passed earlier in the same year. The 1950 amending Bill was passed to extend the life of the Act for 12 months more, as this has been necessary each year since the end of the National Security Regulations. This certainly has the benefit of focusing attention on the existence of the legislation and of keeping it as up to date as possible, and despite one's dislike of the legislation I think it is a good thing that the provision is made and secured by the annual review.

The amending Act of 1951 sought also to control evictions. It will be remembered that when further amending legislation was introduced last year it followed upon the recommendations of a committee appointed to report to the Government, and again a fairly long Bill of 46 clauses emerged. I particularly mention these things to remind us that the measure has had, and continues to have, a very considerable degree of attention, which is an advantage. At the same time it is something which reminds even those who have not liked this type of legislation that every attempt is being made to keep it up to the mark and therefore to produce and still maintain a workable scheme. This is not a lengthy Bill and I understand the Government if of opinion that at present there is no need to alter the main provisions of the Act, and that the rental standards provided in the 1951 Act should be left unchanged. Thus the Bill, in addition to extending the duration of the Act for 12 months does no more than make a number of alterations which are now considered necessary to the law. It is sincerely to be hoped that we shall soon be relieved of controls which

are retarding our return to the freedom to which we look forward. Honourable members have already been reminded that with the rising costs of living the costs of repairs and painting have increased correspondingly, and the landlord has not obtained higher rents. I had hoped that we would have reached the stage where there could be some measure of decontrol, but as we have not yet overcome the housing shortage I will not oppose the second reading.

The Hon. A. L. McEWIN (Chief Secretary) —From members' remarks it appears that there is general agreement that however unfortunate this legislation may be it is necessary for at least another year. One could not expect it to be popular or that it would be retained for any length of time. Mr. Cudmore mentioned other parts of the world where it has been necessary to retain this legislation for a long time but no doubt the conditions in those countries prevented their Governments from relaxing it. It was proposed that whilst this legislation is necessary for dwellinghouses it should be lifted in its application to business premises. We have been concentrating on building dwellinghouses and yet it is suggested that the legislation should not apply to business premises on which all building activity has more or less been controlled and curtailed. During the post-war period tremendous commercial and industrial expansion in this State has taken place without any comparable provision for accommodation for those businesses. While it is considered essential to control the rents of dwellinghouses it should be equally as important to control rents of business premises.

Bill read a second time.

The Hon. C. R. CUDMORE—I move—

That it be an instruction to the Committee of the whole Council that it have power to consider amendments and new clauses providing for the release of all premises other than dwellinghouses from rent control.

Motion carried.

The Hon. A. L. McEWIN—I move—

That it be an instruction to the Committee of the whole Council that it have power to consider a new clause and amendment regarding the exemption of certain lessors from the provisions of the Act.

Motion carried.

In Committee.

Clauses 1 to 3 passed.

New clause 3a—"Application of Act."

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

3a Section 5 of the principle Act is amended—

(*a*) by striking out the words "any premises" in the first line thereof and by inserting in lieu thereof the words "every dwellinghouse";

(*b*) by striking out the word "premises" in the second line thereof and by inserting in lieu thereof the word "dwellinghouse";

(*c*) by inserting after subsection (1) thereof the following subsection:—

(1a) Except as provided by Part III. and Part VII. this Act shall apply only to dwellinghouses and shall not apply to any other "premises";

(*d*) by striking out subsection (3) thereof;

(*e*) by striking out the passage "and (3)" in the first line of subsection (4) thereof;

(*f*) by striking out the word "premises" in the second and third lines of subsection (6) thereof and by inserting in lieu thereof in each case the word "dwellinghouse."

Yesterday I indicated that my object was to release from rent control commercial premises, which include all buildings except hotels and dwellinghouses. Section 5 (1) of the Act commences:—

This Act shall apply to any premises (including any part of any premises which is separately leased) . . . .

The effect of this new clause it to delete the words "any premises" and insert "every dwellinghouse." My other amendments are consequential. I am asking members whether the time has not arrived when we can dispense with control of rents on business premises. This Government was the first to control rents in 1939 and in 1940, under the National Security Act, the Commonwealth brought in regulations to control rents and evictions. The eviction regulations were proclaimed for South Australia but rent control was never proclaimed here because we had our own Act. Early in 1948 the Commonwealth regulations were declared invalid by the High Court and every State had to immediately impose rent control. In some States rent control had applied before the war in the form of a fair rents court but for most States it was a war-time measure. We incorporated the eviction clauses in our legislation and for the first time brought business premises under control. The case which raised the whole matter was where a man bought a building in which doctors mainly were accommodated and increased rents. That was a typical instance of one hard case making bad law. I have never been in favour of the control of commercial rents. By amendment

the legislation was broken down from its original form and people renting commercial premises were enabled to make agreements between themselves if they desired but my experience is that where companies or trusts own large buildings which are subdivided into a number of offices they will not go to the trouble of discussing rents and allow the Housing Trust to determine them. The releasing of commercial premises from rent control will have no effect on the cost of living.

There are two reasons why we have passed this legislation without division for another year. Many young, newly married people, migrants and others, are finding difficulty in getting homes. If we remove all rent control now and rents increase, the effect will be considered by statisticians in deciding the cost of living increase, and we would only be adding to the cause of the spiral in wage increases. That is why I do not question control over rental of houses for another year, but the freeing of commercial premises from control has nothing to do with that question. We have to consider, firstly, whether we want to abolish these controls at some time, or go on forever. If we decide that it is desirable to abolish them I then ask, "Why should not we get rid of the control of commercial premises today?" This legislation was an emergency measure and control of rents of business premises was an afterthought. I ask members to give my amendments full consideration. The one before us is the main one, leaving the whole legislation to apply only to dwellinghouses. It is time we made a definite gesture to show that we want the individual to have freedom in transacting his business as he desires.

The Hon. A. L. McEWIN (Chief Secretary) —This amendment is one of several, all of which stand or fall with it. It has been said that business premises were brought under the legislation only because of one man, but that is incorrect. No action was taken in that particular case until some time later. The real facts are that conditions have changed. Although perhaps the conditions as regards dwellings have improved, the opposite is the case with business premises. During the war there was no need to worry over business premises, but when men returned they wanted such places and with the expansion of commerce and industry the demand has naturally grown. The increase in the population in the metropolitan area has created a demand which it has been impossible to meet. We are getting nearer to a sufficient supply of materials and labour to overcome the position, but that time is not now. The amendment goes much further than rental control; its relationship to evictions has not been mentioned.

The Hon. C. R. Cudmore—It gets back to the ordinary law of the land.

The Hon. A. L. McEWIN—There is no difficulty about rents of business premises, because people can make agreements between themselves. I have obtained a report from the Parliamentary Draftsman on the effect of the amendments. He states:—

The present law as regards business premises was enacted in 1951 and is as follows:—If a lease of business premises is entered into with a tenant who was not the tenant at December 7, 1951, that is the time of the passing of the 1951 Act, the provisions of the Act, both as regards rent control and control of evictions, cease to apply to the lease and to any subsequent leases of the premises. Thus, if a new tenant takes over business premises the premises then cease to be subject to the Act. If a lease of business premises is made in writing for two years or more with a tenant who was the tenant at December 7, 1951, the rent control provisions cease to apply to that lease and any subsequent lease. Thus, if an old tenant and his landlord agree upon a rent for a lease for two years or more, that rent is not subject to control, but the tenant still gets the benefits of the provisions of the Act relating to control of evictions.

If one of the parties to a lease of business premises applies to the Housing Trust to fix the rent of the premises, the trust is to fix the rent after having regard to the rents of comparable premises fixed as the result of agreement between the parties. Thus, as far as those business premises which are still subject to rent control are concerned, the rent fixed by the trust must conform with those fixed by private agreement and, in effect, the rental standards for the business premises are set by parties to leases of this class of premises. It will therefore be seen that the 1951 Act, which followed the recommendation of the Gillespie Committee, provided for a substantial measure of de-control of business premises but, obviously, the committee was, at the time of making its report, not prepared to recommend any further relaxation of control.

The principal effect of Mr. Cudmore's amendments relates to the control of evictions as applied to business premises. The rental control provisions are now such that rents of business premises will move in accord with the market value of the particular class of premises in question. However, the exempting of business premises from the Act could have important and far-reaching consequences. It is well known that the supply of office accommodation is very much less than the demand. Although the community has grown substantially since the beginning of the war, virtually no new office accommodation has been built. The same position applies to shops for which the demand is in excess of the supply. The result of withdrawing eviction control from business premises could be that many tenants of offices and shops who have been the tenants of the premises for long periods could be given

notice to quit and would have no alternative but to give up possession. Under existing circumstances, these tenants would have a very slender chance of obtaining other suitable premises with the result that their businesses would suffer and, in instances, come to an end.

It could occur that a tenant of a shop who had worked up a good business with a considerable goodwill could be dispossessed and the landlord would then be in a position to take over the goodwill of the tenants. Another result could be that the landlord could demand from the tenant an unduly high rent subject to the threat that, if the tenant did not agree to the rent, his tenancy would be determined. It might be said that, as regards tenants of business premises, the parties are able to look after themselves. If the position were that the demand for business premises approximated to the supply, this would be so but, under existing circumstances where the demand far exceeds the supply, the tenant would, if the Act ceased to apply to business premises, be under a great disadvantage in negotiations with the landlord. It is suggested that the amendments made in 1951 went far enough and that the proposals now put forward could result in many tenants of business premises having their legitimate interests prejudiced. I ask the Committee not to accept the amendment.

The Hon. N. L. JUDE—Mr. Cudmore's amendments are quite clear. I congratulate the Chief Secretary upon his arguments. His further explanation is most encouraging to members in certain directions, but he made an error in appealing to members to accept the whole of the Bill, because the new clause gives no consideration to the natural increase in overhead expenses. To be consistent, the adjustment to the 1951 Act as regards rentals should be included in the Bill. Some consideration might have been paid to the question of rentals. I do not know whether members realize the varied conditions that exist with regard to business premises. Two years ago the Federal land tax on large premises was, on the average, doubled, and I have taken out figures for two buildings. In one case the Federal land tax for 1950-51 was £1,464 and the next year £2,850. The State land tax went from £360 to £565. Increases of that type surely merit some consideration by the Government. As a business man the Chief Secretary must know that anybody will kick if he knows his rent is to be increased in that manner. On the other hand, very small business premises may have had comparatively minor increases, and therefore entirely different circumstances exist. The purpose of this amendment is to free such premises from bureaucratic control. Business people surely are competent to look after themselves although I respect the Chief Secretary's argument about the shortage of premises. To be consistent let us have some provision for the adjustment of rents, for without it I find myself forced to support the clause.

The Hon. K. E. J. BARDOLPH—The members of the Opposition oppose the clause for the very reason advanced by the mover in its support. He said that it will provide for the reintroduction of the freedom of the individual. Was it not the freedom of the individual which made this legislation necessary? Prior to that the purchaser of certain chambers on North Terrace had full freedom and because he raised the rents of the professional suites of doctors who were away at the war it was necessary for the Government to bring in this legislation to protect them.

The Hon. C. R. Cudmore—But the Minister has just said that that had nothing to do with it.

The Hon. K. E. J. BARDOLPH—If it were not the major issue it was an attendant issue. The mover says that his amendment will not increase the cost of living, but I remind him that if there is complete elimination of controls of shops, offices and commercial premises the rents will go up and will be reflected in the cost of goods purveyed by those business people, and this must be reflected in the basic wage. Rents can be increased by agreement and the charges mentioned by Mr. Jude can be allowed for. The major issue of evictions has not been discussed. The Minister said that premises let after December 7, 1951 do not come within the provisions of the Act, but if the Act is to work efficiently every lessee of commercial premises should come under its provisions.

The Hon. C. R. Cudmore—You want to go back on the 1951 Act.

The Hon. K. E. J. BARDOLPH—Not at all, but I want some continuity. I object strongly to the Housing Trust being the principal authority for the fixation of rents.

The Hon. A. L. McEWIN—I feel it necessary to remind Mr. Jude, who made such a powerful appeal with regard to land tax, that the position is already covered by section 21 (i) which says:—

Any expenditure reasonably incurred by the lessor for rates, taxes, insurance and other costs in respect of premises beyond the expenditure which would have been reasonably incurred for that purpose immediately prior to September 1, 1939, must be taken into consideration by the trust.

That completely answers his problem.

The Hon. F. T. PERRY—I was interested in the Chief Secretary's statement in regard

to the method the Housing Trust adopts in fixing rents of premises. What I understood him to say was that it takes cognizance of any similar agreements on similar premises, but how does it obtain that knowledge? He stressed the need for more premises, but if rents are to continue to be pegged there will not be more premises for it is quite impossible to build premises now and let them at ruling rates. Rents of city offices generally must rise. We cannot have a favoured few and there must be a levelling up all round if justice is to be done to all. In this type of legislation certain people are selected for penalization, but there are hundreds of other occupations on which there are no restrictions. I say frankly that I cannot see that anyone will build business premises while this class of legislation exists. Anyone occupying new offices is prepared to pay more than for old premises, but you cannot expect people to build new office premises unless they can obtain higher rentals than are ruling today.

The Hon. C. R. CUDMORE—I thank Mr. Perry for his contribution, which is really important. We cannot expect to get more offices and shops if the people who would build them have no prospect of getting up to date rents. Mr. Bardolph's argument carries no weight, as it may work either way. If a large company owns a building and can get more rent from its tenants it may be able to supply goods more cheaply. The Chief Secretary quite rightly pointed out that last year we advanced a certain way in providing that if tenants came to an agreement with their landlords the provisions of the Act would not apply. We provided in principle for a general relaxation of this control of business premises and what I suggest is that we go a little further, and not go back as Mr. Bardolph suggested.

The Hon. E. ANTHONEY—The fact that business premises were not covered when we first introduced rent control on dwellinghouses indicates that there was no need for it. The landlord and tenant could mutually agree as to the rental and that is what we want in practice. The position is not as acute today as it was in 1942 when controls were introduced, but no speaker has advanced any substantial reason for continuing controls on business premises. There has been a general statement that the demand for office accommodation is great.

The Hon. R. J. Rudall—You know that is true.

The Hon. E. ANTHONEY—I do not know that, and no statistics have been put before members. I believe that all restrictions hold up development and Mr. Cudmore's amendment is an endeavour to obtain more freedom. Until restrictions are lifted people will not be enterprising enough to build.

The Hon. A. L. McEwin—There have been recent reports in the press about the erection of large buildings.

The Hon. E. ANTHONEY—If the legislation encouraged private enterprise to build offices it would do so. When restrictions are removed there will be a resurgence of building activity that will surprise many. I support the clause because I always advocate freedom and this is a step in the direction of freeing the public to enable it to provide more accommodation.

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

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.

New clause thus negatived.

New clause 3a—"Exemptions from Act."

The Hon. A. L. McEWIN—I move to insert the following new clause:—

3a. Subsection (1) of section 6 of the principal Act is amended so as to read as follows:—

(1) The provisions of this Act shall not apply with respect to any lease of premises under which lease the lessor is—

(*a*) the Government of the Commonwealth or the State or any instrumentality of any such Government;

(*b*) any municipal council or district council; or

(c) the trust.

Section 6 (1) provides that the Act is not to apply to premises let by the Government, any council, or the Housing Trust. A deficiency in this provision has recently come to the notice of the Government. In irrigation areas township blocks are held under Crown leases. In the case in question, the lessee has erected shops on his block which, in turn, he has let to tenants. The point has been taken that, as the premises are let by the Government under the Crown lease, the premises come within the exemption given by section 6 and that the tenants have no rights under the Act. The intention of section 6 (1) was to exempt from the Act transactions to which the Crown or a council was a party and it is obvious that this exemption should not extend to further lettings

by the person holding from the Crown or a council. Accordingly, the new clause re-drafts subsection (1) to make it clear that the exemption applies only to leases where the lessor is the Crown or a council.

The Hon. K. E. J. BARDOLPH—If a semi-Governmental trust such as the Housing Trust leases sections of its premises would the lessees come within the provisions of the Act? If trusts are exempted from the provisions of the Act it is totally unfair to other landlords and I would like the Chief Secretary to amplify the position.

The Hon. A. L. McEWIN—If the Government let half the Treasury Building and the person to whom it was let sublet portion of it, that arrangement would be covered by the Act. The purpose of this amendment is to ensure that the Government is not covered by the provisions.

The Hon. C. R. CUDMORE—The Act does not apply to premises which are let by the Commonwealth or State Government, a municipal or district council or a trust. They are the only exceptions. This makes it clear that if premises are let by any of those bodies, and the lessee sublets them, they are not to be bound by the Act. I am entirely opposed to this amendment but will not waste my time opposing it because I have not the numbers to support me. It tightens the Act and brings more people under it than before.

New clause inserted.

Clauses 4 and 5 passed.

Clause 6—"Notice to quit."

The Hon. C. R. CUDMORE—I oppose the clause which amends one of a number of paragraphs of section 42 which deals with restrictions on evictions. Under the 1949 legislation a person could issue a notice to quit if he "required" premises for his own use but that was altered to "reasonably needed" because the courts held that "required" meant what it said—that if a person required his house he could get it. The legislation was altered and he had to prove that he reasonably needed it. It is now proposed to insert that provision in paragraph (r) which reads:—

That the premises were let as a shop or business premises and have been converted by the lessee, without the consent of the lessor either express or implied, from a shop or business premises into a dwellinghouse. . . .

Is that fair? Can members agree with that? The provision continues:—

. . . and the premises are required by the lessor for reconversion to a shop or business premises.

If a tenant uses premises for a purpose other than that for which it was let, should not the owner, under those conditions, be able to repossess them? The clause is outrageous and I oppose it.

The Hon. F. T. PERRY—Mr. Cudmore's explanation warrants something more than merely altering words. It is preposterous that a tenant should be able to act in the manner stated by Mr. Cudmore and the owner deprived of his rights. I do not know how a provision like that ever got into the Bill. We would be totally disregarding what any reasonable owner could expect by allowing it and I strongly oppose the clause. I cannot conceive its being included in this legislation unless there were a special reason for it.

The Hon. A. L. McEWIN—One important point is that if need is established the tenant must go out. He cannot plead hardship, but reasonable need must be established by the owner. I understand that a number of shops have been converted into dwellinghouses.

The Hon. E. ANTHONEY—I recall a case of a man at Unley who went to the war and let his shop as a dwelling. Upon his return he tried to get back into his premises to resume business, but could not.

The Hon. C. R. CUDMORE—In order that members can have an opportunity to look into the question I suggest that the Chief Secretary report progress.

The Hon. A. J. MELROSE—I heartily agree with Mr. Cudmore's argument—that where premises are let as business premises and are converted, without the owner's consent, into a dwelling no protection should be given. In such circumstances a tenant could not complain if his lease were automatically terminated and he was ejected on the spot. Take the case of a country town with two shops. A man could occupy one with the avowed intention of developing the business and, having obtained a lease convert it into a dwelling and ruin the goodwill. We should not tolerate those conditions, much less should we make them easier.

The Hon. A. L. McEWIN—As I am always anxious to meet the wishes of members I ask leave to report progress.

Progress reported; Committee to sit again.

EARLY CLOSING ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

ADJOURNMENT.

At 5.28 p.m. the Council adjourned until Tuesday, October 28, at 2 p.m.