

**LEGISLATIVE COUNCIL.**

Tuesday, October 27, 1953.

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 following Acts:—Agent-General Act Amendment, Food and Drugs Act Amendment, Public Service Superannuation Fund Act Amendment, and the Weights and Measures Act Amendment Acts.

**OPENING OF PARLIAMENT BY QUEEN.**

His Excellency the Governor returned a copy of new Standing Order No. 14A adopted by the Legislative Council on October 6, 1953, and approved by him in Executive Council on October 8.

**QUESTION.****LAND AGENTS' ADVERTISEMENTS.**

The Hon. R. R. WILSON—I ask leave to make a statement with a view to asking a question.

Leave granted.

The Hon. R. R. WILSON—Recently there appeared in the *Advertiser* in the "Houses and Land Wanted" column an advertisement with regard to a house which I propose selling in the near future. After several weeks I received a reply from a person whom I found to be a licensed land agent's representative. Practically every day advertisements can be seen which read "Wealthy grazier requires house £8,000 or more" or "Retired farmer from West Coast must buy house within few days." There are similar advertisements in today's *Advertiser*. I claim that when these advertisements are inserted by a land agent under a nom de plume they deceive the public. In Victoria legislation provides that every land agent must insert his name and address under advertisements.

The Hon. C. R. Cudmore—Question.

The PRESIDENT—Under the Standing Orders the honourable member must now ask his question.

The Hon. R. R. WILSON—Is the Attorney-General aware of the practice of certain land agents advertising to purchase properties under nom de plumes?

The Hon. R. J. RUDALL—I think the practice to which the honourable member refers relates to where advertisements are inserted in the press purporting to come from private individuals but which actually come from land

agents who use this means of advertising to obtain business. I think that is a practice which no reputable land agent would indulge in and if the honourable member will supply me with full details about any particular case I will refer the matter to the Land Agents Board to see what action can be taken.

**COLLECTIONS FOR CHARITABLE PURPOSES ACT.**

Adjourned debate on the motion of the Hon. A. L. McEwin (for motion see page 1008).

(Continued from October 14. Page 1008.)

The Hon. R. R. WILSON (Northern)—I am sure members will unanimously support the proclamation to enable the transfer of the handsome sum of £1,000 from Toc H to the Soldiers' Home League Inc., and Toc H is to be commended for its approach to the Chief Secretary in this way. The Myrtle Bank home is a deserving institution and I think this is a good opportunity to bring to the notice of members some of its history and the work it is doing. It was formed in 1915 and the objects, as defined in its constitution, were:—

To acquire and maintain a home for the accommodation of persons who are or who have been on active service in any war in which the British Empire has been or may be from time to time engaged.

That objective was put into effect by the purchase of the freehold of a private residence set in 3½ acres of land in Ferguson Avenue, Myrtle Bank, and this purchase was made possible by the provision of a substantial sum by the Lutheran War Relief Fund. The home is administered by a committee of management consisting of 25 members, on which the Lutheran church has a nominee by virtue of the assistance it rendered; the R.S.L. also has a representative. In the years following the first war the property was leased to the Commonwealth Government as a T.B. hospital and during that time the Red Cross Society built another fine ward. In 1932 the Soldiers' Home League took over the premises for the purpose for which it was purchased and the Red Cross Society gave it the building which it had erected. The home is open to receive single men and widowers who are physically unable to follow their usual occupation and they must be men of good character. The institution is not connected with any charity because every inmate contributes a certain sum from his pension weekly; members of the T.P.I. £2 a week, and others 30s., and with this income the home

is practically self-supporting. The league provides clean and comfortable beds, and meals equal to those enjoyed by the average working man. A superintendent is in charge, and the only paid servant is the cook. The institution accommodates 50 men; it is fully occupied and there is always a waiting list. The men do what they can to assist in the work in the garden, but, being pensioners and old men, they are naturally not able to do much. However, the garden makes the home practically self-supporting in vegetables. They also keep their own poultry, and almonds and fruit trees are grown. Food and maintenance costs are watched very closely. Women's auxiliaries are doing valuable work and visit the home once a month when they do sewing and mending for the inmates. The Parkside Auxiliary also visits once a month and provides concerts and suppers, and today the Semaphore Ladies' Auxiliary is taking the men to the hills for a picnic, so it will be seen that people are very generous, though little is known publicly of the valuable work carried on for the benefit of the inmates. As an illustration of the fine attitude of the men, in the recent War Graves Appeal they contributed £5 from their meagre pensions and in a recent Legacy appeal they donated £10.

This is the only home of this type in Australia which is practically self-supporting and I pay a tribute to the management committee, of which Lieutenant-Colonel McCann has been chairman since its inception in 1932. Mr. Digby Howard has held the office of honorary secretary and treasurer for the same period. No public appeal has ever been made for this home and it has had no assistance from the Government. I think this is an illustration of what can be done, and an answer to the cry we often hear that the Government should do more in providing homes for these kind of people. In a communication I received recently the committee say that they would welcome a visit to the home by members of Parliament so that they could obtain first hand knowledge of what is being done for these ex-servicemen and I hope that when this motion reaches another place an opportunity will be arranged for members to visit the Myrtle Bank home. I have pleasure in supporting the proclamation.

The Hon. C. R. CUDMORE (Central No. 2) —I also support the motion. We are obliged to Mr. Wilson for giving us particulars of the work being done at Myrtle Bank. Members who were here in 1947 will remember that I criticized very strongly—and I have nothing

whatever to retract now—the distribution of the Cheer-Up Hut's surplus of £15,000. That method of distribution is wrong. Although, as Mr. Wilson said, Myrtle Bank is not a charity, it received £1,000 the same as Toc H. Greater consideration should be given to those who do not receive pensions. All the inmates of Myrtle Bank receive pensions, as do totally and permanently disabled and tubercular soldiers. Their needs have been assessed and the Government pays for them; but there are thousands of soldiers who have served this country but do not receive pensions. When they become old they cannot attach their disabilities to war service, and therefore cannot claim repatriation. I have always pleaded their cause when considering distribution of funds from such organizations as the Cheer-Up Hut.

When speaking on this subject in 1947 I referred to the Sailors and Soldiers Distress Fund which was established to look after these very people. The old South Australian Soldiers Fund was carried on until 1936, so that all children born during the first world war were looked after until 16. The fund was then wound up, and a new scheme started which, in its first appeal, raised about £40,000 from the generous public of this State. The chairman, the late Mr. Murray Fowler, M.C., was the inspiration behind this, and I feel greater recognition should be given him for his work during two wars and in the period between. He realized these people do not receive pensions; although when they become older they suffer disabilities which they cannot prove to be due to war services. In 1947 I strongly protested against the method of distribution, but as I then approved of Myrtle Bank being included, I must again approve of the £1,000 which the Toc H people cannot usefully use being handed over to this home.

Motion carried.

#### OFFENDERS PROBATION ACT AMENDMENT BILL.

Read a third time and passed.

#### FRUIT FLY ACT AMENDMENT BILL.

Read a third time and passed.

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

Adjourned debate on second reading.

(Continued from October 14. Page 1012.)

The Hon. C. R. CUDMORE (Central No. 2)—I hope that some day there will be no need for me to make a speech on this type of

legislation. We have had 14 years of it, and to put it in a nutshell, wages have increased by 200 per cent whereas rents have risen by only 22½. This is unfair to those who have invested in houses and supplied accommodation for the public. Year after year this matter has been discussed, and we have fought it again and again. On one occasion a conference was held between the two Houses which lasted for a day and a half, and following that we have gradually obtained concessions to make the lot of the landlord a little better. Under this Bill there are very definite concessions to landlords, although I regret there is no general over-all increase in rents. Following the Gillespie Report in 1950 a 22½ per cent increase was permitted, but since that time there have been considerable increases in wages without corresponding increases in rents. I regret that the Government has not seen fit to do something about this matter.

I am glad that business premises are to be exempted from the provisions of this legislation—that is something which I and others have advocated for a long time, and it is a forward step. Business premises were not at first included in the legislation, which commenced in this State in 1939. It was some time after that business premises were incorporated in the Act.

The Hon. K. E. J. BARDOLPH—Why were they?

The Hon. C. R. CUDMORE—Because somebody purchased premises on North Terrace and increased the rentals. However I welcome the fact that they will now be exempted from the provisions. The main difficulty that remains in this legislation is the contentious position that arises where premises are partly business and partly residential. In some cases they are business premises with the proprietors or lessees living upstairs and that has brought them within the definition of "dwellinghouse." In that definition are the words "a substantial portion of which is leased for the purpose of residence" and the contention in many cases before the court has been as to what is the substantial portion. This Bill provides that a person who purchases a house for his own occupation and has owned it for two years and gives 12 months' notice to quit can obtain possession without being bound by the hardship clauses. I think it is time we did something similar for those who purchase business premises. Some have bought business premises knowing that several rooms were used for residential purposes. The first question relating to such premises concerns rent.

Estates and companies own buildings not only in Adelaide but all over the State which are essentially business premises. A lessee, because of the difficulty of getting premises to live in elsewhere, converts a couple of rooms at the rear of the premises or upstairs to live in. Under this legislation those premises are still liable to rent control. Last year we did achieve something by providing that if a house is used partly for residential and partly for business purposes, in assessing the rent of the business part the Housing Trust shall be guided by the general level of rents for comparable premises in the same district and therefore the business premises should return to the landlord as much rent as he could get if the premises were not under control. I have had considerable correspondence from the country on this question but it seems to me that this legislation is doing something to clarify that position.

The second question relates to possession of these mixed premises, but there is no provision to assist the person who purchased such premises with the object of obtaining possession at a definite date. Three years ago, after the Gillespie report, we recognized that if a person purchased a house he should have some reasonable and definite expectation of getting possession of it. We provided that he must own it for five years and give 12 months' notice to quit. The Bill reduces the period of ownership to two years, but there is no provision to enable a person who has purchased combined business and residential premises to foresee when he can possibly get possession. I draw attention to this matter because I will move an amendment in Committee to enable a person who has purchased such premises to obtain possession in the same way as one who buys a dwellinghouse for his own occupation. It is admitted that business premises generally should be outside the ambit of this control but premises which are partly business and partly residential are to remain under rent control. I support the second reading.

The Hon. R. R. WILSON (Northern)—It is pleasing to note that some relief is provided in the Bill in as much as business premises will be free from rent control. I feel that the time is not far distant when this legislation will be abolished. It has served a good purpose, but we have reached a stage when consideration should be given to landlords who have carried for many years a burden which has become intolerable. I mention the case of a friend of mine to illustrate

what happens between landlords and tenants. The man was in the same regiment as I in the first World War. He was in the railways service for many years and saved sufficient money to purchase a home at Glandore. He waited for four years but could not get possession because of this legislation. The matter was taken to the court, which decided that possession should be given at a specified time but before the time had expired the tenant, who was building for himself, applied to the court for an extension, which was granted. The matter had to be brought before the court again and the court ultimately gave notice that the tenant would have to quit at a certain time. There were certain fixtures on the property, one of which was a rotary clothes hoist. When he took possession he discovered that the hoist had been sawn off above the ground by a hacksaw and that the passion fruit vines had had boiling water poured on them to deprive him of the benefit of the fruit. When such incidents can happen between persons in the same category—both wanting homes—I think it is time such legislation should cease.

Mr. Cudmore referred to premises which are used partly for business and partly for residential purposes. Another friend of mine who

is a secondhand dealer in motor parts purchased premises in Hindmarsh Square about five years ago in which to conduct his business which he previously carried on in Young Street. Because there are three rooms upstairs in those premises he is unable to obtain possession. He knew legislation existed when he purchased the premises but he did not expect it to continue so long.

The Hon. E. Anthoney—The premises were tenanted when he purchased them?

The Hon. R. R. WILSON—Yes, but he took the chance that the legislation would be eased and that he would be able to get possession.

The Hon. K. E. J. Bardolph—He was gambling on the real estate market?

The Hon. R. R. WILSON—Many people do, but this legislation prevents their efforts coming to fruition. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Progress reported; Committee to sit again.

#### ADJOURNMENT.

At 2.50 p.m. the Council adjourned until Wednesday, October 28, at 2 p.m.