LEGISLATIVE COUNCIL.

Thursday, December 2, 1954.

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

ASSENT TO ACTS.

His Excellency the Governor, by message, intimated his assent to the following Acts:—Anatomy Act Amendment (No. 2), Appropriation (No. 2), Cattle Compensation Act Amendment, Renmark Irrigation Trust Act Amendment and Stamp Duties Act Amendment.

WATERWORKS ACT AMENDMENT BILL.

Read a third time and passed.

HIGHWAYS ACT AMENDMENT BILL.

Read a third time and passed.

WHEAT INDUSTRY STABILIZATION BILL.

Read a third time and passed.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Read a third time and passed.

ELECTORAL DISTRICTS (REDIVISION) BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

Its object is to provide for the establishment of a commission to report upon the redivision of the State into electoral districts. There is no need for me at this stage to give honourable members any further information about the number of electors in the various electorates. The facts are well known and have been recently discussed in this Parliament. It suffices to say that the Government recognizes that the growth of the population in recent years and the changes in the distribution of the population have created anomalous differences in the sizes of certain electorates. There is admittedly good cause for making changes and this Bill is the first step towards that end.

It ought, however, to be made clear at the outset that it is not the Government's policy to make radical changes in the electoral system. In particular, the Government believes that the existing ratio between metropolitan and country representation should be maintained as far as possible. The Government takes the view that if all parts of the State are to be effectively represented in this Parliament it is not possible to have country electorates with the same number of electors as metropolitan electorates. Provision is therefore made in this Bill for maintenance of the existing relation between city and country representation.

The proposed Electoral Commission will consist of three commissioners, one of whom will be appointed chairman. Two commissioners will constitute a quorum, and a decision concurred in by two commissioners will have effect as a decision of the whole commission. The commission will cease to exist upon completion of its duties under the Act. The duty of the commission to redivide the State into Assembly districts is set out in clause 5. The metropolitan area will be divided into 13 approximately equal districts, and the country areas into 26.

For the purposes of the Bill districts will be regarded as being approximately equal if the number of electors in them is within 20 per cent (above or below) of the quota for the metropolitan area or the country areas, as the case may be. This margin is the same as is applicable under the provisions of the Commonwealth Electoral Act. In addition to redividing the State into Assembly districts, the commission will also recommend the subdivisions and a grouping of the Assembly districts into five Council districts. The commission must provide for two Council districts in the metropolitan area and three in the country areas.

Clause 7 sets out the matters to be considered by the commission in making the redivision. The main principle is to aim at districts in which the electors have common interests. Subject to this, the commission must endeavour to create districts of convenient shape and with reasonable means of access between the main centres of population, and to retain existing boundaries as far as possible. Before reporting the commission must invite representations from individuals and organizations by public advertisement. Such representations must be made in writing in the first instance, but the commission is given a discretionary power to hear evidence, information and arguments submitted to it orally.

The report of the commission will be presented to the President and the Speaker as well as the Governor; and the President and

Speaker must lay the report before their respective Houses. To enable it to carry out its duties the commission is given the powers of a Royal Commission under the Royal Commissions Act, 1917. It is the Government's intention to appoint commissioners of high standing and ability, who can be relied upon to faithfully carry out the provisions of the Bill.

The Hon. C. R. CUDMORE (Central No. 2)—This is an important Bill, although it has not a very great effect upon the Legislative Council. The Government has decided that the House of Assembly districts should be reviewed and has therefore introduced this Bill to appoint a commission of three to go into the question. I understand it will present its report to you, Mr. President, and also to the Speaker of the House of Assembly and to the Government, which will then, if it thinks fit, introduce a Bill to alter the Constitution which will be placed before us next year providing for consequent alterations in districts. Single electoral districts providing for 39 members were introduced for the House of Assembly in 1936, prior to which we had multiple electorates. That alteration had very little effect upon the Legislative Council.

The only part of the Bill which concerns this Chamber is clause 6, which provides that the commission shall redivide the State into five Council districts, each to consist of two or more Assembly districts, two of the Council districts to be in the metropolitan area and three in the country areas. This preserves the present ratio. I am not complaining of that, but I do not think it goes quite far enough. This Council is not desirous of any radical changes, and I have heard of no agitation from anyone for such changes. Therefore, I think something should be added to clause 6 to the effect that present Council boundaries should not be interfered with more than is absolutely necessary. In Committee I will submit an amendment to that effect and fully explain it then. I have no objection to the remainder of the Bill and therefore support the second reading.

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

JOHN MILLER PARK BILL.

(Continued from November 24. Page 1494.)

The Hon. N. L. JUDE (Minister of Local Government) brought up the report of the Select Committee, which was received and read.

Bill taken through Committee without amendment and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL (GENERAL).

Adjourned debate on second reading.

(Continued from November 30. Page 1564.)

The Hon. L. H. DENSLEY (Southern)—It seems regrettable that a sporting body should not be able to settle its own affairs without resorting to the aid of Parliament, for it does not seem to be our function to legislate in matters of this kind. However, as the various clubs have requested the Government to take some action and the Government has consented to do so it behoves us to apply our minds to the question and evolve the best solution we can find to solve the problem. The Bill provides for five members representing country clubs, two representing the South Australian Trotting Club and one representing the Owners, Trainers, Breeders and Reinsmen's Association to be the controlling body. I see no real reason why one member should be elected to represent the latter group for just what its function would be within the committee seems to be rather nebulous. The conduct of the clubs would obviously be in the hands of interested persons, and while these people may be said to be interested, the general objective of the club is to make conditions attractive both for owners of horses and patrons of the sport, and if the club fails to do that obviously the owners and trainers will not provide the horses for racing. Whether it is that these people feel that they have some fundamental right to have a hand in the fixing of stake money and so forth I do not know, but it seems to be unnecessary for them to be represented. The South-East is becoming very interested in trotting and the general feeling there is that the five country representatives should be appointed from five zones, for a variety of reasons. One is that the South-Eastern people are far removed from Adelaide and the majority do not attend many meetings in Adelaide, nor do great numbers of horses go from the city to the South-Eastern meetings. Possibly that can apply in a lesser measure to some of the other zones, such as the Murray area or the West Coast. The sport is fairly strong at Mount Gambier, there being about 160 or 170 trotting horses in the South-East, and those interested therefore feel they are entitled to have representation on the executive committee. They would prefer the State to be divided into zones. Two members could be elected from the central zone and one each from the outside zones. The sport at Mount Gambier relies partly on horses from over the

Victorian border, and it would facilitate the transfer of horses if the South-East had a representative on the controlling committee. The Mount Gambier Trotting Club has written to me as follows:—

Two fundamental facts stand out in clear relief which seem to divide the South-East from the remainder of the State and these largely hinge on our distance from the city. Firstly, there is the point that the South-East is substantial, self-contained and dependent on local support, both from the point of view of spectators and horses in training. Secondly, there is the question of relationships to Victoria, and this is bound up with border clearances at the present time. Our horses going into Victoria are given "visitors' privileges," whereas Victorian horses coming into South Australia for the first time are met with a formidable list of fees payable.

Our efforts to look after these points will be of no avail unless we have a voice in the control of trotting in South Australia. Naracoorte and Penola are in the process of being registered and Millicent will follow in due course. It is clearly an injustice if this large and important area is not given a voice in the control of trotting. This can only be obtained by virtue of the Lottery and Gaming Act clearly stating that this area is to have a representative to represent it—which representative is to be appointed by the zone itself.

The objection of the league to zoning is that the need for re-zoning may crop up from time to time by virtue of clubs going out of existence or other clubs being formed. Points raised about clubs going out of existence are based on suppositions of various factors. Suffice to say that it is unlikely, in view of the population continuing to increase, that such will apply to the South-East.

That is the case for the people of the South-East, which is allotted 20 racing days divided amongst four clubs. It is felt that they are entitled to have some say in the control of the league. Members will agree that people who are far removed from the city feel they are being neglected unless they have a representative on the controlling body. In the appointment of the executive committee it would be reasonable to ask that the three outside zones be allowed to elect one representative each and the central zone two. That would maintain the ratio laid down in the Bill. In Committee I shall move that in the election of representatives the State be divided into zones with a view to making the position throughout the State as equitable as possible. Although it is unfortunate that we are called upon to settle these things for the league, I feel it is now our job to do so, in order that the league can be made to work.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Constitution of South Australian Trotting League."

The Hon. F. J. CONDON (Leader of the Opposition)—I move—

In the sixth line of new subsection (7) to delete "eight" and insert "nine".

A few weeks ago this Committee extended the number on a certain board by one, and I am now asking it to do the same on this occasion. At a conference of the parties concerned it was agreed that representation on the league executive committee should be four from the country, three from the South Australian Trotting Club and one from the South Australian Owners, Breeders, Trainers and Reinsmen's Association, but the agreement was not honoured. Had it been, the Bill would not now be before us. I am not providing for a majority of members of the South Australian Trotting Club to be on the executive committee. If the Committee agrees to increase the number on the executive from eight to nine, I will then move that the extra representative be from the South Australian Trotting Club. This will mean that there will be five representatives from country clubs, three from the South Australian Trotting Club and one from the Owners, Breeders, Trainers and Reinsmen's Association.

Racing in this State is controlled by the South Australian Jockey Club and any attempt to do away with that control would meet strong opposition from members of this Chamber. The Trotting Club has led the way in this sport and has raised large sums for charity. I know that country clubs have done an important job, but they are not in such a good position. Last year the Trotting Club conducted two meetings for charity and from those meetings a sum of £2,036 was distributed to the Legacy Club and the Queen Victoria Maternity Hospital. Last season, the club contributed £7,277 to charity and totalizator fractions for the season amounted to £11,355, making a total of £18,632. I am not here to pit city against country but to move what is a reasonable amendment, and we should not take a narrow point of view. During my association with the Public Works Standing Committee I have been requested to support propositions concerning my own district but I have voted against them because I did not think they were warranted. I ask honourable members whether my amendment to increase the number on the executive from eight to nine, and to give the extra representation to the Trotting Club, is reasonable?

The Hon E. Anthoney—Did the honourable member say that the Trotting Club is at a

disadvantage in not having a third member?

The Hon. F. J. CONDON—It was at a disadvantage in having only one representative out of a total of 13. I imagine what honourable members who are directors of companies would say if I dictated matters to them. My amendment will not take any power away from the league. If I desired to do that I would move that the Trotting Club have a majority of members. I ask honourable members to take a reasonable view and to support my amendment.

The Hon. E. H. EDMONDS—I have a good deal of sympathy with this amendment. This Bill sets up an executive committee to govern the sport of trotting over the whole State and obviously it is desirable that ample representation should be given to the people who are interested in that sport, wherever their activities might be. The executive was an extremely top heavy affair as it had 13 representatives from the country and only one from the Trotting Club. Obviously this was not satisfactory, or the Bill would not have been before us. I deprecate the desire of some people to bring into an issue of this nature the matter of country *versus* city. What we want to aim at is an effective executive with fair representation, and by giving the Trotting Club an extra member we would be providing a fair balance of power for the control of the sport.

I cannot see any reason why clubs situated in the most remote parts of the State cannot have the representation they desire, or at least the right to nominate a representative, because, after all, representation will be from a panel of names submitted and therefore it will be the responsibility of those who are sufficiently interested to see that they get their nominees on the panels. I regret that some suggestion was made that this Bill might have an effect on the attitude of the league towards charities. I discount any suggestion of that nature. What we want is an effective executive body that will have the interests of the country and the city in mind. For these reasons I support the amendment.

The Hon. Sir LYELL McEWIN (Chief Secretary)—In order that honourable members can give this Bill and the amendment proper consideration, it is necessary for them to have the background behind its introduction. I was met by a deputation pointing out the problems that existed because the controlling body was getting too large. At that time there was a great preponderance of country representation, the representative of the Trotting Club was ill, and as there was no power to appoint a proxy the club was without any representation. It was desired to have the opportunity to appoint a proxy, and that there should be an executive of seven to manage the affairs of this sport. Legislation was prepared on that basis, and included the other clauses contained in this Bill. Then a deputation from the Trotting Club waited on the Premier asking for increased representation, and for representation by the Owners, Trainers, Breeders and Reinsmen's Association. There was a general conference of the three bodies and after discussion everyone agreed that the owners, breeders, trainers and reinsmen should have representation. That was not questioned any more than the South Australian Jockey Club questions the rights of owners of gallopers. Zoning was also discussed. The Government then drafted this Bill to reduce the representation of country clubs to five, to increase the Trotting Club's representation to two and to give representation to the Owners, Trainers, Breeders and Reinsmen's Association. I am not a follower of this sport, but I know that everything has been done to get maximum unanimity. I ask honourable members to adhere to the Bill and vote against the amendment.

The Hon. J. L. S. BICE—I am not a follower of this sport but I have contacted people who know something about it. I have much sympathy for the point raised by Mr. Densley about the position at Mount Gambier. The remarks made by Mr. Condon and Mr. Edmonds also have a lot of merit, and I intend to support the amendment.

The Hon. S. C. BEVAN—I support the amendment, and I do so because I have had some experience in trotting matters. I participated as an owner, trainer and driver in the early days of the sport. The Trotting Club has been the club responsible for the sport ever since its inception. It commenced trotting, and in those days we raced high priced horses for what could be termed a bag of chaff. The stake for a first class race was £10, divided between the three placegetters. That went on until the use of the totalizator at trotting meetings was permitted after which the sport made rapid progress. We then saw the formation of country clubs and over the years they have gradually grown. My point is that the Trotting Club is looked upon even by the league as the controlling body, so I feel that it should have more adequate representation on any board of control that is set up.

It is interesting to examine the trotting control bodies in other States. In Victoria, it is controlled by a board of three appointed by

the Governor in Executive Council, one of whom shall reside not less than 40 miles from the G.P.O., Melbourne, one on the nomination of the executive committee of the Royal Agricultural Society and one on the nomination of the executive committee of the Metropolitan and Country Trotting Association of Victoria. In Western Australia the whole control is vested in the W.A. Trotting Association and the committee is elected by the members thereof. In New South Wales the position is similar, but in South Australia there is an entirely different set-up, whereas I believe that it should be similar to the control of other sporting bodies. I see no reason why there should not have been a supreme controlling authority from the outset. Even now the amendment giving one extra representative to the Trotting Club does not, as Mr. Condon pointed out, give control to that club. In view of the proposed representation of five, three and one proposed under the amendment the division could easily be six to three because there is quite a possibilty that the representative of the owners, trainers, etc., would be a country man.

The trotting club in the year ended June 30, 1953, paid to the league £3,254 for the support of country clubs. We are told that the Trotting Club is dependent upon country clubs, but that figure taken from the balance sheet shows quite the contrary. I also have a copy of the league's balance sheet for the year ended July 31, 1953, and this shows an item, "Subsidies to country clubs, £2,460." Quite recently at Clare it was stated that country clubs, Clare club in particular, could not carry on without more patronage from metropolitan clubs and horses. I think we are all well aware that there is only one main place where trotters are bred, as is the case with gallopers, namely, in the country where there are proper facilities. It does not follow, however, that country clubs are keeping this sport going in the metropolitan area and that they should in consequence have greater representation. They will still have a preponderance if the amendment is carried, and because I feel that the Trotting Club is the parent club and should be given that recognition I support the amendment.

The Hon. A. J. MELROSE—Like the majority of members here, perhaps, I too am not closely associated with trotting either as a sport or business, but I was surprised to hear Mr. Bice base his argument on advice he had received from country trotting clubs, for it is diametrically opposed to advice I have received from them. All the country representations that have been made to me indicate their unanimous support of the Bill as introduced. Under it one metropolitan club will have two representatives on the executive and 15 country clubs will have only one for each three, which seems to be meagre enough. I do not doubt that the Trotting Club is still looked upon as the senior body, but it seems to be perfectly clear that the start it gave to this pastime has so expanded it that preponderance of representation has passed out of its hands and now lies in the country clubs. Whether or not some of them plead hardship, trotting seems to be a thriving industry. There are 15 registered country clubs and I cannot see that it is logical that on the governing executive they are not entitled to at least majority representation.

The Hon. F. J. Condon—They are getting it under the amendment.

The Hon. A. J. MELROSE—Under the Bill they will get five to represent 15 clubs, the Trotting Club will get two to represent one club. It would be wrong to base our vote upon the amount any club subcribes to charity because it will be obvious that a club holding meetings in the metropolitan area is in a far better position to give money to charity than a club holding meetings at, say, Snake Gully. It does not follow, however, that they do not give as much in proportion to their income, which may not be so easily come by as in the metropolitan area. Generally, I am in favour of small committees; I suppose there are few of us who have not at some time expressed the opinion that the most workable committee is a committee of two with one of them absent. I cannot see that the addition of one representative from the Trotting Club will have any advantages so I intend to support the Bill as it stands.

The Hon. F. T. PERRY—I support the amendment. I am sorry that it seeks to increase the number, but I think that that is the corollary if we accept the view that the Trotting Club should have increased representation. It seems to me that it has not planned sufficiently far ahead and that it should never have allowed this position to occur. This club promoted the sport and undoubtedly possesses the greatest knowledge of its ramifications. It is very important that its wide knowledge of trotting should be recognized. The type of man who would come from the Trotting Club, with the experience of its committee behind him, would be far better fitted to occupy a position on the executive committee than someone

representing a small country club. The Trotting Club, having three members on the executive committee, would not control it, but it should have the right to exercise its influence in the league, and I therefore support the amendment.

The Hon. R. R. WILSON—I appreciate the position of whoever may be chairman of the league. He will be called upon to have a casting vote on many occasions. Because of the lack of co-operation in the league in recent years, I should not like the position of chairman. No doubt he will be selected from among the five country members. I support the clause as drafted.

The Hon. K. E. J. BARDOLPH—The amendment will result in a true reflex of the representation desired by those who follow this sport. I have no interest in trotting, but I take the stand that those who follow the sport should receive consideration equal to that given those who follow the gallopers. The amendment will give the true representation necessary, and I therefore support it.

The Hon. F. J. CONDON—I have submitted the amendment of my own free will and was not asked to do so. As members know, I have been closely associated with sport ever since I have been a member of the Council, and a number of private Bills associated with sport which I have introduced have been carried. My only object in introducing the amendment is to give fair representation. I do not want to take representation away from those at present in control, but to make the representation fairer.

The Committee divided on Mr. Condon's amendment—

Ayes (11).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon (teller), J. L. Cowan, L. H. Densley, E. H. Edmonds, A. A. Hoare, F. T. Perry, and Sir Wallace Sandford.

Noes (6).—The Hons. N. L. Jude, Sir Lyell McEwin (teller), A. J. Melrose, W. W. Robinson, C. D. Rowe, and R. R. Wilson.

Majority of 5 for the Ayes.

Amendment thus carried.

The Hon. F. J. CONDON moved—

In line 7 of new subsection (7) to delete "two" and insert "three."

Amendment carried.

The Hon. L. H. DENSLEY—I move—

In paragraph (*b*) of subsection (7) to strike out all the words after "nominated" with a view to inserting:—"as follows, namely, one by the trotting clubs in the South-East, one by trotting clubs in the Murray area, one by the trotting clubs on Eyre Peninsula and two by all other country trotting clubs; such nominations shall be made in accordance with rules under this section."

My amendment will give people in outlying areas the opportunity to have representation on the committee of management, which will greatly improve country trotting.

The Hon. Sir LYELL McEWIN—This seems rather an odd amendment to be moved by a speaker who recently said he was opposed to this sort of legislation and asked why a sport should not control its own affairs. Immediately following that, he moved a most parochial amendment to provide that nominations must come from zones. Zoning was discussed earlier and, in fact, was provided for. The league asked that it be dispensed with and that a committee be appointed from a gathering of all these clubs at which I presume they would be just as capable to select the men they desire as by any other means. The league has to meet once a week and it is obvious that the South-Eastern zone would have to seek a city representative, unless it could obtain somebody who could afford a lot of time in travelling. I will submit an amendment later to place more power in the hands of the controlling body. All I can say about the amendment is that it is not desired by the league.

The Hon. L. H. DENSLEY—We have debated very largely on the matter of representation of the Trotting Club, and an objection was raised by the Chief Secretary against giving that body three representatives. Now he suggests that it is parochial to extend throughout the country areas the possibility of representation. Either I do not understand his argument on the previous matter or I do not understand the meaning of "parochial." I feel that the amendment is anything but parochial, as it will give wide-spread representation to all trotting clubs.

The Hon. S. C. BEVAN—I support the amendment, and I do so because of the arguments I have heard that the best representatives possible should be elected as delegates. It has been pointed out to us that country clubs should have adequate representation, and I agree with that. It has also been intimated that two additional country clubs will be registered, but I believe they will not. On my information, they were refused registration on their first application. However, if they are registered, should they not have the opportunity to have representation? What is concerning me is that it has already been suggested that it would be advisable to select the five delegates from areas near the city, the excuse

being that it would save bringing representatives from far-flung parts of the country.

The Hon. Sir Lyell McEwin—It is in their own hands.

The Hon. S. C. BEVAN—I appreciate that, and I think all honourable members realize what will happen. The five delegates will be from country clubs close to the metropolitan area and other country clubs will have no control.

The Hon. Sir Lyell McEwin—How does the honourable member work that out?

The Hon. S. C. BEVAN—It is quite feasible; five representatives are to be elected.

The Hon. Sir Lyell McEwin—By whom?

The Hon. S. C. BEVAN—They are to be elected from the delegates representing country clubs.

The Hon. F. T. Perry—How many representatives has each club?

The Hon. S. C. BEVAN—One at the meeting, and from them the delegates are to be elected. Nobody can fool me by saying that it cannot be pre-arranged who will be the representatives.

The Hon. N. L. Jude—Arranged by whom?

The Hon. S. C. BEVAN—By whoever wants to do so. Honourable members can see by referring to *Hansard* that it was said that it would be wiser to select representatives from the nearer country clubs than the far-flung places.

The Hon. N. L. Jude—Does not the clause permitting proxies do away with that line of argument?

The Hon. S. C. BEVAN—No, because the representative, and not the club, will appoint the proxy. To be fair and just, we must allow representation from all country areas, and the only way to do that is to zone them so we will be quite sure that they will have representation, and that control will not be left to a clique.

The Hon. W. W. ROBINSON—I oppose the amendment because I believe that when the delegates are called together they will select the best five representatives to represent country clubs on the league. If zoning is introduced the best men would not necessarily be appointed. I cannot see how the matter can be prearranged, because the five members will be selected at the meeting.

The Committee divided on Mr. Densley's amendment—

Ayes (10).—The Hon. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, L. H. Densley, A. A. Hoare, F. T. Perry and Sir Wallace Sandford.

Noes (7).—The Hons. E. H. Edmonds, N. L. Jude, Sir Lyell McEwin, A. J. Melrose, W. W. Robinson, C. D. Rowe and R. R. Wilson.

Majority of 3 for the Ayes.

Amendment thus carried.

The Hon. L. H. DENSLEY—I move to insert the words I previously indicated.

Amendment carried; clause as amended passed.

Remaining clauses (5 to 12) and title passed.

Clause 3—"Use of totalizator at trotting meetings"—reconsidered.

The Hon. Sir LYELL McEWIN—In the principal Act, under section 21 (*d*), there is a limitation on the number of meetings which any one club can have outside the metropolitan area. In order to remove that limitation I move—

At the end of line 3 insert "and by striking out paragraph (*d*) thereof."

If there are any vacant dates, or dates allotted to clubs but no longer used, this enables the league to allot them to other clubs. The league has been consulted and assures me that the removal of the 11 days' restriction will not lead to any injustice, that it can be relied upon to ensure that the interests of country clubs will be fully protected and that it would be an advantage to have this restriction removed.

The Hon. F. J. CONDON—I accept the Minister's explanation and see no objection to the amendement.

Amendment carried; clause as amended passed.

Clause 4—"Constitution of South Australian Trotting League"—reconsidered.

The Hon. Sir LYELL McEWIN—I move—

In subclause 2(*b*) after "out" in line 1 insert "at the end of subsection 3".

This amendment is consequential upon the amendment to clause 3 just carried.

Amendment carried; clause as amended passed.

Bill reported with amendments and Committee's report adopted.

RIVER MURRAY WATERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1614.)

The Hon. F. J. CONDON (Leader of the Opposition)—Some years ago, when visiting the Eastern States with the Public Works Standing Committee, I travelled down to Albury from Sydney and have a vivid recollection of the work in progress at Hume dam. The purpose

of the Bill is to ratify an agreement between New South Wales, Victoria and South Australia and the Commonwealth Government respecting works for the conservation and regulation of the River Murray waters. In 1948 provision was made to increase the capacity of the reservoir from 1,250,000 to 200,000,000 acre feet and it is now proposed to increase the capacity further to 2,500,000 acre feet. Provision is also made for the construction of embankments and other works to prevent the loss of water in other States and this work is estimated to cost £100,000. The original agreement provided for an estimated expenditure of £14,000,000 to be shared equally between the three constituent States and the Commonwealth, and the agreement now under consideration provides for an estimated expenditure of £19,750,000. The benefits to be derived from this work will be of major importance to the future development of the Commonwealth as a whole and the States immediately concerned and prepares the way for increased population and production.

Looking back over the past few years we can see the very important part the River Murray has played in the development of South Australia. Only a few years ago we were very anxious to see the northern parts of the State served with Murray water through the Morgan-Whyalla main, and this great work was brought to fruition with magnificent results. Last week I think we were all proud to witness the turning on of the water near Birdwood to augment our metropolitan supplies—another step forward in the development of the State. South Australia has done a great deal in the conservation of water but there is still a lot to be done. This year, owing to lack of average rainfall, has been an anxious one as we were faced with severe water restrictions if the River Murray water could not be made available in time. However, the work was accomplished before restrictions became necessary and I support the compliment paid by the Premier to the engineers for the important part they have played in the development of our water conservation schemes. A well-merited tribute was paid to the Engineer-in-Chief and all his officers, from the highest to the lowest, and I am sure we are all pleased to associate ourselves with that compliment. I support the Bill.

The Hon. J. L. COWAN (Southern)—I support the Bill because I think it has a considerable bearing on the future progress, prosperity and development of this State, having for its object the conservation of a greater volume of water, much of which will be available for irrigation and reticulation. As Mr. Condon said, this Bill is to ratify an agreement entered into by the Commonwealth Government and the contracting States to increase the capacity of the Hume Reservoir from 2,000,000 to 2,500,000 acre feet. The work of enlarging the dam from 1,250,000 to 2,000,000 acre feet previously agreed upon is now in progress, and it has been deemed advisable that the work of further increasing the size of the reservoir should be proceeded with whilst the men, material and machinery are on the spot. This will result in considerable economy in completing the over-all job. The maximum limit of the reservoir is 2,500,000 acre feet. This storage will increase the reserve for drought periods by 1,000,000 acre feet, 200,000 of which will be conserved in Lake Victoria for the express use of South Australia.

In such major undertakings there are various difficulties and problems to be surmounted. In this project the work has been greatly impeded and the cost added to because the small town of Tallangatta will be submerged. A new village must be set up to provide about 300 homes to accommodate about 900 people. Much negotiation has taken place in relation to the shifting of the town. It is readily agreed that people who have lived in their homes for long periods are reluctant to leave and shift to another locality. Therefore, years of negotiation have taken place for the transfer of the township, which is now to be situated at Bolga, a very picturesque site above the high water mark. It has been mentioned that the present work will cost £3,200,000, and South Australia's share will be £825,000, but it is expected that the Snowy River Authority will eventually bear a considerable proportion, perhaps half the amount to be expended on the more recent works. This is because the Snowy River Authority will be discharging considerable volumes of water from the Snowy River, which hitherto had not flown into the Murray, and this cannot be done indiscriminately regardless of its effect on the normal flow of the river. It will therefore be necessary for the Snowy River Authority to construct a conservation scheme so that the water can be released gradually and thus not cause damage, and this can be done by increasing the height of the Hume weir. I feel sure that agreement will be reached whereby the Snowy River Authority will bear a considerable proportion of the cost.

South Australia's share of the additional water is 76,000 acre feet, and it has been computed that this will be sufficient to irrigate an additional 27,000 acres or supply water for

the domestic requirements of 500,000 people. Therefore, I maintain that this Bill is of considerable importance to the welfare of South Australia. It is regrettable that our engineers have been unable to find suitable conservation localities on the upper Murray within the boundaries of the State, because I feel certain that as time goes on it will be necessary to have further conservation schemes from which to draw supplies. At present South Australia is using only about one-third of its previous allocation of water, which it receives on a monthly quota throughout the year under the Murray River Agreement. Therefore, the extra quantity of water will not mean much in the immediate future, but it will in time to come. At the moment two-thirds of South Australia's allocation is running to waste down to the sea. It will be necessary to provide further conservation schemes on the higher reaches to provide additional water for use in irrigation and reticulation. We all know what the Morgan-Whyalla and Mannum-Adelaide water schemes mean to South Australia, and it is essential that we should have continual supplies available to feed those schemes. I am sure other schemes will be established in the years to come.

Although the Hume reservoir was originally constructed to provide water for irrigation purposes, provision was also made in the early stages for the generation of electricity, and several nozzles were inserted at the foot of the weir. Under the new scheme two 25,000 kilowatt generators are to be installed and these will generate during the summer months a considerable quantity of electricity which will be available in the immediate vicinity. Unfortunately, South Australia is too far removed to benefit from this source. After the electricity has been generated the water will still be available for irrigation and other purposes. Not only will the increased capacity of the Hume Reservoir provide water for the purposes I have mentioned, but it should minimize flood dangers in that it will be able to hold a greater quantity of water in flood times. This will be released in such a way as to reduce the peak of a flood. I think South Australia will gain considerably in that respect from the increased capacity of the weir.

As a result of the activities of the River Murray Commission we have a new agricultural economy springing up around the 150 mile fringes of Lakes Albert and Alexandrina. These two lakes now constitute about 300 square miles of fresh water impounded by the barrages at Goolwa. Many private irrigation schemes have been established around the lakes, as well as a Government experimental irrigation area near Milang. The Government's scheme is a very interesting one indeed, and comprises an area of about 38 acres, part of which is irrigated by the sprinkler system and the remainder by open channels. I advise any honourable member who has the opportunity to inspect the area, because the experiment clearly indicates what can be done under these two systems of irrigation. The Government officers there will readily explain to anyone the comparative costs of the two schemes. Associated with many of the private irrigation schemes are large areas of dry land nearby. As a result of these operations, increased production is resulting. I support the Bill in the firm belief that South Australia will derive a very great benefit from the expenditure of money on the Hume weir scheme.

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

TOWN PLANNING ACT AMENDMENT BILL.

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

NURSES REGISTRATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 30. Page 1562.)

The Hon. C. R. CUDMORE (Central No. 2)—I feel compelled to register my regret at the introduction of this Bill. One realizes the difficulties under which Ministers labour in the latter part of the session and also appreciates the difficulties of getting Bills printed. We also know that the Minister of Health who introduced the Bill has other very important portfolios. In my opinion he is a very overworked man. However, it appears to me that this is a matter expressly concerning the Minister of Health. During this session we have had weeks when we have had practically nothing to do and I cannot understand why this Bill, if it is necessary to pass it during this session, was not introduced before.

The Hon. Sir Lyell McEwin—I have heard this sort of talk for 19 years.

The Hon. C. R. CUDMORE—And you will hear it for another 19 years if I last that long. We are now faced with a number of vital matters that we must discuss, including the

Electoral Districts (Redivision) Bill, the Landlord and Tenant (Control of Rents) Act Amendment Bill, the Local Government Act Amendment Bill and the Licensing Act Amendment Bill. These matters are of real importance to everyone in the State and I do not think it is right that when we are engaged in discussing them we should suddenly be asked out of the blue to deal with this matter. The Minister made no apology for bringing in this Bill late and asking us to deal with it. All he said was, in effect, "Here it is, take it or leave it. My intention is all right." I do not know that that attitude is justified. If this Bill did not have to come here until November 30, it can wait until next year. If there are urgent reasons for its passing to deal with the important work these few—and I emphasize the word "few"—people are doing, it should have been brought before us long ago.

There is very little to the Bill. It adds a new Part IIIA to the Act; other nurses are dealt with in Part III of the Act. The wording of new section 33b is the same as section 19, 33c is the same as 21, and so on. The new part is the same in every particular as the old part, the only difference being that for some reason, to which the Minister referred, these people are not to be called registered nurses but enrolled nurses, and that is why we must have a whole new part in the Act. I cannot see any reason why there should be any urgency or hurry about the measure, and unless sound reasons are given I intend to oppose the second reading.

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

AMUSEMENTS DUTY (FURTHER SUSPENSION) BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1614.)

The Hon. C. D. ROWE (Midland)—I support this Bill, which is quite simple and clear in its terms, so I do not think there is need to say very much about it. Its effect is to suspend the levy of amusement duty in this State until July 1, 1958. This State has not imposed amusement duty since 1942 when a Bill was brought in by the Commonwealth Government imposing amusement tax as a war-time measure. The Commonwealth continued to impose that tax until last year and although it was then open to the States to re-enter the field they did not do so. In the second reading speech it was indicated that the Government does not propose to do so until such time as economic conditions make it necessary. Apparently the experience of the Commonwealth was that the tax was most unsatisfactory in that the yield was relatively small compared with the amount of work and the expense involved in collecting it; secondly, that it involved considerable inconvenience to the public; and thirdly, the incidence of the tax in a large measure was upon those least able to pay. I feel it will be welcome news to the general public that they will be able to have their amusements, at least until July 1958, without having to contribute anything to the Government by way of amusement tax. I have pleasure in supporting the second reading.

The Hon. F. J. CONDON (Leader of the Opposition)—I do not think anyone can object to this Bill. The South Australian Government discontinued amusement taxation in 1942 when the Commonwealth Government entered the field. In 1953 the Commonwealth saw fit not to reimpose it. I think this is a step in the right direction, and I therefore support the second reading.

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

LEIGH CREEK NORTH COALFIELD TO MARREE RAILWAY AGREEMENT BILL.

Adjourned debate on second reading.

(Continued from November 30. Page 1573.)

The Hon. A. A. HOARE (Central No. 1)—I have much pleasure in supporting this Bill because I think it is indeed a step in the right direction. It will be of considerable benefit to cattle, and I am very much concerned about them, because I have seen them knocked about and bruised in transit. The new line will hasten the journey and do much to save suffering by the poor beasts transported by railway. It will also improve their value, and the cattle ranch owners should benefit as a result.

The Hon. F. J. Condon—Will we get any cheaper meat?

The Hon. A. A. HOARE—I do not think so, unfortunately, but the people should get some benefit from the quicker transit of the cattle. The Bill provides for the extension of the 4ft. 8½in. gauge from Leigh Creek to Marree. This is the recognized standard gauge throughout the world, with a few exceptions, and I think it would have been of immense value had it been adopted in Australia at the outset. Unfortunately the States, probably for economic reasons, decided upon various gauges.

New South Wales has a uniform 4ft. 8½in. gauge through-out and Victoria 5ft. 3in. South Australia has a mixture of 5ft. 3in. and 3ft. 6in. gauge whereas Queensland with the exception of a short section of 4ft. 8½in. gauge between Brisbane and the New South Wales border, and Western Australia, with the exception of the portion of the East-West line in that State, have 3ft. 6in. gauges. I once travelled from Cairns to Brisbane, a distance of over 1,000 miles, and it was a very slow and tedious journey. I suppose that the East-West train from Port Pirie to Kalgoorlie is one of the best trains in the world, and one immediately notices the difference when one has to tranfer to the 3ft. 6in. gauge coaches at Kalgoorlie for the journey to Perth. All these gauges are a source of annoyance and expense in peace-time, but in time of war they become a positive danger. I believe that during the last war it took three weeks to transfer one unit and all its supplies to Perth, so one can visualize how great the danger would be if this country were ever attacked by a foreign army. Although the expense in these days would be enormous, I think that the work of complete standardization through-out the Commonwealth should be undertaken as soon as possible, and the only authority capable of doing it would be the Commonwealth Government. Years ago we heard a great deal about the completion of the railway to Darwin, but nothing has even eventuated, although the line has gone as far as Alice Springs. One proposal was to carry out the project on the land grant system, under which tracts of land on either side of the railway were to be offered to the contractors for exploitation, in return for the work done. The proposal was to employ about 2,000 Chinese on the work, but the White Australia Policy precluded this and the scheme was never gone on with. The Bill should confer advantages, not only on cattle station owners in the north, but on the people generally and I support the second reading.

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

COMMONWEALTH AND STATE HOUSING SUPPLEMENTAL AGREEMENT BILL.

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

PUBLIC SERVICE ACT AMENDMENT BILL No. 2 (SICK LEAVE).

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

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

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

The Hon. N. L. JUDE (Minister of Local Government)—I move—

That this Bill be now read a second time.

It extends the operation of the Act for a further period of 12 months. It also provides for further modification of the controls imposed by that Act and thus continues the policy of the amending Act passed in 1953 of providing for substantial relaxation of control. It will be recalled that the 1953 Act provided that business premises should, except in one regard to be mentioned later, be entirely freed from control, and that the Act would, in future apply only to dwellinghouses and to premises such as where a dwelling is combined with a shop. It was also provided that new dwellings were to be free from control, that where a dwelling had not been let between September 1, 1939, and December 3, 1953, a letting of the whole of the house would be free from control and that any lease in writing for a term of three or more years of any dwelling would similarly be free from control.

It may be of interest to give some particulars of the results of these amendments of the law. The Housing Trust has, since the 1953 Act came into force in December, 1953, kept records of the rents of premises freed from control which have come to the notice of the trust. It cannot be said that the trust has information relating to all rent movements which have occurred, but a substantial number of cases are known. So far as business premises are concerned, the records show that there have been increases in rent in the case of new lettings. In many cases the increases are relatively small. In the case of some rents there have been steep increases, but these mainly apply to premises in the busy shopping areas in the city of Adelaide where there is a very great demand for business premises and where the volume of business carried out is extensive. As before mentioned, three classes of leases of dwellings were freed from control by the 1953 Act, namely, new houses, houses not previously let since September 1, 1939, and leases in writing for three years.

As regards new houses, the 1953 Act has not been in operation long enough for many houses built for letting to be completed. However, it would appear that, apart from houses built by the Housing Trust, very few houses are being built for letting. The high cost of building probably accounts for this and, whilst

a great deal of private house building is being carried out, almost all the houses are being built for owner-occupiers and not for letting. As regards houses not let between September 1, 1939, and December 3, 1953, no cases of lettings have been reported. There are, however, instances of dwellings having been let on written leases for three years or more. Invariably, these lettings for three years have resulted in increases on the former rents. These increases range from moderate to extensive and lead to the conculsion that the result of freeing all lettings of dwellings from control would be to bring about substantial increases in rents. Whilst there is a considerable amount of house building in progress in the State, there is still a housing shortage and the population of the State is still increasing. The Government is accordingly of opinion that, for the time being, it is still necessary to continue controls over rentals and evictions of dwellinghouses as provided by the Act. Accordingly, clause 10 provides that the Act is to continue in force for another 12 months, that is, until December 31, 1955.

The remaining clauses provide for further relaxation of the existing controls. As was previously mentioned, the 1953 Act provides, among other things, that where a dwelling is leased in writing for a term of three or more years, the provisions of the Act do not apply. It is proposed by clause 3 to provide a further modification of control and the clause provides that a written lease entered into after the passing of the Bill for two or more years is to be free from control. The effect will be that, if a landlord and a tenant agree upon a two year lease of premises and the lease is in writing, there will be no control over the rent and the provisions of the Act relating to evictions will not apply. In addition, clause 3 provides that where the premises in question include a shop, a lease in writing for one year or more will be free from control. Thus, whilst a lease for two years of an ordinary dwelling will be free from control, a lease for one year of a combined shop and dwelling will be free from both rent and eviction control.

Clause 3 also deals with the case of a dwelling house let to an employee of the lessor as a consequence of his employment. The Act already makes some provision for the termination of the tenancy of the lease of an employee tenant and it is now proposed that where a dwelling house is let by a lessor to an employee of the lessor in consequence of his employment the provisions of the Act relating to the recovery of possession of premises will not apply to the lease. Thus, while the provisions of the Act as to rent control will continue to apply, the law which will apply as regards the determination of the lease and subsequent proceedings to recover possession of the premises will be the ordinary law relating to landlord and tenant.

Clause 4.—Paragraph (*r*) of subsection (6) of section 42 provides that it is a ground to give notice to quit if the lessee has, without the consent of the lessor, converted into a dwelling-house premises let as a shop or business premises. The paragraph states as a qualification to the paragraph that the premises are to be required by the lessor for re-conversion to a shop or business premises. Clause 4 strikes out this qualification. The result will be that, if a lessee of a shop and dwelling converts the shop part of the premises into a dwelling house, without the consent of the lessor, that will be a ground for giving notice to quit under paragraph (*r*). Subsection (5) of section 49 provides that, where notice to quit is given under paragraph (*r*) the hardship provisions provided for by section 49 are not to be taken into account.

Clauses 5 and 7.—Subsections (6), (7) and (9) of section 49 and section 55 provide that, in certain circumstances, a landlord who has owned a house for two years may give 12 months' notice to quit to the tenant. In subsequent proceedings to recover possession of the house, the hardship provisions provided for in section 49 do not apply and, in general, the effect is that the court will make an order against the tenant requiring him to give up possession of the house. It is proposed by clauses 5 and 7 to reduce the period of the notice to quit to nine months. The effect will then be that, after the landlord has owned a house for two years he will be able to give nine months' notice to quit to his tenant on the ground that he needs the house for occupation by himself, a son or daughter or an employee and, subject to the other qualifications contained in the relevant provisions, the landlord will, in general, be entitled to an order for possession.

A further amendment to section 49 is proposed by clause 5. It is provided that where notice to quit is given after the passing of the Bill on the ground that the tenant has sublet without the consent or approval of the landlord and the notice to quit is given for a period of six months or more, the provisions of section 49 relating to relative hardship,

etc., are not to apply. The effect will therefore be that, if six months' notice to quit is given on the ground in question and the ground is proved by the landlord in subsequent proceedings in the local court, the landlord will be entitled to an order for possession against the tenant.

Clause 6 provides that where a house comprised in an estate is subject to tenancy, the executor or administrator, as the lessor, may give six months' notice to quit if the house comprises one half or more of the total estate and the notice is given to facilitate a sale of the house required under the will of the testator or to prevent hardship to a beneficiary. In subsequent proceedings in a court to recover possession of the house, the hardship provisions are not to apply and the lessor will then be entitled to an order. The clause will, in general, only apply to a small estate as the value of the house must comprise at least one half of the value of the whole estate and, by enabling possession to be obtained and the house then sold with vacant possession, the persons entitled to the proceeds will not suffer the diminution in value which would obtain if the house had to be sold subject to a tenancy. On the other hand, the tenant will receive at least six months' notice and will thus be given an opportunity to secure other accommodation.

Clause 8 provides that if a person owns and lives in a dwellinghouse and owns and lets another dwellinghouse but owns no other houses, he may give six months' notice to quit to his tenant and, if the purpose of requiring possession of the house is to facilitate the sale of the house, the hardship provisions are not to apply and the tenant must go. It could occur that the two houses comprise the bulk of the property of the landlord and his circumstances may be such that, in order to use his property to the best advantage, he must sell the tenanted house. If he sells the house subject to tenancy he must obviously expect to obtain a price less than if he sells with vacant possession. The clause is intended to help in such a case and, in order to limit its operation, it is confined to a case where the owner only owns two houses and lives in one of them.

Clause 9.—As has been previously mentioned, the amending Act of 1953 provided that business premises were, in general, to be free from control. However, section 109a was enacted in 1953 and provides that, where proceedings are taken in a court for the recovery of possession of business premises and the court makes an order for possession, the order is to be post-dated by six months except where the lessee had failed to pay the rent or had committed a breach of his lease or the premises were reasonably needed by the lessor for his own occupation. The purpose of this provision was to provide that, with the relaxation of control over business premises, those lessees who were given notice to quit soon after the passing of the amending Act of 1953 would have a reasonable space of time in which to secure other premises. It is considered by the Government that sufficient time since the 1953 amendment has elapsed to enable this last measure of control over business premises to be removed and it is accordingly provided by clause 9 that section 109a is to be repealed. The effect will be that, as far as business premises are concerned, the ordinary law of landlord and tenant will be the only law applicable to lettings of these premises.

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

EDUCATION ACT AMENDMENT BILL.

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

ADJOURNMENT.

At 4.52 p.m. the Council adjourned until Tuesday, December 7, at 2 p.m.