LEGISLATIVE COUNCIL.

Tuesday, December 7, 1954.

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

SUPREME COURT RULES.

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

That Rules of Court regulating the admission of practitioners, 1954, made pursuant to section 72 of the Supreme Court Act, 1935-1953, on November 17, 1954, and laid on the Table of this Council on November 23, 1954, be disallowed.

This matter is urgent and the Subordinate Legislation Committee was occupied most of this morning hearing evidence from the Master of the Supreme Court and representatives of the Law Society. It appears on the evidence from both sides that these rules require to be reconsidered as there is lack of unanimity in regard to them. Consequently, in the opinion of the Committee, the wisest thing to do is to disallow them.

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

PARLIAMENTARY PAPERS.

The Hon. Sir LYELL McEWIN (Chief Secretary moved—

That it be an order of this Council that all papers and other documents ordered by the Council during the session, and not returned prior to the prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, be forwarded to the President in print as soon as completed, and if received within two months after such proprogation, that the Clerk of the Council cause such papers and documents to be distributed among members and bound with the Minutes of Proceedings; and as regards those not received within such time, that they be laid upon the Table on the first day of next session.

Motion carried.

RIVER MURRAY WATERS ACT AMENDMENT BILL.

Read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL (GENERAL).

Read a third time and passed.

COMMONWEALTH AND STATE HOUSING SUPPLEMENTAL AGREEMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is to authorize the Treasurer to enter into an agreement with the Commonwealth and the other States for the purpose of facilitating the sale of houses built under the Commonwealth and State Housing Agreement. This agreement was executed in 1945 and the Commonwealth and all the States were parties to it. Its basic purpose was to bring about the erection of houses for rental purposes and the only provision relating to the sale of houses is contained in clause 14. This provides that a house built under the agreement can be sold but that, in the case of a sale, the State must pay to the Commonwealth the full amount of the purchase price and the agreement then ceases to apply to the house. In practice, this has meant that, if a tenant of an agreement house desired to purchase it, he had to make arrangements for the payment of the full purchase price either by the unlikely contingency of providing that amount from his own funds or by securing mortgage finance from some appropriate source and finding from his own resources the difference between the mortgage loan and the purchase price. The result has been that only a limited number of agreement houses has been sold. It is in order to encourage and to facilitate the sale of these houses that the amending agreement in the schedule to the Bill has been agreed upon between the Commonwealth and the States concerned.

The scheme of the amending agreement is as follows. A dwelling erected under the agreement may be sold to the tenant at a purchase price fixed by the State. The minimum deposit is to be 5 per cent of the first £2,000 of the purchase price and 10 per cent of the balance. Included in the rent paid by the tenant prior to becoming a purchaser is an amount for the amortization of the capital cost, and these amortization payments can be credited to the purchaser and regarded as part of his deposit. The interest to be charged on the sale to the purchaser is fixed at 4½ per cent, the maximum advance is to be £2,750 and the period for the repayment of the advance is not to exceed 45 years. Thus, if the purchase price of a house is £2,500, the minimum deposit required would be £150. If the purchase price is £3,000, the minimum deposit payable would be £250 in order to comply with the requirement of a maximum advance of £2,750.

When a house is sold, the State is to pay to the Commonwealth the amount of the deposit and is then to repay to the Commonwealth in equal instalments of principal and interest

over 45 years the outstanding loan liability as between the Commonwealth and State with respect to that house. Thus, the State will become liable to repay to the Commonwealth the liability outstanding under the agreement in respect of the capital cost of the house but the State will be entitled to retain any excess amounts paid to it by the purchaser. As before mentioned, the interest rate payable by the purchaser will be 4½ per cent per annum. Moneys being currently advanced to the State by the Commonwealth under the agreement bear interest at 3 per centum. From the difference between 4½ and 3 per cent the State will meet the administrative costs involved in the sale of the houses and the collection of instalments, and should build up a sufficient reserve to meet any losses resulting from defaults by purchasers.

Special provision is made where the purchaser is eligible for assistance under the War Service Homes Act. In such a case, the house will be transferred direct to the applicant or the Director of War Service Homes, according to the circumstances. The loan account of the State under the agreement will be credited with the purchase price of the house, but the arrangements for the sale of the house to the applicant will be left to the Director in accordance with the War Service Homes Act. Thus the effect is to enable an agreement house to be sold to the tenant on favourable terms. Apart from the minimum deposit, the rate of interest to be charged and the maximum term of the advance, the conditions of sale are to be those fixed by the various State authorities. The purchase price, with the exception of the deposit required from the purchaser, will in effect be financed from the loan moneys already advanced by the Commonwealth to the State for the erection of the house and, whilst the State must take the responsibility for repaying to the Commonwealth the outstanding liability on the house, the difference between the interest rate payable to the Commonwealth and that payable by the purchaser, which will be retained by the State, should be sufficient to provide for the costs of administration and to secure the State from loss.

In this State the Housing Trust is the housing authority which operates under the Housing Agreement. However, the trust did not commence building under the agreement until the beginning of last financial year and consequently the amending agreement will not have the same effect here as it will have in other States. In South Australia the trust has, since 1946, been carrying out a house sales scheme outside the agreement and about 7,500 houses have been built and sold under this scheme which, of course, is still in active operation.

The agreement dealt with by the Bill relates only to houses built under the Housing Agreement and does not apply to the ordinary house sales scheme of the trust. Since working under the Housing Agreement, the trust has used agreement loan funds to finance its rental programme. Many of these houses are double unit houses and are therefore not suitable for sale. Other houses built by the trust under the agreement are single unit houses, most being of timber frame construction, including imported timber houses.

It is expected that, if the amending agreement is executed, many of these houses will be sold to the tenants and, in fact, it is known that a substantial number of the tenants desire to purchase the houses in which they live. As to whether the scheme for the sale of houses will apply to future houses will depend upon the form of any future agreement. The present agreement expires about the end of 1955 and, when consideration is given to its possible continuance, the question of the sale of houses built under the agreement will obviously need to be taken into account.

The Bill authorizes the Treasurer to execute an agreement in the form of the agreement contained in the schedule or an agreement substantially to the same effect. If the Bill is passed by the Parliament of this State and the Commonwealth Parliament passes a Bill authorizing the execution of the agreement, then the effect of the amending agreement is that it will take effect as between the Commonwealth and this State even though all the States concerned have not authorized or approved it. It may be expected that the Commonwealth Parliament will consider the appropriate legislation early in the new year and the result will be that if this Bill is passed this session, sales of houses as provided by the amending agreement could be proceeded with in a few months.

The Hon. F. J. CONDON (Leader of the Opposition)—As the Minister said, the purpose of the Bill is to authorize the Treasurer to enter into an agreement with the Commonwealth Government to facilitate the sale of houses under the Commonwealth-State housing scheme. An agreement was entered into in 1945 which provided that houses under this scheme could be sold, and that the State must pay to the Commonwealth the amounts received. Only a limited number of these houses have been sold, and to encourage

further purchases this amending legislation was introduced. Dwellings erected under the agreement may be sold to a tenant at a price fixed by the State, the minimum deposit to be 5 per cent on the first £2,000 and 10 per cent on the balance. The interest to be charged is 4½ per cent, the maximum advance is to be £2,750 and the period for repayment is not to exceed 45 years. The minimum deposit required is £150, which is a great improvement on existing conditions. If the purchase price is £3,000, the minimum deposit will be £250.

Special provision is made where the purchaser is eligible for assistance under the War Service Homes Act. In this regard, arrangements will be left to the Director of War Service Homes. The housing authority in this State is the Housing Trust. The Housing Trust did not commence building operations under this agreement until the beginning of the last financial year, although other States had taken advantage of it two years before. Since 1946 the trust has been carrying on a house sale scheme outside the agreement and 7,500 houses have been built and sold under that scheme, which is still operating. The present agreement expires at the end of 1955. It was signed by the Commonwealth and all the States nine years ago to carry out a programme of renting houses. An Act assenting to the agreement in this State was passed in January, 1946, but the agreement was not implemented until July, 1953. Under the agreement advances are made by the Commonwealth to the State and are repayable, together with interest, over a period of 53 years in equal annual instalments, unless a shorter period is agreed upon. This should give ample time for people to repay. Interest is charged at a rate not exceeding the current long term borrowing rate for Commonwealth loans. The Commonwealth will bear three-fifths and the State two-fifths of any losses sustained during any financial year as certified by the Auditor-General of every State. During the year ended June 30, 1954, this State borrowed £4,500,000 from the Commonwealth pursuant to the agreement at an interest rate of 3 per cent per annum. To June 30 last 748 houses had been constructed from money provided under the agreement, and 1,895 were under course of construction. This legislation will continue the agreement until 1955. It is some improvement on the law in operation today, and I therefore support the second reading.

The Hon. F. T. PERRY secured the adjournment of the debate.

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

Second reading.

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

That this Bill be now read a second time.

This is a short Bill dealing only with the question of special sick leave for public servants who are temporarily incapacitated from the performance of their duties as a result of sickness due to war service. In recent years, Sir, a number of officers have been obliged through sickness due to war service to absent themselves from duty for periods in excess of the maximum amount of sick leave which can be granted. In such cases they usually apply to the Government for special leave. There is a provision in the Act which gives Ministers power to grant leave in these cases, but it does not go far enough.

Section 75a of the Act provides that the Minister in control of a department may, if he is of opinion that special circumstances justify him in so doing and on the recommendation of the Public Service Commissioner, grant to any officer of the Public Service special leave of absence. Such leave may be granted without pay, or on reduced pay, or on full pay; but if it is granted on pay it must not exceed 16 days in any year on full pay, or a proportionately longer period on reduced pay.

In granting the leave it has been the practice of the Government to deal with each case on its merits. Where the officer receives a pension from the Commonwealth under the Repatriation Act the leave is granted on a rate of pay representing the difference between the officer's pension and his salary. However, the time limit of 16 days on full pay or a proportionate period on reduced pay has proved insufficient in a number of cases of recurring illnesses. The Government has investigated the matter and would be willing to grant some of the officers concerned special leave in excess of 16 days or its equivalent in any year if the law permitted. It is therefore proposed to remove the limit of 16 days in cases where special leave is granted on account of illness due to war service, and to provide that in such cases the amount of leave will be in the discretion of the Minister. In cases, however, where special leave is granted for reasons other than sickness due to

war service, the existing limit of 16 days on full pay or its equivalent on reduced pay will be retained.

In preparing this Bill, Sir, the Government considered whether it should have any retrospective effect. Whatever decision is made on this question, there will necessarily be some anomalies arising from the fact that some cases fall within the provisions of the Bill and others do not. However, after considering the various factors, the Government has decided to ask Parliament to make the Bill retrospective to the beginning of this calendar year. This will mean that officers, who during this year have had to take leave without pay because of sickness due to war service, may be paid their salaries for the period of the leave, less any war pension received from the Commonwealth for the same period.

The Hon. F. J. CONDON (Leader of the Opposition)—The most important clause of this Bill is that relating to retrospectivity. As the Minister said, the measure will be retrospective to January 1 last. I am quite in accord with that, but honourable members should be consistent, and when the Opposition moves for retrospective pay and retrospective legislation I hope it will receive the same consideration as it intends to give to this Bill. The Opposition has sought retrospective pay because of delays in hearing cases by both Federal and State tribunals. I do not think that any employees, whether public servants or others, should be penalized because of delays in hearing cases. Now that wages are pegged the cost of living is increasing beyond recognition, and to meet that increase employees should be entitled to consideration. This measure will give public servants consideration in that direction. Although it is a short Bill, it is a very important one. The present law does not go far enough, so it is proposed that the Minister be given extra power to grant leave without pay, on full pay or part pay. If is is granted on full pay it must not exceed 16 days with a proportionately longer period if on reduced pay. In each case it must be on the recommendation of the Public Service Commissioner. I support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—This Bill contains a very important principle. Since the end of the war many men, who for some time found themselves in reasonably good health, are now falling sick and as a consequence there have been quite a number of absentees in the Public Service on account of illness which has supervened on war injuries. The Act ties the Minister's hands to granting 16 days' sick leave on full pay and a number of public servants have been considerably out of pocket as a consequence. This Bill gives the Minister more discretion for he may, on the recommendation of the Public Service Commissioner, extend the period of leave long enough to cover the disability of the applicant. It is a good Bill which will give relief in a number of deserving cases and I have much pleasure in supporting it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Special leave."

The Hon. F. T. PERRY—The Minister, in seeking authority to make payments at his discretion, is taking a very grave responsibility. It is usual, and very handy, for the departments to have a definite method of procedure in these matters and the present Act limits the period for which full pay can be granted to 16 days, whereas under this Bill the Minister will have full power to determine the period. Mr. Condon said that this was subject to the recommendation of the Public Service Commissioner, and if that is so I am satisfied, but I cannot see any reference to it in the Bill.

The Hon. Sir LYELL McEWIN—That is already provided in section 75a.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted.

EDUCATION ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

This is a one-clause Bill which proposes to empower the Teachers Salaries Board to give some retrospective effect to its awards. The provisions of the Education Act by which the board is constituted at present do not permit this to be done. When the Teachers Salaries Board was created in 1945 its powers were largely modelled on those of the Public Service Classification and Efficiency Board which then had no power to make retrospective awards. Since that time, however, the Public Service Board has been granted such a power. Owing to the rapid changes in money values and wage rates salary claims have increased in

number; and because of the increasing complexity of the principles governing comparative wage justice, claims have tended to take longer to hear and determine. For these reasons the Public Service Board was given power in 1948 to make retrospective awards and there is every reason to believe that it has used this power with care and in the interests of justice.

The South Australian Institute of Teachers recently approached the Government with a request that the Teachers Salaries Board should be given a similar power. This request is supported by the board which pointed out that for a variety of reasons claims for increased salaries now take longer to hear and determine than previously. The board endeavours to hear claims as quickly as possible but a certain amount of delay is inevitable. If the right to an increased remuneration exists at the time when a claim for it is made, it is desirable, in the interests of justice, that the payment of that remuneration should not be unduly delayed. Compensation for any delay can, in effect, be given if the tribunal makes its award restrospective to the date of the claim, or to such later date as may be justified, having regard to the time necessarily taken in hearing and investigating the claim.

For these reasons the Government has agreed to submit this Bill for enabling the board to make its awards retrospective within the limits I have explained, in cases where it is equitable to do so. I may mention by way of support for the Bill that the State Industrial Court has been authorized by legislation passed by this Parliament to give such retrospective effect to its award as the court may consider fair, right and honest, so long as the award does not operate prior to the date when the court first took cognizance of the matter in question. This is a power very similar to that proposed in this Bill.

The Hon. F. J. CONDON (Leader of the Opposition)—I give the Chief Secretary full marks for introducing this legislation, but I am not so much enamoured of him when the Opposition moves amendments, for he then generally gets back to a different type of administration. Again, within a period of a few minutes we are faced with a Bill embodying retrospectivity. On many occasions this Council has rejected retrospective legislation, and I think my remarks on the previous Bill apply to this one which empowers the Teachers Salaries Board to give some retrospective effect to its awards which it cannot do at persent. While we are prepared to extend this benefit to a certain section of the Public Service we should give the same consideration to other sections. There has been a rapid change in money values, and claims for increased rates of pay and higher salaries have increased enormously, making some delays inevitable. The State Industrial Court already has power to award retrospective payments and the sooner we make this principle universal the better for all concerned. I support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—I think this Bill is an attempt to do what the honourable member wishes as it widens the scope of what he is pleased to term retrospective legislation. I do not think any of us is very enamoured of it when it is likely to affect people harmfully. This Bill, however, will do a certain number of people some good, and I think the honourable member agrees with that principle. When there is a flood of applications for increased rates of pay there must be some delays in making determinations and the claimants suffer as a result. It is to bridge this gap that the Bill is introduced. It is not a new principle in the Public Service and on the analogy that what is good for the goose is good for the gander I presume the teachers say, "Why should not we have it too."

The Hon. S. C. Bevan—Why not apply it outside the Service?

The Hon. E. ANTHONEY—They are getting it. At least we are making an attempt to bring those under our jurisdiction within its scope. I support the measure.

The Hon. C. R. CUDMORE (Central No. 2)—My honourable friend Mr. Condon a few moments ago had something to say on this question of retrospective legislation, a position he handled very skilfully, but I want to explain the difference between an alteration in a contract and a decision by a Government board to date an increase back to the date of the application. Under the existing legislation the Government has no power as to retrospectivity, therefore this Bill has been introduced. However, there is a vital distinctive difference between this practice and that of Parliament interfering with people who have made a contract and dating the legislation back, and I want it on record that I, at all events, realize the difference. I suport the measure.

The Hon. S. C. BEVAN (Central No. 1)—I support this legislation and with Mr. Condon congratulate the Chief Secretary on introducing it. With regard to retrospectivity,

an increase can be dated back to the date of the claim; that is important. I understand that an application has been before the board for a considerable time, but because of circumstances it has been unable to reach a decision. This Bill will enable the board to award retrospective pay. I did not intend to speak on the measure, but I think some correction is necessary in reply to the statement concerning the Arbitration Court practice regarding retrospectivity. Mr. Anthoney said that the Industrial Code gave the court such power, but it does not. The chairman of the board sends a copy of the determination to the Government Printer, who publishes it in the *Government Gazette*, and under the terms of the Code it cannot come into operation until 14 days thereafter. So, if one week is missed, a delay of three weeks could elapse before a decision was effective. After the Industrial Court has determined a matter, it can make an order for the award to come into operation on a given day, but not later than the day on which the case was finalized. The court has no power of retrospectivity. I would be pleased if the Government would now amend the Industrial Code to make this practice universal so that an industrial tribunal could make a retrospective order in terms identical with the provisions of this Bill. I support the second reading.

The Hon. F. T. PERRY (Central No. 2)—Salaries have been increased during the last decade to a remarkable degree, and during that time the question of retrospectivity did not arise. We have all been hoping that payments for services had in the main reached their limit. I do not say that no increases should be given, but our aim should be to steady the economic position and arrive at a stage of stability. The Government under this Bill deals with its own officers, and, subject to the decision of this House, has a perfect right to exercise its judgment in regard to retrospective awards, although it places the responsibility on someone else to say whether retrospective payments should be allowed. This question has for a long time resulted in trouble in industry. I think many of these cases relating to increased pay could be settled more quickly than they are, but not under such a clause which gives either side the opportunity to continue argument indefinitely. We should try to arrive at just a few principles, in view of the advanced stage of arbitration, such principles to apply according to conditions.

There should be no excuse for long delays in dealing with increased salaries or altered conditions. I am therefore sorry that at this late stage the Government twice this afternoon has introduced legislation sanctioning the principle of retrospective payments. Under the Bill it is only the Government's finances which will be affected, but I consider its finances just as important as those of outside organizations. The Government should adopt the same principles as those adopted in private enterprise. In no circumstances should this House agree to anything in the nature of retrospective pay under arbitration awards. That is why I shall oppose the Bill. I consider it unnecessary at this time of spiralling costs, which everyone hopes have reached their limit.

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

TOWN PLANNING ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The Bill makes some far reaching amendments to the law relating to town planning. In the first place, it is proposed that there should, in the general interests of the community, be further control over the subdivision of land into building allotments. In the second place, the Bill provides the legislation necessary to enable a plan for the proper development of the metropolitan area to be prepared and given effect. The existing law relating to the control of subdivisions is contained in the Town Planning Act, 1929, and the general scheme of that Act is as follows.

The Act applies to plans of subdivision of land, that is, where the plan, in addition to dividing land into allotments, shows any new or intended street, road or reserve. Plans of re-subdivision are also controlled. These relate to cases where land is divided or subdivided into allotments but where new roads are not involved. The Act applies only to plans which subdivide land into allotments for sites as residences, shops, factories or other like premises and does not apply to agricultural land.

Section 101 of the Real Property Act provides that if land is subdivided for sale into allotments, a plan of subdivision must be deposited in the Lands Titles Office. Section 18 of the Town Planning Act carries the matter further, and, in effect, provides that before an owner of land can use it in a manner which has the effect of subdividing it, a plan of subdivision must be deposited.

Thus, the combined effect of the Real Property Act and Town Planning Act is that, before urban land is subdivided or re-subdivided, a plan of subdivision or resubdivision must be deposited in the Lands Titles Office or, if the land is not under the Real Property Act, in the General Registry Office.

The Town Planning Act provides that before it is deposited with the Registrar-General, a plan of subdivision or re-subdivision must be approved by the Town Planner and the council concerned. In the case of certain re-subdivisions it is provided that the consent of the Town Planner only is required. The grounds upon which approval to a plan may be withheld are laid down in regulations made under the Act and the Act provides that, in the event of the Town Planner or council refusing approval to a plan, the person concerned has a right of appeal to a board called the Town Planning Appeal Board. One defect of the present Act is that a plan of subdivision, when submitted for approval to the Town Planner or the council, must, to a large degree, be considered alone although it is obvious that what should be done with respect to one parcel of land may be considerably affected by what is done or is proposed with respect to other land. Whilst the Town Planner and, to a lesser degree, the council may have some knowledge of what is happening elsewhere that knowledge, Sir, is by no means complete.

It is therefore proposed by the Bill to set up a body to be called the Town Planning Committee which will have the duty of dealing with plans of subdivision and will also be given highly important duties concerning the broad aspects of town planning for which the existing legislation makes no provision. This combination of duties will make the committee particularly well fitted to undertake the supervision of subdivisions. The committee will consist of five members and the Town Planner will be its chairman. The other four members will be appointed by the Governor and their term of office will be four years. One member will be appointed as deputy chairman. A quorum will consist of three members of whom the chairman or deputy chairman is one so that either the chairman or the deputy chairman must be present at every meeting. Members will be paid such fees as are fixed by the Governor.

Under the Bill, all plans of subdivision will have to be approved by the committee and the council concerned. As has been previously mentioned, the grounds upon which a plan may be refused approval are set out in the regulations and it is proposed that, as far as the council is concerned, this state of affairs will continue. As regards the committee it is set out in clause 6 that approval to a plan of subdivision is not to be given unless the committee is satisfied that the plan complies with the various requirements set out in the clause. In general, these are as follows:—

The land must not be liable to inundation by drainage waters or flood waters and all the land must be capable of being satisfactorily drained. The land must be suitable for the purpose for which it is being subdivided and sufficient provision must be made for shopping sites. Natural beauty spots must be preserved but if the committee is satisfied that the land in question has been offered to the Government or the council at a price deemed reasonable by the Land Board and the offer has been declined, approval to the plan is not to be withheld on this ground. The road pattern must be satisfactory and tie in with the road pattern of adjoining land. The plan is to provide for reasonably adequate public reserves having regard to existing reserves. If sufficient provision for reserves is not made by the plan, the committee may require the subdivider to pay to the council an amount not exceeding five per centum of the value of the land proposed to be subdivided. Amounts paid in this manner are to be applied by the council in the purchase of reserves which shall, as far as possible, be in the locality of the subdivided land. This provision is similar to New Zealand legislation and its effect will be to place on the subdivider an obligation either to provide adequate reserves in the land subdivided or to contribute to a fund which the council must use for the purpose of providing reserves.

Two other very important matters are provided for. It is provided that the subdivider must either form and pave all the proposed roadways in the subdivision and provide the necessary bridges and culverts or must make arrangements with the council for carrying out this work at his expense. The provision in question requires the subdivider to provide a roadway 24ft. in width paved with metal consolidated to a depth of 4in. and sealed with bitumen, tar or asphalt. This is a roadway suitable for an ordinary suburban street. This provision makes an important change in the law and places upon a subdivider the duty of providing in his subdivision the roadways of any new street or road. This obligation will, of course, be additional

to that imposed by sections 319 and 328 of the Local Government Act under which contribution to road and footpath costs can be required of owners of land abutting on a street or road. These provisions will, no doubt, be invoked by councils to defray some of the costs associated with constructing water tables, kerbs and footpaths in new streets.

A further requirement as regards land in the metropolitan area is that a plan of subdivision is not to be approved unless the Engineer-in Chief certifies that the land can be advantageously and economically sewered and reticulated with water. Instances have occurred where land which either cannot be effectively sewered or can only be sewered at unduly high cost has been subdivided and sold. The purchasers have then either had to be left without sewers or the State has had to incur excessively high expenses to provide this essential service. It is considered that land in the metropolitan area which cannot be economically sewered or reticulated should not be subdivided unless very good reason exists to the contrary and to meet this remote contingency it is provided that, if the Minister consents, approval may be given to a subdivision of land which cannot be sewered.

As regards plans of re-subdivision, no alteration to the present Act is proposed and the Town Planner and the council will continue to deal with them. Re-subdivisions are numerous but of no general importance. They occur in cases where, for example, an owner of an allotment desires to transfer a strip of land to his neighbour or where the owner of, say, three allotments, wishes to sell the land in two parcels each consisting of one and a half allotments. As has been mentioned, Sir, there is now a Town Planning Appeal Board to which appeals against refusals to approve plans can be made. It is proposed to abolish this Board. In future, appeals from a refusal of a council to approve a plan of subdivision or from a refusal of the Town Planner or the council to approve a plan of re-subdivision will be to the committee. If the committee refuses to approve a plan of subdivision, it is provided that the applicant may require its reconsideration by the committee. If, upon reconsideration the committee still refuses its approval, it must report its reasons to the Minister. The report will be laid before both Houses of Parliament. It will then be competent for Parliament to refer the matter to a joint committee of both Houses. The joint committee, after consideration of the issues involved, may approve of the plan of subdivision or may uphold the decision of the Town Planning Committee refusing approval to the plan.

The other important topic dealt with by the Bill is contained in clause 9. There has been considerable public discussion on the necessity of a plan to regulate the development of the metropolitan area, and clause 9 contains provisions to enable such a plan to be prepared. The committee is required to make an examination of the metropolitan area and an assessment of its probable development. It is to have regard to various fundamental matters which should be considered with respect to the growth and development of an area such as the metropolitan area. Transport problems must be studied and consideration given to what provision should be made for principal highways. The provision of open spaces is another important matter for consideration. A metropolitan area must provide for its industries and there should be a proper balance of industrial and residential areas. The siting of areas for industrial development is therefore of importance. The economical provision of public utilities should be considered and the growth of the metropolitan area should be directed to localities where the provision of these essential services is economical.

All these and other general matters must be considered by the committee which, under the Bill, is required to produce, in due course, a plan setting out what should be done for the proper development of the metropolitan area. With the plan the committee is to present a report. The plan and report are to be laid before Parliament and either House may, from time to time, refer the plan back to the committee for re-consideration and revision. After every revision of the plan by the committee the plan is to be submitted again to Parliament. Either House may disapprove the plan either in whole or in part. If the plan is not disapproved or if part only is disapproved, the plan or part is to be deemed approved by Parliament and may then be submitted to the Governor for approval. If approved by him it then will have the force of law and all subdivisions of land must conform with the plan. In addition, the Governor is given power to make any regulations for carrying the plan into effect. It is provided that any council by-laws which conflict with the plan or the regulations are to cease to have effect. Thus, Sir, the Bill requires the committee to prepare a plan for the development of the metropolitan area for the purpose of securing that development will proceed on the lines which are best in the public interest.

That plan will be subject to Parliamentary scrutiny and approval and will, after being in effect, endorsed by Parliament and the Governor, have the effect of law and lay down the general manner in which the growth of the metropolitan area will be regulated.

The task given to the committee will take some years to fulfil and some interim legislation to control subdivisions contrary to the public interests is considered necessary. It is therefore provided that the Governor, where satisfied that it is in the public interests so to do, may by proclamation declare that any land in the metropolitan area is not to be subdivided. No such proclamation is to be made after the developmental plan has the force of law and, upon the plan having the force of law, any such proclamation is to cease to have effect. If for example, some of the rapidly diminishing tracts of land which should be preserved as open spaces are proposed to be subdivided before the committee produces its plan, it is obvious that, in the public interests, a brake should be placed on this process and this provision will enable such a subdivision to be held up until the plan is ready.

Thus, the general effect of the Bill is that the committee constituted by the legislation will undertake the important task of preparing a developmental plan for the metropolitan area. At the same time, provision is made for adequate control of sub-divisions so that the public interest may be conserved. The committee is given the duty of considering plans of subdivision and, with the knowledge which must come to it in the process of preparing the developmental plan, it must follow that it will be eminently suited for this task.

The Hon. K. E. J. BARDOLPH (Central No. 2)—I shall not indicate until the Committee stage is reached what stand I propose to take on this measure. It has been said in the precincts of this place that members of the Government Party are desirous of shelving the Bill, but the Minister appears to be clamouring for it. I believe it was prompted by articles in the *Advertiser* advocating the establishment of a green belt, which in itself is a very good proposal, but the Bill reminds me of the Joseph's coat of many colours; in essence it is a totalitarian proposal in as much as it will hand the responsibility of this Parliament over to a committee. The Minister said that this committee will consist of five members of which the Town Planner is to be the chairman, the other four to be appointed by the Governor for a term of four years.

If this Bill is to become a workable measure the people who are to be appointed ought to be known. The Town Planning Institute, the Institute of Architects, the civil engineers and the Institute of Surveyors are all intimately associated with town planning in its various phases, yet the Government brings down this measure without indicating who the members of the committee shall be. The only person known to have some knowledge of the subject is the Town Planner, who is to be chairman. The Bill gives completely totalitarian powers to the committee. I agree that, as the Bill provides, natural beauty spots should be preserved, but the Bill also provides that if the committee is satisfied that if land has been offered to the Government or the council at a price considered reasonable by the Land Board and the offer has been declined, approval to the plan is not to be withheld on this ground. The road pattern must be satisfactory and tie in with the road pattern of adjoining land. The plan is to provide for reasonably adequate public reserves and if sufficient provision is not made by the plan the committee may require the subdivider to pay to the council an amount not exceeding 5 per cent of the value of the land proposed to be subdivided. Amounts paid in this manner are to be applied by the council in the purchase of reserves which shall, as far as possible, be in the locality of the subdivided land.

Members will agree, I think, that that gives the committee unlimited powers. Far example, it could arbitrarily require an oval to be established from moneys derived from the 5 per cent of the value of the land to be subdivided. This means that purchasers of blocks will be compelled to pay a local tax to the municipal authorities for the 5 per cent will be passed on to the purchasers and they will be mulcted in this extra payment. Since I have been a member of the Council I have never read a second reading speech asking Parliament to give such extended powers to a committee as is proposed. The Minister said:—

> This provision is similar to New Zealand legislation and its effect will be to place on the subdivider an obligation either to provide adequate reserves in the land subdivided or to contribute to a fund which the council must use for the purpose of providing reserves.

The Housing Trust, which builds homes and shops and provides recreational reserves, will be extempted from the legislation. The Bill cuts across certain sections of the Local Government Act and the Highways Act. I agree that roads should be provided when areas are

subdivided, but the Minister in his speech goes so far as to specify the type of road which must be provided, thus taking it out of the hands of the local council. He said:—

The provision in question requires the subdivider to provide a roadway 24ft. in width paved with metal consolidated to a depth of 4in. and sealed with bitumen, tar or asphalt. This is a roadway suitable for an ordinary suburban street. This provision makes an important change in the law and places upon a subdivider the duty of providing in his subdivision the roadway of any new street or road. This obligation will of course, be additional to that imposed by sections 319 and 328 of the Local Government Act under which contribution to road and footpath costs can be required of owners of land abutting on a street or road. A further requirement as regards land in the metropolitan area is that a plan of subdivision is not to be approved unless the Engineer-in-Chief certifies that the land can be advantageously and economically sewered and reticulated with water.

That will retard development. As the Leader of the Opposition has said from time to time, if one area can pay a certain water rate to meet the charges whereas another cannot, is the latter to be denied the right to the amenity? In his speech the Minister further stated:—

It is considered that land in the metropolitan area which cannot be economically sewered or reticulated should not be subdivided unless very good reason exists to the contrary, and to meet this remote contingency it is provided that, if the Minister consents, approval may be given to a subdivision of land which cannot be sewered.

If the first portion is correct, the latter power should not be in the Minister's hands. I submit that he would not have sufficient knowledge to deal with these matters as proposed. He went on to say:—

As has been mentioned, there is now a Town Planning Appeal Board to which appeals against refusals to approve plans can be made. It is proposed by the Bill to abolish this board.

If the proposed committee refuses to agree to a subdivision the responsibility will be thrown back on Parliament, which can appoint a special committee to determine whether the subdivision shall be proceeded with or not. I submit that this measure should first have been submitted to a Parliamentary Select Committee. If it is necessary for the Public Works Committee to inquire into expenditure on public works exceeding £30,000, then it is equally important that the provisions of this measure should have been dealt with by a Select Committee of both Houses to advise the Government on the best procedure to be adopted. I would like to know in whose fertile brain this measure was formulated.

The Hon. N. L. Jude—It was part of your policy speech at the last elections.

The Hon. K. E. J. BARDOLPH—My honourable friend is not a member of the Labor Party and he would have to serve quite a number of years apprenticeship to become one, yet he pretends to know all about its policy. There is a consistency in all Labor Party policy, but this is a measure of inconsistency. First of all it contains a provision for one set of individuals to do something, then the Engineer-in-Chief is brought in, it is then referred back to the Minister, then brought back to Parliament, and then provision is made for a Select Committee to determine the issue. I will declare my support or otherwise when this Bill reaches Committee stages, and I shall suggest some amendments that I think the Minister in his wisdom will adopt because I know he is optimistic that this measure will work. The Labor Opposition will provide the necessary proposals whereby it can work.

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 December 2. Page 1668.)

The Hon. C. R. CUDMORE (Central No. 2)—Last year the Bill for extension of the landlord and tenant legislation arrived in this House and was read a first time on October 6, which gave honourable members approximately two months to consider its provisions. This year, however, it arrived four days before the proposed end of the session. I regret to have to refer to this matter again, and no doubt the Government will smile, but I say quite seriously that it is bad for the Parliamentary system of government, and for the Parliamentary institution itself, if Parliament is not to be given the proper time for consideration of all the legislation that comes before it.

This legislation has been in operation for 15 years. It is easy enough to say that, except for minor alterations, this Bill only extends the Act for a year, and, therefore, it presents little difficulty and does not afford the necessity for much discussion on the second reading. I intend to move an important amendment, and I therefore feel compelled to speak on the second reading to some extent. I

note with pleasure that the Government, in conformity with its avowed intention of gradually relaxing this legislation, is providing some benefits and making certain minor alterations in favour of landlords. This was a war measure brought in in 1939. The present Act, which as it were, took over the 1939 legislation, was enacted in 1942 and since then there have been many amendments of the Act, and there have been many battles in this place on behalf of the unfortunate private houseowner.

In 1951 the whole matter was submitted to a Committee of Inquiry and in view of its report a general increase of 22½ per cent on the 1939 basis of rent was permitted. We know also that increases have been allowed to compensate for increased rates and outgoings of the landlord. I remind members that when this basic rent was fixed in 1939 rents were lower than they had been in 1927, for we had not quite got over the effects of the depression and the time when houses were empty, and some owners could get no rent for them. At that time the basic wage was £3 18s. whereas today it is £11 11s., an increase of approximately 196 per cent. It is generally recognized, I think, that in the old days numbers of people purchased houses with the idea that they or their widows should live on the rents from them; it was the safest thing they could probably do with their money in order to earn a decent rate of interest on it. What is not so clearly recognized is that, with the legislation we have enacted, it has become extremely difficult for those landlords to live and clothe themselves, and they should be considered in the same way as anybody else in the community.

One could speak on this in detail for several hours. I do not propose to do that, but I shall quote a few figures from the *Year Book of the Commonwealth of Australia No.* 39 *of* 1953. At page 380 it is stated that, on the 1923-27 averages, the "C" series index has been worked out at a basic figure of 1,000. Working from that, in the December quarter of 1939, food and groceries were 927, rent 959, clothing 832. In the December quarter of 1947 they were—food and groceries 1138, rent 977, clothing 1639 and in the December quarter for 1951 they were, respectively, 2311, 1013 and 2930. Those figures cover the whole of Australia and reveal the following percentage increases—food and groceries 149, rent 6 and clothing 252. I have already stated that wages are up by 196 per cent. On page 381 are shown the figures for Adelaide which are very similar to those for the whole of Australia, namely, food and groceries up 144.9 per cent, house rent up 7.9 per cent and clothing up 244 per cent. Those figures clearly show that the rent position has been treated in a different way from everything else and that it is time we did something in justice for these people.

The first thing we have to decide is whether we should continue control. The war, because of which this control was introduced, is long past. Considering reasons why we should not continue control it is an undoubted fact that control and restrictions on rents prevent people from maintaining their properties; cost of painting, for example, has gone up by hundreds per cent. Controls also prevent people from building, and these things contribute somewhat to the shortage of houses. It is almost impossible for private people to build for letting in competition with the Housing Trust. Therefore, what little building has been done in recent years has been by private people for their own use. That is the case for doing away with this control.

On the other side of the picture we must be fair and realize that during the war there was little house building and therefore a lag, which the Housing Trust and the Government have been doing their utmost to make up. We must also realize that the population of South Australia, according to the last census, has increased by 28 per cent and, of course, these additional people have to be housed. I fear that the sudden removal of all controls on rent would cause considerable difficulty with the cost of living and would set up a spiral of costs which would not be good either for the house owner or the rest of the community. Therefore, I feel inclined to agree to an extension of the control for another 12 months in the hope that we will not keep this as a permanent feature of our legislation, such as it has become in some other States. We know that in places like France, where they have had this control permanently and without proper alleviation since the first war, most properties throughout the nation are falling into disrepair.

Now I come to the second question which poses itself. If we are to continue these controls who should pay? At whose expense should we hold rents down? If it is in the interests of the community as a whole that the "C" series index should not be adversely affected, who should pay for it? Is it fair that the private landlord should have to meet the whole cost, or should the taxpayer, by some form of subsidy, see that the landlord at least gets somewhere nearly as much of the good things of this world as are provided so

generously for other people in the matter of wages? Wages have been pegged for some time, but the effect of the Federal Arbitration Court's judgment in the margins' case has practically unpegged them. Our own Government has lately increased the rents of its own properties that are occupied by civil servants. Admittedly, a lot of them were absurdly low.

The Hon. Sir Lyell McEwin—Only to bring them into line with Housing Trust rents.

The Hon. C. R. CUDMORE—I have no doubt that the Housing Trust bases its rents on houses that are new and in good order, but in many cases its rents are higher than private landlords are able to get.

The Hon. Sir Lyell McEwin—Is there any control on new houses?

The Hon. C. R. CUDMORE—No.

The Hon. Sir Lyell McEwin—I think you should make that clear.

The Hon. C. R. CUDMORE—I did not intend to imply anything to the contrary. The control was removed two years ago. It seems only fair that we should do something clear and definite for the private landlord. As everyone knows—my friends of the Opposition better than I do—in many cases there are often two or three wage earners in one house and, therefore, in general, the tenant can afford to pay more, and is in a much better position than the unfortunate landlord who has to live on very small rental income. One could go on to say that there are good and bad landlords as well as tenants, but we have to look at the thing broadly and determine what is a fair thing. Ever since 1951 the Government has been telling us that it is its objective to remove these controls gradually, and I congratulate it on the fact that it has done something each year in a small way for the alleviation of the position of the landlord. However, I think it is time we went a little further than we did in 1951 and gave the landlords a general increase. I therefore propose in Committee to move that instead of the basis being 22½ per cent up on the 1939 figure, it should be increased to 35 per cent. If it is necessary, I will then explain the position more fully.

I believe we have arrived at the time when we should allow a definite increase to those unfortunate people who have been pegged down and had difficulties associated with painting, repairs, etc. all these years. I desire to mention only one other thing. Clauses 5 and 7 deal with the length of notice to be given in special circumstances and relate to people who want to get into their own houses, protected persons, beneficiaries, and those who want to repossess premises occupied by their employees. They are all special cases. When the Government introduced this legislation in the House of Assembly it proposed that the length of notice to be given in these special cases should be reduced from 12 months to six months—a reasonable and proper concession. However, at the last minute and in a spirit of generosity the Government agreed to compromise to make it nine months. Whatever the generosity was, it was at the expense of the unfortunate landlords. Therefore, in Committee I propose to move that the nine months should be reduced to six months. In this place we are the custodians of the rights of property owners, and it is our duty to look at these matters fairly and do what we can to see that they get reasonable consideration. With a view to getting the amendments I have foreshadowed included in the Bill, I support the second reading.

The Hon. S. C. BEVAN (Central No. 1)—The honourable member raised an interesting question when he pointed out that this was a war measure. It has operated for 15 years and it is now proposed to extend it for a further 12 months. Mr. Cudmore dealt with two sides of the question—whether it should be extended or whether as a war measure it should be discontinued. I have heard the honourable member and others say that it was time this legislation was discontinued, but the other line of thought is that it should continue for at least another 12 months because of certain circumstances. The Government has investigated the position, and had it thought it unwise to extend it for another 12 months, the Bill would not have been introduced and the legislation would have lapsed. If it were not continued, there would be such an outcry at the next State elections that the Government would be defeated.

The Hon. Sir Wallace Sandford—We have heard that many times.

The Hon. S. C. BEVAN—I challenge the honourable member to induce the Government to discontinue the legislation at this juncture. Similar legislation in Western Australia was discontinued and there were repercussions. It should be continued in this State because there is still an acute shortage of houses. One clause provides that the period of notice to quit in certain cases shall be reduced from 12 to nine months. That may be all right in some circumstances, but it should not apply generally. A period of 12 months is not too long. On

receiving notification to quit, a tenant could immediately apply to the Housing Trust, but he would be fortunate if he could be allocated a home within 12 months. It is generally considerably longer before a person is granted a permanent home.

Another clause deals with the repossession by an employer of a home occupied by an employee. There may be circumstances which would warrant repossession, such as the employee breaking his contract with his employer. There is another provision for a home to be repossessed in order that an estate can be finalized. The Government has seen fit to provide that six months' notification must be given before possession can be obtained. On the other hand, when an employer has made a home available to an employee it is exempted altogether. This could create considerable hardship if the employer were unscrupulous.

The Hon. F. T Perry—Are there any?

The Hon. S. C. BEVAN—There are some, as the honourable member knows perfectly well, and these are the people from whom tenants should be protected. If the employer wanted to obtain concessions from the employee, he could hold out repossession as a threat. If it is good enough to provide that some limitation should apply to an estate, then it is good enough to provide that it should apply on premises owned by an employer. Under the Bill an employer can obtain possession immediately, yet an estate has a limitation placed upon it. I think there should be at least three months' notification, after which the employer would have the right of repossession of the home.

The Hon. Sir Wallace Sandford—What if he gives notice to quit?

The Hon. S. C. BEVAN—Then there should still be a period, which I suggest should be three months. This would be a protection for the tenant. In a deceased estate, irrespective of hardship to the beneficiaries, a period of six months must elapse before repossession can take place, although the hardship would not occur on an employer any more than on a beneficiary under a will.

The Hon. F. T. Perry—What if the man is a watchman?

The Hon. S. C. BEVAN—I do not know of any watchmen living on the premises.

The Hon. F. T. Perry—What about caretakers?

The Hon. S. C. BEVAN—A caretaker is not a watchman. If the honourable member is referring to a residential caretaker, he usually lives in a flat in the employer's building. It will save my rising in Committee if I intimate that I will not agree to the amendment moved by Mr. Cudmore. We have been given figures of the basic wage and the cost of living under the "C" series index in which rents form part, from 1939 until the present. The establishment and retention of stability was referred to, and if we increase costs of commodities embodied in the basic wage, I ask where will we ultimately get? It was stated that there was only a small change in the cost of living since basic wage adjustments were abandoned, but on the figures made available for the last quarter the basic wage should have increased in this State by 9s. If there is a further increase in rents we will not have the stability to which honourable members referred, and the standard of living will be reduced because the basic wage is stationary.

Mr. Cudmore said that although the basic wage has increased by about 200 per cent since 1939, rents for private dwellings have increased by only 25 per cent, and he contended on that basis that there should be a further increase in rents. It has been pointed out by various members of this Chamber that there has always been a lag of three months in basic wage adjustments, and that the basic wage has been forced up because of an increase in prices. It is no good saying that the basic wage increased first and that prices were raised to catch up with it, because the opposite is the position. Mr. Cudmore made out a strong case for increased rents and pointed out that landlords have to meet increased costs like anyone else. This bears out my previous argument that if price control had not been continued there would have been considerable increases in rent. If there are any further increases in the items in the "C" series index the standard of living will be reduced and it will not be long before we will lapse back into the condition operating before 1939 when there were plenty of houses but no tenants, because people did not have money to pay the rents. I know that landlords have to meet increased costs the same as the wage earner does, but before the Government introduced legislation increasing rents by 22½ per cent the Prices Commissioner must have made an inquiry and considered the increase reasonable.

Mr. Cudmore said that the Housing Trust has adopted a policy of increasing rents and that it is charging more than many landlords. I must admit that this is a fact, but the outlay in building a home must be considered. It

costs about £3,000 to build a home today whereas the homes that I have been referring to were constructed for much less than that. I have heard it said that landlords should receive a fair rate of interest on their capital outlay. I agree with that, but apparently the Prices Commissioner considered this when he increased rents by 22½ per cent. I believe a trust home now costs £2,750 to buy. If that price is compared with the cost of constructing a home several years ago, a big disparity will be noticed, and new homes constructed for rental are exempt from rent control. If we wish to maintain and retain stability we will not be justified in increasing costs any further. I support the second reading.

The Hon. F. T. PERRY (Central No. 2)—We have heard of the many injustices done to landlords because Parliament has prevented them from keeping in step with increased prices in every other sphere of activity. On the other side there is the fact that the tenant is unable to pay any increase in rent and often to obtain a home. Unfortunately, these conditions will always occur and it is rather a mistaken idea that by Act of Parliament we can alter a state of affairs that is forced upon the community in so many spheres. We have endeavoured to control the prices of goods and we know what trouble has arisen in that respect. Mr. Cudmore indicated that between 1939 and 1951 the price of clothing increased by more than 252 per cent despite our endeavours. Since that date there has been a reversal of that condition and prices of clothing are falling.

I was impressed by the figures quoted by Mr. Cudmore, but I cannot understand why there was an increase of only six per cent in rents between 1939 and 1951. It seems to me that the rise should have been more in keeping with the general increase in value of assets of every kind. I am not sure how the "C" series figures are obtained. I can understand that in 1939 there was a definite basis, as prices were reasonably stable, but since 1939 the percentage of old and new houses has vastly changed and I wonder whether the "C" series are figures are still based on the same list of houses as in 1939, or whether a cross-section of houses built since that date is taken into consideration. A reasonable approach would be some recognition of the increased cost of house-building, whether for rental or private occupation. I cannot believe that houses built in 1947 or 1948 would be valued the same as those built in 1939, and this is clearly indicated by the Government's action in respect of its own houses, and the Housing Trust's action in increasing rentals on at least two occasions. If an average rental is taken including such houses as Housing Trust properties, it is probable that many people occupying houses at 1939 rents plus 22½ per cent are living in homes that have been allowed for in the "C" series index at a higher rate. I have never seen a statement of the number of houses that are rented, but it would appear to me that a large number are owned by widows or men who had the idea of providing for their retirement by living upon the rental income. Had they invested their money in shares or other commodities the increased value of the asset would be commensurate with the increases that have taken place in almost every commodity, but in rental values there has been little or no increase; it it one of the few assets which has been pegged. Why? Obviously for the benefit of the tenants, in many cases very estimable citizens, but they do not represent the majority. Most working men receive well above the basic wage, and it seems to me that the time is opportune for an increase of rentals to be granted; therefore I indicate my support of Mr. Cudmore's foreshadowed amendment.

Last year we released business premises from control, and what happened? Many rentals were increased by as much as 100 per cent. In most spheres a person has the right to reap the benefit of increased value, but if the houseowner seeks to get a return from current values he is criticized. There are many pensioners and elderly folk renting houses and a good deal of hardship would be inflicted on people of that type if an unrestricted release of controls were granted. Consequently I feel that something should be done to help them. I would not altogether object to total abolition of price control because I feel that sooner or later we must get on to an even keel in our various conditions of life; there must be an economic levelling which is fair to everybody. I would agree to the abolition of controls despite the hardships it might inflict, but I think it would be better for Parliament to do it in some other way, such as by granting relief to old age pensioners. We should not seek to dam back altogether the natural growth of assets over the last few years. The sooner readjustments take place the sooner will the majority of people be happy, and therefore I indicate my support of the second reading and Mr. Cudmore's amendment.

The Hon. F. J. CONDON (Leader of the Opposition)—There are two sides of this important legislation and I have a great deal of sympathy with the landlord. However, it is not the duty of the Opposition to oppose this measure. If I held the opinions of the Liberal Union and some members here this legislation would not be here, so I say to those members who are conscientious in their beliefs "why not take action"? There are only four Labor men here out of a total of 20 members, so the whole thing is in the hands of the Liberal Party. While I commend those who oppose this sort of legislation for acting in accordance with their beliefs they cannot expect the Opposition to pass the measure for them. Parliament has endeavoured to meet the position of landlords over the past few years. In a time of prosperity our courts pegged wages, but despite that we have improved the conditions of private houseowners. We cannot have it both ways.

Despite a man having to meet the increased cost of living he is not in the same boat as the property-owner. It reminds me of the arguments used many years ago about the poor widow, mother of 10, and that kind of thing. It was an argument which applied to about 2 per cent of the people and had no relation to the remaining 98 per cent. Members of the Liberal Party could reject this Bill if they so desired. I suggest that instead of browbeating this type of legislation they should take a stand and move for its repeal. In some of the States they have a fair rents court. I have always held the view that if a man's wages are to be fixed by a court, then there should be some authority to control rent. The landlord is entitled to some consideration, and I can say he has had it from members of my Party for a number of years. We may not have gone so far as some honourable members would like, but we have supported improvements under this legislation in several respects. The number of houses being built in South Australia annually has fallen. Some will say that people will not build houses for renting whilst this legislation continues.

The Hon. Sir Lyell McEwin—There is no rent control over new houses.

The Hon. F. J. CONDON—The housing position has not improved as we would like, due partly to increased population, and we are still looking for further migrants. The legislation was amended last year to remove from control all business premises and to exempt buildings erected or leased for three years or more after the passing of the amending Act, and also did not apply to dwellings not previously let. The number of rents dealt with by the Housing Trust during 1953-54 was 2,444 compared with 7,801 the previous year. The cost of administration by the trust was more than £13,500, which was met from the State's consolidated revenue. Previously it was met by the Commonwealth Government. Due to the relaxation of control, administration costs were reduced last year by 39 per cent compared with the previous year. Under clause 10 the legislation will continue until the end of 1955. Clause 3 relates to exemptions from the Act. It will not apply when a landlord and tenant agree in writing to a lease of two years, and when premises include a shop if there is a lease in writing for one year. I can assure honourable members I will consider any amendments submittted, but one must have in mind what would give the greatest benefit for the greatest number, not forgetting that even a minority is entitled to consideration. I support the second reading.

The Hon. R. R. WILSON secured the adjournment of the debate.

JOHN MILLER PARK BILL.

Returned from the House of Assembly without amendment.

BAROOTA RESERVOIR SPILLWAY CHANNEL.

The President laid on the Table the report of the Parliamentary Standing Committee on Public Works on the Baroota reservoir spillway channel, together with minutes of evidence.

ELECTORAL DISTRICTS (REDIVISION) BILL.

Adjourned debate on second reading.

(Continued from December 2. Page 1657.)

The Hon. F. J. CONDON (Leader of the Opposition)—I oppose this Bill because it is unjust, unfair and unreasonable. It deals with practically only one House. Experience has shown that this Council has no hesitation in passing legislation that refers to another place, but when it comes to the question of extending the same provisions to electors for both Houses it is strongly opposed by the majority of this Council. I refer to compulsory enrolment and compulsory voting. Under the Bill no effort is being made to give electors the right to choose their Parliament. We talk of democracy, but this Bill does not support that principle. Therefore, I have no desire to be associated with a measure which has for its object the denying of electors' rights to choose

a Parliament on a fair and reasonable basis. It is a pernicious measure, is opposed to Labor principles and is one I hope the electors will revolt against.

When in office Labor has endeavoured to alter the electoral system. One of the first measures introduced when I entered Parliament was submitted by the Gunn Government, the object being to provide for better representation upon a basis of equality. That Bill passed the House of Assembly, but was rejected by the Legislative Council. In 1930 another attempt was made to alter the system, but because a constitutional majority was not available the Bill did not pass. My honourable friend, Mr. Cudmore, spoke very briefly on this measure and said that this Council was not desirous of any radical changes and that he had not heard of an agitation from anyone for such changes. All I need say is that he has not his ear to the ground. The Labor Party, which receives the highest number of votes at elections, is a very powerful Party and has been agitating, together with other bodies, over a period of years for an alteration of our present system since it was introduced in 1936. On November 17, 1954, an editorial under the heading "Mr. Playford at the Crossroads" appeared in the *News*. In the article the following appeared:—

Even loyal members of his own party have repeatedly admitted that in South Australia today there is an overwhelming case for electoral reform.

This paper has a large circulation, yet we have been told by Mr. Cudmore that he has not heard of any agitation for a change in our system. The article continued:—

The redistribution of State electorates in 1936 has now produced a situation where about 180,000 country electors choose twice as many members of Parliament as about 300,000 electors in Greater Adelaide.

The Hon. C. R. Cudmore—Is there anything there about the Legislative Council? That is what I was talking about.

The Hon. F. J. CONDON—I will come to that later.

The Hon. E. Anthoney—Does it say anything about the last redistribution?

The Hon. F. J. CONOON—That was done to keep the Labor Party out of office. We boast about the wonderful record of the Premier, for whom I have a high regard and great respect, but the record has been brought about because of the gerrymander of districts. The editorial continued:—

A rising tide of thinking public opinion, irrespective of party ties, has demanded electoral reforms so that democracy will not be thwarted. In face of this, Mr. Playford has brought forward a Bill for electoral redivision which does nothing to meet the grave charges that the present State electoral system is a complete gerrymander. It virtually ensures the present Government's tenure of office, even should there be a massive anti-Government vote by the people. It was perfectly possible in the last election—and even likely—that if 61 or 62 per cent of South Australian had voted to oust the Playford Government, the votes of the 38 or 39 per cent of Government supporters would have retained for it a majority of seats. Such an electoral set-up is the negation of democracy as our own founding fathers understood it.

I have quoted this because Mr. Cudmore said there was no agitation for an alteration in our present electoral system. We are called upon to debate a safety Bill for the Liberal Party which denies the electors the right to express their wishes efficiently through the ballot box. This Bill proposes to refer the matter to a Royal Commission and in my opinion sets out the conditions that Commission is to consider. An attempt has been made to make it more difficult for the Labor Party to regain office. I think it is in the interests of South Australia to give the people a chance to elect a Government on a fair and reasonable basis.

We speak of our democracy, but I hesitate to think that this measure is democratic. It is proposed to establish a Commission to report on what is the best way to return a Liberal Government. It has been recognized that a growth of population and the change in its distribution has created anomalies, and we have been told it is the Government's policy to make gradual changes in the electoral system, as a result of which it is proposed to appoint three commissioners. The duty of the Commission will be to redivide the State into Assembly districts, and districts will be regarded as being approximately equal if the numbers within them are 20 per cent above or below the quota for districts in the metropolitan area or the country, as the case may be. Why make it 20 per cent; why not 5 per cent? The Commission will also consider the regrouping of Assembly districts into five Council districts. It must provide for two Council districts in the metropolitan area and three from the country. Clause 7 tells the Commission what it must do.

I will now quote a few figures to indicate why I think there should be a change in electoral districts. We must not think that people will always submit to what they have been subjected to over a period of years in representation in both Houses of Parliament.

I am not concerned about what colour the Party will be, but I am concerned to give to a place that is termed democratic the right of a full franchise on a fair and reasonable basis in which the majority opinion will be given effect to. In a number of elections in this State the Labor Party has secured in the aggregate the highest number of votes, yet in the last election only 14 members were elected to the House of Assembly out of a total of 39. I ask if that is a fair system. I can understand people who are dug in not desiring to alter it, but that does not deny me the right to say it is unfair and unreasonable. In this Council there are many good fellows and there is quite a happy atmosphere. However, in the last election the five districts had the following number of voters:—

Central No. 1	50,856
Central No. 2	53,131
Southern	25,323
Midland	18,070
Northern	19,365

This Bill proposes to deal with both Assembly and Council districts. The two Council districts in the metropolitan area, Central No. 1 and Central No. 2, represented by eight members, have 103,987 votes compared with three country districts, represented by 12 members, with only 62,758 voters. Some effort should have been made under this Bill to place the Council on a different basis. We are only too happy to tell another place what it has to do, yet we say that we must protect ourselves, which is not the correct attitude. The numbers to which I have referred are voluntary enrolments. In districts represented by Government members there are bigger enrolments because there are paid organizers to carry out the work.

People are compelled under penalty to vote for the House of Assembly, but we do not do that in relation to this House, which is unreasonable and unfair. This Bill proposes to retain an iniquitous system under which over 60 per cent of the population has one-third of the representation and less than 40 per cent has two-thirds. It proposes to bring metropolitan districts within 20 per cent of the average, which would mean a difference of about 3,600 above or below. That is to say, a member must represent a large number of people in the metropolitan area whereas the country quota is only 3,600. Notwithstanding the Government's previous opposition to all suggestions by the Labor Party for improvement, the metropolitan area should be divided quite separately from the country, and there does not appear to be any justification for providing for a margin as large as 20 per cent. The quota for the metropolitan area will be 22,000, and 20 per cent of that number is 4,400. This means that an enrolment in one district could be as large as 26,400 or as low as 17,600; a difference of 8,000 is not reasonable. The Port Adelaide member could represent 13,000 and the Glenelg member 22,000. Why not have equality? Why not divide the districts under the Federal system, where the quotas are as nearly as possible even?

The Hon. E. Anthoney—This is to bring that about.

The Hon. F. J. CONDON—It is to save a few seats, as my friend well knows. I realize that the Bill will be carried, but we intend to place our side of the question on record. I regard it as one of the worst pieces of legislation to which I have ever had to address myself either in this place or the other Chamber.

The Hon. E. Anthoney—Is not the honourable member pre-judging the case? It has to be referred to the commission.

The Hon. F. J. CONDON—Yes, and the commission is to be given a certain basis to work on which I say is completely wrong, because it does not provide for equality, and takes away something that we have today. I am not speaking about proportional representation but about equality and respect of everyone's opinion, and this Bill does not provide for that. Our present set-up is the worst in Australia simply because some people want to be able to say that we have had the same Government in power since 1933, thereby creating a record.

The Hon. L. H. Densley—You appreciate that it is one of the best Governments in Australia?

The Hon. F. J. CONDON—I appreciate that no other Government has had an opportunity to prove itself, because we are working under a rotten system. It is all very well to pat yourselves on the back and say, "'We have done this and we have done that.'' What has been done has been achieved under a non-democratic system which does not exist in any other part of the Commonwealth.

The Hon. Sir Wallace Sandford—The progress here has been greater than in any other part of the Commonwealth.

The Hon. F. J. CONDON—Quite so and I have never attempted to take credit away from the Government for what it has done, but I say that a Labor Government could have done better had it been given the opportunity. I

would not be proud to be associated with a Government that has forced the present electoral system on the people. We ought to restore the relationship we had in 1936. Population has grown since then in the metropolitan area to a great extent, but in the country only to a very small extent. When the 1936 gerrymander was perpetrated the Liberal Party insisted on two country members for every metropolitan member, which made a country vote worth three times as much as a city vote. Labor contends that city representation should be increased from 13 to 18 and the country from 26 to 27. I will not have a bar of this measure. It may be said that other States have something similar but my reply is that two wrongs do not make a right. Unless we have a more equitable basis Parliament will not make that progress in the years to come that it has made in the past because the people realize the unjust, unfair and unreasonable system that is in force. Therefore, with all the power I possess, I oppose the Bill.

The Hon. C. D. ROWE (Midland)—I have listened with interest to Mr. Condon's speech. It is not often he has to rely on the *News* to make a speech, but today a considerable portion of his remarks were gathered from that source. Therefore, I think it only fair and reasonable that I should quote from the *News* of today's date where on page 8, under the heading "New A.L.P. Fight Looms" a prominent leader of a union affiliated with the A.L.P. admitted that socialism was an issue behind the present dispute. He added that the South Australian Liberal Government seemed to be more progressive than most State Labor Governments. That is the reason why the present Government has remained in office so long; it has given a very satisfactory form of Government to this State, and the answer as to whether any Government is satisfactory or not is to be found, not in some techincal details of the electoral set-up, but whether it has given good Government to the State. It is rather significant that the *News*, which Mr. Condon quotes as such an authority, quotes this Labor leader as saying that this Government has given better government than any Labor Government in Australia.

The object of the Bill is to establish a commission to report on the redivision of the State into electoral districts and the general instructions given to it are, firstly, that the number of members in both Houses is to remain the same; and secondly, that the ratio of country and city representation is to be retained as far as possible, with a tolerance of 20 per cent above or below the quota which, incidentally, is the same margin as is permitted under the Commonwealth Constitution. In making the redivision the main principles to be observed are set out in clause 7, namely (*a*) that the districts are to be such as to give the electors common interests (*b*) to be of convenient shape with reasonable means of access between the main centres of population, and (*c*) as far as practicable, existing boundaries of districts and subdivisions are to be retained. Despite the criticism of the measure in this Council, in another place and in the press it appears to me to be a reasonable and proper attempt to correct anomalies and differences which have cropped up in recent years in a number of electorates because of the movements of population. The commission will be an independent body of competent men, and I am satisfied that they will do their job effectively and that the result will be one which will appeal to all citizens of the country who exercise an intelligent approach to this matter.

Further, in view of the improper and ill-founded criticism of the electoral set-up in this State—most of it from people who have no other objective than to secure for themselves a position in Parliament or a seat on the Treasury benches—and because there is a complete absence of any real grounds for criticism, I feel that I should set out some facts which will enable people to form their own judgment of the situation.

The main argument used for electoral reform is one which is completely fallacious. It is based on the idea what some people are pleased to call the principle of one vote one value. That is not a principle, but simply an idea that has been invented by certain people. As far as I am aware in no electoral system does this idea of one vote one value hold sway. In the United Nations organization, with which Dr. Evatt had a good deal to do, Australia with a population of 7,000,000 has the same voting power as India with a population of 600,000,000, so that does not look like one vote one value. Western Australia, where the Electoral Act was amended in 1947, divided the State into three areas—the metropolitan area, the north-west and the agricultural, mining and pastoral areas. The north-west has three seats and the other 47 seats are divided between the two other divisions. The electoral boundaries are not based on the idea of one vote one value, but on the following basis—firstly, community of interests; secondly, means of communication; thirdly, distance from capital;

fourthly, physical features; and fifthly, maintenance of existing electorates. That was done in 1948, certainly not a long time ago, and the question of population was not mentioned. In Queensland the Electoral Act was altered by the Labor Government in 1949, and they divided the State into four zones, with 24 seats in the metropolitan zone and 51 in the remainder. At the elections in 1953 the positions in the various electorates were as follows:—Electorates with under 5,000 electors, six seats; between 5,000 and 10,000, 34 seats; 10,000 to 15,000, 31 seats; 15,000 to 20,000, three seats, and over 20,000, one seat. It shows that the Labor Government from 1949, when they altered the electoral set-up, certainly did not adopt anything like the idea of one vote one value.

In the Federal House of Representatives we must remember that the present electoral set-up was brought into being by the Chifley Labor Government, which everyone admits was one of the most outstanding and successful Labor Governments this country has seen—far more successful than the present Labor set-up in the Federal sphere. Under this set-up Kingston in South Australia has 50,000 electors, Maranoa in Queensland, 66,000 and Kennedy in Queensland, 28,000. So under the Labor Party's own set-up we have one electorate with 28,000 voters and another with 66,000. Obviously, there was no attempt by the Chifley Government to deal with the position on the basis of one vote one value.

That is all the more emphasized when we come to deal with the Senate, where we find that there are 10 senators for each State. It takes 342,000 electors to elect one senator in New South Wales as opposed to 31,000 in Tasmania. The point I submit is that if the South Australian branch of the Australian Labor Party were to put a resolution on its records to go to the annual conference of the Party that it adopt the principle of one vote one value in all Commonwealth and State elections the resolution would not be passed, but would be voted out. That is the answer to all this agitation about one vote one value. I submit it has never been an electoral principle and would not be accepted by the governing council of the Australian Labor Party, as evidenced by what it has done in the various States and in the Federal sphere. Even if we go back to the British Constitution we find that the electoral set-up was brought up to date in 1949 and that instructions were given to the body which looked into the matter that it was to consider the size of electorates, their shape, accessibility, production and population.

When we consider what has applied in every democratic institution and what has been done by every Labor Government in the States and by the Chifley Government in the Federal sphere, we find there is very little argument to support the principle, or what is called the principle, of one vote one value. It is purely an argument of convenience adopted by our opponents in the absence of any better argument to use against the administration in its present state. I have tried to find from where this agitation emanated, and by a peculiar set of circumstances there was placed in my hands the publication *People* of May 5, 1954. I find that a gentleman of another House is the man who takes to himself the credit for raising this issue—the question of one vote one value—and it is rather interesting to note that he was at one time apparently a supporter of the Liberal Party, but for some reasons best known to himself he left that Party and joined the Australian Labor Party. He expresses the opinion in this article that the Labor Party consisted of a number of oafs and numbskulls. Since he expressed that opinion he has joined the Labor Party, but whether he comes in that category at present I am not prepared to say. He also says in this article that he regards the Legislative Council as being a repository for superannuated dodos. That same gentleman says in the article that he does not believe in State Parliament and favours their abolition. Therefore, I think it is common knowledge that this agitation about electoral reform does not arise because the people want to reform State Parliaments, but because the ultimate object of the Labor Party is to secure their abolition.

The Bill is a fair and proper attempt to meet the discrepancies which have grown up over the years. It sets before the proposed commission principles which have to be followed and which have been proved to be sound and practicable in practically all the States of Aus- and in the Commonwealth sphere, and indeed in the British Parliament when the question of electoral reform has to be considered. The main criticism of the Bill is founded on the idea, not the principle, of one vote one value; and that idea has never been adopted by any other constitution when electoral reform was being considered. The test of an electoral system is not the detail, such as how many electors are in each electorate. The main test of any electoral system is the sort of Government it gives the people. It is obvious that a

large number of people in this State, and many people outside it, think that the Playford Government has given an era of prosperity and satisfaction to all sections of the community, the like of which has not been equalled by any other administration, and according to an article in the *News* this afternoon is certainly not equalled by any Labor Government in Australia.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I oppose the Bill and do so for the many and varied reasons which have been submitted by Mr. Condon. The very existence of our Parliamentary institution has been based upon the democratic rights of the people. Right down through the years Mr. President, you and your revered father took a prominent part in moulding the history of this State. You will remember that changes in the electoral system have always been achieved because the people desired them. I want this problem lifted out of the realms of Party politics, because I believe that the very continuance of this institution rests upon our giving to the people the right to have their voice heard in this place on a proper and more equitable basis. It is on those premises that I address myself to this measure.

I want to reply to some of the statements made by Mr. Rowe. I was surprised to hear my learned friend basing his argument in support of this measure upon the Commonwealth Constitution. He mentioned the Senate representation. Every honourable member and every high school child knows that under the Federal Constitution the smaller States have the same representation in the Senate as the larger States, and consequently the figures quoted by my honourable friend do not justify his claim in support of the Government's proposals to inflict a gerrymander on the people. He should know that the Senate is supposed to be a State's House where the State claims can be presented without the machinery of Party politics. Consequently, his arguments are of no avail. He quoted a statement appearing in the *News* tonight of a Labor supporter in Victoria. I read the report. When you, Mr. President, or any other honourable member make a statement upon any important matter you are not ashamed to have your name attached to it, but this mysterious individual who claims that the Playford Government is more progressive than any Labor Government in Australia loses sight of the fact that here we have a peculiar set of circumstances which do not obtain in any other part of Australia or the British Empire. We have seen the position where members of the Government Party refuse to vote for Government policy, and legislation has been the result of the votes of the Opposition in this Chamber. The same position applies equally in the other place where there are 13 members of the Australian Labor Party who have voted with Ministers, resulting in beneficial legislation being passed which the Government claims it placed on the Statute Book. The Labor Party can claim the major part of the credit for that legislation.

The Hon. C. D. Rowe—I thought we were to hear a debate without Party politics?

The Hon. K. E. J. BARDOLPH—This measure is Party politics *in excelsis*. The reform of the franchise is not something which has cropped up only in the last 10 or 15 years. Since Britain has had Parliamentary Government there has always been a clamour for Parliamentary reform. On May 7, 1782, William Pitt, in the House of Commons, moved for the appointment of a Select Committee to consider boundaries and provide for proper representation in the House of Commons. In my opinion the position here in regard to electoral reform is similar to that in Great Britain 172 years ago. This case is similar to that we are advocating in South Australia today. William Pitt said:—

That the frame of our Constitution has undergone material alterations, by which the Commons House of Parliament has received an improper and dangerous bias, and by which, indeed, it has fallen so greatly from that direction and effect which it was intended, and ought to have in the Constitution, I believe it would be idle for me to attempt to prove. It is a fact so plain and palpable, that every man's reason, if not his experience, must point it out to him. I have only to examine the quality and nature of that branch of the Constitution as originally established, and compare it with its present state and condition. That beautiful frame of government which has made us the envy and admiration of mankind, in which the people were entitled to hold so distinguished a share, has so far dwindled and has so far departed from its original purity, as that the representatives ceased, in a great degree, to be connected with the people. It is of the essence of the Constitution that the people should have a share in the government by means of representation; and its excellency and permanency is calculated to consist in this representation, having been designed to be equal, easy, practicable, and complete. When it ceased to be so; when the representative ceased to have connection with the constituent, and was either dependent on the Crown or the aristocracy, there was a defect in the frame of representation, and it is not innovation, but recovery of constitution, to repair it.

These words fit the circumstances that we are now discussing and unless we repair the Constitution on a basis that is acceptable to the great bulk of the people this institution will fall into disrepute. The Government has said that this measure is to maintain the ratio between city and country votes and to equalize the population into two zones, city and country. However, a country vote today is worth three times that of a city vote. The claim made by the Government is totally unfair. I am not opposed to the country having adequate representation, and my Party has never been opposed to amenities being extended there. It will be remembered that Labor Party support helped to bring electricity to country areas when the acquisition of the Adelaide Electric Supply Company was being considered. Out of a total of 39 members in the House of Assembly, there are only 13 metropolitan members. I have no desire to be offensive but it appears to me that this Government will make submissions to the Commission to maintain the *status quo*. I realize that the men who will be appointed to it are of high integrity, but they can only act on the submissions of the Government of the day, and the Premier has pointed out both in the press and in the House of Assembly that there will be a ratio of two to one; in other words, the same as exists today.

Let us follow the history of Parliamentary representation in South Australia. Many years ago we had our first Parliament, and country and city development has marched hand in hand. This great State has been built up by the pioneers who went out into the remote areas to develop them, and it is wrong to say that the members of the Labor Party who are opposing this measure are debarring those people or their descendants from having proper representation in Parliament. What we say is that there should not be this line of demarcation between country and city dwellers, and that, for the purpose of maintaining control, this Government has submitted this measure not to give true and equal representation but to keep in power a Government of the same political complexion. The Government would be well advised to withdraw this measure at this late hour and to bring in proper legislation under which there could be unanimity between all sections and proper representation.

Mr. Rowe mentioned the electorates in other States, but I am not concerned with them. Their Parties and their Parliaments can deal with the problems as they arise. What I am concerned with is that in the House of Assembly the Party of which I am a member suggested that the boundaries be redesigned with a tolerance of 10 per cent, yet, under this measure there may be a tolerance of over 8,500 between districts. With all due deference I say that this proposal is not in conformity with the desires of the founders of our Parliamentary institutions or with the policy that was laid down, and that it will go down in history as one of the greatest gerrymanders ever perpetrated in South Australia. I oppose the measure.

The Hon. E. ANTHONEY (Centrol No. 2) —With the approach of the festive season one might be pardoned if he grew a little reminiscent. As I look across the Chamber at my honourable friend, Mr. Condon, I realize that we have both been here a long time and that a considerable quantity of water has run underneath the bridge in the meantime. When addressing himself to the measure he used some rather strong terms, referring to the Bill as being pernicious and saying that it was rotten legislation. He used all kinds of adjectives which in some circles would be regarded as impolite. I have looked at the measure and read some of the speeches made in the House of Assembly, and the pattern which the honourable member adopted was true to form with that of the Leader of the Opposition in the other House. It would appear that rather concerted action has been taken by the honourable member's Party to say many unkind things on the measure without mentioning any of its virtues.

When the Government was confronted with the question of electoral reform I am sure it considered the unbalance at present apparent in a number of districts. This is due to increased population resulting from immigration and natural increase, which emphasize the need for some realignment of the electorates to bring about equalization. I do not think any Government could introduce a Bill which would give complete satisfaction to everyone. The general public are not concerned so much about the political colour of the Government as with the administration. The State has prospered under a Liberal administration. Members opposite refer to the 1936 distribution as a gerrymander. A gerrymander is defined in the dictionary as an attempt to get an undue advantage by some political means. If a referendum was held tomorrow the Government would be returned handsomely, the people being satisfied that it is doing a good job. I have heard honourable members opposite say that Mr. Playford is the best Labor Premier

we have ever had—an admission that he and the Government are trying to hold the balance evenly and not legislating for any class or section. I come back to the reference by Macauley, "None were for the Party and all were for the State." The Government has endeavoured over the years to legislate for the whole State. At all times it has gone out of its way to legislate in a way to suit every section of the community.

The Hon. F. J. Condon—Would the referendum to which you referred be of House of Assembly or Legislative Council electors?

The Hon. E ANTHONEY—Of all sections of the community. They would say that the Government has done a good job and that they would like it to continue. The honourable member talked about a gerrymander and how the districts were arranged to suit the Liberal Party, but I ask what chance is there of a Liberal representative in Port Adelaide getting into this House? Is that democratic?

The Hon. F. J. Condon—We want to alter that system, but you are always opposed to it.

The Hon. E. ANTHONEY—No we are not. Despite the fact that the honourable member claims that the 1936 measure was a gerrymander this State has made considerable progress since then, and I think it will continue to do so. Never in my experience have we witnessed such full employment in which jobs are chasing men, yet under the administration of the Labor Party there was the greatest unemployment this State has ever known. I cannot see that this legislation will do a great deal of harm because it is a perpetuation of the present system, which is a good one. As far as I can see the people are perfectly satisfied with the system, and they have never been more prosperous. More assistance is given to widows and greater pensions are paid, all of which have been provided under a Liberal Government.

The Hon. K. E. J. Bardolph—That was under a Federal Labor Government.

The Hon. E. ANTHONEY—No, it was not. Quite a number of reforms have been brought in by people who were not Labor representatives.

The Hon. F. J. Condon—Does the honourable member believe in Labor representation in this Council?

The Hon. E. ANTHONEY—I think it is right that Labor should have representation but I protest when members of the Opposition say that all the good things done in this State were done entirely by the Labor Party. Mr. Bardolph referred to the great reforms of 1782 under Pitt. Could anything be more ridiculous than to put this attempt at reform on the same basis as that Pitt was trying to bring about? There was no universal franchise in those days. There was no franchise of any sort until 1918, and then only on a very limited scale.

The Hon. K. E. J. Bardolph—I said there was a clamour in Pitt's time for electoral reform and you are trying to twist what I said.

The Hon. E. ANTHONEY—There has been a clamour all through the ages for electoral reform, but to compare this attempted reform with what happened in Pitt's time is out of the question. I do not intend to go into the details of this legislation because it has been sufficiently well canvassed. However, I feel certain that if the opinion of the public were sought it would result in a complete vote of confidence not only in this Government but in the administration. I therefore have very much pleasure in supporting the Bill.

The Hon. S. C. BEVAN (Central No. 1)—My attitude is one of complete opposition to the measure, which I shall certainly vote against. I listened with interest to the debate and was amazed at some of the statements. Mr. Rowe advanced a theory based on reports in the press and a magazine and expressed the opinion that apparently the Labor Party had only just recently adopted the policy of one vote one value. He quoted the opinion expressed in that magazine as the opinion of the Labor Party, but the opinion of an individual is not that of the Party. My Party had a policy in regard to electoral reform at the last elections and its endorsed candidates propounded that policy. This was before the man Mr. Rowe spoke about was even a member of State Parliament. The policy of the Labor Party is not that which was publicized in the magazine, but one that has been adopted and pursued for years. Legislation was introduced in the House of Assembly to endeavour to obtain electoral reform.

The Hon. C. D. Rowe—Has that policy been pursued in any other State?

The Hon. S. C. BEVAN—I am not concerned with that, but only with what we do in this State. Queensland was mentioned this afternoon, and I have repeatedly heard it said that the Labor Party has a gerrymander there by which it is unable to be defeated. If that is so it is rather remarkable that there was a reversal in the Federal election. Mr. Rowe also quoted the position in the Senate and in Tasmania. However, if a wrong is committed

should it be perpetuated? Government members say that the position in Queensland is wrong, yet in South Australia it is definitely right. In 1936 the present boundaries were drawn up and operated in the 1938 elections. A statement appeared in *Hansard* that "This will keep the Labor Party out of office for 20 years" and every member knows how true that was.

The Hon. F. T. Perry—But one or two Parliaments have had only a small majority.

The Hon. Sir Lyell McEwin—It sounds as though we have had some prophets in Parliament.

The Hon. S. C. BEVAN—That was a good prophecy. Mr. Anthoney said that if an election were held tomorrow the people would repeat their previous decision.

The Hon. Sir Lyell McEwin—Which Party won the election in 1938?

The Hon. S. C. BEVAN—There is no doubt who won the last election and it was not the Liberal Party.

The Hon. Sir Lyell McEwin—But who won in 1938?

The Hon. S. C. BEVAN—The electors would not have the Liberal Party, and because of circumstances apparently they would not have the Labor Party, so a large number of Independents were elected. However, in the election that followed the Independents were overwhelmingly defeated. Mr. Anthoney said that the people had spoken at the last election, and we agree with that. However, I point out that the Labor Party gained 166,526 votes whereas the Liberal Party received only 119,003. We have always been told that the majority rules in this State, but these figures do not lie. Yet we find that in this State a minority rules.

The Hon. Sir Lyell McEwin—How many electorates were not contested?

The Hon. S. C. BEVAN—That worked out about 50/50. When the people did speak there was a majority for Labor and if majorities rule we should have had a Labor Government long ago. The only purpose of this Bill is to perpetuate the present system which is simply a political dictatorship. The Bill provides for the setting up of a commission for the purpose of redividing the electorates. Clause 5 (*a*) provides that the commission shall redivide the metropolitan area into 13 approximately equal Assembly districts and, (*b*), the country areas into 26 approximately equal Assembly districts and (*c*) each proposed Assembly district into subdivisions. Where is the difference from what we have today? What is the use of this commission? There will be no alteration and this is simply an attempt to make quite sure that at the next elections there will not be the same position as developed in the electorates of Glenelg, Unley and Torrens on the last occasion. I suspect that that is all this legislation is for—to make quite sure that the Liberal Party does not lose those seats. Through the increase of population in the various electorates by reason of the Housing Trust's activities, more working class people have gone into those districts and they are naturally Labor supporters. Therefore the majority of the Government is gradually being whittled down and if the same trend continues until the next elections Labor will have majorities in those areas, so this is an attempt to make sure that that does not happen.

If the Government were sincere it would provide for a more equitable redistribution along the lines of population increases, which would normally increase the size of a Parliament and give the people adequate representation, which they have not today when two-thirds of the voters have only one-third of the representation. Notwithstanding this we are told that the present system is fair and just and that no alteration is warranted. It has been asserted that the people are quite happy with the present arrangement, but the Bill merely perpetuates the present set-up for a further period. Clause 6 provides that the commission shall also redivide the State into five Council districts, each of which shall consist of two or more whole Assembly districts. In respect of this clause there are two amendments on the files, both designed to instruct the commission not to inquire into Council electorate boundaries. Are members afraid that the boundaries may be altered to their detriment? Why not put the whole thing in the melting pot and have a thorough investigation, including an examination of the restricted franchise for elections for this Chamber. The people should have the right to elect members to this Chamber just as they have for another Chamber if we are to put into operation that form of democracy of which we claim to be so proud. I shall certainly vote against the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Redivision of Council districts."

The Hon. C. R. CUDMORE—I move—

At the end of subclause (2) to add "and shall as far as practicable retain the existing boundaries of Council districts."

The whole of this Bill, with the exception of clause 6, refers to the House of Assembly. This clause provides that the commission shall also redivide the State into five Council districts each of which shall consist of two or more whole Assembly districts and subclause (2) provides that in making the redivision under this section the commission shall provide for two Council districts in the metropolitan area and three in the country areas. Clause 7, dealing with Assembly districts, provides that the commission shall retain as far as possible boundaries of existing districts and subdivisions, which is a direction not included in the commission's duties in respect of Council boundaries. My amendment, therefore, simply puts the Council in the same position as the Assembly, as I do not think we should be thrown any more wide open than that House. amendment.

The Committee divided on Mr. Cudmore's amendment.

Ayes (13).—The Hons. E. Anthoney, J. L. Cowan, C. R. Cudmore (teller), L. H. Densley, E. H. Edmonds, N. L. Jude, Sir Lyell McEwin, A. J. Melrose, F. T. Perry, W. W. Robinson, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

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

Majority of 9 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (7 to 11) and title passed.

Bill reported with an amendment and Committee's report adopted.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

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

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

This Bill be now read a second time.

It deals with two matters affecting the Electricity Trust, namely, the retiring age for members of the trust and the appointment of district advisory committees. The retiring age is dealt with in clauses 3 and 4. The general question of a retiring age for members of boards appointed by the Government was recently dealt with by Parliament in the amending Public Service Bill. Parliament approved of a general rule that such members should not be subject to a retiring age. The Government considers it equitable that the same principle should now be applied to the members of the Electricity Trust who are at present subject to a retiring age under the special legislation applicable to the trust. Clauses 3 and 4 are designed therefore to repeal the existing provisions on this subject.

Clause 5 deals with the constitution of district electricity advisory committees. The policy speech delivered on behalf of the Government prior to the last election contained the following passage:—

The work of decentralizing industry has proceeded and gratifying results have been achieved. A large amount of secondary industry has been established in conjunction with the forests in the South-East, and this development will be accentuated when the proposed new sawmill is erected at Mount Gambier. The projected power station also will greatly enhance this region's capacity for development. The power stations at Port Augusta and Port Lincoln will enable a more balanced development to take place in those regions. In connection with country power supplies it is proposed that a number of electricity management committees should be appointed. These committees will contain representatives from the local governing authorities, local interests, and the Electricity Trust, and will be available to advise and to assist the trust in the extension of supply in their respective areas.

The chairman of the trust has informed the Government that the very considerable extension of the trust's undertaking into the country calls for a measure of assistance from local bodies in order to enable the trust to make decisions with adequate information as to the special requirements and possibilities of the areas concerned. For this reason the Government has decided to ask Parliament for authority to create district electricity committees to operate within defined districts prescribed by the Governor.

It is proposed that committeemen will be appointed for a term of four years. The function of a committee will be to advise the trust on matters relating to electricity supply within its district. Reports may be made by a committee either pursuant to a reference by the trust, or on the initiation of the committee itself. The trust will be empowered to pay travelling allowances to committeemen, but otherwise the committees will act in an honorary capacity. The Bill contains provisions for majority decisions by committees and for determining, by regulations or decisions of committees, the mode in which their business will be conducted.

The Hon. F. J. CONDON (Leader of the Opposition)—As the Chief Secretary intimated, there are two matters contained in this Bill. The first deals with the question of a retiring age. Last session this Chamber passed a Bill

that gave certain people the right to be re-engaged after reaching the retiring age. This measure will mean that if there are any employees of the trust who are about to retire their time can be extended. I think there is a lot to be said in favour of this, because they may be experienced men. I think it is advisable that experienced men should have the right to continue if they so desire provided they are in good health, and this Bill gives them the opportunity to do so. It also provides for the setting up of committees for the purpose of advising the trust in connection with works in country centres and these men will be paid nothing for their services, but merely travelling expenses. I cannot understand how this is likely to pass; if members are consistent they cannot possibly support it, for when I endeavoured earlier this session to provide for a little monetary consideration to members of councils while travelling on duties on behalf of their councils all but the Labor members rejected it. Now it is proposed to give these committee men what we refused to give a body of men who have for years given their services freely in their respective districts.

The Hon. L. H. Densley—The conditions are not the same.

The Hon. F. J. CONDON—There is always a way out if you want it. These committees will be able to give sound advice because of their knowledge of local requirements and therefore they are entitled to travelling expenses. However, travelling expenses mean more than train or boat fares and the like. I support the Bill, but I am making the point that no-one renders more valuable services to the community than men who have been members of councils for many years, and I regret that members would not do anything for them.

The Hon. L. H. DENSLEY (Southern)—I, too, support the Bill. Parliament having already provided for the elimination of the retiring age of members associated with other semi-governmental activities, it is only reasonable that we should extend the same conditions to members of the Electricity Trust. We are all of the opinion that many people still have a great deal of work left in them when they reach the age of 65 and it is desirable that we should make use of it. The measure provides for the setting up of committees to work in conjunction with the Electricity Trust in country areas. This is probably something that will end in the setting up of independent bodies of management in country districts for the generation and supply of electricity, under the control of the trust. Whether that will be entirely a good thing for country areas I do not know, but it will probably result in higher charges than will be levied in the metropolitan area and other localities served by the Port Augusta and Osborne power stations.

It is readily understandable that the South-East, in particular, will have no direct contact with the supplies generated at those stations and in the foreseeable future there will be a plant to provide electricity for all areas south of the Murray, and consequently the setting up of committees to assist the trust to overcome the difficulty in making decisions in regard to these projects. Possibly in no other districts will this condition apply in a measure comparable with the South-East simply because it is cut off by a very wide tract of sparsely populated country from the trust's main lines. I think it will be a step towards bringing to fruition the Government's policy of supplying electricity to country areas, and from that point of view I have pleasure in supporting it.

Touching on Mr. Condon's reference to payment of members, the Bill does not provide for payment for any services beyond an allowance for travelling to and from meetings of the committee, at such rates as may be determined by the trust. This is very similar to the position in respect of district council members who are paid travelling expenses. I have pleasure in supporting the measure.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Electricity districts."

The Hon. C. R. CUDMORE—I notice a somewhat unusual provision in that subclause (3) provides:—

> Every committee shall consist of such number of members as the Governor determines.

That is to say, it could be any number, and the Governor shall appoint the chairman. I see nothing about a quorum or the chairman having a casting vote, but the final subclause says:—

> The decisions of the committee shall be valid if concurred in by a majority of the members of the committee.

There is a possibility of considerable argument unless some further provision is made. It may be better if subclause (3) were made to provide that the committee shall consist of such number of members as the Governor determines provided it is an odd number.

The Hon. Sir LYELL McEWIN—I think this is an appropriate time to report progress

so as to give the Committee an opportunity to examine this clause further, and I move accordingly.

Progress reported; Committee to sit again.

[*Sitting suspended from 5.45 to 7.45 p.m.*]

EARLY CLOSING ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The object is to make tobacconists' shops exempt under the Early Closing Act. Before 1923, tobacconists shops were exempt shops under the principal Act. This meant that tobacconists were not required to comply with the provisions of the principal Act relating to closing times. In 1923, as a result of petitions and requests from tobacconists, their shops were made non-exempt shops. However, they were not required to close at the ordinary closing times, being permitted to remain open until 8 p.m. on week days and Saturdays, and 9 p.m. on Fridays. Certain tobacconists' goods were made exempt goods from the ordinary closing times to the tobacconists' closing times. In 1945, at the request of tobacconists, the present closing times of 6 p.m. on week days and 12.30 p.m. on Saturdays were fixed.

Last year, as will be remembered, for the greater convenience of the public the Act was amended to permit tobacco, cigarettes and cigarette papers to be sold by exempt shops after the closing times for tobacconists' shops.

Thus hotels, cafes, small goods and sweets shops, among others, were permitted to sell tobacco and cigarettes at any time. This amendment was strongly opposed by the Retail Tobacco Sellers Association. It claimed that the public already had ample opportunity to buy the goods, and that the amendment would gravely damage tobacconists' businesses. The association, however, did not then ask that tobacconists also should be permitted to sell tobacco, cigarettes and cigarette papers after hours. Accordingly, last year's amendment was framed so that it did not affect the closing times of tobacconists' shops.

The association has now approached the Government with the request that tobacconists should be enabled to keep their shops open after their present closing times, and at least enabled to sell tobacco, cigarettes and cigarette papers after those times. It claims that the business of its members has been seriously affected by the amendment made last year, and points out that tobacconists' shops are generally very near a number of other shops. Many of these are exempt and sell tobacco and cigarettes, so that the loss of business may be very considerable. The association claims that their loss through the amendment is particularly serious on Saturday afternoons and public holidays. If tobacco and cigarettes, the principal stock of tobacconists, can be sold by shops other than tobacconists' after the closing times for tobacconists' shops, there seems every reason for permitting tobacconists to sell tobacco and cigarettes after their present hours, should they desire to do so. The Government is accordingly introducing this Bill to make tobacconists' shops exempt shops.

The Government has considered the question of what goods tobacconists should be permitted to sell after hours, and has decided that all the tobacconists' goods which are at present exempt goods between the closing time for ordinary non-exempt shops and the closing time for tobacconists' shops with the addition of pipe cleaners, should be wholly exempted. These goods are as follows:—tobacco, cigars, cigarettes, cigarette papers, snuff, tobacco pipes, cigar and cigarette holders and cases, matches and tobacco pouches. The Government thinks that to restrict tobacconists to selling only tobacco, cigarettes and cigarette papers after hours would be unreasonable. The Bill accordingly makes the goods mentioned exempt goods. In order to safeguard the business of non-exempt shops the Bill prevents the sale of more than one box or book of matches.

Under the principal Act there is a procedure whereby on presentation of a petition a class of shops may be removed from the list of exempt shops.

The Chief Inspector of Factories, who has examined the whole question dealt with in this Bill has recommended that this procedure be not available for the removal of tobacconists' shops from the list of exempt shops until after the expiration of three years from the passing of the Bill. The Government has accepted this recommendation and the Bill provides accordingly. Clause 10 makes tobacconists' shops exempt shops. Clause 11 makes the tobacconists' goods previously mentioned exempt goods. Clause 13 prevents the presentation of a petition for tobacconists' shops to cease to be exempted until after the expiration of three years from the commencement of the Bill The remaining clauses make consequential amendments to the principal Act.

The Hon. F. J. CONDON (Leader of the Opposition)—Last year the Act was amended to permit tobacco, cigarettes and cigarette papers to be sold by exempt shops after the closing times for tobacconists' shops. Thus, hotels, cafes, smallgoods and sweets shops were permitted to sell tobacco and cigarettes at any time. I opposed the 1953 Bill because it trespassed on principles for which I stood regarding the extension of hours. That Bill was strongly opposed by tobacconists, but now they have requested the Government to introduce this measure to extend to them the same conditions as were extended to other shops. They find that since last year's legislation their business has been interfered with. If it is fair to allow certain shops to sell the goods in question, it is equally fair that tobacconists should be allowed to do likewise. I shall not debar anyone whose business has been interfered with from having the same consideration extended to them as were extended to others last year. If certain business people want to sell goods because their next door neighbour is selling similar goods, there is nothing wrong with it. On the facts submitted I think it is right to support the Bill.

The Hon. C. R. CUDMORE (Central No. 2)—Generally speaking, I have always been on the side of those who want to keep their shops open to serve the public. I approach the Bill from that point of view, which is the direct opposite from that of Mr. Condon, who says this is a dangerous breaking down of the Early Closing Act. He said that last year Parliament permitted certain extension for the sale of cigarettes and tobacconists rightly objected to it, but they now say, "If hotels restaurants and exempted shops are allowed to sell tobacco, cigarettes, etc., after the closing time for tobacconists' shops, why should not we be allowed to keep open?" It seems a reasonable argument, and I approach the subject from the point of view that anyone who is prepared to keep open and serve the public with what they want should be allowed to do so. Therefore, I have no hesitation in supporting the Bill.

The Hon. E. ANTHONEY (Central No. 2)—I was very pleased to hear the Leader of the Opposition say he supports this measure. The necessity for it appears to be a fine example of what happens when we attempt to tinker with legislation. Years ago tobacconists sold only tobacco and things allied with it, such as cigarettes, papers and so on. However, their shops have gradually become cluttered with all other types of goods that have no relation to tobacco. In the big emporiums almost anything can be bought, and the poor tobacconist who sets out to carry on his trade finds that he meets with all sorts of competition. Last year I supported the amending Bill relating to shopkeepers because it was intended to be a concession to seaside dwellers and holiday-makers who had not been able to buy cigarettes or tobacco after normal trading hours. Tobacconists found that this has affected their business and they have asked Parliament for protection from the very substantial competition. I agree that the amendment is a reasonable one and I am very pleased to see that this section will be protected in carrying out its legitimate business. The Bill is a simple one dealing with one section of the community that is rendering a useful service and which has every reason to be protected from what it regards as unwarranted competition. For that reason I have pleasure in supporting the measure.

The Hon. C. D. ROWE (Midland)—Last year when we amended the Early Closing Act, the Bill made butter and cheese of any kind exempted goods under the Act. It also made cigarettes, tobacco and papers exempted goods. During the course of discussion, Mr. Melrose moved an amendment to delete tobacco, cigarettes and cigarette papers from the schedule of exempted goods. I supported his amendment and said:—

> As far as I am aware tobacco is still in short supply and the people accustomed to handling these lines are not yet able to get all they require. Apparently the quotas are fixed by a committee within the trade and Parliament has no control over them. Therefore, apart from Mr. Melrose's argument, to allow this to get out of the hands of the people who rely on these lines as their main livelihood is probably unwise.

That amendment was lost and the words "tobacco, cigarettes and cigarette papers" were included in the second schedule to the Act. The amendment was also supported by Mr. Condon and members of the Opposition. Since the matter was dealt with last year, tobacconists have felt that they require the provisions of this Bill to meet the competition. I feel that their request is reasonable, and I support the Bill.

The Hon. F. T. PERRY (Central No. 2)—Although I support the Bill, it does appear that what was done last session was approved of by the public. The view I take in all such matters is that the convenience of the public

must be considered first, not that of tobacconists or shopkeepers. The public should be supplied with its wants under reasonable conditions. A consistent demand was made on the goods exempted last year and as a result the tobacconists wish to be put into line with the other shops. As the shops selling exempted goods are doing good business, it is a natural corollary that those selling only tobacco, cigarettes and papers should be brought into line. The tobacconists desire this because the public wants their goods, and for that reason I support the Bill.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the proposal. It is quite reasonable for retail tobacconists to ask Parliament to give them the same provisions with regard to exempted goods as other shops have. However, the Retail Distribution Committee should distribute the goods to the people who desire to sell them. I know of cases in my own district in which that committee has restricted the supply of these goods to various shopkeepers. As the tobacconists are asking for some measure of protection, I think tobacco, etc., should be supplied to those who wish to sell it. The committee I mentioned should not have the exclusive right to say who shall trade in these goods.

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

STATE BANK ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It has been introduced pursuant to the representations made to the Government by the State Bank Board. It makes some miscellaneous amendments to the Act, the most important of which relate to insurance of properties held by the bank as securities for loans. I will deal with the amendments in the order in which they occur in the Bill.

Clause 3 makes an amendment which is consequential on the alteration of the title of the Public Service Board. This board was formerly known as the Public Service Classification and Efficiency Board and is so described in the State Bank Act. Its title, however, was altered in 1948 to that of Public Service Board, and it is desirable that the State Bank Act should be amended so as to set out the new title, otherwise legal doubts as to the true interpretation of the Act may rise.

Clause 4 repeals section 20 of the principal Act which lays it down that officers of the bank shall not borrow money from the bank. This provision was inserted in the State Bank Act in 1925, apparently because the same principle was recognized in the State Advances Act of 1895, under which the old State Bank operated. The State Bank Board has asked that the provision should now be repealed. It informed the Government that so far as it could ascertain there was no other bank in Australia which was not empowered to lend money to its officers. Other officers of the public service can borrow from the bank, and there is no reason for placing a special disability of this kind on the bank's own officers. The Government therefore decided to propose the repeal of section 20 of the principal Act.

Clause 5 makes a small alteration in the law concerning loans to primary producers under Part VIA of the principal Act. Section 76j lays it down that when an advance is made under Part VIA the borrower must pay to the bank in advance, either in cash or by way of a deduction from his loan, interest for the balance of the first half-yearly period of the loan. The bank has found that this provision is now of no value, and is irritating to customers. There appears to be no reason why primary producers should be singled out for this special treatment. The bank has recommended that section 76j should be amended by striking out the provision for payment of interest in advance. Clause 5 contains the amendment necessary for this purpose.

Clause 6 deals with the insurance of lands and buildings held by the bank as securities for loans. Under the present law the bank is empowered to underwrite fire insurance on any such property, where the borrower is obliged to insure it. It is not compulsory for the bank's customers to insure with the bank, but if they choose the bank as their insurer, the bank has power to underwrite the insurance. Recent events have shown that it is desirable for the bank to have the power to underwrite not only fire insurance, but insurance against earthquake, flood, storm and tempest and other similar risks. It is proposed by clause 7 to give the bank power to underwrite any such insurance on property mortgaged to the bank if the mortgagor so desires.

It is also necessary to extend the bank's power to underwrite insurance so that it can insure not only in cases where the borrower is bound to insure by the terms of his mortgage, but also in cases where the borrower voluntarily insures. Since the earthquake the bank has

asked its existing mortgagors, who are at present only bound to take out fire insurance, to voluntarily extend their insurance to earthquake, storm and tempest, and if the mortgagor desires that the bank should underwrite this insurance there is no reason why it should not do so. I would, however, stress the point that the Bill does not make it obligatory on anyone to insure with the bank. Mortgagors can always choose their own company. Clause 6 also repeals the provision requiring the premiums charged by the bank for insurance to be fixed by the Public Actuary on the basis of the average premium charged by insurance companies. This provision has been found to be unworkable in practice and is entirely unnecessary because the bank has no incentive or desire to charge premiums in excess of those which are ordinarily charged by an insurance company.

The Hon. F. J. CONDON (Leader of the Opposition)—The State Bank has asked for the amendments provided in this Bill and therefore it is a measure to which we should give favourable consideration. Although a servant of the bank may have been employed for many years he is not, under the existing Act, entitled to borrow from the bank. This is not the usual procedure in everyday business life and therefore this proposal to allow that to be done at least does something for servants of the bank, and I do not think anyone can object. Any other member of the public service can borrow from the State Bank so why not the bank's own employees? This amendment is long overdue. The Loans to Producers Act is administered by the State Bank which has played an important part for many years in granting loans to primary producers of all kinds; even a fisherman can go to the bank for assistance provided he has some security to offer. It is pleasing to note that a large proportion of the money advanced to producers has been repaid. The Bill was fully explained by the Chief Secretary so there is no need for me to traverse the same ground. I have pleasure in supporting the Bill.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—This Bill has been introduced because of representations made to the Government by the board of the State Bank. Members will have seen in the Auditor-General's latest report a most interesting summary of the bank's activities. During the last five years, for instance, reserves have risen from £719,000 to about £1,020,000. Assets are £13,500,000 and liabilties £12,500,000. Members of the board are in the best position to know what alterations would be required to allow the organization to function satisfactorily, and, as we know from experience, no matter what care has been taken, with the passing of time adjustments are required to take up the strains and stresses that have developed. This short Bill seems to give every promise for the future of the bank and its responsibilities and activities and I am sure that the suggestions and requirements of the board will receive the most careful consideration.

Clause 4 repeals section 20 of the principal Act which provides that officers of the bank shall not borrow money from the bank. Whatever the reason responsible for this provision in the first place it would appear that no other bank in Australia is prevented from lending money to its own officers. Most banks and other financial institutions encourage their staff to deal with the organization of which they are servants. Clause 5 makes an alteration concerning loans to primary producers. The Act provides that the borrower must pay to the bank in advance interest for the balance of the first half-yearly period of the loan. This has proved irritating to customers and one wonders why section 76(j) of the principal Act has survived so long. It is now proposed to strike out the provision requiring payment of interest in advance.

Clause 6 deals with insurance of lands and buildings held by the bank as security for loans. It is not compulsory for the bank's customers to insure with the bank, but if they choose the bank has power to underwrite the insurance. Events that happened less than a year ago have shown that it is desirable for the bank to have power to insure against such dangers as earthquakes, floods, and tempests. Clause 7 gives the bank power to underwrite such insurance if the mortgagor so desires. I am not quite sure that the statement that the mortgagor can insure wherever he likes is correct and fancy it is a matter of arrangement. The Bill will be of substantial benefit to the board, and I hope it will suit all the requirements for which it was drafted.

The Hon. F. T. PERRY (Central No. 2)—I support the Bill. I was surprised to learn that the State Bank undertook the risk of insurance. From the annual report of the Auditor-General it would appear that the insurance premiums collected by the bank amounted to £2,361 last year, so this branch must be a very small section of its business. Insurance of this type is business which should be done on a fairly big scale, and therefore it

would be far better to have some suitable arrangement with insurance companies which are constantly undertaking this type of risk. The smallness of the business does not warrant the risk involved, if there should be heavy earthquake claims. The Auditor-General's report shows that £12,000 was involved in 196 claims for earthquake damage. The average claim with insurance companies would be nearer £100.

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

BREAD BILL.

The House of Assembly intimated that it agreed to the Legislative Council's amendments.

PUBLIC SERVICE ACT AMENDMENT BILL (GENERAL).

The House of Assembly intimated that it agreed to the Legislative Council's amendment.

SUCCESSION DUTIES ACT AMENDMENT BILL.

The House of Assembly intimated that it agreed to the Legislative Council's amendment.

HIDE AND LEATHER INDUSTRIES ACT SUSPENSION BILL.

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

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

That this Bill be now read a second time.

It suspends the provisions of the Hide and Leather Industries Act, 1948, under which the Commonwealth-wide marketing scheme for hides has been conducted in recent years. The control of hides began and was carried on during the war under National Security Regulations. It depended partly on price control by the Commonwealth and when in 1948 the Commonwealth ceased to control prices the scheme was continued under joint legislation passed by the Commonwealth and all the States.

The basis of the scheme was that all hides produced in Australia became the property of the Hide and Leather Industries Board appointed by the Commonwealth. The board supplied the Australian home market with hides at the relatively low prices fixed by the price fixing authorities and the surplus hides were exported and sold at overseas prices. The total returns from all these sales were pooled. The Australian consumer of hides obtained his requirements at a low price compared with the overseas price. But as very substantial quantities of hides and leather goods were exported and sold at high prices the total returns from the pool were for a long time very satisfactory.

However, the position has now changed. In 1951 the export price of heavy hides returned 61d. a pound while the equivalent local price at that time was 7d. a pound. Since then the overseas price has been steadily reduced and the Australian price was increased by 50 per cent in 1952. By August last the difference between the Australian and overseas prices of cattle hides was only a few pence a pound, although there was still some appreciable difference between the overseas and local prices of yearling and calf skins. At this stage the board after paying its own costs was barely able to return to the producers the local fixed price; and if the overseas price had continued to fall the board would have required financial assistance from the Commonwealth if the scheme was to continue. The Commonwealth refused to consider any such proposition.

Another reason why the scheme has been brought to an end is that an action challenging its legality has been brought in the High Court. Doubts about the validity of the scheme encouraged private trafficking in hides on a large scale and prevented the board from functioning satisfactorily. For these reasons the Commonwealth refused to continue the scheme after August last except for the purpose of winding it up. The Commonwealth Parliament has passed legislation which will eventually result in the operations of the board being entirely discontinued. In these circumstances there is no virtue in keeping in force State legislation enabling the board to acquire any more hides in South Australia. The Bill therefore provides that all those sections of the Act which confer on the board power to acquire any further hides will be deemed to have been suspended on August 16, 1954. When the board has finally wound up its business, it will be desirable to repeal the whole Act.

The Hon. F. J. CONDON (Leader of the Opposition)—Many years ago it was my honour to have been chairman of the Manufacturing and Secondary Industries Royal Commission, of which Mr. Anthoney was also a member. At that time we made an exhaustive inquiry into the damage done by the wrongful branding of hides. Instead of beasts being branded on the rump they were branded on the neck and elsewhere, and this resulted in the value of the hides being considerably reduced. It was pointed out that the loss to Australia was over £1,000,000 a year. The committee's recommendation in this regard was carried into

effect. The Australian consumer receives hides at a low prire compared with that paid overseas. There is no reason why the Bill should not be passed.

It is not a question of what we say in addressing ourselves to a Bill, but one of the research undertaken, no mater how small a Bill may be. That is how considerable time is spent. If I am spared to fight the next election, I have made up my mind that as the Chief Secretary will then be Leader of the Opposition he should be paid some remuneration for his extra services. Nearly every Bill introduced into the House is an amendment of legislation of some years ago and much research is entailed. One must satisfy himself that any legislation is properly scrutinized. I support the Bill.

The Hon. W. W. ROBINSON (Northern)—As the Chief Secretary said when explaining the Bill, it is to suspend certain provisions of the Hide and Leather Industry Act of 1948, which was passed as complementary legislation to a Federal Act. The six States all introduced similar measures to carry on the Commonwealth Act that had been brought into being by National Security Regulations during the war. The objective of those regulations was to secure to the Australian people during the early part of the war all possible resources in the way of boots and leather equipment at a reasonable price. At that time the overseas price was considerably higher than the local price. I remember that when the National Security Regulation was introduced it reduced the price of cattle by £2 or £3 a head, although nobody minded that during the war. As was pointed out tonight, the export price was 61d. a lb. and the local price only 7d. a lb. However, I point out that if this disparity did not exist the price of boots and shoes and other leather goods would have soared, notwithstanding that the price to the producer was fixed. Someone in between must have had a bearing on the price levels because although the price of raw materials was low the price of leather goods was extremely high. There is some doubt about the legality of the 1948 Act which this measure repeals, and I therefore support the second reading.

The Hon. A. J. MELROSE (Midland)—I support this Bill. I think it is well-known that my views are that whenever a board is appointed to control something, the thing that it is controlling rapidly disappears. Mr. Robinson reminded us that this control came in to ensure during the war period that leather goods would be available to Australia in appropriate quantities and at appropriate prices, but like a lot of these boards, it tended to be forgotten and ceased to function according to the original ideas. If this legislation was framed to ensure to the Australian consumer adequate and good supplies of leather goods, it has failed pitifully. Not only has it returned to the producer of hides 7d. a lb. whereas he should have been entitled to 60d., but it is notorious that for years the footwear available to the public has partly consisted of cardboard. The consumer has not been able to get better and cheaper footwear but has only been able to obtain inferior footwear at impossible prices. The board has been a dismal failure, and therefore this Bill has my most whole-hearted support.

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

FRUIT FLY (COMPENSATION) BILL.

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

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

That this Bill be now read a second time.

Its object is to provide compensation for loss arising from the campaign for the eradication of fruit fly which commenced in the spring of last year in the eastern suburbs of Adelaide. On the discovery of fruit fly in the area stripping and spraying were begun and two proclamations were made. The first, made on October 1 last year, prohibited the removal of fruit from the area, and the second, made on October 8, prohibited the growing or planting of certain plants. These plants were tomatoes, peppers, egg plants, ornamental solanum, rock melon, sweet melon and cucumbers. For convenience I shall refer to these plants as "prohibited plants."

Following the practice of other years the Government proposes that compensation shall be given for loss arising from the measures, and is accordingly introducing this Bill. The Bill provides for compensation in the same way as in previous years, except with respect to prohibited plants. The early outbreak of fruit fly creates difficult questions concerning the compensation which should be given with respect to these plants. After giving the whole matter very careful consideration, the Government has decided that the proper course would be to give compensation with respect to the plants only where they were planted before

October 8, 1953. It is not proposed to give compensation to any person who had intended to plant prohibited plants but was prevented from doing so by the proclamation. It is felt that such claims would be difficult to deal with, and that, in any event, the growers concerned would have had an opportunity to grow other plants the growing of which was not prohibited.

The details of the Bill as as follows—Clause 3 provides first that a person who suffers loss by reason of stripping or spraying on any land while the removal of fruit therefrom is prohibited by the proclamation made on October 1 last year shall be entitled to compensation. Compensation will be available both for the taking of fruit and for incidental damage. Second, clause 3 provides for compensation for loss arising by reason of the prohibition of removal of fruit from any land by reason of that proclamation. Third, clause 3 provides for compensation for loss arising when the person is prohibited from continuing to grow a prohibited plant which he had planted on his land before October 8, 1953. Where a prohibited plant was planted before October 8, 1953, a right to compensation will arise under the Bill in one of two ways. If the plant was destroyed by strippers before October 8, the grower will be entitled to compensation for the destruction of the plant. If strippers did not remove the plant before that date the grower will be entitled to compensation by reason of being prohibited from continuing to grow the plant.

Clause 3 also provides that compensation with respect to prohibited plants shall not exceed an amount equal to the expense incurred by the person claiming the compensation in planting and tending the plants before growing the plants became unlawful.

Clause 4 lays down the times within which claims under the Bill must be lodged with the Fruit Fly Compensation Committee. Claims arising from stripping and spraying and from the prohibition of growing plants must be lodged before February 1, 1955, and claims arising from the prohibition of removing fruit by July 1, 1955.

The Hon. F. J. CONDON (Leader of the Opposition)—When this legislation was introduced in 1947 I do not think it was thought that it would be continued some seven years afterwards. However, we have been faced with a similar position year after year and I think we can all be satisfied to know that to a certain extent we have been able to combat successfully a pest that has been so disastrous to this State. However, it would be just as well to place on record what this has cost the State over the period I have mentioned. The campaign to eradicate the Mediterranean and Queensland fruit flies in the metropolitan area, involving the confiscation of growing fruit, the spraying with insecticides, and the payment of compensation for loss sustained by individuals due to the confiscation of fruit and other causes cost the State £854,409 to June 30 last. Of that amount £166,813 was expended during 1953-54. Stripping and disposal of fruit, and spraying cost £130,617 for the financial year ended June 30, 1954, the total for the whole period being £668,593.

Compensation to owners for fruit destroyed for the year ending June 1954 amounted to £35,977 and since the introduction of this legislation the total amount has been £185,333. Fruit fly compensation committee expenses for this year were £219 and the total since the inception £1341. Pursuant to the Fruit Fly Act, 1847-1953 a special committee was appointed to determine claims for compensation from persons who had suffered loss as the result of the action taken by the Government to eradicate this pest. From the 1947 to the 1952 season 14,913 claims were received of which 535 were disallowed. The amount paid was £149,356. For the 1953 season 2,712 claims were received and 54 disallowed, the total expenditure being £35,977. Total payments to date have been 17,625, of which 589 have been disallowed and the total amount paid £185,333. I do not think it was ever expected that it would cost the State the amount mentioned and whether the expense has been justified is a matter of opinion. We know there have been many complaints and whether they have been justified I do not know; it is very easy to criticize, but I know that the Government takes certain steps to prevent the introduction of diseased plants from other States. I hope that we have seen the last of the fruit fly, but we must pass this legislation in case there is a further outbreak. I suport the second reading.

The Hon. E. ANTHONEY (Central No. 2)—I am sure we all join with the honourable member in the hope that this will be the last time we have to pass a measure of this kind. It has been eight years in operation and each year it has cost the State a substantial sum in the attempt to eradicate the pest. There are two or three schools of thought in this matter. Some say that this method will not eradicate the fruit fly, so let us face up to the situation. The Government on the other hand,

no doubt well advised by its horticultural experts, says that this is the proper method. I have suggested, and I dare say others have also, that other countries, and indeed other States of the Commonwealth, adopt other methods. In Western Australia, for instance, every gardener has to pay a tax of, I think, £1 a year. Each garden is inspected by horticultural inspectors and if a tree is found to be diseased, or the owner has not sprayed, or has an accumulation of debris under his trees he is ordered to burn it, and he is subjected to a further penalty. In New South Wales you will not find a fruit tree in the metropolitan area because it has become heavily infested with the fruit fly and the fruit is completely inedible, but they did not adopt methods like this. This expenditure represents a tax which should not be met by the whole State. I think the gardeners themselves should make some contribution towards it.

The Hon. K. E. J. Bardolph—But the gardeners are losing their fruit.

The Hon. E. ANTHONEY—For which they are compensated. I am speaking of protection, which is far better than cure. Some system of inspection ought to be instituted whereby gardeners around the metropolitan area are subjected to some inspection to see they are not hosts for this trouble. How many people systematically spray their trees? I think the practice is much more honoured in the breach than the observance. This is a large sum for the taxpayers to meet and I wonder whether we are getting any closer to the eradication of the pest. We cannot be certain that this expense will not have to be met year after year and we ought to take a much more concrete action. I have no objection to compensating people who lose their fruit, but at the same time there ought to be a levy on the people concerned.

The Hon. K. E. J. Bardolph—Would you advocate that in your own district?

The Hon. E. ANTHONEY—Yes, and I do not think there would be any objection to it. However, we have no option but to support the measure on this occasion.

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

STOCK AND POULTRY DISEASES ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

Its purpose is to confer on the Governor powers to make regulations for the purpose of preventing the introduction or spread of foot and mouth disease and other diseases of stock. Foot and mouth disease occurs in the United Kingdom and has an alarming incidence in Europe. It is widespread throughout the continents of Asia, Africa and South America but, so far, Australia has been free from the disease. The quarantine provisions of the Commonwealth are rigorously enforced with the object of preventing the introduction of this and other diseases into Australia but the Commonwealth Department of Health has expressed the view that no form of quarantine can be a sufficient guarantee against the introduction of the infection of such a disease as foot and mouth disease and has suggested that plans should be formulated with a view to dealing with any occurrence of the disease in Australia.

The matter has been considered by the Australian Agricultural Council and, in view of the disastrous effects an outbreak of foot and mouth disease would have on the livestock industries and export trade of Australia, it has been agreed that, in the event of the disease occurring in Australia, concerted and drastic action should be taken by all States affected to eradicate the disease. The action considered to be necessary is the slaughter of affected stock with the greatest possible speed. In order to enable immediate and drastic action to be taken as soon as the disease occurs, it is considered that legislative power to take these measures should be enacted and thus enable appropriate authority to take speedy action as the occasion arises.

The present provision of the Stock and Poultry Diseases Act provide a variety of powers which are available to deal with the outbreak of disease, including the power of quarantine, but it is considered that these powers do not extend far enough to deal with a disease such as foot and mouth disease. The Bill accordingly provides that the Governor shall have additional powers to make regulations for the control of foot and mouth disease. The Bill also authorizes the making of regulations providing for remedial measures to be taken in respect of any other disease proclaimed by the Governor as a disease to which the Bill will apply. There are exotic diseases such as rinderpest, swine fever and blue tongue, an outbreak of which could also have far-reaching effects, and it is considered that the regulation-making power should extend

to measures to control such diseases. The Bill empowers the Governor to make regulations upon a number of topics.

Provision may be made for the immediate notification of disease and the duty of notification may be placed on the owner of the stock, the proprietor of the land in question and on any veterinary surgeon or other person by whom the stock are treated. Regulations may be made for the quarantine of stock, land, fodder, etc which has been exposed to infection or an inspector suspects may be affected with disease or may have been exposed to infection and for the disinfection of any such fodder, fittings, etc., and of any persons exposed to infection. The regulations may prohibit the removal of stock, fodder etc., from any quarantined area, may prohibit the entry of persons into any quarantined land, and may prohibit persons leaving such land. The feeding of stock may be controlled by regulation and the taking of specimens from disease affected stock may be prohibited.

The most important regulation-making power is one which will enable the Chief Inspector of Stock, with the approval of the Minister, to order the destruction of any stock quarantined by reason of disease or which has been exposed to infection with disease and of any farm produce or fittings which are infected with or have been exposed to disease. A further power will enable the Chief Inspector, with the approval of the Minister, to destroy any wild animals or birds for the purpose of preventing the spread of disease. Thus, the Bill will enable regulations to be made so that, if foot and mouth disease or any comparable disease occurs in South Australia, the necessary remedial action to deal with the disease can be taken with the greatest possible promptitude and without the delay which would perhaps make all the difference between stamping out the disease or not. All regulations made under the Bill will be subject to the ordinary rules relating to subordinate legislation and will be laid before Parliament in the usual way and be subject to disallowance. This Bill is an important one in a stock producing State, and I commend it to honourable members.

The Hon. R. R. WILSON secured the adjournment of the debate.

ADJOURNMENT.

At 10.18 p.m. the Council adjourned until Wednesday, December 8, at 2 p.m.