LEGISLATIVE COUNCIL.

Tuesday, October 29, 1957.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS.

SHEARERS ACCOMMODATION ACT.

The Hon. F. J. CONDON—Will the Minister of Industry inform me whether it is the intention of the Government to introduce a Bill to amend the Shearers Accommodation Act in accordance with an agreement between the A.C.T.U. and the Stockowners' Association?

The Hon. C. D. ROWE—Some time ago representations were made to me by the Stockowners' Association and the A.W.U. for certain amendments to be made to the Shearers Accommodation Act. When I perused the suggested amendments, I found they would extend the scope of the Act to small sheds engaging less than six shearers, and I told the parties concerned that I thought that was not desirable. They subsequently informed me that they were both prepared for the Bill to go on with the deletion of that extension provision. Since that time I have been considering various other sections of the Act, but unfortunately, owing to the difficult position in the Parliamentary Draftsman's office, it is not possible to have the Bill brought to a stage where it can come before Parliament. However, I point out that conditions have been agreed to by the Stockowners' Association and the A.W.U., and therefore if a person is providing new accommodation or is improving old accommodation he would be well advised to see that it conforms with the new conditions included in the agreement between the parties.

ROYAL ADELAIDE HOSPITAL CASUALTY BLOCK.

The Hon. K. E. J. BARDOLPH—In view of the spate of criticism being levelled against the Royal Adelaide Hospital for insufficient accommodation, can the Attorney-General inform the House the reason for the delay in erecting a casualty block at this institution?

The Hon. C. D. ROWE—I think the answer is that the delay in the erection of the casualty block does not rest with the Government. The matter has been before the Public Works Standing Committee for a considerable time—possibly since 1954—and that Committee, with its usual thoroughness, has requested certain information, and has not presented a report to the Government. That is the reason for the delay. As I mentioned on a previous occasion, much of the criticism is, in my view, quite irresponsible, and it has arisen because we find there are varying opinions between the different factions at the hospital and the university as to what is required, and frequently much of the delay that has occurred has been on account of the fact that different people have different opinions on what should be done. That is a difficulty which, of course, is not easily overcome. Also, the Government's consideration in relation to the Adelaide Hospital is not primarily in the interests of the honorary staff or the medical staff; rather, our first consideration must be, and always is, with the patients being treated there. If the matter were approached from that angle, there would be far less room for criticism.

OIL REFINERY FOR SOUTH AUSTRALIA.

The Hon. E. ANTHONEY—As there is considerable apprehension in the minds of some seaside councillors as to the establishment of an oil refinery within their borders, can the Attorney-General state whether any decision has been arrived at with regard to the establishment of this industry, and if so, where it is likely to be located?

The Hon. C. D. ROWE—As the honourable member knows, the Government has for some years been most anxious to secure the establishment of an oil refinery in South Australia and from time to time has been conducting negotiations with various overseas people in the hope of bringing that very important enterprise to fruition. These negotiations are still proceeding, but no decision has been come to, so at present I am not able to inform the House whether they will be successful. If they are not successful, of course, there will be no refinery, so I am not able to state the location of the possible industry.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the reports of the Parliamentary Standing Committee on Public Works on Thevenard bulk loading plant, Port Pirie harbour improvements (progress), and Onkaparinga Valley water supply (final).

POLICE PENSIONS ACT AMENDMENT BILL.

Second reading.

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

The object of the Bill is to provide for a general increase in the pensions and benefits payable under the Police Pensions Act, both to existing and future pensioners. The question of police pensions received the attention of Parliament in 1954 and again in 1956, and members may wonder why it is again necessary to consider the question. The reason is that since the present rates were fixed in 1954, other pensions and salaries which were taken into account at that time have been increased to such an extent as to justify a review of police pensions.

The 1954 Act set a standard which was reasonable at the time when the matter was before Parliament. The aim of that Act was to give members of the force pensions of the same standard as the Public Service, having regard to the different retiring ages, and also rates which would be reasonably in line with those of other States and particularly Queensland, where the system of pensions closely resembles our own. However, since the passing of the 1954 Act other Government pensions have been raised 20 per cent or more, and there have been increases in police salaries in this State, as well as in the pensions payable to police in other States.

Bearing these matters in mind the Government recently referred the question of police pensions to the Public Actuary for an investigation. The Actuary's finding was to the effect that the pensions were now a little over 20 per cent below the standard aimed at in the 1954 Act. The 1956 Act did not improve the general level but merely gave a small increase to the commissioned officers. Upon receipt of the Actuary's report the Government asked him to work out a scheme of increases for the purpose of maintaining the standard of 1954 in the light of the increases which had been granted in other pensions and salaries, and the rates which he recommends are embodied in this Bill.

In addition to a general increase in pensions the Bill makes an alteration in the general scheme of pensions. Formerly there was a basic rate of pension for all members of the force other than commissioned officers, and separate rates for commissioned officers, varying according to their rank. In this Bill a further variation has been introduced, providing a special rate of pension for officers holding the rank of sergeant.

In addition to increasing pensions the Bill also increases the rates of contributions by about 12½ per cent. This is based on the recommendations of the Public Actuary. The percentage increase in contribution is not as great as that in pensions. This is because the Actuary is now able to value the Police Pensions Fund on the basis of interest being earned at 4 per cent whereas previously it was necessary to work on a figure of 3½ per cent. The increase in the interest rate makes it possible to maintain the position of the fund without increasing contributions in the same ratio as pensions. I will now explain the main provisions of the Bill.

In clause 4 there is an interpretation clause to define what rank the Principal of the Women Police shall be deemed to hold for the purpose of the pension scheme. This officer is not called a constable, sergeant or inspector but on the basis of salary it seems that she should be regarded as a sergeant and the Bill lays down a rule to this effect. If there should be any other member of the force who does not hold one of the usual ranks, his rank for the purpose of pension will be determined by the Commissioner.

Clause 5 prescribes the new rates of contribution. Contributions payable by members below the rank of sergeant are increased by about 8½ per cent on the average. Contributions payable by sergeants and commissioned officers will be the new rates applicable to the members below sergeant, plus a percentage of those rates, commensurate with the higher pensions proposed for sergeants and commissioned officers. The maximum limit of contributions is also increased in harmony with the general increase. Clause 6 is a consequential amendment which has been rendered necessary mainly by the legislation providing for a Deputy Commissioner of Police to be appointed, with a retiring age of 65.

Clause 7 sets out the amount of the general increase in police pensions. It will be seen that the normal annual pension on retirement is being increased from £364 a year to £420 and the cash payment from £1,250 to £1,500. These figures represent an increase of 20 per cent in the cash payment and 15½ per cent in the annual rate for constables. In addition, however, sergeants who formerly received the constables' rate of pension will obtain substantially larger increases, thus bringing the average increase to sergeants and constables to about 21½ per cent.

Clauses 8, 9 and 10 make corresponding increases in the pensions payable on retirement through injury or invalidity, and in the benefits for widows. Under the present law a person who retires through an injury received in the course of his duty is entitled to the ordinary annual pension of £364, plus a cash payment based on the length of his service and age. If the length of his service is 10 years or more the payment is £400 plus £40 for each year by which the contributor's age at retirement exceeded 40. It is proposed in this case to increase the annual pension to the new basic figure of £420. The cash payment will be raised to £500, and the additional payment for each year of the member's age at retirement in excess of 40, will be raised from £40 to £50. The maximum cash payment in these cases is raised from £1,250 to £1,500.

Invalidity pensions are also raised proportionately by clause 9. Under the present law a man who retires on invalidity with between 10 and 15 years' service gets a pension of £182 and a cash payment. The pension is being raised from £182 to £210. The cash payment, which is at present £400, plus £40 for each year by which the member's age exceeds 40, is raised to £500, plus £50 for each year. Corresponding amendments are made in the pensions for members who retire on invalidity after 15 years' service.

Clause 10 increases the pension for widows and children. The pension for widows of members who die while still in the force is raised from £182 a year to £210. The cash payment which a widow receives is raised from £400, plus £40 for each year of the member's age in excess of 40, to £500, plus £50 for each such year. The special allowance of £39 a year for children of a deceased member is raised to £52. The annual pension for the widow of a pensioner is raised from £182 to £210 a year and a child's allowance in these cases from £39 to £52 10s.

Clause 11 sets out the new rates of pension for sergeants and commissioned officers. These rates are based on the basic pension for ordinary members of the force, with an additional proportion depending on the rank of the officer. The table in clause 11 sets out the additional proportions. Sergeants will receive one-tenth more than the basic rate, third class inspectors three-tenths, second class inspectors two-fifths, first class inspector one-half, and senior inspectors, superintendents, deputy commissioners and the Commissioner three-fifths. These incremental amounts are, in general, at least 10 per cent higher than the incremental amounts formerly prescribed.

Finally clause 12 prescribes an increase in all existing pensions of 21½ per cent. The normal annual rate of £364 will be raised to approximately £442 and other rates will be raised in proportion to these.

The Hon. F. J. CONDON (Leader of the Opposition)—I support the Bill. I do not think any objection can be taken to this legislation. The Government has acted in this matter on the recommendation of the Public Actuary, and the proposed increases will bring police pensions into line with what was intended in 1954. The police pension scheme is different from other pension schemes, and members will realize why. Members of the police force are compelled to retire on reaching the age of 60. They encounter dangers that other people do not have to face, and because of this and the earlier retirement age they are entitled to a reasonable scheme.

Subscriptions to the fund amounted last year to over £50,000. The subsidy from the Treasury amounted to £120,000, and the interest was nearly £39,000. Pensions paid to police officers during the year ended June 30 last amounted to just over £71,000, and £23,656 was paid to the dependants of police officers, making a total payment of £95,213. The accumulated funds amounted to over £1,000,000, and therefore I think Parliament can well pass this legislation. It is proposed to increase the pensions of those who have already retired from £364 to £442 per annum, which is higher than the pension to be paid in future to those below the rank of sergeant. It is proposed to increase the maximum cash payment made to a police officer on retirement from £1,250 to £1,500. This will provide some compensation to those retiring after the passing of the Bill. Officers will make an additional contribution of 12½ per cent. I do not think any honourable member can reasonably object to this legislation.

From time to time we are asked to pass legislation covering pension schemes for others, such as members of the public service and the police, but some people have the idea that if we deal with legislation providing superannuation for members of Parliament, members are getting something that is not available to anyone else. That idea is quite wrong.

The Hon. J. L. S. Bice—How does our scheme compare with that in Western Australia?

The Hon. F. J. CONDON—It is the worst in Australia. No honourable member wants to receive an increased superannuation payment unless he contributes towards it. I support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—We all rely on this wonderful body of public servants to maintain peace and order, and anything we can do for this service should not be too much. In the familiar lines of Gilbert and Sullivan—"A policeman's lot is not a happy one." We sometimes forget the hazards and dangers that these people face in the execution of their duty. I regret to see the frequent lack of co-operation by the public when a policeman is in danger. It is a feature of Australian life that has grown up only recently. There was the time when if a policeman were in trouble the public would immediately go to his assistance. I have often seen press reports of a police officer having been left to struggle with a violent person while members of the public stood by without offering to render any assistance.

The Hon. F. J. Condon—Such cases are very rare.

The Hon. E. ANTHONEY—They are not as rare as I should like. I do not know whether the morality of the public has dropped to such an extent that they do not realize their duty as citizens when one of their protectors is being assailed. It is the certain duty of every citizen when a constable is in trouble to go to his assistance.

The proposed pensions will be of considerable assistance to members of the force. The public should not be backward in supporting pensions to police officers, who sometimes give their services under dangerous circumstances. It is a very good Bill and I commend the Government for introducing it.

The Hon. Sir FRANK PERRY secured the adjournment of the debate.

METROPOLITAN TRANSPORT ADVISORY COUNCIL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1231.)

The Hon. W. W. ROBINSON (Northern)—The object of the Bill is to extend the life and powers of the Metropolitan Transport Advisory Council for a further two years. Unless the Bill is passed the legislation will cease to operate at the end of the year. The Government believes that further problems relating to the co-ordination and provision of public transport within the metropolitan area may arise and that the council will be the appropriate authority to deal with them. It is accordingly proposed to keep that body in existence for a further two years.

In 1954 the Act was passed and the following year a committee was appointed consisting of Messrs. A. J. Hannan, as chairman, J. N. Keynes (general manager of the Municipal Tramways Trust) and J. A. Fargher (Railways Commissioner) as members. Since then it has recommended the closing of the railway line from Grange to Henley Beach. Any references to the council are made by the Governor, and it is required to report its findings and recommendations to the Minister of Railways, who must place such reports before both Houses of Parliament. When Mr. Condon was speaking on the Bill on Thursday he said:—

Before a line of railway is closed the matter must be submitted to the Transport Control Board and following that, to the Public Works Standing Committee, to grant approval to close the line.

My reaction to that was that if it had to go through all those channels that was an argument that the advisory council was superfluous. Mr. Condon said he obtained his information from the report the Advisory Council made on August 20, 1956. Part of the recommendation was:—

(1) That the railway service between Grange and Henley Beach stations be discontinued and the line of railway between these two stations be closed;

(2) That the railway tracks and other accommodation works between the southern end of the Grange station platform and the terminus at Henley Beach be subsequently removed;

(3) That the City-Findon bus service be extended from the intersection of Tapleys Hill Road and Grange Road to Beach Street, Grange, *via* Kirkcaldy Road and Seaview Road.

The point on which Mr. Condon misled us was that the position was as the committee stated:—

We point out that our recommendation for the discontinuance of the railway service between Grange and Henley Beach stations may be carried out by referring it to the Transport Control Board, pursuant to section 10 of the Road and Railway Transport Act, 1930-35, with a view to obtaining the approval of the board, and subsequently of the Parliamentary Standing Committee on Public Works, to the closing of the line of railway by the board.

That is not the position. I understand that, following the council's recommendation, these matters were thoroughly investigated by the

Crown Law Department officers, who confirmed that the provisions in the Act dispensed with the need to refer the matter of closing a railway line to either the Transport Control Board or to the Public Works Committee. This was the intention when the Act was framed. Under section 14 the Governor, on the recommendation of the council, may make orders as to what is to be done or not done by the Commissioner of Railways or the Tramways Trust.

I suggest that greater use be made of this council to inquire into many transport problems in the metropolitan area, as I consider there is overlapping to a very great extent. I obtained the time table for the bus service to Port Adelaide and found that in the off-peak period a four minute service is provided, a one minute service is given in peak times and an eight minute service provided after 8 p.m. When it is considered that this service is in competition with the railways, it would suggest that there is very great competition between the two services. As this council, which is under the chairmanship of Mr. Hannan, has both the Commissioner of Railways and the General Manager of the Tramways Trust as members, it should be able to co-ordinate the services so that quite a percentage of the losses incurred on the railways and tramways systems could be averted.

The Hon. F. J. Condon—What about country lines?

The Hon. W. W. ROBINSON—We are not dealing with country lines, but what I have said would apply to them equally; some lines are redundant and the public could be better served by road transport. In the country two or three lines have long outlived their usefulness. I did not come into this matter voluntarily, but I was asked to look into it, and what I have said is the result of my research. This Advisory Council is a very good one, but I think greater use could be made of it to eliminate the overlapping of services.

The Hon. E. ANTHONEY (Central No. 2)—When the Bill that first set up this Advisory Council was introduced two years ago, it caused a great deal of discussion, as it was an innovation. Parliament thought—and I did too—that perhaps the Advisory Council would be a body superimposed over the Railways Commissioner and the manager of the Tramways Trust, as we were not told what would be the personnel. Now we know the committee consists of Mr. Justice Hannan, and the two heads of the transport services. Since the council was appointed it has had only one reference and has not been called together very much. I read its first report dealing with the abolition of the Henley-Grange railway, a line that I thought, rightly or wrongly, should have been closed years ago. I could not see the sense of running three different transport systems, in competition with each other, a few miles from the city. This seemed wrong and uneconomic to me. The council found it so, and decided in its wisdom to abolish the line. Its reasons are well set out in the report, which shows that the closing of the line will bring about a substantial saving to the taxpayers without any inconvenience to the travelling public. It is to be admitted that a fair amount of expansion is taking place at Albert Park and in that territory, and it may be that some day another railway line may be required. I presume that is the reason why the lines have not been taken up. The closing of the line was made conditional on another transport system being provided.

The Hon. F. J. Condon—What would you say if the Brighton line were closed?

The Hon. E. ANTHONEY—A good deal of it has been closed.

The Hon. F. J. Condon—What part?

The Hon. E. ANTHONEY—The least important part—from Brighton to Willunga—as it did not carry many passengers.

The Hon. F. J. Condon—Will the honourable member tell us the history of the Willunga line?

The Hon. E. ANTHONEY—We all know that it was built from Brighton to Willunga, under a guarantee, but that was never honoured, and the good people who were so keen to have it built put very little of their produce over it. The fact that it has been cut off suddenly should not cause any excitement, because I think those people deserve it. From an economic point of view the closing of that line was completely justified. I think the time is long past when this State can indulge in luxuries such as departments and railway lines which do not pay, and a halt must be called at some time.

I support the action of the Committee in recommending the closing of this line, not because I wish to see people inconvenienced but because the public has to realize that these public services have to be paid for. I have

always maintained that a service should pay, and I am still of that opinion. This Bill merely continues the legislation for another two years so that the committee can still function. Some people had misgivings about the committee, but I hope it will prove its value. I support the measure.

Bill read a second time and passed.

S.A. RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1247.)

The Hon. L. H. DENSLEY (Southern)—I support the Bill which provides for steps which may be taken to prevent pilfering of parcels and goods from railway property. In particular, it authorizes a railway detective to stop and detain any vehicle or person upon any land or buildings vested in or under the control of the Commissioner where or near where any parcels or goods are received, dispatched or delivered.

As the Bill affects only railway property it seems perfectly reasonable that the Commissioner should have power to appoint detectives to apprehend people who are pilfering parcels. Very obviously the Commissioner would have very little chance of preventing this pilfering if he did not have some authority to search people he thought had unlawfully taken charge of parcels or loaded them on to lorries to take away. It seems quite reasonable that if we expect the Commissioner to carry out his contract and deliver goods for which he has accepted responsibility for consignment, we should give him power to ensure as far as possible that they are not pilfered while being transported or awaiting transport.

Although some exception has been taken to giving railway detectives this power, I think the Commissioner can be relied upon to see that only a suitable man will be appointed as a detective. It is entirely different from giving police authority to go on private property and search people, for instance. The Bill refers to territory under the control of the Commissioner, and because we rely on him to perform a service in the interests of the State we must give him power to see that goods are not pilfered. I think this is a good measure, and I think we can rely upon the Commissioner to see that the power is not used unreasonably. I feel that many of the parcels going astray today will not go astray in the future, because those pilfering goods will know they are liable to be searched and detected in the act of stealing. Considerable pilfering and stealing is going on, and therefore this legislation is quite reasonable. I support the second reading, believing that the legislation will help to counteract the pilfering of parcels and goods from railway property.

The House divided on the second reading—

Ayes (14).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, Sir Frank Perry, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 10 for the Ayes.

Bill thus read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"By-laws."

The Hon. S. C. BEVAN—I oppose the clause, considering it dangerous to give any railway detective the powers proposed. It could result in interference with the rights of the public when upon railway property. I consider that these officers already have sufficient powers. Under the clause they could demand the production of consignment notes or other documents relating to any parcel or goods found as the result of any inspection or search which they suspected of having been stolen or illegally obtained. The person could be compelled to open the parcel.

The Hon. E. H. Edmonds—The officer would have good grounds for suspecting.

The Hon. S. C. BEVAN—Would he? If one of these detectives had had reason to speak to a person because of alleged misbehaviour, he could, by using the authority now proposed, "get his own back." I would take extreme exception to being approached by one of these men and asked to open a parcel I was carrying and produce a receipt to show I had obtained it legally. If I make a purchase in a store, invariably I throw the receipt away immediately. It is not reasonable to expect everyone to keep dockets. If I were questioned by a railway officer about my possession of a parcel I would find it difficult to prove that I had thrown the docket away.

The Hon. Sir Arthur Rymill—How would you prove that in any case?

The Hon. S. C. BEVAN—That is what I am complaining about. I would have no redress

for anything that could take place under this Bill.

The Hon. C. R. Story—Wouldn't that apply with police officers?

The Hon. S. C. BEVAN—I doubt whether they would exercise their authority to this extreme.

The Hon. Sir Arthur Rymill—But they have the authority.

The Hon. S. C. BEVAN—I know that, but they have not much other authority to interfere with private property, yet these people will be given authority to do what they want so long as they are within the precincts of railway property. The Minister said the Bill had been introduced because considerable pilfering takes place in railway stores. If that is so, the department should have sufficient employees so that the opportunity to pilfer would not present itself.

The Hon. N. L. Jude—That is what we propose to do.

The Hon. S. C. BEVAN—Then why have an all-embracing Bill like this? Will this matter be extended to country areas?

The Hon. N. L. Jude—Why not?

The Hon. S. C. BEVAN—The Minister knows he has no intention of placing detectives at every country station. If this power is given to railway detectives, I am sure the legislation will be back before us soon for amendment. I oppose this clause.

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill has not received the consideration it deserves. Every member who voted for the second reading has no respect for the police force. Reference has been made to the police on the waterfront, but these are all members of the police force. Shipping companies may appoint other officers, but they are subject to direction by the police force. This measure is foreign to British justice. Would we extend the same provisions to members of the Engineering and Water Supply Department, the Harbors Board, other Government departments or private enterprise? The store detectives at large emporiums have no power of arrest; they have to go to a policeman, so why should not this be done in this case?

The Hon. N. L. Jude—You do not believe we should stamp out pilfering? You believe we should let it go on?

The Hon. F. J. CONDON—That is an objectionable remark. During the second reading I said I objected to pilfering. If we delegate the powers of the police force to somebody else we are undermining and belittling the force.

The Hon. Sir Arthur Rymill—We have had railway detectives for years.

The Hon. F. J. CONDON—Exactly, but they should not take away the powers of the police force.

The Hon. N. L. Jude—Explain how they would take away these powers.

The Hon. F. J. CONDON—This Bill gives powers to people who should not have them. I feel strongly about this matter, and oppose the clause.

The Hon. N. L. JUDE (Minister of Railways)—I would have preferred to rest on my case, but one or two points made by members opposite should be replied to. Mr. Condon mentioned duck shooting, but I remind him that game wardens have virtually all the power we are seeking for railway officers at Mile End. On the opening of the duck season game wardens can stop a car to see if a person has more than the permitted bag. We give powers to officers of the Transport Control Board in relation to overloading, and to employees of the Highways Department to protect roads.

I am amazed at the attitude of members opposite, because they cannot give one instance where there would be victimization. They know we are endeavouring to protect Government transport services, and we all know that the biggest criticism levelled against the railways is that things cannot be sent by rail because they might not reach their destination. We are trying to protect taxpayers by giving very limited powers to a few specified officers selected by the Railways Commissioner, powers additional to those they have now. It has been found that they are not adequate to apprehend offenders. I cannot understand why any member should object to the Government doing all in its power to prevent this pilfering. I commend the Bill to members.

The Hon. Sir FRANK PERRY—I can understand some of the criticism of this Bill to a degree because very strong powers are being sought. I presume the powers will be given to selected persons to support the Railways Commissioner, who takes responsibility for the delivery and freighting of parcels of all types. As he has to deliver these goods, or be responsible for the cost of them if they are consigned at his risk, I think he has every justification in seeking adequate powers to protect them. Whilst this clause smatters

of very restrictive and great powers, the proper men will be selected in the exercise of those powers. I venture the opinion that if we knew the actual powers possessed by the police force some of us would be afraid to go outside our front door. We rely on the judgment and good sense of the police force, and I think that reliance can be placed on the Railways Commissioner in his appointment of these special men.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted. Read a third time and passed.

JUSTICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 22. Page 1177.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill. I take this opportunity to compliment the Attorney-General in bringing in amending Bills in connection with the administration of our laws and placing them on a proper basis in accordance with the progress of the times. I think every honourable member will agree that unless we maintain confidence in the dispensation of justice, which fortunately in Australia and under the British system of government we have been able to do, we will be heading for a totalitarian regime such as has been evidenced in other parts of the world.

I think every member will agree that we have been particularly fortunate in this State in having members of the legal profession appointed to the highest judicial positions, and for the manner and method in which they approach their problems and give their decisions strictly impartially in accordance with the law. I do not think it will be amiss if I give a short history of how justices came to be appointed under our British system of government. Actually, a justice of the peace can be termed a magistrate. Magistrates' courts are recognized and number among the oldest of the present-day English tribunals. They trace their origin to an early common law practice of selecting various prominent citizens in the community and charging them with the duties of suppressing riots and affrays, and of exercising a summary jurisdiction over malefactors. These citizens in the early days were known as conservators of the peace. In the year 1327 the circumstances which attended the accession of Edward III suggested the probability of a period of wide-spread civil turbulance. The mere fact of appointing justices of the peace in those circumstances points very plainly to the fact that the Parliamentary conditions we enjoy today have not been handed to us on a plate.

Following the accession of Edward III the Crown made a large increase in the number of peace officers, at the same time dignifying them with the title "Justice of the Peace." They have continued to form an integral part of the English legal system ever since, a large part of which system has been handed down to the Dominions. Some of our laws have their basis in the British legal system. Justices of the peace have retained the same name and perform a similar class of duties to those of earlier days, but those duties show an expansion in the direction of civil law. Colonial legislatures made full use of this branch of law in Australia by appointing justices for the maintenance of law and order, and their numbers have grown with the increase of population. In each State the appointment, powers and duties of justices of the peace are regulated by legislation, and it is this legislation with which we are now dealing. Whilst it is true that justices take their place on the bench, the great bulk of their work today is in signing documents and attesting legal papers in connection with the transfer of land and other matters.

I know that members of the legal profession pay justices a great tribute for the time and effort they spend in the administration of the law. Under this Bill, where a summons has been issued in regard to an offence which is not punishable by imprisonment or by a heavy fine, the defendant can plead guilty by way of letter. No injustice will be done by this Bill, which will result in a saving of time and money to the police force, the defendant, and witnesses. Under those circumstances I can see no wrong in amending the Act, and I repeat that as long as we maintain the confidence that the public has in our courts all will be well as far as the continuation of the prosperity of this State is concerned.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I am not proposing to go back to the realm of Edward III or Queen Victoria, because Mr. Bardolph dealt with the substance of the legislation in his last few words. I commend this Bill as a really excellent one. I have had occasion since I have been in this House to congratulate the Attorney-General on a number of good Bills. Some of them have been minor ones and some have had a major application, but they have all been really

worth-while measures in tidying up various matters and progressing in a legal sense. In my opinion, this is something the country has been crying out for for a number of years, not vocally but in a passive fashion. I have practised in the law courts for many years, and one of the most noticeable things to me has been the time wasted by lack of facilities for registering a guilty plea with ease and without wasting time and effort that can be much better spent elsewhere.

I have seen defendants hanging around the courts for hours and the time of justices and magistrates being wasted. I have also seen members of the police force hanging around the court waiting for cases to come on. In some instances it has finally appeared that there was no need for the defendant to attend. Time is also wasted by the legal profession, and unfortunately that profession is undermanned. Time wasted is money wasted. Solicitors' time wasted might be the least important, because I suppose they are being paid for being there, but nevertheless it is money wasted to that extent. The time of defendants who are around the courts waiting for their cases to come on is money lost to them and also man-power lost to their employers. The time of the police force waiting for cases to come on unnecessarily is direct money lost to the Government and also a loss of their duties in the force.

The Bill sets out to remedy that, and I think it will remedy it in a very substantial way. It enables defendants to register a plea of guilty without having to appear in person or wait around and go through all kinds of rigmaroles, but at the same time, as far as I can see, it protects their interests, and that, of course, is all-important. A number of clauses have that provision, not the least being new section 62c. Another matter relates to the taking of unnecessary evidence by the court. Where a defendant does not appear it is necessary to hear the case *ex parte*. The prosecution has to prove its case, which means not only time wasted in hearing, but also time and expense wasted in recording it—but not wasted in the sense that I would have it altered, because British justice is not a thing to be toyed with in that manner. However, it is unnecessary where a plea of guilty can be registered, and in many of these cases the defendant wishes to plead guilty, but does not know how to go about it. This Bill should result in thousands of pounds being saved every year—even tens of thousands of pounds in the aggregate, because these cases mount up; and when one considers all the time of all the people I have referred to being saved, I do not think one would exaggerate in saying that tens of thousands of pounds would be saved.

I have heard it said that this Bill has been introduced rather late in the session, and that members should have time to further consider it, but I do not hold that view. Possibly, I have a little more specialized knowledge on this matter because of my occupation. I believe that the Bill is a perfectly safe one to be passed. It is straightforward, and I do not think there is any difficulty about it. It is lengthier than many of the Bills which have been before us, and like all such Bills I see a little experiment about it, but those things can be rectified by subsequent amendment.

The Attorney-General has told us he is always prepared to listen to amendments, and I take it that would apply to amendments by way of a new measure—that is, if any private member can make out a good case for an amending Bill because it is felt that by practice it has proved inadequate or wrong in some sense, then the Government would introduce it. In those circumstances, I propose to give my heartiest support to the Bill. I doubt whether any honourable member or the Government could guarantee that it is perfect in all respects, because it is somewhat novel in its application and will need a little trial to see if it has any defects. Thus, I support the Bill, because I think it will save so much wasted effort, time and trouble. It is one we should delay no longer, and I support it in the slightly modified sense that if it does not work totally we will be able to amend it.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5 "Procedure for plea of guilty to be entered in writing."

The Hon. C. D. ROWE (Attorney-General)—I move—

In subsections (1) and (8) of new section 57a to delete "for the purposes of this section" and insert in lieu thereof "by the Governor under section 203 of this Act."

The amendment is of a minor nature and deals with the making of rules prescribing the form of complaint and summons, particularly in connection with the endorsements which will be necessary to explain to a defendant the procedure to enable him to plead guilty without attending court. The Bill at present lays it

down that the endorsements must be prescribed by rules "made for the purposes of this section," *i.e.*, the section inserted in the Justices Act by the Bill. In making these rules it may be necessary to have regard to the provisions of other Acts or laws, and it would be better not to limit the power to rules "made for the purposes of this section." The effect of the amendment is to enable the Governor to have regard to all relevant matters when prescribing the forms to be used under this procedure. It will be obvious to members that the amendment is of a drafting nature to enable the person who has to prepare the rules to see that they are as concise and clear as possible, and will indicate to the defendant in clear language what his rights are under the Bill.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7 "Powers of court where plea of guilty entered in writing."

The Hon. C. D. ROWE (Attorney-General)—I move—

In subsection (2) of new section 62c to delete "pursuant to this Act" and insert in lieu thereof "by the Governor under section 203 of this Act."

This amendment is consequential on the other amendments already agreed to.

Amendment carried; clause as amended passed.

Remaining clauses (8 and 9) and title passed. Bill reported with amendments and Committee's report adopted. Bill read a third time and passed.

STATUTE LAW REVISION BILL.

Consideration in Committee of the House of Assembly's amendment to Schedule—

Add at the end of the amendments to Criminal Law Consolidation Act—

Section 319—Strike out "193" in the sixteenth line of subsection (3) and insert "196."

The Hon. C. D. ROWE (Attorney-General)—Since the Bill was introduced the Assistant Crown Solicitor has drawn my attention to a wrong reference in the Criminal Law Consolidation Act. In section 319 of that Act—the section dealing with habitual criminals—there is a reference to section 193 of the Act which should obviously be section 196. Other provisions in the Act make it clear what section is intended. I am informed that the courts have always interpreted the reference to section 193 as if it were a reference to section 196. It is desirable that this matter should be corrected while the Statute Law Revision Bill is before Parliament. The amendment is for this purpose.

The Hon. C. R. CUDMORE—I am mystified by this. The Criminal Law Consolidation Act is mentioned in the second schedule, but the only sections mentioned there are 57b and 76a; there is nothing there about section 193.

The Hon. C. D. ROWE (Attorney-General)—I am indebted to the honourable member for pointing this out, but I think he is looking at the Bill introduced here, not at that approved by the House of Assembly.

The Hon. C. R. CUDMORE—As I see it, section 193 has never been before us, and I do not understand how we can do it in this way. The Bill was introduced here, passed by us and then went to another place. When it left us there was no mention of section 193 of the Criminal Law Consolidation Act, so I cannot see how we can get a message back from another place suggesting that we amend section 193, because we have never had anything to do with it.

The Hon. C. D. ROWE—I was under the belief that the message was relatively simple, but in the circumstances I move that progress be reported.

Progress reported; Committee to sit again.

REGISTRATION OF DOGS ACT AMENDMENT BILL.

Consideration in Committee of the House of Assembly's amendment to clause 2—

In clause 2 (*c*) to strike out "10" and insert "5."

The Hon. N. L. JUDE (Minister of Local Government—The amendment reduces the fine for late registration from 10s. to 5s. In view of the arguments submitted by members of the House of Assembly I feel that the amendment is not unreasonable, as the fine had been increased by 900 per cent.

Amendment agreed to.

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1239.)

The Hon. C. R. STORY (Midland)—Many of the amendments to the Road Traffic Act contained in this Bill relate to matters of public safety, and bring about changes to established practices that have operated for some years. I shall not speak on all clauses,

but one or two need a little clarification. Clause 8 amends section 27, which deals with traders' plates. When explaining the Bill, the Minister said that in the past traders' plates have been provided by the owners of the vehicles and have remained in force so long as the owners have paid the appropriate fee. I do not think that is so, and I ask the Minister for more information. I think the position has been that owners have obtained the plates from the Motor Vehicles Department, but I do not think they have ever paid for them. This clause increases the charge for limited traders' plates from £2 to £3, and for general traders' plates from £16 to £17.

The amendment will give the authorities an opportunity to catch up with some people who have used traders' plates for purposes for which they were not intended, and this will be to the good. Under the old system these plates were always the property of the department and had to be returned when not required, but under the new system they will be current for 12 months, after which they will be replaced in the same way as registration discs have to be returned after paying the appropriate fee. However, it seems wrong that legislation designed to help the department should be paid for by traders. The change will help the taxpayer because the authorities will catch some people who have been flouting the law, so I do not think it should be a charge on traders.

Clause 9 enacts new section 36 dealing with the issue of driving licences. Under the old system driving licences were in force until midnight on the last day of the month for which the licence was issued. The last minute rush to have licences renewed has no doubt caused the department a great deal of work, but I wonder if it is possible to apportion a number of licences for each week of each month so that there will be an even flow of work in the department. I cannot see how the method provided in this new section will ease the position, because it will take many years before there will be the even flow referred to. I feel it would be much better if the department took the matter in hand, and told people which day they had to pay their licence fees.

Clause 10 relates to lights on motor vehicles, and this is a most important matter for the safety of people generally. The clause amends section 42 (1a) (*f*) by striking out the words "within twelve inches of" and inserting in lieu thereof the words "at a distance not exceeding two-fifths of the length of the vehicle from." I refer particularly to the lighting of semi-trailers. Section 42 includes the following provision:—

Every rigid motor vehicle which is seven feet or more in width and every articulated motor vehicle irrespective of its width, and every trailer which projects more than six inches laterally on either side beyond the motor vehicle by which it is drawn shall be equipped with two front clearance lamps and two rear clearance lamps complying with this subsection.

To the average person that is as clear as mud. At present section 42 (1a) (*f*) states:—

Front clearance lamps shall be affixed one on each side of the vehicle or trailer and each such lamp shall be within 12 inches of the foremost part of the side on which it is fixed.

I have been told that for all practical purposes that provision is inoperative because of the shape of certain vehicles. The amendment proposes that clearance lamps shall be "at a distance not exceeding two-fifths of the length of the vehicle from the foremost part of the side on which it is affixed." If a vehicle is 20ft. in length such lamps could be within 4ft. of each other. These lights are designed as a warning and I do not think it is desired that they should be so close. I believe they should be placed as near as practicable to the front and rear of the vehicle. It is quite stupid to suggest that the lights should be within 4ft. of each other. They should be at a distance not exceeding one-third of the length of the vehicle from the foremost part of the side on which affixed.

It would be wise to provide for "marker lights" as is done in Victoria. These lights are mounted above the cabin of a vehicle and in undulating country are clearly visible before the nature of the vehicle is determined. They serve as a warning to motorists to give the approaching vehicle ample clearance.

The Hon. Sir Frank Perry—Is provision for these made in the Bill?

The Hon. C. R. STORY—Not at the moment, although paragraph (*j*) states:—

Every rear clearance lamp shall be not less than two feet and not more than five feet above the level of the ground on which the vehicle or trailer stands.

It is proposed to make the maximum height above ground level nine feet, but I would prefer that to be a compulsory height. The silhouette of a vehicle should be clearly defined.

The Hon. K. E. J. Bardolph—Don't you think the State Traffic Committee is going around in circles in its consideration of these matters?

The Hon. C. R. STORY—It is making U turns in some instances. We could well copy

another provision from Victoria. Section 118 of their Motor Car Act states:—

On and after the first day of July, 1953, no person shall between sunset and sunrise drive or use or cause to be driven or used on any highway any motor car the weight of which together with the load (if any) carried thereon exceeds four tons, unless there is carried in or on such motor car not less than three portable lamps or other signals (not being part of the equipment of such motor car) which are of a type approved by the Chief Commissioner and each of which is capable of producing a clear red warning light visible at a distance of six hundred feet from such lamp or signal or capable of showing a red reflection of light from a head lamp complying with the provisions of these regulations and attached to a motor car approaching such portable lamp or signal and six hundred feet distant therefrom.

In South Australia we have been dallying in respect of this matter. It is essential that we should have some form of markers. I do not think a lamp is a suitable warning device because it can easily go out.

The Hon. K. E. J. Bardolph—What about flares?

The Hon. C. R. STORY—They have been suggested, but I prefer a triangle of Scotch tape. I have seen this on New South Wales and Victorian roads. It is a small triangle fairly close to the ground and facing in three directions. Actually, there are three triangles built into one. The Tramways Trust is using something similar on the Payneham route. At present there is nothing in this Bill concerning warning devices for immobile vehicles. The Minister said provision could be made by way of regulation but we must do something soon because the longer we delay the more accidents are likely to occur as a result of inadequate warning devices.

When I was in Victoria recently I noticed several vehicles that had these warning devices chained to the back wheels so that they could not be removed. Clause 11 increases the penalty for a first offence for driving whilst under the influence of liquor from £50 to £100. Clause 13, which Mr. Shard opposed, proposes to amend the provision in the original Act relating to a person driving a vehicle whilst disqualified from holding a licence by including the words "on a road." It does seem rather strange that we should direct people as to what they can do on their own properties.

The Hon. A. J. Shard—Don't you believe in equitable sentences?

The Hon. C. R. STORY—We have passed other legislation here in which we have given people protection on their own property, and I think this is only bringing the legislation into line. I think we have a hide to say to a man that he must not drive his vehicle on his own property.

The Hon. A. J. Shard—If they break the law the penalty should be the same as it is for any other person.

The Hon. C. R. STORY—If the judge wanted that man to be deprived of his livelihood he would put him in gaol; he has not done that, and he has allowed him to go home to his normal work of producing food. That is a very good provision, and I think we should support it. Clause 17 deals with compulsory stops at crossings. As one who occasionally travels on service buses I agree entirely with the provision that if a crossing has a mechanical warning device a vehicle should be allowed to go through without stopping, and I think the same thing applies to vehicles carrying inflammable gases.

The Minister mentioned by interjection that sometimes it might be better to stop a train instead of stopping the flow of road traffic. That is a very good suggestion, and I think we could consider it. Some of our very busy highways cross railway lines on which trains run perhaps only once a week, such as at places like Truro, Eudunda and Monarto. The train runs very infrequently, yet vehicles are forced to pull up. I think the Minister is on the right track, and if he can convince the Commissioner on this matter I will support him.

We are accomplishing something in this amending legislation. The important part of the Bill is that relating to turns. Mr. Shard spoke with much feeling and a good deal of knowledge on this subject. I do not profess to know a great deal about the Road Traffic Act as it applies in Adelaide, but I am very satisfied with what we are doing at present. We came a long way when we introduced the short right-hand turn in the city areas, and we have come a long way in our road control. I do not see that there should be so much objection to painting signs on roads to direct the flow of traffic, even though it may necessitate a longer turn than that laid down in the Act. These lines will direct traffic in the way the authorities think it can best be controlled at certain intersections, and I do not think that should worry us unduly.

The Hon. A. J. Shard—It is all right if it makes it easier.

The Hon. C. R. STORY—If we can be convinced of this the public will very soon be

acquainted with what they are to do. If we know where we are going, that is something. I am quite satisfied with the provisions with regard to turning and I have much pleasure in supporting the Bill.

The Hon. E. ANTHONEY (Central No. 2)—I support the Bill. The original Act is now a lengthy one containing 182 sections and a schedule, as well as a great number of amendments. It is quite understandable that in a rapidly developing and changing transport system the law has to try to adapt itself to changing conditions, but with all respect I would say that this and other Bills with which we have had to deal will soon need consolidating. This Bill has so many amendments that it is difficult for a member to link them up with the original Act, and therefore we look forward to the day when we will have another consolidation.

I commend the Government on these amendments, many of which are very good. Some of them are administrative amendments which I feel will not only be a service to the Registrar of Motor Vehicles in enabling him to short-circuit the work, but will be a service to the general public. Under the Bill the Government proposes to deal with delinquent insurance companies which have been trying to avoid their obligations under third party insurance.

I draw attention to the hazard caused by large haulier vehicles which are left indiscriminately parked on the side of roads. I do not know whether it is the Government's business to provide depots for them. They are a great danger to motorists because they are often ill-lighted. Depots should be provided so that drivers can park their lorries over the week-end. I understand that someone wanted to set up such a depot, but the local council would not agree.

I was opposed to the provision in the original Bill dealing with right hand turns and do not know that I am quite a convert to it yet. I greatly object to motor traffic moving into pedestrian traffic, although I appreciate that it should move freely, and I would not do anything to prevent that. However, human life must be considered. Sometimes careless motorists are a danger to pedestrians at intersections, particularly women and elderly people. The provision helps to clarify the position.

We are constantly fiddling around with the traffic laws, and unless the new law is well publicized motorists will still work under the old system. They must consider the traffic coming both ways before making a turn at intersections. Because the Bill makes the law clear in this respect I support it. I believe the amendments are a move in the right direction, although they do not provide everything we should like to see in the Act. It is a question of trial and error. I hope our traffic authorities will take full notice of what goes on in the other States so that if at last we can have a perfect scheme, so much the better. As far as is goes, the Bill has my full support.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I support the Bill, but wish to refer to doubts some other members have of the Act as a whole. I can claim some knowledge of road traffic as I think I appeared in the courts every working day of my life for 10 years—not as a defendant, but as an advocate. With that experience one cannot fail to get some knowledge of the workings of such an Act as a whole.

In common with Mr. Shard, I feel that it has become far too complicated. Supreme Court judges have often said that it is directed to motorists and that is the way they have endeavoured to interpret it. It is certainly directed to motorists, because they are the ones penalized under it, and have to obey its edicts, but I feel not one motorist who was not legally trained, and but few lawyers, would understand this Act at a single reading, or indeed after making a study of it.

I want to emphasize that the Act is directed to motorists. Mr. Anthoney just commented that many sections had been so often amended that the law had become highly complicated and it was difficult for anyone to understand. I sincerely believe the whole code should be redrafted. It is an Act that has to be obeyed literally by the man in the street, and yet it has become so complicated that it is difficult for him to even understand it, let alone know how to obey it.

In a puckish frame of mind I thought before this session began that I would direct a few questions to the Minister in charge of the Act on the right-hand turn and the right-hand rule and ask him at question time each day what one would do in certain circumstances. I said I was in a puckish frame of mind, because I knew full well that he would be unable to answer one of those questions. I do not know whether the Minister of Roads is the Minister

in charge of this Act. I have tried to find out which one is in charge ever since I have been in Parliament, but it seems to be a very elusive gentleman, or series of gentlemen. There seems to be a certain amount of divided control, and that several people are at the steering wheel. In some aspects the Minister of Roads claims to be the Minister concerned, and I believe the Chief Secretary is in charge of certain policing aspects of the law, whereas the Treasurer is in charge of something else; and no doubt the Attorney-General comes into it, and so it goes on.

Among other things the Bill deals with the right-hand turn. When Mr. Anthoney was speaking I thought he was referring at one stage more to the right-hand rule—give way to the man on the right. However, on reflection and judging by his remark, I think he was referring more to the completion of the right-hand turn against traffic lights. That, of course, is an important point and is bound up with the other one.

I want to make a general comment on the whole question of the right-hand turn and the right-hand rule in particular, because that is a very important rule and might be said to be the foundation of our traffic safety code. I have always been very dubious about the wisdom of the right-hand rule. I drove in this State before it was introduced, and also when it was a regulation under the Motor Vehicles Act. It caused a tremendous amount of difficulty in the civil courts. I do not think it was an offence then not to give way to the man on the right. It then became part of the Traffic Act, being section 131, and I appeared in many cases dealing with this part of the law.

I believe that the section dealing with giving way to the man on the right can cause more danger than if we had the English law. I have driven in England, where the right of way rule does not apply, and I have driven on the Continent where it does, and curiously enough you still give way to the man on the right although you drive on the right hand side of the road.

Actually, I believe the right hand rule originated in America, where traffic also drives on the right. It is give way to the man on the right when you drive on the right, and curiously we have adopted it, although we drive on the left. If members care to work it out logically, they will see that it should be give way to the man on the left. The rule is correct where you drive on the right hand side of the road and give way to the man on the right. That gives latitude for safety, which you do not get with the right hand rule when you drive on the left hand side of the road.

The Hon. A. J. Shard—That may be the answer to all our problems.

The Hon. Sir ARTHUR RYMILL—I do not think it would. It would be preferable, but I regard it as impossible to alter it in that manner. I referred to it to show that this rule is not something one should accept as being absolutely right and gospel, but just a little frail in its analysis. I have always been a believer that everyone must be careful. There is an old saying "It takes two to make an accident" and I think that is very true, but the way the right-hand rule has worked out here, although it was never intended initially, has really resulted that one person approaching an intersection not only has an obligation to give right-of-way, but the other has to stand on to obtain his rights. That in my opinion must create a dangerous situation on every occasion.

I was in France a couple of years ago and was very interested to find that the right-hand rule only applies in towns but not in open country roads, which is something that I think is well worth considering. I have read in the Law Reports cases where right of way has been determined on roads in the country, miles away from anywhere, where a man who comes from a tiny dirt track claims his right of way, and gets it, over a man on a main road where traffic is travelling at a terrific pace.

The Hon. J. L. S. Bice—That almost sounds like West Terrace at its best.

The Hon. Sir ARTHUR RYMILL—That sounds a very appropriate place to bring up in relation to these dangerous situations, because it is inclined to harbour the results of some of these things. I am serious in saying that if we have to stick to the right-hand rules in the cities—and I accept it as such—why must we accept them in the country? I know that members over the years have rammed this point, but possibly not in the same way. From memory, Mr. V. M. Newland in the House of Assembly some years ago moved that there should be a main road rule everywhere, and when asked to define a main road he said "Any road with a tramline." That was rejected as being uncertain, but the idea seemed to me to be a good one. Of course, trams are going out, and from a

traffic point of view it seems to me to be a good thing that they are, but if given determination and having the will someone could easily work out a main road rule right throughout the State, city and country included. However, if that is not possible, I believe the main road rule should apply in the country because main roads are well defined there, and in the places that have the main road rule, if there is any doubt about it, both sides have to give way.

In England there is no rule. There they rely on the celebrated common law; everyone has to be careful, there is no prosecution for failing to give way as there is no right of way rule, and driving in England is easily the safest I have seen anywhere. Mr. Cudmore has mentioned many times that our code is too rigid in as much as if you commit any kind of traffic breach you are prosecuted for it. In England there is a voluntary code, as well as a tiny bit of rigidity, which makes for that wonderful road courtesy you find in that country. There is a lot of talk here about road courtesy, but I do not believe you can get courtesy when you have a rigid traffic code. Many times I have tried to do the courteous thing, particularly after having driven in England for some months, waving people on, but all I have found here is that I am waving them into danger. I think the reason is that the rigid traffic code obliges people to stand on as well as give way, which I think is very inflexible and not a good thing.

The legal firm of which I used to be a member are the solicitors for the Royal Automobile Association, and of course has great experience in these matters. One of my former partners drew my attention the other day to the fact that if you look at the Australian Digest of case law you will find that most of the traffic cases come from South Australia. That stems from the fact, I think, that we levy prosecutions for minor matters and for all accidents. When any accident happens, as the Irish policeman put it "Someone has to be summoned." That happens, although I believe the best lesson one can get is to get into an accident. You do not need a court to fine you a few pounds to show you that you do not want to do that sort of thing again—that is adding injury to injury, but that is how it is at the moment. I am not criticizing that fact, because the police force always has my highest regard, it is doing what it thinks best in the interests of public safety, and probably it is right with the Act as it is. Nevertheless, I do not think that is in the best interests of safety, and I think if we could get a less rigid and more simple code, we could have the Road Traffic Act and a voluntary code as in England, which would make for virtue in the road safety sense which is so all important.

Clause 9 provides that new licences shall expire 12 months after they are taken out instead of all expiring at the same time, as they do now. That to me is reminiscent of a previous amendment to the Act in relation to the registration of motor vehicles, because one remembers that all registrations similarly used to expire at the same time. This was altered, most advantageously in my opinion, so that they expire at various times and so that the department could have continuity of operation rather than having a heavy rush at the end of the financial year and then much less to do at other times. We all know what that means in business—temporary hands, and staff that is not fully occupied at other times, which is bad. Thus, I feel this is a step in the right direction, and it has my wholehearted support.

I have been told that in England there is a move, if indeed it has not come to fruition, to make licences available for three years if the motorist so desires. In other words, a licence does not have to be renewed each year, but can be taken out for three years. That is something that could be considered, not as a compulsory matter, but as a convenience to motorists and to relieve further the work of the Motor Vehicles Department.

The Hon. K. E. J. Bardolph—It could be for five years.

The Hon. Sir ARTHUR RYMILL—Yes, I agree, and the fee charged could be three or five times as great, as the case may be. That would be acceptable to a number of people, and I think would reduce the work of the department because it would be very easy to sort out the files so that the matter could be properly administered.

Clause 10 refers to clearance lights. I am not so convinced of the desirability of this clause, because I had the experience the other night of these lights being very high, when I was in a small car. The lights were well above me and would not have been as visible as in a normal situation. However, no doubt this has been considered by those who recommend these things, so I do not propose to make any point on this other than to say that there may be some doubt about it.

Clause 13 is, I think, a matter on which Mr. Shard commented. It deals with the suspension of licences. At the moment it is interpreted that the suspension of a licence

stops a man from driving on private property as well as on public property and on public roads. This clause is aimed at permitting driving on private property when a person has his licence suspended for driving in public places. I think this is logical—although Mr. Shard expressed doubt about it—for the sole reason that one does not need a licence to drive on private property. One only needs the owner's permission, or alternatively, one drives on one's own property if one has the fortune to own a large property, such as my 30 acres. It seems remarkable that if your licence to drive on a public road is suspended it should stop you from driving on private property where you do not need a licence to drive.

The Hon. J. L. Cowan—Or a registered vehicle.

The Hon. Sir ARTHUR RYMILL—That is so. I agree with Mr. Shard that it does seem a little hard on the truck driver who gets his living from driving a truck on a road and who has his licence suspended and his livelihood taken away, whereas a tractor driver who has had his licence suspended is able to follow his occupation on a farm. However, that anomaly occurs in all walks of life, and it seems to me more anomalous to stop a man whose licence is suspended from driving in a place where he does not need a licence than perhaps to allow a man to drive when his licence is suspended merely because his livelihood is affected.

Clause 17 applies to warning devices, and provides that the subsection concerned shall not apply at a railway crossing where there are lights or warning devices, gates or barriers, and so on. That subsection applies to compulsory stops by buses. I think this clause is obviously logical, and I propose to support it, but I would like to draw the attention of the Minister in charge of this matter to stop signs at these crossings making compulsory stops for all vehicles even though there are warning devices there.

Over the years it has seemed to me to be quite fantastic that where we have warning devices we should also have a stop sign. That was all right in the spacious days when traffic could afford the luxury of stopping when there was not a great press of traffic, but nowadays when one has to stop at a stop sign where there is also a warning device, such as at Park Terrace, Bowden, one sometimes blocks people for a quarter of a mile or a half a mile back. It seems quite ridiculous that these stop signs should be there. If they are necessary it surely means that the warning devices are ineffective, and if the warning devices are ineffective they should not be there to mislead the motorist. I do not believe they are ineffective. I believe those stop signs are completely out of date and outmoded, and I hope the Minister of Roads, who is a very reasonable man, will take heed of that and have another look at the matter.

Clause 19 has given trouble to some members. It says that before turning to the right a person has to drive his vehicle parallel with the left boundary of the carriageway of the road which he is leaving until he is as near as practicable to the left boundary of the carriageway of the road which he is entering. The words are, of necessity, cumbersome. That is, of course, a matter of legal draftsmanship so that there shall be no legal doubt as to the meaning of the clause, and is essential. It simply means that a person drives in the centre of the road until he gets to the far side of the road he is entering, so he is as near as practicable to the left of the road he is going to turn into. I am inclined to doubt whether this wording is necessary, because we already have a section which requires a person to drive as near as practicable to the left, and that has been interpreted by the courts as meaning that when a person is turning into a road such as this he has to do this very thing. It may be that since I have been dealing with these matters in the courts there has been an upset of these decisions. This provision at the worst merely confirms what the law, as I have always understood it, is, and what I believe it should be. I have no objection to it and I will support it.

Another part of clause 19 relative to right-hand turns is the part that has been giving the most trouble to members. I think that this can fairly easily be explained as long as members are familiar with the Act. The difficulty, I assume, is that the amendment tabled by the Minister says that after the words—

"may commence to make his right-hand turn from any convenient place on the road but shall not commence to move his vehicle to the right until the road is sufficiently clear of traffic to enable the turn to be made without danger,"

the following words are added:—

"and complete the turn through the intersection or junction."

I think members have been in some doubt as to the necessity of these latter words, and I

think Mr. Shard raised that point. The point as I see it is that the turn is the part where one is moving in a circular or semicircular direction. That does not get one right across the intersection because one has then to straighten up and the actual turn, as mentioned in the section of the Act as originally drafted, is while one is moving on a curve. A person does not get across the intersection on a curve because he has to straighten up and complete his journey across the intersection, and that I assume is what the amendment is aiming at because it says:—

"and complete the turn through the intersection or junction."

As I see it, it is purely a matter of draftsmanship to clear up a very minor technicality. It is one of those technicalities that we people who used to practise in the traffic courts dearly loved to get hold of because we sometimes got our clients off on such a point. I think that is a perfectly logical amendment if one analyses it. Clause 20 is merely a matter of bringing the legislation with regard to the towing of vehicles more up to date.

I think any suggestion for improvement of the Road Traffic Act is a matter of importance to everyone, because it really has a very close relationship to the lives of the people. If we can tidy up or improve the Act so that it will make the roads safer for the public we will be doing a fairly noble job. With the influx of greater traffic the roads are becoming more dangerous every day, and in addition there are more people to get hurt. In those circumstances I do not altogether apologise for having spoken at greater length that I had set out to do. I hope I have made some contributions and given some ideas to this matter, and that the Minister will consider the suggestions. I support the second reading.

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

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

In Committee.

(Continued from October 24. Page 1296.)

Clause 2 passed.

New clause 2a "Exemptions."

The Hon. Sir ARTHUR RYMILL—I move to insert the following new clause—

To insert in Section 6 of the principal Act at the end of subsection (2b) the following new subsection (2c):—If after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2) 1957, the lessor and the lessee under a lease of any premises agree in writing as to the amount of the rent thereof, then (whether the rent of the premises has been determined under this Act or otherwise) the provisions of this Act relating to the control of rent shall not apply with respect to the rent payable under that lease or under any subsequent lease of those premises or any part thereof, whether entered into between the same parties or not.

This amendment qualifies subsection (2b) of the principal Act which reads as follows:—

If any lease in writing of any dwellinghouse is entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act 1955, and if the lease provides that the term thereof shall commence from a date specified in the lease and shall terminate upon a date specified in the lease, then the provisions of this Act relating to the control of rents shall not apply with respect to any rent payable under the lease in respect of the term so specified in the lease.

The Hon. F. J. CONDON—On a point of order, Mr. President, clause 3 deals with the permissible increase in rent. If that provision is defeated on a division, will the amendment moved by Sir Arthur Rymill be ruled out?

The PRESIDENT—No, they are quite separate. This amendment is for proposed new clause 2 (*a*) which will come in between clause 2 and clause 3. Clause 3 will be considered after clause 2 (*a*).

The Hon. Sir ARTHUR RYMILL—In 1955 this House and the House of Assembly agreed, and thus it became law, that after the passing of the 1955 Act, if one had a new lease of pegged premises whereby the landlord and the tenant agreed upon a certain rental for a certain fixed term, then it was outside the operation of the Act. This matter has nothing to do with the 40 per cent increase. If the landlord and tenant agreed they were allowed by the amendment to agree. Previously, they could not make any agreement contracting out of the Act, but the amending clause in 1955 permitted them, in effect, to contract out of the Act and agree for a specific term upon any rental they agreed to. In practice, our attention has been drawn to the fact that to get into a vacant house people have been agreeing to a rent for a term and then as soon as that term has expired they have gone to the Housing Trust and had the rent fixed which, apparently on the legal construction of that provision, is permissible, although I do not think it was intended by Parliament. I think Parliament intended that once a house was free it should remain free, and I think that is logical.

It is sometimes surprising what interpretations are given to these things when a legal scrutiny is put on them. I feel confident that

that was not what the House intended. I think it intended that once a landlord and tenant agreed to a rent for a specific term the house should be released from control, and it does not sound logical otherwise. People have been getting into houses that no doubt would not be let to them otherwise on the basis of agreeing to pay a reasonable rent for a reasonable term and then when the term has expired they return to where they were under the war-time restrictions and thus get the benefit of a very doubtful manoeuvre. It seems to me that it is getting possession of premises by a trick.

The effect of my amendment is that where an agreement has been made, and it can be made only voluntarily, if an existing tenant cares to stand on his rights under the Act he can do so. There is nothing in the amendment to stop him, but if he renounces his rights under the Act, that is the end so far as that particular house is concerned. The Act at present enables an agreement to be made whereby the house is released from control for the term of the lease, and that is by voluntary agreement. If there is an existing tenant, he can still shelter under the Act. I believe the amendment will carry out what this House intended in 1955.

The Hon. C. D. ROWE—The section is one which we have attempted to do something about ever since 1953 when we included a section as follows:—

> The provisions of this Act shall not apply with respect to any lease in writing of any dwellinghouse the term of which is for three years or more and which is entered into after the passing of the Landlord and Tenant (Control of Rents) Act, 1953.

Then in 1954 we re-enacted the same thing, but made the term two years, and in 1955 we went further and said that any lease in writing for a fixed term specifying the date on which the lease commenced and ended would be outside the terms of the Act. I think that the section meant that the premises concerned were outside the provisions of the Act so long as that particular lease was in force, but on its expiration they went back.

The Hon. C. R. Cudmore—Not under the 1954 and 1955 Acts, but under 2 (*b*) they go back.

The Hon. C. D. ROWE—The amendment suggests that where the landlord and tenant agree on a lease in writing for any term, at the expiration of that term the premises are then completely free of any of the provisions of the Act. It is said that landlords are finding themselves in difficulties because tenants enter into a written lease for a period, mostly for a short period, at the end of which they apply to the Housing Trust for the fixation of the rent, and by doing that they get into the property by means which would not be regarded as totally *bona fide*. I think that under the amendment, that position may operate in reverse—in other words the landlord could enter into a lease of premises at a rental of one day or one week and that the rent could be any figure, and at the expiration of the day or the week the premises would be taken out of the Act. Under those circumstances a lease could be made between a man and a member of his family to lift the house out of the Act.

There is some merit in the honourable member's suggestion, but the lease which takes a house out of the Act should be for a reasonable period, which would stop abuse. If the honourable member would be prepared to provide that the lease in writing must be for a period of, say, six months—then at the end of that period the premises would be beyond the provisions of the Act—I think it would have more merit. That would then be along the lines we have been providing since 1953, and I feel would give adequate protection.

The Hon. Sir ARTHUR RYMILL—I think the Attorney-General's point is well taken. As he says, if a landlord cared to be clever he might take a lease for a week, and it might under my clause, as the Attorney-General says, be possible to abuse it. I think that the period of six months he suggests is a reasonable one and I ask leave to amend my amendment accordingly.

Leave granted.

The Hon. Sir ARTHUR RYMILL—I move—

> In the fourth line after "premises" to insert "for a term of not less than six months."

The Hon. S. C. BEVAN—I oppose the amendment as I feel that a term of six months is too short. In certain parts of the Act 12 months' notification is provided, and I think that period should also apply in this case. If this amendment is accepted it will mean that at all times in the future these premises will be exempt from any rent control by the Housing Trust. Sir Arthur Rymill said that the intention of the amendment is to take premises outside the provisions of the Act once a lease is entered into between landlord and tenant.

The Hon. Sir Arthur Rymill—You cannot do that.

The Hon. S. C. BEVAN—If the Act provides for a specific thing to be done, then it can be done.

The Hon. E. Anthoney—Parliament cannot bind future Parliaments.

The Hon. S. C. BEVAN—Any school child would know that. If the amendment is carried, premises in relation to which agreements have been entered into will be free from rent control in future. This would have the same effect as a previous amendment that allowed leases to be entered into for certain premises. After that was passed, we were called upon when we next met to carry a further amendment to stop exploitation. This is going back to that stage, and will lend itself to exploitation. If a landlord considers his property is worth £3 10s. but is receiving only 30s., and enters into a lease for £3 for six months, he could then say he is not prepared to enter into a further lease for the same rent, but wants £4 10s.

The Hon. C. R. Cudmore—What if the tenant says he will not pay?

The Hon. S. C. BEVAN—He will be told to get out.

The Hon. C. R. Cudmore—How can he be got out?

The Hon. S. C. BEVAN—By giving him six months' notice. Sir Arthur Rymill said that the amendment is for the purpose of rent increases if the landlord is not getting what he considers to be a fair rent.

The Hon. E. Anthoney—Isn't that principle working in relation to business premises?

The Hon. S. C. BEVAN—No, they are not under the control of the Act at all.

The Hon. Sir Arthur Rymill—But the principle to which you are referring already applies to dwellinghouses.

The Hon. S. C. BEVAN—I agree. The provision enabling a landlord and tenant to enter into an agreement is equitable, so I cannot see any necessity for an alteration. The amendment would allow a further lease to be entered into at a rental fixed by the landlord. Apart from my other objections, I feel that the period of six months is far too short, as the Act provides for a 12 months' notification. I oppose the clause.

The Hon. C. R. CUDMORE—During my speech on the second reading I pointed out that the Government has stood up to its expressed intention of gradually relaxing controls. At one stage commercial premises were under the Act, and the first way we started to ease them out was to say that leases for a certain period would take them out of control. Having found that that worked satisfactorily, we took them right out of control. I then went on to ask why we should not do the same with dwellinghouses. I quoted figures of the reduction in applications to the Housing Trust, and asked why should we not gradually ease off by giving landlords and tenants power to make agreements, and reducing the time. Now Sir Arthur Rymill has moved an amendment, and the Attorney-General has suggested that a limit of six months should be put on it. What is there to argue about? In 1953 we made it three years, and in 1954 we made it two years; it is three years since then, and in the hope that we will get people back to the principles of freedom of agreement, we are now suggesting that anyone who will agree to take a place should be able to do so. We spend £3,000,000 a year on education, and nobody has to write his name if he does not want to. I suggest this is a good amendment, and hope it will be accepted.

The Hon. Sir ARTHUR RYMILL—This amendment only applies to rent fixation. Once the tenant agrees to this fixation, at the end of the period he still could not be removed from the premises except in the same way as anybody can be removed from any premises. In other words, if the tenant refuses to get out at the expiration of this period, under the amendment the rent agreed upon would prevail, and the landlord would have to go through the same processes and show all the facts and hardships that he would have to show if the amendment were not passed.

The Committee divided on the proposed new clause—

Ayes (14).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, Sir Frank Perry, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill (teller), C. R. Story, and R. R. Wilson.

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

Majority of 10 for the Ayes.

New clause thus inserted.

Clause 3 "Basis for fixing rent."

The Hon. C. R. CUDMORE—I move—

To strike out "forty" and insert "fifty." I do not propose to take up very much time because I think members have had plenty of time to think about this matter. In my second reading speech I spoke at length on this question and went into certain particulars in answering the statements of the Government as to percentages and rates of rent. I said, and I still say, that rents in 1937 were 12s. 6d. a week for these small Housing Trust homes. The Government has some fancy idea that, although the trust could only get 12s. 6d. a week and that is what it charged, it should have asked for 25s. a week. If my statement in my second reading speech did not completely answer that it was answered by Sir Arthur Rymill when he pointed out that even in 1942 these rents had reached only 13s. or 14s. a week. I take no notice of all these calculations based on a fancy sum of 25s. a week which it was said should have been the rent in 1937. I do not propose to labor that question and will leave the figures at that.

If we work on a basis of sticking to the real rent, which was 12s. 6d. a week, Housing Trust rents have gone up not by 180 per cent but by about 250 per cent, but the poor unfortunate private landowner has been allowed to increase the rents for his houses by only 33⅓ per cent up to now. However, he is hoping he will be able to increase them by a little more under this Bill, and I am moving this amendment to allow him to increase his rents by as much as 50 per cent. A private owner may own several buildings, some of small value from a rental point of view, and others of a larger value. The Housing Trust is in the same position, but the trust arbitrarily, without any check by Parliament, averages its rents so as to make the tenants of the smaller places pay a little bit more in order that it will not have to charge too much rent to the tenants of the larger ones. The private owner would very much like to average his rents, but he cannot because the trust will not allow him to do it.

I do not intend to go into the question of rates and repairs and so on because that seems to me to be irrelevant. The question of rates is quite fixed in the Act. The increase in the cost of rates, repairs, and maintenance can be passed on to the tenant by the landlord, who is thus able to get that much more, but it is of no benefit to him at all because all the extra he receives is absorbed in increased rates, repairs, etc. What I propose to argue is a statement made by Mr. Bevan in this debate. I cannot remember his exact words, but he implied that the landlord had paid for the building long ago.

The Hon. S. C. Bevan—No, I said that the capital investment in his place had been paid for long ago by the tenants.

The Hon. C. R. CUDMORE—Exactly. That is the whole of my argument against this legislation, and my reason for advocating that we must give the landlord an increase. In company with other members, I have been on conferences on this Bill between the two Houses year after year, and the point that is always put to me—and it is the point I find hardest to fight—is the example of a man who just before he died in 1938 had put his savings of £3,000 into four cottages worth £750 each. That man thought that his widow would be set for life. Another man left £3,000 which his widow put into Commonwealth Loans.

I had the chairman and deputy chairman of the Real Estate Institute down here and asked them to put their own figures down as to the rents they could have got in 1938 and the rents they could get now, making allowances for the increased costs of rates, taxes, etc. On the face of it it looks as though even with the 33⅓ per cent and the 40 per cent proposed by the Government the landlord is not in a much worse position than the widow who had her money in Commonwealth Loans. However, the real test is this: the person who has had money in small cottages has not been able to get out or do anything with the money; he has not been able to sell simply because people will not buy the small places with rent restrictions on them. The widow who inherited 4 per cent Commonwealth Loans admittedly had her interest cut to 3⅛ per cent in 1951 which was bad, but she could, by accepting a small loss, sell any time she liked and put her money into shares or something more remunerative if she wanted to.

The poor unfortunate person—Mr. Bevan's friend—could not sell because no one would buy, and in the meantime his asset is depreciating in value. The person who had the Commonwealth bonds knew that she could sell them at a small loss and put them into something else if she wanted to. Such a person is not controlled like the unfortunate landlord. The landlord could not do anything with his asset. Not only is his asset far from paid for, but he has only just been able to live on what he has got and the asset has depreciated the whole time because he simply has not got the money to spend on it.

That is the position all over the world. I do not think it is necessary for me to go into this matter any further, but I say finally that I base my request—which this Council will realize is fair and proper—on the figures given by the Attorney-General. I could quite justifiably have moved for a 75 per cent or a 100 per cent increase, but I have tried to do something reasonable and sensible by moving that the increase allowed be raised from 33⅓ per cent to 50 per cent. I point out that no rise was awarded last year, and therefore I think this is quite reasonable.

I wish to make a comparison between the increase in rents and the increases in wages, clothing and food. In 1938 the food index figure was 861 and it is now 2,757, which means that food is three and a half times as expensive. The poor person who is living from rents has to be fed and clothed. In 1938 the clothing index figure was 857 and it is now 3,278, which means that clothing is nearly four times as expensive. The person who has been allowed to increase rents by only 33⅓ per cent has had to be fed and clothed. Wages have been increased by 222 per cent since 1938. I think it is a reasonable and very fair suggestion that we should increase this figure from 40 per cent to 50 per cent.

The Hon. C. D. ROWE—I did not reply to the arguments raised by Mr. Cudmore, Sir Arthur Rymill and Sir Frank Perry in their second reading speeches because I thought they could be more appropriately dealt with in Committee. The main burden of their remarks seems to centre around an answer which I gave to a question asked in this House when I said that although the Housing Trust was getting 12s. 6d. a week for the houses referred to the rent which could have been obtained at that stage was between £1 and 25s. a week. Mr. Cudmore made a serious allegation in stating that the figure of £1 or 25s. was the figure I arrived at by working backwards.

The Hon. C. R. Cudmore—I did not say "you."

The Hon. C. D. ROWE—It was stated that that was a figure which was not justified. I join issue with Mr. Cudmore because I believe there is abundant evidence to show that the figure which I stated was in fact the correct figure.

The Hon. C. R. Cudmore—Do you still say the rent was higher than 12s. 6d. a week?

The Hon. C. D. ROWE—Yes. The evidence which I produce in support of this matter is the statements which were made during the course of the debate in 1936 when the first Housing Trust Act was passed. I propose to quote certain extracts from that debate. Statements were made by certain honourable members as to what were the actual rents being received at that time, and I should imagine no-one would be more competent to indicate that than those who were discussing the position then. First, I intend to quote from the second reading speech of the Premier of the time (now Sir Richard Butler). In his opening remarks on the South Australian Housing Trust Bill he said:—

It will be generally recognized that there is a genuine demand for cheaper houses in this State. We have had questions from the Leader of the Opposition and other members with regard to the gradual increase in rents and the difficulty employees have in payment. Not only representatives of employees, but representatives of employers, the Chamber of Manufactures, the Chamber of Commerce and other associations are strongly in favour of the introduction of a Bill of this nature.

It will be remembered that a committee was appointed to look into this matter. Further in his speech the Premier said:—

The Government is trying to remedy the existing demand for houses. An unofficial committee . . . has reported to the Government that since the end of 1932 rents of four- and five-roomed houses have steadily risen and continue to do so. This rise in rents is caused by a growing shortage of houses.

Speaking on the same Bill Mr. Lacey (Leader of the Opposition) said:—

It is necessary and desirable that a large home-building scheme should be commenced at the earliest possible date. During the last 12 months rents have increased enormously. An increase of 25 per cent is common, and they have even been increased to the extent of 33 per cent. There is a shortage not only in Adelaide but in the larger country towns. It is necessary that something should be done at the earliest possible moment, not only to provide homes for the workers, but to replace some of the slum areas.

Another member of that House, Mr. Anthoney, who is now a member of this Chamber, had this to say:—

Many people of limited means have difficulty in getting houses, and the scheme proposed will help to relieve the situation. It is difficult to obtain a decent house at a rental of less than £1 a week, and the man on the basic wage cannot afford to pay such a rental.

So, he at that time thought that rentals should be at least £1 a week. Mr. Hamilton, another member, said:—

The basic wage for a mechanic is about £4 in each of the States. If a mechanic can get

a house in Collingwood for 10s. a week, the basic wage of £4 is 10s. to 15s. better for him than for the mechanic living in Adelaide who has to pay a rent of 20s. to 25s. a week. Those are the expressions of opinion of people who knew what the situation was at that time. A gentleman, then described as the Hon. W. G. Duncan, also spoke on the Bill. I have never found him guilty of incorrect statements and always accepted his statements as gospel truth. This is what he had to say:—

It is impossible for a man to pay, as many have contracted to do, 25s. or 27s. 6d. a week for houses if they are only in receipt of the State living wage.

From all those speeches it is perfectly obvious that the rent which could have been obtained for these places was more than 12s. 6d. a week, and that the amount should have been at least £1 or 25s. The real explanation why only 12s. 6d. was charged is found in the South Australian Housing Trust Act itself. Members who were in this House at that time would know, because they voted on the particular clause. Section 27 (1) of the original Act is the one which governs the matter and it was as follows:—

With respect to the letting of houses of group A the following provisions shall apply:—

(*a*) The trust shall not let any house of group A to any person whose weekly income at the time when the lease is applied for exceeds £4 10s.:

(*b*) The trust shall not let any house of group A to any person who at the time of applying for the lease owns a dwellinghouse:

(*c*) The trust shall not let any house of group A at a rent exceeding twelve shillings and sixpence per week.

It was not because standard rents were only 12s. 6d. a week.

The Hon. Sir Frank Perry—It was still based on the cost of the house.

The Hon. C. D. ROWE—The standard rent was not 12s. 6d. but 25s. It has been suggested that I had no proper grounds for making my statement. I say unequivocally that the arguments used during the 1936 debate completely justify my statement, and I therefore say that the reason why the rental was not more than 12s. 6d. for those particular houses was that under section 27 (1) (*c*) the trust was prohibited from charging any more. I think I have said enough to show that my statement was made in good faith and correctly in accordance with the facts. It seems to me that the case which Mr. Cudmore has made out this afternoon has been based largely on the fact that his information is that the rents which could be got for those premises in 1936 were only 12s. 6d., whereas there is abundant evidence on the statements of the honourable gentlemen I have mentioned, whom I should not like to contradict, that they could get at least £1 or 25s. Mr. Cudmore also said, "Why not come to some of the statements I made in regard to the Housing Trust." I think we might have a look at that. When speaking on this Bill on Thursday, in reference to the 1936 debate, Mr. Cudmore said:—

At the time I said that the Bill was a curious mixture of business, charity and sentiment, that it could never pay its way and that it would mean eventually that the Government would have to house everyone below a certain income. That, of course, has followed; there is no question about that.

He says in effect that the trust could never pay its way. I join issue with him there, because it has paid its way, and except in one small instance, not one penny of public money has been lost by it. It has in reserve at present approximately £1,000,000, and to those who have read its report it will be seen that its profit last year was about £340,000.

The Hon. C. R. Cudmore—And it charges what rents it likes.

The Hon. C. D. ROWE—It does not. It charges rents which in the majority of instances are not more than the private individual can secure by going to the trust. The point is that the honourable member made the statement that it would never pay its way, but I challenge that statement and say that the published facts are that it has paid its way. As a point of interest, since 1936 the total amount of rental which it has had to write off as bad debts does not exceed £500, and I believe that is a record which cannot be surpassed by any private company of any considerable magnitude. On Thursday Mr. Cudmore during his speech said:—

The other question I asked was what is the present rent being collected by the trust for the houses which were let by the trust in 1937 at 12s. 6d. a week. I do not know whether to say I was amused or disgusted when I heard the Minister's reply.

I am certainly not amused or disgusted, but I am surprised that in view of all the evidence available on the Bill, I should have been attacked in regard to that particular statement, because I take my responsibilities in this matter quite seriously and do not supply to the House information which is not correct. It is, as has been mentioned earlier this afternoon, the policy of the Government to get out of rent control as early as it can and as it feels the circumstances justify, and it has done so

in many ways. We have already discussed on an earlier amendment what has been done in releasing premises from control, and it is known to all members that any houses built since 1953 are completely free from the provisions of the Act; so that anyone who wants to build a house can do so without fear that it will be under any provisions of the Act. Therefore, private enterprise is perfectly free to go ahead with the building of houses, and there is no provision in the Act which can affect them.

I do not propose to labour the matter. I think that the answers I have given prove that the figure of 40 per cent I gave was given with a factual background, and I have been able to substantiate them, and I believe that in suggesting an increase up to 40 per cent, it has been a very reasonable approach. It is not the Government's policy to be unreasonable in this matter, which I think has been demonstrated quite clearly by my reaction to the amendment moved by Sir Arthur Rymill this afternoon. It has always been the policy of the Government to hold the scales evenly between the landlord on the one hand and the tenant on the other. I believe that has been done in this Bill, so I ask the Committee to reject the amendment.

The Hon. A. J. MELROSE—As one who was in the House of Assembly before becoming a member of this Council, I am quite conscious of the background of this legislation, and although I am neither disgusted nor amused, I am certainly not impressed by the arguments advanced by the Attorney-General. The circumstances preceding the birth of the Housing Trust were that there was a large body of people in South Australia which, to the consternation of the Government could not afford to pay the current rents, which were 25s. to 30s. a week, and Mr. Horace Hogben, to whom sufficient homage has not been paid, worked for the formation of a Government body to provide houses for people who could not afford to pay more than 12s. 6d. a week.

That is the reason why the Trust came into being, why certain houses were built, and why the rents were fixed at 12s. 6d. I would hesitate to say that the answers of the Attorney-General smacked of sophistry, but what I have said was the actual position. Whether 30s. or £30 could have been obtained for these houses is not the point; the point, which has been lost sight of, is that these houses were conceived, built and let to meet the needs of people who were right down to bedrock following the depression. Mr. Hogben worked for four years to get these houses, and to say that they could have been let for 30s. a week does not impress me, because very many people could not pay anything. That was the idea behind the whole thing, and I think that was the real rent that could be charged for the houses.

(*Sitting suspended from* 5.50 *to* 7.45 *p.m.*)

The Hon. Sir ARTHUR RYMILL—I support the amendment. In the colloquialism of today the increase proposed by the Government, which admittedly is a step in the right direction, is chicken's feed. It does not really amount to very much when one analyses it. On a rent of £1 a week the increase amounts to about 1s. 3d.; on 30s. it is 1s. 10½d.; and on a rent of £2 it is 2s. 6d. It is quite unrealistic. The amendment takes it quite a little bit further than that, namely, another 10 per cent, which means a few shillings a week extra to the landlords who have suffered for a long time. I do not think anyone would gainsay that. An increase of 50 per cent is little enough.

I am not proposing to dwell on the Housing Trust argument which seems to have been quite thrashed to pieces, but I think it is quite evident, whatever quibbles there may be about the figures, that the trust has fared very much better than the private landlord. I do not think there can be any squabble about that. Even if Mr. Cudmore's amendment goes through, the Housing Trust increases, making allowances for any concessions they may have given early on in their rentals, will be far and away more than would be permitted to private landlords. I propose as a matter of ordinary common justice to support the amendment in order to give the landlord a little bit more, but still far less, in my opinion, than he is entitled to.

The Hon. F. J. CONDON—I think that those who have advocated this increase of 50 per cent have put up a very reasonable case. However, they lose sight of the fact that there are other things to be considered. This afternoon a tribute was paid to the man who was responsible for the introduction of the legislation wich set up the South Australian Housing Trust in 1936. I refer to Mr. Hogben, an ex-member of Parliament. I think Mr. Cudmore will agree with me that he was a very conscientious member. We had occasion to travel together around Australia on a Royal Commission and found Mr. Hogben a very capable man. I spoke on this Bill on July 14, 1936, and said:—

We find it necessary to legislate not for the majority but for the minority.

I still say that today. Who was responsible for the introduction of this legislation? It was the unscrupulous landlords who took every possible advantage to increase rents.

The Hon. Sir Arthur Rymill—We ought to live in 1957 instead of 1939.

The Hon. F. J. CONDON—My friend stands for the pegging of wages.

The Hon. Sir Arthur Rymill—I did not say that.

The Hon. F. J. CONDON—He does not stand for the pegging of rents. The ordinary tenant today is a person whose wages are pegged. The cost of living has increased, but he has to submit to the laws of the land and the Arbitration Court with regard to his wages. I repeat again that some landlords may suffer hardships, but we have to consider the majority of the people. I do not think that a general increase is justified. We have to face up to the position that conditions in South Australia and the Commonwealth are worse today than they were 12 months ago.

The Hon. Sir Arthur Rymill—Do you think rents have increased by only 50 per cent since 1939?

The Hon. F. J. CONDON—Rent is only one of the things that make up the cost of living. The ordinary man has to meet increases in everything else, and even 2s. or 3s. a week means a lot to the man whose wages are pegged. I therefore oppose the amendment.

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

Ayes (6).—The Hons. J. L. Cowan, C. R. Cudmore (teller), L. H. Densley, E. H. Edmonds, Sir Frank Perry, and Sir Arthur Rymill.

Noes (11).—The Hons. E. Anthoney, K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, N. L. Jude, W. W. Robinson, C. D. Rowe (teller), A. J. Shard, C. R. Story, and R. R. Wilson.

Pair.—Aye—Hon. A. J. Melrose. No—Sir Lyell McEwin.

Majority of 5 for the Noes.

Amendment thus negatived.

The Hon. F. J. CONDON—I oppose the clause. Wages have been pegged, and I think that particularly in these times the increase of 33⅓ per cent now allowed is quite sufficient.

The Committee divided on the clause—

Ayes (14).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, Sir Frank Perry, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 10 for the Ayes.

Clause thus passed.

Clauses 4 and 5 passed.

Clause 6—"Court to consider hardship."

The Hon. C. R. CUDMORE—I ask the Committee to oppose this clause, and I will also ask to have clause 7 deleted. Neither clause was in the Bill as introduced by the Government in the House of Assembly, and I doubt whether they carry out the Government's policy. It seems that they are retrograde, and are a gradual relaxation of this legislation backwards instead of forwards. Clause 6 restores the question of hardship and relates to people giving notice when they want to sell. We carried legislation in 1956 providing that a person could give notice to sell if he wanted his house for his own people or for purposes of sale. There are two grades provided for in the Act—one is that a person can give notice without taking into account alternative premises or hardship. The other deals with such matters as the non-payment of rent, and the question of hardship has to be taken into account.

The Hon. F. J. CONDON—I trust that the Government will not weaken. Over a period of years some people, mostly New Australians, have committed perjury by saying that they wanted their house for themselves or a relative, and having secured the property they let it to someone else at an increased rent. It was because of this that the Government agreed to include the clause. Cannot we rely on the court to decide the greatest hardship? I hope the clause is retained.

The Hon. C. D. ROWE—I think Mr. Cudmore has correctly set out the position. Until last year the hardship provisions had to be taken into account, but we then included a clause which provided that where six months' notice is served on the tenant and it was a statutory declaration providing that the house was needed by the lessor, his father or mother or to facilitate its sale, at the end of that six months the landlord was entitled to possession and none of the provisions of section 42 regarding hardship were taken into account. As Mr. Condon has mentioned, cases have arisen where some declarations issued were not *bona fide* and could not be substantiated, and under those circumstances the landlord has obtained possession, but not for the purposes he indicated. Because of that,

the amendment was included in the House of Assembly and therefore the Government feels that it should be retained.

The Hon. Sir ARTHUR RYMILL—As I indicated in my second reading speech, I am totally opposed to this clause, and if it and the next clause remain I intend to vote against the Bill in its entirety. We have made progress towards relaxation of this control. In 1955 an amendment was inserted relaxing the legislation to some extent. I think it is freely admitted by both sides that the landlord has had the worst end of the stick under this measure.

In 1955 section 55c was passed providing that a landlord could obtain possession of his house if it was reasonably needed for occupation as a dwellinghouse by himself, his son or daughter or his father or mother. He could give six months' notice, and so long as it was *bona fide* then he was entitled, quite apart from the considerations mentioned in another clause, to get possession. That was a great advance, and it was recognized that the owner of a house really owned it.

Last year a further amendment was introduced to the same section providing that the landlord could obtain possession of the house on the same terms—six months' notice on the ground that possession was required to facilitate its sale. This was a great step forward, because it meant that the owner could change his form of investment at a reasonable price. As I said then, we are not here to protect, as I see it, people in any particular form of investment, but to protect their interests as a whole. So in effect Parliament said "You can now sell your house at a reasonable price and someone else can get it at a reasonable price, and you will be able to get your full value for it and re-invest your money in something else."

Those two amendments were passed in 1955 and 1956 and they were great strides towards the relaxation of control. As Mr. Cudmore pointed out, clauses 6 and 7 were not in the Bill as introduced by the Government, and as I understand it they were forced upon the Government by an adverse vote in the House of Assembly. This set the clock back to the early days of this legislation when it was a war-time emergency. This is a complete "look-back." I feel it is in accordance with the traditions and role of this honourable House that we should oppose the amendment. I intend to oppose this clause and also clause 7.

The Committee divided on clause 6.

Ayes (6).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, N. L. Jude, C. D. Rowe (teller), and A. J. Shard.

Noes (12).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore (teller), L. H. Densley, E. H. Edmonds, A. J. Melrose, Sir Frank Perry, W. W. Robinson, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 6 for the Noes.

Clause thus negatived.

Clause 7—"Recovery of possession in certain cases."

The Committee divided on the clause.

Ayes (6).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, N. L. Jude, C. D. Rowe (teller), and A. J. Shard.

Noes (12).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore (teller), L. H. Densley, E. H. Edmonds, A. J. Melrose, Sir Frank Perry, W. W. Robinson, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 6 for the Noes.

Clause thus negatived.

New clause 7a "Restriction on letting of certain dwellinghouses."

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

7a. Section 55d of the principal Act is amended by striking out subsections (3), (4) and (5) thereof.

I do not propose to speak at any length on this, partly because of the discouragement I received on another amendment. I wonder really whether a certain press, for which I have no time, is not perhaps right when it says that this House is only an echoer and follower of another place, and has no mind of its own. I was inclined to think that when I moved an amendment a little while ago. I think every member knows all about this matter. In 1956 the Government added a section to the Act to provide that people could get possession by giving notice that they wanted to sell. Trouble was raised, and the section was amended last February in two ways. Firstly, a scream was raised that people were giving declarations that they were going to sell to get people out, but they did not sell. As a result the Government brought in a Bill to try to right the matter, and it did two things; it put in one provision that if the owner gave notice that he wanted to sell but did not sell within a certain time—I think three months—he had to offer the place to the previous tenant at the same rental, and if the tenant did not take it within 14 days it had to be offered to someone else at the old rent. I am not com-

plaining about that, but this Chamber, following on something sent here from another place, went further and said what was to happen to the person who bought the house if it was sold. That is the distinction I want members to have in their minds.

The first check we made in February was on the man who gave notice that he wanted to sell but did not sell, and that was all right, but if the man who gave notice and wanted to sell had these tags tacked on—what he had to do and what his purchaser had to do—the result would be that he did not sell. That provision has had the effect that properties cannot be sold, because buyers will not come in if given notice and so on. We gave rights to executors and people who had to sell to give notice of sale, and then it was considered that we had gone too far, so we restricted the matter as far as the seller was concerned. The provisions we inserted, and which I ask the Committee to strike out, are futile because people who have to sell cannot do so when these tags are tied on.

The Hon. C. D. ROWE—I ask the Committee not to accept the clause. As Mr. Cudmore put it clearly, these subsections (3), (4) and (5) were inserted as late as February last to correct a position that had arisen following the passing of previous legislation. Before subsection (3) was inserted, a man could defeat the intention of the Act by selling to his wife, son, daughter or someone else, and having done so, was exempt from control. To prevent that practice, which we think was not contemplated when the previous amendments were put in, we provided that where a purchaser buys a house that he does not want for his own occupation, but lets it within 12 months, he should be subject, not to a substandard rent, but to a rent fixed by the trust. I believe that that is a fair interpretation of the circumstances. It is something to which this House agreed a few months ago, and I therefore ask the House not to agree to this new clause.

The Hon. Sir ARTHUR RYMILL—It is true that the Council agreed to this clause in February last but I do not think it was by any means wholehearted on the matter. In fact, I know it was not. This is a curious clause, and it is an aftermath of section 55 (*c*) which says that an owner can give notice to quit and sell his house. This new clause says that if a man buys it and lets it within 12 months it comes back under control. Twelve months is a long time, and it contrasts curiously with the words of the Premier the other day at a convention of builders when he was reported to have said in effect that private enterprise was not doing its job in relation to housing. How can private enterprise do its job in relation to housing when it has that sort of clause imposed on it?

If a man wishes to buy a house for letting he cannot do it under this clause. If he wishes to buy a house built before the war for letting he has to buy and take the ridiculous rent that has been referred to—a pre-war rent. Who on earth would be foolish enough to do that? That is precisely what this clause says, namely, that if a man wants to buy a house to live in himself it is all right; if he stays there for 12 months he can then let as he likes; and if he buys it and cannot stay there for 12 months, perhaps for a reason beyond his control, he has to let it at pre-war rent, in effect, plus a small unreasonable percentage.

The Hon. C. R. Cudmore—It is the vendor I am thinking of; what about him?

The Hon. Sir ARTHUR RYMILL—I am coming to him. This completely stops the investor, a man who wants to let the house and genuinely get into the letting field, from doing what the Premier apparently wants him to do, which is to let houses. He has to go back to pre-war rents, and if anything is unrealistic that is it. As Mr. Cudmore said, it strikes equally at the vendor because it restricts his field completely in his sale. It must diminish the value of that house to the vendor altogether. Although the Council agreed to this provision in recent months, I think that those who did agree can learn. There is no doubt, in my view, that this is a bad provision and should be struck out. I support the new clause.

The Committee divided on the Hon. C. R. Cudmore's new clause 7 (*a*).

Ayes (11).—The Hons. E. Anthoney, J. L. Cowan, C. R. Cudmore (teller), L. H. Densley, E. H. Edmonds, A. J. Melrose, Sir Frank Perry, W. W. Robinson, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Noes (7).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, N. L. Jude, C. D. Rowe (teller), and A. J. Shard.

Majority of 4 for the Ayes.

New clause thus inserted.

Remaining clauses (8 to 10) and title passed.

Bill reported with amendments and Committee's report adopted.

VOLUNTEER FIRE FIGHTERS FUND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1239.)

The Hon. F. J. CONDON (Leader of the Opposition)—This is a very simple Bill which extends rights and privileges to volunteer fire fighters. The Act of 1949 set up a fund to which the Government and insurance companies make annual contributions. The fund is administered by trustees, and section 13 provides that it may be applied by the trustees in paying compensation to volunteer fire fighters who are injured whilst engaged in combating fires, or in case of death, to their dependants. The balance in the fund today is £4,539.

As members know, during the last two or three years there have been a number of bush fires not only in the hills but in various parts of the State, and volunteer fire fighters have been under a risk but have not been entitled to receive compensation for injuries. If people are prepared to make a contribution to saving property I think they should be considered. All this Bill does is to extend to a certain extent the provisions of the Workmen's Compensation Act to these volunteer fire fighters. I do not think any objection can be taken to that, and I support the second reading.

The Hon. R. R. WILSON (Northern)—I support the Bill and also the remarks of Mr. Condon. Emergency fire services have done a grand job in this State for a number of years. For some considerable time they were doing this voluntary work and receiving no compensation whatsoever for any injuries they might sustain. When these people are called out for fire fighting naturally everyone is in a hurry; speed is introduced, and accidents easily happen. This Bill will improve things considerably. Compensation will be paid to the dependants of volunteer fire fighters where death or injury occurs when they are engaged in supervised practice or drill or other duties in preparation for combating fires.

I compliment Mr. F. L. Kerr on the wonderful job he is doing. He seems to have the confidence of volunteer fire fighters all over the State. These men who voluntarily give their services in this matter and receive no reward are surely entitled to have what this Bill provides for them.

The Hon. A. J. MELROSE (Midland)—Volunteer fire fighting has been developed considerably during the last few years so that now throughout the State there are bodies of volunteer fire fighters who deserve the very highest congratulations and thanks of the community. What this Bill does is recognize that the risks these volunteers are subject to are not confined entirely to the field of the actual bush fire. They incur a great risk in preparing themselves as efficient fire fighters. They undergo much training, and during this period can meet with mishaps, and as they are not in a position to face up to the results of such mishaps, the Bill has been introduced. It enables those controlling the compensation fund to recompense these men for injury, or their dependants in the event of death. Because these men do such a magnificent job they should be compensated if they meet with a mishap in fighting fires. I support the Bill.

Bill read a second time and passed.

DAIRY INDUSTRY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1241.)

The Hon. F. J. CONDON (Leader of the Opposition)—The principal Act was passed 29 years ago, its object being to improve the quality of dairy produce. I think that has been achieved. This Act also provided for the licensing of dairy farms, dairy factories, milk depots and creameries to ensure proper standards of hygiene. However, alterations are now required to meet present-day conditions. Provision is made to exempt part of the State from the whole Act, or any part of it. This is subject to the restriction that a dairy farm cannot be partly exempt; it must either be wholly exempt or not exempt at all.

Clause 5 deals with farms on which goats are kept. During the past few years there has been a big increase in the number of goats, and therefore it is necessary to control the sale of milk from this source. Under clause 6 a person who wishes to establish a milk factory, creamery or milk depot must deposit plans. Previously this was not compulsory. Clause 8 deals with alterations to the licensing system. Application for a licence for premises, other than a dairy farm, must be sent to the Chief Dairy Adviser. Previously they were submitted to a police officer. Applications for a licence for a dairy farm will be dealt with by a police officer as previously. The Bill will give the Chief Dairy Adviser additional powers. Much money has been spent

in improving dairies, but it might be a hardship if the same conditions applied to a person who kept a few goats.

Many of the fees will be doubled. At present it is 6d. a head for cows, but it is proposed to make it 1s., and the licence for a milk factory, creamery or milk depot will also be increased by 100 per cent. The charge for goats will be 6d. a head. Clause 11 relates to the marking of cheese for identification purposes. I understand some difficulty has been experienced in this respect, and therefore the law should be tightened. It is proposed to increase some of the penalties by 500 per cent, which I consider excessive. I support the second reading.

The Hon. J. L. S. BICE (Southern)—This Bill has been submitted to people who are interested both on the production as well as the selling side. I believe it has been introduced because of our increased population. Possibly seasonal conditions also have something to do with it. Among other reasons for the measure are our increased pasture development, Government subsidies for bulls and the establishment of milk and butter factories. I believe that in future graziers in the South-East will be compelled to go in for dairy cows more extensively. As one with some experience in working long hours in this industry seven days a week, I have good reason to support the legislation. The Act passed in 1946 relating to metropolitan milk supplies has resulted in putting dairymen on the decent basis they deserve. I was rather surprised to hear Mr. Condon say that the cow registration fee has gone up, because I was under the impression that that is one of the provisions that had not been altered. The cow registration fee is 6d., the goat registration fee has been fixed at 6d., the factory registration fee from 10s. to £1 and the milk depot fee has been increased by 100 per cent. This legislation is necessary, so I have pleasure in supporting it.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Penalties."

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

To delete "fifty" and to insert "thirty." I move this amendment because I think an increase of 400 per cent in the penalty is too great.

The Hon. C. D. ROWE (Attorney-General)—I ask the Committee not to accept the amendment because penalties are always a matter for the discretion of courts, which can impose any penalties they like commensurate with the degree of severity of the offence. The fact that we provide a penalty of £50 does not mean that that fine must be imposed on everyone. The Government believes some offences under this Act would be sufficiently serious to warrant a penalty of £50, and in such cases the magistrates in their wisdom should be able to impose such a penalty. On the other hand, if the offence is trifling, magistrates can dismiss the case without imposing any penalty.

The Hon. F. J. CONDON—I know that courts always take into consideration the matters mentioned by the Attorney-General, but the maximum penalty is a direction by Parliament. In some cases penalties could be higher than they are now, but a magistrate would ask what Parliament has provided, and on seeing that the maximum penalty provided is £50, he would regard all offences as serious. I think an increase from £10 to £30 would be reasonable.

The Committee divided on the amendment—

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

Noes (12).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, L. H. Densley, N. L. Jude, A. J. Melrose, Sir Frank Perry, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 8 for the Noes.

Amendment thus negatived; clause passed.

Remaining clause (15), schedule and title passed.

Bill reported without amendment and Committee's report adopted.

ADVANCES FOR HOMES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1242.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill, which is on all fours with previous amendments to the Act. It deals specifically with extending the powers of the State Bank to increase advances from £1,750 to £2,250. Although the Government has increased the amount that can be lent, there is still a shortage of homes and a financial stringency in relation to loans. I lay the blame for this on the Commonwealth Government, working through the Commonwealth Bank, which has created a position in which those who desire to build homes are unable to do so.

I think every member will agree that we should pay a tribute to the State Bank. Soon after hostilities ceased in 1918 that bank was the main building authority in the State, and its activities culminated in the construction of the thousand homes at Colonel Light Gardens under a Labor Government. Although the Government of the day was criticised, those homes are a monument and an example of suburban town planning that has not been excelled in any other part of the British Dominion. As a member of the profession of architects I know that is a fact. When the thousand homes scheme was embarked upon by a Labor Government there was a good deal of criticism by those opposed to Labor, as is the want of the opponents of Labor whether it be in the Federal or the State sphere. These homes today stand as a monument to the far-sightedness of that Government and their recognition of the need for decent homes for the people. My mind goes back to the time when these homes were sold for about £750, and today many of them are worth between £4,000 and £5,000.

It is unfortunate for this State that the State Bank, because of the policy being pursued by the Playford Government, is no longer a building authority but a lending authority. The recent Housing Agreement between the Playford Government and the Commonwealth Government channels the major portion of the loan moneys for home building into the Housing Trust, with which I do not entirely disagree. However, with the State Bank going out of the competitive market in home building the Housing Trust has become the main building authority and is doing a very good job.

A person desirous of building a home with a loan from the State Bank and doing his own contracting has first of all to acquire his own block of land, and then before the first payment is made to him he has to have the walls erected to ceiling level. That means that he would have to expend between £900 and £1,500 before he could get his first advance. In contrast to that, with the monopoly being exercised by the Housing Trust a purchaser has to pay a cash deposit of only five per cent of the first £2,000 of the purchase price, plus 10 per cent of the amount by which the purchase money exceeds £2,000. The balance of purchase money remaining after payment of the cash deposit cannot exceed £2,750, that is, £2,750 is the maximum advance permissible. The maximum period for repayment of the purchase money is 40 years; and the rate of interest is 4½ per cent.

Whilst this Bill only permits the State Bank to lend £2,250, the Housing Trust with its organization of home construction can lend £2,750. The conditions and terms under which it lends are much more acceptable to the borrower than the State Bank advance. I do not know what the policy of the Government is in making a monopoly such as the Housing Trust. I say quite unreservedly that where there is monopoly control, whether it be in the State or the Commonwealth sphere, it may prove detrimental over the years to those who desire to borrow money to build through it. I suggest the State Bank should be put back on its previous basis and be permitted to be a building authority as well as a lending authority. In view of the fact that this is an extension of loan money to those who desire to build, I have much pleasure in supporting the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—I support the Bill. It is a matter of regret that the amount has to be increased by £500, because in many cases this extra money does not provide for a better home but only keeps in step with increased costs, and the same type of house is often supplied as was obtainable when the maximum advance was £1,750. It is a sign of the times. I agree that the Housing Trust builds a cheaper house than one could build through the State Bank, but the latter type of borrower usually wants a house in his own choice of locality and desires to follow his own judgment in building rather than taking a mass produced home of the Housing Trust, and consequently he has to pay more.

The State Bank of necessity does not lend so freely on second mortgage as the Housing Trust. This Bill gives a chance to the middle income people to build their own house in their own choice of locality, and is a necessity to enable that person to build the type of home he desires. On those grounds I support the Bill.

The Hon. L. H. DENSLEY (Southern)—I support the Bill. I appreciate that it is necessary to provide a larger sum of money for the building of a home than has previously been provided. One of the main clauses of the Bill provides for the extension of the period of repayment of loans on timber-framed houses. Apparently it has been realized that the limit of a 20-year term on this type of house makes the instalment too high compared with the value of the house, and consequently the term

has been increased to 40 years, the same as for a brick or stone house. Whether that is an entirely wise provision in view of the deterioration that takes place in a timber house is difficult to say, but evidently the authorities concerned with these matters have decided the question and I have no quarrel with it. The upkeep of a timber house after 30 or 40 years must be very considerable, and it is questionable whether one would not have to incur heavy maintenance in addition to the instalments. However, that is provided in the Bill and I think it is one of the important factors.

I agree that it is very desirable that the State Bank should become a major authority again for the building of homes. In years gone by the standard of houses built by the State Bank or under its supervision was sufficient to guarantee that the house would bring a little more money than one built by anyone outside that authority. Consequently, I think it is desirable that more money should be made available to the bank for that purpose.

One cannot say the same thing for the Housing Trust. I am not decrying the trust, but we know that it was set up to build a cheaper type of house. One has only to know that a house has been built by the Housing Trust and that it is in a Housing Trust area and the value is thereby written down. If we can transfer more of our building operations to the State Bank and the Savings Bank it will be all to the good of the market value of the house and therefore to the general community. I therefore have pleasure in supporting the second reading.

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

PRICES ACT AMENDMENT BILL.

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

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

It extends the operation of the Prices Act for a further 12 months. It has been introduced by the Government after careful consideration of the arguments for and against the maintenance of control. The Government believes that control is still necessary in the interests of economic development. It is of the utmost importance that the costs of production in this State will be such as to enable our industries to compete with those of the eastern States. The competitive strength of our industries depends upon their ability to keep costs under control, and failure in this matter might have very serious results with widespread unemployment. There is little doubt that our system of price control has had a considerable effect in keeping costs reasonable and has contributed to the prosperity and expansion of our industries and the resulting high level of employment.

At this moment South Australia is experiencing the greatest period of development in its history. Our population is growing rapidly. According to the Commonwealth Statistician's figures the rate of increase is greater in this State than in any other State of the Commonwealth. Concurrently, there is an unprecented expansion of industry. We need more schools and houses, extended transport systems, more roads, water, electricity, hospitals, recreational facilities and greater supplies of basic materials of all kinds. The expansion which is essential and unavoidable places a great demand on capital, labour and material. These factors all tend to cause inflation, and not much can be done to counteract it except through the medium of Government action.

In considering whether there is a case for continued price control it is relevant to look at what has happened in the four Australian States where price control has been abolished—namely, New South Wales, Victoria, Western Australia, and Tasmania.

In New South Wales price control was abolished in the middle of last year. Since then the increase in the cost of living as revealed by the C Series Index has been more than twice as high as the increase in South Australia during the same period—7s. a week as against 3s.

In Victoria control was abolished at the end of 1954. Since then the C series index in Victoria has risen by 30s., while in the same period the increase in South Australia has been only 20s. In Tasmania price control was abolished about the same time as in Victoria, and Tasmania's C series index has risen by 29s., as opposed to 20s. in this State. Western Australia abolished control at the end of 1953. Since then the Western Australian cost of living has risen by 45s. The corresponding figure in this State is 22s.

The figures which I have given allow for the recent increase of 2s. in this State. It is not unreasonable to infer, from what has happened, that price control is an effective factor in keeping down the cost of living.

The Government has a great deal of information showing the prices of specific goods and services in all the States, and these clearly indicate the lower prices prevailing in South Australia.

We have recently had experience of the effect of de-control under our own legislation. Earlier this year a representative cross section of goods in ample supply and on which fair margins were allowed, were de-controlled. Since de-control, price movements on these lines have been carefully watched and although costs have shown only a small increase, the price increases in many cases have been substantial. The Prices Department knows of numerous instances in which traders, after incurring a legitimate cost increase, take steps to increase selling prices to a far greater extent than is justified by the increase in costs.

The effect of price control on the cost of houses has been highly beneficial to the South Australian public. The Government is advised that in other States where building and materials are not controlled a five roomed house costs about £500 more to build than the same type of house in this State. From all the information which is available to the Government it can fairly be inferred that in present circumstances price control is not only beneficial but necessary. Apart from the question of hardship to individuals resulting from constantly increasing prices, our industries can only progress, find new markets and maintain employment if their costs are kept within proper bounds. This applies both to primary and secondary industries, but particularly to primary industry, the major portion of whose products is sold in competitive world markets. To these producers price control brings a great benefit by maintaining reasonable stability in the prices of commodities such as superphosphate, petrol, kerosene, oil, fuel, pipes and fittings, tyres and tubes and other items used in production. The Government itself is also a very large buyer of all kinds of goods for public works and the day to day operations of the State and has a duty to the public to see that the prices charged are not unduly inflated.

There are two other matters of interest which may be mentioned in connection with this Bill. The first is that, contrary to the views expressed in some quarters, price control is favoured by a large majority of the public. A Gallup poll was held in May of this year on the questions whether prices should be controlled or not, and whether control should be under the State or the Commonwealth. A large majority favoured price control—well over two-thirds of those who expressed opinions. In this State the majority in favour of price control was the highest of any State—nearly three to one.

While every State of Australia favoured price control, opinion was divided whether it should be a State or Federal matter. South Australia, Western Australia and Queensland favoured State control. Victoria, New South Wales and Queensland favoured Commonwealth control. On this question the majority in favour of State control was highest in South Australia, and more than two-thirds of those who had an opinion on the subject favoured the State.

Another point which may be mentioned is that the Prices Act does not merely operate through the medium of the specific orders which are made for controlling prices. The mere fact that the Act is on the Statute Book and that action can be taken in appropriate cases enables the Prices Department to make numerous voluntary arrangements with traders and manufacturers, which are highly beneficial to the public.

Finally, it must be stressed that price control does not mean that traders are denied fair margins or reasonable profits. The aim is to secure a fair, just, and stable price as opposed to an excessive and constantly increasing one.

It has not often been my privilege to present such a factual and convincing second reading.

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

BUSH FIRES ACT AMENDMENT BILL.

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

MARINE ACT AMENDMENT BILL.

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

ADJOURNMENT.

At 10.18 p.m. the Council adjourned until Wednesday, October 30, at 2.15 p.m.