

LEGISLATIVE COUNCIL.

Wednesday, October 30, 1957.

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

QUESTION.**PRICE CONTROL.**

The Hon. C. R. STORY (on notice)—

1. How many items are under price control?
2. What are the main categories of goods under control?

The Hon. C. D. ROWE—The replies are:—

The number of items which are under price control at the present are too numerous to mention, but the following are the main items subject to price control divided into groups:—

Groceries and Foodstuffs.—These include bread, breakfast foods, butter, cheese, flour, plain and self-raising, infants' and invalids' foods, meat, smallgoods, milk, (metropolitan area controlled by Milk Board, country areas controlled by Prices Department), tomato sauce, sago, salt, soaps, soap powders and detergents, sugar.

Primary Producers.—Bran and pollard. Prepared stock and poultry foods. Tyres and tubes, including tractor tyres and tubes. Rubber footwear used in dairies, etc. Superphosphate. Blood and bone fertilizers. Sulphate of ammonia. Arsenate of lead. Petroleum products including petrol, lighting kerosene, power kerosene, diesel oil, furnace oil, distillate and lubricating oils. Paints, thinners and putties. Once-used cornsacks. Galvanized iron. Galvanized piping and fittings. Water tanks and cementing of tanks. Cartage, haulage and delivery rates. Building services. Primary producers also benefit on their purchases of other controlled items, e.g., foodstuffs, clothing, etc.

Clothing.—Men's, youths' and boys' clothing, garments and apparel including overcoats, socks, handkerchiefs, shirts, pyjamas and underwear. Men's, youths' and boys' felt hats. Men's, youths' and boys' knitted woollen outerwear. Men's, youths' and boys' working attire. Women's, maids', girls', infants' and babies' clothing, garments and apparel, including coats, blazers, tunics, uniforms, skirts, blouses, handkerchiefs, knitted garments, babies' shawls. Women's, and maids' brasieres. Women's, maids', girls', and infants' socks and stockings. Bath towels. Nursery squares, diapers, sanitary napkins, tea towels, sheets, pillow-cases, tablecloths, quilts, blankets and hand knitting wools. Woven or knitted piecegoods, either of woollen or worsted yarn or of cotton or other substitute materials. School and college wear of all types and descriptions. The control of clothing relates only to apparel of utility lines. Luxury items such as furs, higher priced frocks, wedding and evening gowns, bathing costumes, millinery, garments made to personal measurements, women's gloves and scarves, men's and women's plastic raincoats and men's and

youths' knitted sports and chukka shirts or shirts of the fancy type likely to be worn by bogdies are not subject to price control.

Footwear.—Men's, women's, youths, maids, children's and infants footwear, including working boots, sandshoes (sportswear), slippers, rubber footwear. Footwear repairs. Parts used for the manufacture of footwear including soles, heels, boot and shoe uppers, and all component parts.

Household Equipment and Appliances.—Cooking and kitchen utensils including pots and pans, saucepans, etc., crockery, china and earthenware of a utility nature only, including basins, cups, jugs, plates, saucers, tea pots, dinner sets.

Building and Building Materials and Building Services.—(1) Building: erection of new dwellings. (2) Building materials: asbestos, bricks and building blocks, builders' hardware, including hinges, locks, fasteners, casement catches and builders' small hardware; building boards including Caneite and Masonite, earthenware and stone (other than ornamental or decorative), fibro-cement sheets and roofing sheets, fibro-plaster sheets, fibro plaster and fibro-cement. Fittings and equipment used in the installation of water, drainage and sewerage systems, joinery and joinery stock, roofing sheets, and tiles, galvanized iron, galvanized steel pipes and fittings and malleable pipe fittings. (3) Building services: brick laying, building repairs, alterations and renovations, carpentering, electrical work and repairs, painting, paperhanging and glazing, plastering, plumbing and plumbing repairs, including installation of hot-water services, supply and fix fibrous plaster and tiling and floor laying.

School Requisites.—Chalks, pencils, compasses and dividers, drawing papers and pens, erasers, maps, notebooks, pasting books, pens, nibs, pencils, including drawing sets, protractors, rulers, set squares, T squares, drawing and sketching materials. School exercise books and the like. Textbooks for both primary and secondary schools.

Drugs and Chemicals.—Sulphuric acid. Manure and fertilizers, including (a) blood and bone fertilizers (e) sulphate of ammonia (f) superphosphate. Poisons, drenches and sprays.

Miscellaneous Items.—Cigarettes. Firewood. Leather. Paints. Compounding and dispensing drugs and chemicals. Dry cleaning. Dyeing and laundry charges. Funeral services. Ice cream and aerated waters.

COUNCIL BY-LAWS: UNSIGHTLY CHATTELS AND STRUCTURES.

The Hon. E. ANTHONY (Central No. 1)—I move—

That by-law No. 62 of the corporation of the Town of Glenelg, made on February 26, 1957, and laid on the table of this Council on August 13, 1957, and by-law No. 36 of the district council of Salisbury, made on January 29, 1957, and laid on the table of this Council on August 13, 1957, both dealing with unsightly chattels and structures, be disallowed.

These by-laws, which are typical of other by-laws that have been laid on the table of this Council during the year, deal with a very contentious matter. The Subordinate Legislation Committee took the view that both by-laws went a good deal further than they should be allowed to go and were asking for an excessive amount of power. The councils made these by-laws under a provision in the Local Government Act, which was put in specifically for the purpose of dealing with unsightly chattels and structures, as they were quite entitled to do.

Although the committee considered them for quite a long time and felt that the councils were exceeding their powers, it also felt that the councils required some power to deal with this very objectionable feature which has grown up in many municipalities and district council areas. At present they have no power, but they will have that power when the Local Government Act Amendment Bill now before us is passed. At present they are between the devil and the deep sea. We cannot predict what the House of Assembly is going to do, but unless the Bill is passed councils will have no power in this matter. In view of the committee's decision I ask the House to disallow the by-laws.

Motion carried.

WEST TORRENS COUNCIL BY-LAW: ZONING.

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

That by-law No. 19 of the corporation of the city of West Torrens in respect of zoning, made on July 30, 1957, and laid on the Table of this Council on September 24, 1957, be disallowed.

The Committee gave a great deal of thought to this by-law. It visited the area concerned and, with the by-law in mind, it was of the opinion that the council was trying to do something now which it should have done 40 years ago. It is now trying to lock the stable door after the horse has escaped. In the committee's opinion it was trespassing on rights already established by law and incidentally its own by-laws. The municipality, in the opinion of the committee, has certainly lagged far behind in regard to planning. It has allowed business and residential premises to be all mixed up together, and now after these businesses have been established for some years the council is coming in and completely re-zoning the whole area, putting business premises in residential areas and thereby considerably

restricting the operations of those businesses. The Committee felt that the council was attempting to go too far and that Parliament should disallow this objectionable by-law.

Motion carried.

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

Read a third time and passed.

DAIRY INDUSTRY ACT AMENDMENT BILL.

Read a third time and passed.

ADVANCES FOR HOMES ACT AMENDMENT BILL.

Read a third time and passed.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 29. Page 1347.)

The Hon. F. J. CONDON (Leader of the Opposition)—Honourable members know my views on this very contentious measure. Price fixation is nothing new in South Australia. My memory goes back some 43 years when I was a member of the Prices Regulation Commission. At that time it was not left to one person to deal with prices, but there was a judge of the Supreme Court appointed as chairman and a representative of employers and another of employees. This commission lasted 12 months, and because the legislation was ineffective a change was made. Price fixation continued for another 18 months and then the Federal Government took charge and the commission was disbanded. At the end of World War I the Federal Government abandoned price fixation, and the Barwell Government reinstituted it in South Australia. I was reappointed as the employees' representative. This body continued for a considerable time.

The Hon. Sir Arthur Rymill—How long did it last after the war?

The Hon. F. J. CONDON—About four years, and then the legislation lapsed. This Bill proposes to extend the Act for another 12 months. My dealings with the Prices Commissioner have been very cordial. If a case is submitted, it receives every consideration. It is all very well to criticize people who are endeavouring to administer the law to the best of their ability. I compliment the Commissioner and his staff on the very able way in which they carry out their duties.

The Hon. C. R. Cudmore—Like the meat show.

The Hon. F. J. CONDON—Whereas one case may be mishandled, 99 are carried out very effectively. Those who want wages controlled are the very people who want an open go when it comes to price fixation. They would compel the court to peg wages. My friends opposite, who will speak in opposition to this Bill, would deny the worker a chance to improve his position.

The Hon. E. Anthoney—I do not think that is right.

The Hon. F. J. CONDON—The cost of living has increased over recent years and placed workers at a disadvantage, because quarterly adjustments have been abandoned. I believe in arbitration, but if workers seek increased wages a case must first be submitted to the court. A period of six or nine months may elapse before the court gives a decision, and perhaps all they get is an increase of 1s. or 1s. 6d. a day. What has been the position in South Australia and the Commonwealth? By the stroke of a pen the cost of living can be increased considerably. If it is fair to fix wages, it is also fair to fix prices.

My chief object in speaking to this Bill is to warn the Government about what it will have to face up to. My experience in this House has been that there is one-way traffic; the primary producer is the one who receives the most consideration. He is entitled to every respect, but very few will speak on behalf of the manufacturer. Last year and the year before farmers' representatives advocated restricting acreages because there was too much wheat. They wanted to adopt a "go slow" policy but Providence has stepped in and now we will not have enough wheat.

The Hon. W. W. Robinson—The term "go slow" policy is yours, not ours.

The Hon. F. J. CONDON—I said that the farmers' representatives, not in this House but in other places, advocated that farmers should not sow so much wheat because of the price. We now have to face up to an increased price whether we like it or not, and all the prices commissioners in the world will not be able to prevent this. What amounts to practically a drought now faces South Australia. There is no price control in New South Wales or Western Australia, and they are exporting States. New South Wales, which has no price control, will have to import 7,000,000 bushels of wheat from Western Australia and South Australia to meet local requirements. To keep prices down we must prohibit the exportation of wheat from South Australia. Some people advocate exporting wheat to keep up

overseas markets yet they say we should not export manufactured goods.

The Hon. E. Anthoney—How could we?

The Hon. F. J. CONDON—If there is any wheat to spare in Australia and we want to keep prices down, it should be gristed here. Although the Government has not done all I would have liked, I give credit for what it has done, but it has no control over this position. How absurd it is to talk about exporting wheat when it will be necessary to import it from Canada and other countries. By importing wheat from overseas the price of flour, bread, bran and pollard and many other commodities associated with this industry will be increased. Unfortunately our State Government is not in a position to combat this.

The Australian Wheatgrowers Federation, whose only object is the export of wheat, is making efforts to remove the manufacturers' representative from the Wheat Board, but do members realize what the flour milling industry means to Australia? The Government should not wait until it is too late, but should use its influence with the Federal Government to obtain a prohibition on the export of wheat. Recently flour and bread prices have been increased, although not to the same extent as in other States, because the industry has got down to working one shift, and consequently capital charges have risen sky high. Anybody who puts his money into industry is entitled to a fair return, but industry cannot succeed under the present conditions. In 1914 we imported cargoes of wheat from overseas, which was really only chicken feed, and as a result we introduced noxious weeds and vermin into the country. It should be remembered that the taxpayers of South Australia and the Commonwealth have to guarantee a minimum of 14s. a bushel for wheat, and therefore we are interested not from one but from several points of view.

I hope the Government will realize that it has a duty to bring these things under the notice of the Federal Government. No producing country can succeed without the assistance of the manufacturer, and no matter what particular line it is consideration must be given to everybody. In spite of the prosperous times that the Government tells us we are going through, the milling industry is in a worse position today than it has been for the last 12 years, and it has no future. We sit back and do nothing, but wheat is to be exported to other States

whereas men in authority are advocating that we import wheat.

The Hon. E. Anthoney—Price control is not helping either.

The Hon. F. J. CONDON—I am not 100 per cent in favour of price control. It has a lot of weaknesses in it, but it is the best we can do. Why has this Government been compelled to reintroduce price control? It is not because it is the Government's policy, because it has never been the policy of the Liberal Party. The Government was compelled to reintroduce it on many items where it found that advantage had been taken by a certain section of the public. We do not pass laws for the good landlord, the good employer or the good manufacturer, but to deal with those who take every possible advantage of the position. That is why we have price control today. Many business people do not worry one iota about price control because they can be relied upon to do the right and honourable thing. I point out that in various ways we are controlling people every day of our lives.

The Hon. C. R. Cudmore—The Government does not get instructions from outside like other Parties.

The Hon. F. J. CONDON—My friends have their Party meetings and their instructions are given. I noticed a few things last night. My friend need not talk to me about instructions from the Party, because the whip is never cracked so much in the Labor Party as it is in the Liberal Party. I stand for the Party system, because Parliament would not be much good today if it were not for that system. Let us be loyal to our principles, whatever they may be.

The Hon. C. R. Cudmore—We have agreed on the "inside" but not the "outside."

The Hon. F. J. CONDON—I am not going to start an argument with my friend, but I could tell him a few things he does not know. I content myself with supporting the legislation in the interests of the public generally.

The Hon. C. R. CUDMORE (Central No. 2)—I do not need to explain that I am on the opposite side. I have opposed price control legislation year after year ever since we took it over from the Commonwealth, with the exception of the one year when petrol companies were spending so much money on advertising. I supported it then, hoping that we would be able to do something about those companies, but it was all in vain. I am back again and unrepentantly opposed to the present or any system of price control. The

excuse this year is rather unusual. The Government has been at pains to explain why it has to go on with price control year after year, and each year it has a different reason. This year it has apparently thought of the great idea that we must provide for the economic development of the State.

I am afraid the real reason is that power and price control and things like that are liable to go to people's heads, and when they have had them in an autocratic way for a considerable time they cannot bear the thought of being without them. I really think that is the main reason why we are continuing price control. A very able speech against price control was made in the House of Assembly by a gentleman who referred to the price rules and laws of Diocletian in 301 A.D. I agree with all that he said about the hopelessness of this legislation and how it failed in those days. I remind members that two years ago I went back much further than that to a man called Habakkuk in 4000 B.C. He had exactly the same experience. It has always been the same, in my experience, and always will be.

It will be harmful and not beneficial to the State's development to retain price control. I do not know how many members had the pleasure of attending a meeting of the Commonwealth Club some years ago when a Mr. Rogers from the House of Commons in England was the guest speaker. He explained to us quite clearly and definitely that Great Britain had a certain amount, but not very much these days, of surplus income to turn into capital and invest overseas. He said quite frankly:

We look around and do not think that South Australia or Australia is the only place available for us to use our money. We have Canada, Rhodesia, New Zealand and lots of other places where we can probably get just as good a return, but what we do look at is a place where we can run our own businesses in our own way and not have profit control under the guise of price control.

We cannot expect people to invest their money in concerns where they have to suffer continued pinpricking by a prices commissioner coming around every day and discussing their affairs. That is one of the reasons why I am so bitterly opposed to this legislation.

The Hon. S. C. Bevan—Is there any price control in England?

The Hon. C. R. CUDMORE—No, certainly not. Those places which removed price control first after the war were Belgium and the U.S.A. and both have gone ahead with leaps and bounds ever since. It is the best thing

that can be done to get free enterprise to work. There is not the slightest doubt that people will tend to take their money out of industries which are controlled and put it into those which are not controlled. The obvious thing that happens is that the goods which are controlled become more scarce, and then the position is worse. As to the goods which are uncontrolled, which may be luxuries, people will put their money into them and they will be continued to be made, so the opposite will be the result from what the Government expects with price control. There could not be a worse thing for the economic development of our country.

In Victoria and Tasmania price control expired in 1954. The Commonwealth had some regulations after it gave up a general control in 1948 and these expired in 1955. The Western Australian law expired in 1953. A new Act was passed last year, but I do not know its contents, although it provides a general control of industry, rather than a straightout price control. In Queensland the law is still in force, but the new Government has intimated that it proposes to release most things from it. New South Wales has no control, although there the Act has no date of expiry.

The Hon. C. D. Rowe—What has happened to prices in those States where price control has been removed?

The Hon. C. R. CUDMORE—There were curious statements about the C series index in the Minister's speech, which do not mean a single thing, because it has been exposed generally to the public that it just goes up and down according to the number of potatoes grown. We know that attention is given to the rent of houses, but the majority of houses occupied by working people are not taken into account, because they are Government houses, and it is only the few houses left which belong to private enterprise which are considered. I do not suggest that I know very much about figures, but I saw an article in the *Advertiser* on Saturday under the heading "Retail Price Index," and it provides my answer to the Minister. It was under the date of October 25 at Canberra and was as follows:—

There was an overall rise in the price level in the six capital cities of .3 per cent for the September quarter, according to the interim retail price index released in Canberra today by the Commonwealth Statistician (Mr. Carver).

This compares with the C series index figures announced last week which showed stability.

In Adelaide, the interim retail price index prices rose .9 per cent in the September quarter compared with June, excluding potatoes and onions.

According to the interim index, the overall prices level for the six capitals is 15.1 per cent greater than in 1952-53 when the index began. The C series index last week showed a rise of only 13.8 per cent for the same period.

If that means anything to me, it means that in South Australia, where the population is approximately one-tenth of that of the whole Commonwealth and which is the only place where effective price control operates, our cost of living increased by .9 per cent, but for the whole of Australia, most of which is free from price control, the increase was .3 per cent. In other words, our increase was three times as much in this controlled State as in the rest of uncontrolled Australia. I have said before and repeat that I think it is scandalous, grossly unfair and wrong that we should boast about trying to get prices down in Australia at the expense of some of our own South Australian industries. Honourable members will recall that after many struggles price control was removed from tea here in July and I was rather interested in two things which happened. I received a letter from G. Wood Son & Coy. Ltd. which included the following:—

The fact that our cost of living figure was so high during the last quarter will, I am sure, give the Premier some food for thought. The Prices Commissioner is having a go at the drapers, possibly to find some valid excuse to give to the Premier why a controlled State should fare so badly in the last quarterly analysis as against States that are decontrolled. There is no question about that. That was in July and two days later there was a leading article in the *Advertiser* on this very question relating to a searching inquiry into how much was being made by people in selling certain modest items of clothing—women's cotton and rayon frocks. It was pointed out that amongst all the items in the clothing regimen only two were questioned, and they amounted to practically nothing in the general set-up in the cost of women's garments. The article very sensibly finished up as follows:—

Dissatisfied buyers have their own simple remedy in these matters—they will naturally go where they find the best value.

If they consider they are being charged too much they will buy something else. It was not suggested in the Minister's introductory speech that commodities are in short supply. No, it is for economic development that this legislation is to continue. If we direct people

into making things which are controlled, they will go in for things which are not controlled, and thus make the whole position worse. I shall endeavour to persuade the House to vote against the Bill and get rid of this legislation once and for all. I hope members will realize that there are sellers and manufacturers of goods, for whom Mr. Condon spoke so eloquently a little while ago, and they deserve some consideration, as well as the purchasers. There are the producers and the consumers and I think this price control in the long run will injure both of them. I oppose the Bill.

The Hon. E. H. EDMONDS (Northern)—I support the Bill but with a considerable degree of diffidence. That apologetic attitude is not new in the consideration of this legislation. If we go back into the early history of this legislation in this State, right back to 1948 when the Commonwealth ceased control and the State took it over, we find that almost without exception when Ministers have introduced measures into this House they have done so with some expression of regret that circumstances, in their opinion, were such as to make continuation of controls necessary. I think that is understandable, and excusable, because although circumstances make it necessary to retain price control, I venture to say that everyone concerned, from the highest member of the Government downwards, would much rather be without it.

My diffidence also arises because there is some shifting away from the original reasons that prompted the continuation of controls by the State Government. In the early days the reason for price control was that supply was not equal to demand. That was a legitimate reason, but we have now shifted our ground. As Mr. Cudmore said, we are told that control is necessary in our economic development, which alters the position a lot. That seems to me to be an indication that this might go on *ad infinitum*. When are we going to get to the stage when it can finish?

Members might ask why I support the Bill, so I should state that other factors have influenced me. I feel that I am justified in supporting the measure this year, and my attitude has been consistent right through. I listened with a great deal of interest to Mr. Condon, and was somewhat surprised at the latitude extended to him in his remarks. I would have liked to join issue with him on what he described as the "go slow" policy of the wheatgrowers, which was a most unjustified accusation, as there was no question of

their adopting such a policy. They decided to decrease some lines of primary production on sound economic reasons. They decided that while there was an over-supply of wheat, there was a bigger demand for other cereals, and they adopted a different set-up of land usage with the result that although there was reduction in wheat production, this was more than offset by a bigger production of other cereals. There was no question of wheat-growers adopting a "go slow" policy, and it is wrong to say that they were indifferent to the economic welfare of the people of this State.

In discussions on this legislation it has rather surprised me that its opponents have missed mentioning anyone else concerned with the matter except the Prices Commissioner. Sections 13 and 14 provide for representation on prices committees, and these sections have never been amended. They provide that one or more members representing sellers of goods or providers of services and one or more members representing consumers of goods can be appointed by the Minister to these committees. I assume that that provision has been given effect to, so it seems to me that surely in those representatives we have safeguards for looking after the interests of all parties. I cannot see that either the sellers or providers of services or the consumers would be asleep to the possibilities of having their case put on any matter that comes up for consideration, so this provision gives a safeguard.

The Hon. Sir Frank Perry—Very few of those committees have been appointed.

The Hon. E. H. EDMONDS—Whose fault is that? The provision is there, so is it not the responsibility of these people to see that they are represented? If they are not appointed the Government or Parliament cannot be blamed, because Parliament put this provision in the legislation.

The Hon. K. E. J. Bardolph—Isn't it the Government's prerogative whether they are appointed?

The Hon. E. H. EDMONDS—Certainly not. I should imagine the people concerned would say who they wished to nominate and the Minister would approve of their appointment. This provision is not mentioned by those who claim that their interests have been disregarded and that it is left to one man to decide what items are to be on the list of controlled goods and what are not. I realize that no effort of mine will induce members to change their attitude to this Bill, as most of them have

already made up their minds on what they will do, so I shall content myself by saying that I support the measure, although I do not do so with any degree of pleasure.

The Hon. E. ANTHONY (Central No. 2)—I can only reiterate what I have been saying ever since price control was introduced, and that is that I am opposed to it on economic as well as moral grounds. I have always maintained that price control is quite wrong in a free economy. We in South Australia boast that we have a free economy, but it is becoming much more restricted under price control.

The Hon. F. J. Condon—Do you say the same about wage control?

The Hon. E. ANTHONY—I do not like controls of any sort. We like to be free and conduct our businesses in a free atmosphere, and therefore we feel that we should get the best out of an industry. The fixing of a price is a very technical thing, and it is not done by snatching something out of the blue. Business people get together and decide a price that is going to give them a profit and at the same time render the best service to the public.

The Hon. E. H. Edmonds—Don't you think these things would be taken into account by the Prices Commissioner?

The Hon. E. ANTHONY—I do not want to do any unkindness to the Prices Commissioner, who after all is a public officer appointed by the Government to control this department. He is carrying out his job as faithfully and as well as he can, but I say that this is beyond the capacity of any one man. It is only necessary to think of the ramifications of any one business and of the things that must be taken into account, such as overheads and staff. I think it is quite wrong that one man should be given the power to fix prices and be in a position to tell controllers of business what price should be charged for a commodity.

The Hon. K. E. J. Bardolph—He makes his decision only after a thorough investigation.

The Hon. E. ANTHONY—That is the trouble. All this investigation is going on into people's businesses.

The Hon. K. E. J. Bardolph—Do you believe in exploitation?

The Hon. E. ANTHONY—I do not want this control at any price, because it is economically wrong. We have seen what other countries have done and their failures under price control, but we are embarking on the same system knowing that it has failed

miserably elsewhere. We imposed price control as a war measure when commodities were short and the demand was great. It was necessary in those days that goods be controlled. The war has been over now for years, and we should resort to our old economy which proved so successful. We have developed Australia in a wonderful way, but it has never been developed under a system of price control.

Members would not breathe better if their bodies were tied up in bandages, but we are binding and stifling businesses and stopping them from expanding. We are told that under this restrictive system of price control our economy is going to be developed, but I do not agree. Price control is wrong and I am opposed to it, and the sooner this country becomes free the sooner it will develop as it should. Many people are waiting to come to Australia to invest money and to help in the progress of the country, but they will not do so while we have these restrictions on industry. I therefore oppose the measure.

The Hon. L. H. DENSLEY (Southern)—It is a matter of very great regret to me when I look around and see a generation growing up without having enjoyed the privilege of free enterprise in this country. We have had this Bill before us many times and on many excuses, and if great minds can find very many more reasons why we should have this legislation I feel we must all ultimately be converted to the idea that we should have perpetual price control. It has seemed to me a most undesirable thing. We have seen Australia develop and a happy nation grow up under a system of freedom, and we have not looked for these controls. I appreciate that when we go to war and take people out of their jobs and limit production in certain lines we must alter the basis of our economy and be prepared to put up with restrictions which normally we would not be prepared to do. I believe that when we have been compelled to control prices of commodities we should invalidate those controls at the earliest opportunity.

We know we have price control on meat although sheep, which would make reasonable meat, are being sold for 1s. or 2s. a head. We know we cannot substantiate any reason whatsoever for the continuation of price control on meat. What is there today which is in short supply, and what is there which would justify a continuation of this price control? Mr. Condon spoke of the wheat industry and the "go slow" policy in that industry. One thing

which price control will effectually do is cause a "go slow" policy in industry. If costs are to be dictated by the cost of production of an article, obviously there is no incentive to produce that article as cheaply as possible. That in itself is sufficient reason for us to try to get away from this system under which we are now bogged down. I say "bogged down" deliberately, because everyone says they want to get out of it and nobody can get out of it.

It is time we woke up to ourselves and tried what it was like under free enterprise and free prices. We should give everybody the responsibility of determining what they are to use, how much they should use, and what they are prepared to pay. The consumer when all is said and done is the best judge, and when a price becomes too dear he will not buy the article but will buy something cheaper. I feel we are not doing a good job in continuing price control.

The Hon. C. D. Rowe—Do you think prices will come down if we do away with price control?

The Hon. L. H. DENSLEY—We will get better production. It has been said that price control is necessary for economic development, but if that is so how did we do so well over the years through which we have come? We may have a quieter and easier time as far as production is concerned as long as we can substantiate price control and keep moving with it, but the day must inevitably come, like it came with tea and will come with meat, when we have to cast these controls overboard. We know that in the early stages of the war another restriction under which we laboured was the cost plus system of production. What are we doing today other than living under a huge cost plus system? It is not necessary for me to go over what transpired under the cost plus system in the manufacture of munitions and such things in the early stages of the war. I am sorry that people's memories are so short that they do not remember these things. I believe the sooner we get away from controls the better it will be for us all.

I have no hesitation whatsoever in saying that price control is against the policy of my Party. We have had conferences year after year, and it is interesting to quote what has happened at those conferences to show what people thought. The Attorney-General has quoted gallup polls, but I will quote from conferences of people gathered together from all over the State. In 1953 the conference of the L.C.L. passed the following resolution:—

That this meeting is of the opinion that price control is no longer necessary and should be abolished before December, 1953, and that its continuation is contrary to the League's general policy of reduction of controls and encouragement of free enterprise.

In 1954 the resolution of the League was as follows:—

That this conference recommends to the State Government that legislation in respect of price control be not re-enacted upon expiration of the current period and that the text of this resolution be conveyed to the Premier by a deputation.

The resolution in 1955 was as follows:—

That this conference recommends to the State Government that all price control be abolished immediately.

In 1956 the resolution was as under:—

That price control is costly and ineffective and productive of "rackets" and should be totally abolished as soon as possible.

In 1957 the league passed a resolution in the following terms:—

That price control should be abolished forthwith.

That is the considered opinion of the great mass of L.C.L. people in South Australia, and I am proud to be associated with those views. I believe we are not doing a service to South Australia by continuing these controls, which I believe will have the effect of slowing down our output. This is against the interests of the State as I see it, and I will therefore again oppose the measure.

The Hon. Sir FRANK PERRY (Central No. 2)—Legislation introduced by the Government must necessarily receive every consideration in this Council. The Government has introduced this legislation for a number of years, and as members have already mentioned, the ground for introducing it year after year has changed. Conditions and opinions change, but fundamentally my political beliefs do not provide for rigid control. I think that competition should be allowed to run its course. The Government itself should be the best authority to judge this matter. It considers that price control should remain, and it is in the position of having the results of the Prices Commissioner's returns and the reasons why he controls articles and why he sometimes reimposes controls. Consequently the Government should be the best informed authority on the value of price control, but even the Government can follow a fetish too long. It has had to shift its ground many times. This Bill was introduced on entirely different grounds from those when it was originally placed before us. Then it was a question of shortage of goods, but that shortage has now

disappeared and fortunately we do not have to consider the position from that point of view.

As a reason for the introduction of this measure the Government advances the economic development of the State. Everyone agrees that there should be economic development, and for this purpose the Government says that price control should be maintained. Wages and costs are a very essential part of our economic development, but they are not the only items. I should say that initiative and work are fundamental in that development rather than an increase of a few shillings in the basic wage. The Government is stressing this economic development too much and seeking to maintain price control for that reason. We could name many other things which are far more necessary in the development of the country than the fixing of prices.

If I am any judge, price control has a nullifying effect. It prevents initiative and competition and that freedom of thought and action which are so fundamental in development at any time. Consequently, I am still opposed to price control, despite the Attorney-General's views on its effect on the economic development of the State. Mr. Edmonds said that committees should have been appointed to inquire into these matters and report to the Minister, who would decide whether prices should be increased or decreased. The intricacies of price control are great. If committees are appointed they must be knowledgeable or they would not be effective. Business people like competition, but object to disclosing their records and costs to a rival.

The Hon. C. D. Rowe—Under this Bill they would not have to disclose their figures to a competitor.

The Hon. Sir FRANK PERRY—Under Mr. Edmond's suggestion the committees could decide only on the figures produced, and I think that is one of the main reasons why such committees are not appointed to advise the Government.

The Hon. K. E. J. Bardolph—Do you mean by that that vested interests have the Government in the bag?

The Hon. Sir FRANK PERRY—Nothing of the sort. Firms are jealous of their costs and records and do not wish to divulge them to others. They do have to divulge them to the Prices Commissioner, but that is only one person, and he is under a bond of secrecy. He, with the Minister, decides the price at which a commodity shall be sold. Judging the operation of the legislation all round, I

do not think there are many complaints except that price control has ruined some people, who have been unable to recover from price fixation to enable them to continue their business. I was hoping that this year would have seen the end of price control.

There will always be cases where prices get out of control. I should say that the Government would be far better advised if control was not exercised except where there had been gross increases in prices. If necessary that type of thing could be exposed. In these days, owing to controls, an individual often loses his initiative and desire to work. Greater energy and initiative are often displayed by New Australians than by our own people. The Government should have some slight measure of control, but it should be inoperative unless gross overcharging is revealed by any firm or combination of firms. I oppose the Bill.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the measure. I was struck by the singular and specious arguments submitted by opponents of the Bill. Mr. Anthony said he was against all controls and wanted free enterprise. I am not denying him that thought, but I remind him that when we were in the throes of World War I we agreed to the setting up of committees and controls, and afterwards we had to face post-war problems. It was necessary to have committees to control prices after the war to put the country back on an even keel.

I was surprised to hear the comments of Sir Frank Perry, who took a very prominent part in the activities of those committees during the war and also gave excellent service to the nation in the post-war period. I submit that the Government has been remiss in its trust to the people in not setting up these committees. As Mr. Edmonds said, the Act contains provisions for setting them up. If the respective interests do not seek representation, the Government should appoint people to act.

I remind members what happened with regard to Great Britain after the war. Every member knows that that country, under the auspices of the Attlee Government, negotiated a dollar loan with America, and budgeted for that loan to rehabilitate the island fortress of democracy for two years, but the ink was not dry on the agreement before price controls were lifted in America, and the dollar loan raised by Britain for rehabilitation was spent within six months. It is all very fine for members opposite to say they believe in free enterprise, but where one section tries to exploit another,

that should force any Government to take action.

The Hon. C. R. Cudmore—Which side got the better of that argument? The one that took control off or the one that put in on?

The Hon. K. E. J. BARDOLPH—The side that took controls off. When price control was taken off America gained the advantage because Great Britain paid more for capital goods. I join with the Leader of the Opposition in complimenting Mr. Murphy, the Prices Commissioner..

The Hon. Sir Arthur Rymill—What for?

The Hon. K. E. J. BARDOLPH—I disagree with the statements made by Mr. Anthoney, who said that the complete and sole power is in the hands of one man. The complete control of investigations is in the hands of one man, but I do not think for one moment that the Prices Commissioner, whoever he may be, would arbitrarily fix prices and misuse powers given him under the Act. All the Prices Commissioner does is to act as a prices policeman. I have had the experience of taking to him constituents who have been overcharged and whose only redress has been to ask him for a complete review. In one case alone the person overcharging had to return £35 or £40, so if the Prices Branch had not been in existence this man would have been mulcted to that extent. I am not saying that all traders are dishonest, but no matter what law is passed a section of the community will set itself up to defeat it in order to take some mean monetary advantage of the people. Sir Frank Perry would agree with me on that, and that is the very basis on which this legislation is being extended for another year.

Much has been said this afternoon by Mr. Densley with regard to profits. It is very interesting to refer to statistics that appear in the Pocket Year Book, which is issued under instructions from the Treasurer. This publication shows that in 1945-46, the year when hostilities ceased, the total value of materials used in manufacture was £37,770,050, and the margin for overhead expenses and profit was £8,831,860. In 1955-56 the value of materials used in manufacture was £183,195,511, and the margin for overhead expenses and profit was £44,698,472. The value of land and buildings in 1945-46 was £18,446,966, and of machinery and plant £19,017,955. These values increased in 1955-56 to £48,353,212 and £63,596,650 respectively. These figures do not disclose that industry or production has receded, despite the controls; they indicate that there has been a great

accumulation of values both in plant and machinery and an appreciation of values in land and buildings. The lament indulged in this afternoon would create a wrong impression outside. There is no doubt that the Liberal and Country League considers it is of some moment in the community, and I was surprised, Mr. Acting President (Hon. L. H. Densley), that men of your capability and talent who subscribe to that Party are prepared despite all your resolutions to allow a Premier to remain in office and play a one-man political band. You have done that this afternoon, and you have admitted it, and only members of the Party to which I have the honour to be a member has a definite and defined policy for protecting the interests of the people generally and of the under-privileged, but the policy of your Party does not do that.

The Hon. E. Anthoney—We are not under the control of an outside body.

The Hon. K. E. J. BARDOLPH—I could say something nasty to the honourable member in answer to that but I shall not do so. Sir Frank Perry said that the reason why this policy was followed was that goods were in short supply. Since I have been a member of Parliament I have made a point of not mentioning the name of people who are not in this House and as a result cannot defend themselves. However, information has been abroad for some time that a cartel, if not signed, tacitly agreed to, is in existence in relation to the selling of furniture, and it is so closely knit that if you or I desired to open a furniture emporium the tentacles are so tight that we could not buy furniture from manufacturers, who would be blackballed by members of the association if they sold to us. Although these people indulge in creating cartels, my friend opposite said that they want freedom of trade. What action has been taken to break the cartel, which presumably they must know about? This Bill is only for 12 months.

The Hon. Sir Arthur Rymill—Do you believe that?

The Hon. K. E. J. BARDOLPH—I have no reason to believe otherwise, and if I am spared by Divine Providence I will have the opportunity to discuss this matter in a later stage. I support the second reading, and I know very well that the activities of the Prices Commissioner will be a deterrent in a small way to those who want to flout the Act.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I rise to my feet somewhat wearily

to speak on this Bill because I have tried very hard ever since I have been a member of this House, which is for 18 months, to try to show why this legislation should not be continued, and I have used every possible method and effort to persuade people that my view is right. It has been like running up against a concrete fortification and just as unsatisfying and I can see from what has been said here today and from some sort of perspicacity such as Mr. Condon showed a little while ago on this matter that my efforts will once again be futile, and this legislation will be extended for another 12 months.

I know that numbers are against me, but that is not going to stop me from expressing my view. However, will this extension be for only 12 months? I think it is perfectly clear that the Government now intends this to be a permanent feature of the landscape and I can no longer accept the assurance it has given from time to time that it is gradually going to get out of price control, that it is a temporary measure and it will only be renewed from year to year. I no longer accept that because I do not believe it. Last year I drew attention to the varying reasons, some of which have been commented on today, that the Government has given for continuing the legislation. Anyone interested will see a complete dissertation in last year's *Hansard* and I do not propose to go into that again, but I do wish to comment that again this year another new reason is given for the continuance of the legislation, which bears out my idea that a new reason will be given each year, and even if the present reasons disperse the Government will still find other reasons for keeping it on the Statute Book. The new reason is, "The Government believes that control is still necessary in the interests of economic development." What on earth that means I do not know and I do not think any other member knows. Even the Attorney-General, with all the ingenuity he has displayed this session, will be unable to explain that. It is such a wild and large statement, the field it covers is so broad that I do not think anyone could possibly explain what it means. But there it is, thrown in for good measure as another excuse for continuing this legislation. One practical application of this idea is in the following lines, and I think this rather gives the show away as to the future intentions of the Government regarding this legislation. The following words occurred in the second reading speech of the Minister:—

It is of the utmost importance that cost of production in this State will be such as to

enable our industries to compete with those of the eastern States.

That is not a new reason—

The Hon. C. D. Rowe—It is quite true.

The Hon. Sir ARTHUR RYMILL—Of course it is true. If anyone can keep his costs down below that of his competitors he can trade more successfully, but this is not a question of whether that random statement is true. It is a matter of the geographical situation of our State, and that is never going to change. So I can say to the Attorney-General that that is even more true, because it is something that no-one can dispute. These are the things that the Attorney-General implies are going to be with us forever—our geographical situation, which puts us at a practical disadvantage, plus our other minor disadvantages with the eastern States. Therefore, as a means of solving this very simple equation it seems that, if the Government is convinced of the ethics of price control, simply and surely price control is going to be with us forever, just as our geographical situation is going to dictate that we are under some disadvantage in competing for the big centres of population in the eastern States.

It is curious that the Government's ideas on this are in conflict with those of the two great Chambers of Commerce and Manufactures in this State. They are the people directly concerned with competition for goods in the other States. They are making the goods and have to sell them, yet both Chambers have expressed themselves continuously as utterly opposed to price control. I have letters before me at the moment expressing those views.

The Hon. S. C. Bevan—Is that the reason why the Government should discontinue price control?

The Hon. Sir ARTHUR RYMILL—No, but it is paradoxical that the Government, apparently, is setting out to protect these people—which is what it is claiming to do—yet those people, who ought to know best about their own businesses, say that they do not need this protection and prefer to be without it. However, this altruistic Government says, "No, you just don't understand your own businesses. We know better and so, of course, does the Prices Commissioner. You shall have this in your own interests because you are naughty boys. You occasionally play up and we must keep you disciplined and daddy must tell you what is good for you."

In the speech introducing this Bill the abolition of price control in other States was mentioned and I want to enlarge on that

argument. Before I go on with that I want to say that again it is curious that Labor Governments in other States have abolished this little piece of Socialism presumably because they do not believe it is effective or that it works properly. In other words, they have given up the application of this piece of Socialism as a bad job yet the Liberal Government in this State is persevering with it. Mr. Densley mentioned a point which I too had noted for commenting on, namely, that the coming generation has never known anything other than price control. I would go further and say that I assume that it is not until the young people reach the age of at least 12 that they start to take an interest in these matters. People who were 12 in 1939, when price control first came in, are now 30 and about to become leaders in the community, yet they have never known anything else but price control. It is rather a tragic outlook if we, as the older generation, are going to allow them to come up with no knowledge of what happens under free competition. They will never be conscious of the stifling dead hand of Socialism. The Attorney-General said that since New South Wales abolished price control in the middle of the last year—a little less than 18 months ago—the C series index figures had risen in that State by 7s. a week as against 3s. here. That is, about 4s. more in 18 months. In Victoria control was abolished about the end of 1954 and since then the C series index figures have risen by 30s. compared with 20s. here—a matter of 10s. in three years. In Tasmania the figure is 9s. more in three years and in Western Australia 23s. in four years, or about 5s. 9d. a year as against the 3s. or 4s. of other States. If we put those figures on a percentage basis corresponding with the basic wage we find that in New South Wales the increase is only a little more than 1 per cent per annum. It is a little higher in Victoria and slightly less in Tasmania, yet between the years 1950 and 1953 the basic wage rose from £6 11s. to £11 11s., which is about 80 per cent in three years. The world did not come to an end when that happened, so why does our Government think that the world will come to an end if our costs of living go up by 1 per cent a year by taking off price control. That seems a very small price to pay for regaining our freedom.

I can remember as a very young boy being intrigued with a drawing of a monkey trap used in India. It was a box with some wire around it through which the monkey could

see, and it had a small hole in it about the size of his paw. Inside the box were peanuts, and the monkey would put in his paw through the little hole and grab a paw-full of peanuts which would make his fist bigger so that he could not withdraw it. The monkey did not have enough sense to drop the peanuts, but clung on to them all night and in the morning would be taken. It seems to me that there is a curious analogy there with price control, because that monkey lost his freedom for a handful of peanuts and I believe that that is exactly what we are doing today with price control—we are losing our freedom for the sake of a handful of peanuts.

Reference was also made to the Gallup Poll. I have had some experience of analysing Gallup Polls, as no doubt other members have. I have also seen newspaper polls, and there is no doubt that, depending on the way the question is posed, all sorts of answers are given. If by way of a Gallup Poll, the question were put to the primary producers of Australia, "Do you agree that the price of wool should be controlled?" there would be a unanimous answer that they did not want the price of wool controlled. I have mentioned before in this Chamber, and do so again, that that is a feature of human nature; people look after themselves, a fact that this Government seems to be inclined to overlook with this legislation. The people who sell their goods want to sell on the open market, but the buyers of goods want to buy on a restricted market as cheaply as possible. The people who advocate price control for the goods they have to buy advocate a free and open market for the goods they have to sell. I believe that the purpose of Government is to give a lead to the people and not to rely blindly on its expressions of opinion, often made without a true consideration of the facts and possibly without sufficient knowledge of them. I think the people can look after themselves. That is an idea I have been brought up with.

The Hon. Sir Frank Perry—They are losing the urge to do it.

The Hon. Sir ARTHUR RYMILL—Because we have a Government which seems to think that they cannot. It is a great pity that we sap their enthusiasm in this way, and that is another thing that price control is doing. I have said so many things about price control that I do not want to repeat them, but am trying now to give some examples. I remarked previously in relation to price control that under it quality suffers; if people are to have their profits trimmed they try to get them back in

some other way, and one way of doing it is to cut quality. Thus, under price control, it seems to me that we are becoming a "cut-price" State. If people want that they will continue to get it, as far as I can see by the way the Government is displaying this Gallup Poll. If they do not I think they had better say so quite firmly, and then maybe one of these days we will get out of price control. It has been going on for about 11 years since the war ceased. Mr. Condon, whose memory is very good on most things, said not long ago that price control was abandoned four years after the first war, and there is something in that comparison that merits consideration. In trying to keep prices in relation to pre-war levels we are simply looking backwards; we are not facing up to the facts of today and are not showing any great faith in the future. Indeed, we are living in the past. We can peg prices and wages interminably by Government action, but it simply means that we will gradually stagnate and decay if that happens. This is an effort to keep the clock stationary and that is not the way people or States progress. We have to think of the wider issues and the over-all effects of price control rather than just living in the past, as I have said, and watching the pence. There are far greater implications than watching a few pennies that go to make up the savings under price control. It is the very broad issues that count and what is happening to businesses as a whole. Are we getting competition and stimulating competition under price control? I cannot see anybody with any sense starting a business to compete with other businesses under pre-war capitalization while price control exists. I should think a person would be so handicapped before he started that he would go bankrupt in no time, as indeed people have.

During the Address in Reply debate I instanced how certain people in the electrical supplies industry had gone into the Bankruptcy Court directly as a result of price control. Many goods and services in that industry are controlled. I have a letter here from a very old-established firm of plumbers. Fortunately for them, they have developed other lines as well. They wrote to me on August 26 and said:—

You were reported in the Wednesday issue of last week's *Advertiser* to have said that price control was recognized as profit control and was causing the slow elimination of all small businesses. To give you further evidence of this fact, enclosed is a copy of a letter sent

to the Premier, indicating that after being in business since 1880, latterly, as a company, our plumbing business is being closed down this week.

That is the sort of thing that is going on. I believe that no attempt has really been made to assess what is going on in that way because we are too engrossed in saving a few odd pence. This would aggregate up to a fairly large sum, but we are too engrossed in watching the pence to be taking care of the pounds.

I had an interesting letter from the Pharmaceutical Guild only a day or two ago in which they complained about price control and gave various facts. They said:—

We point out that the rights of our members are somewhat similar to the rights of the State under the Murray Waters Act. It is proper for the Premier to seek to preserve the State's rights and we applaud him for it. It is equally proper for this Guild to seek to remedy injustices to its members, but unlike the State the Guild cannot take legal action to remedy what its members regard as a grave injustice. I received a copy of the letter written by the Prices Commissioner to a top executive of one of our leading companies. The Prices Commissioner addressed a letter to this executive and the executive, having looked it over, handed it to the secretary of the company, also a very high official, to reply to because he was the man who handled price control. The Prices Commissioner replied as follows:—

As I wrote you personally I naturally expected a reply from you direct, and was surprised to receive what is considered an unsatisfactory reply from someone else.

In other words, he was telling that top executive how to run his own business. He has got so in the habit of telling these people how to run their own businesses that he told him who should answer the letter. That is a most surprising state of affairs.

I also saw a report from the managing director of a company who in effect said that, until the Prices Commissioner fixed a price his company could not tell what its financial future for the ensuing 12 months was going to be, whether it was going to make a profit or a loss or what was going to happen. I think I have instanced some of the evils of price control. I do not think it is in the best interests of the community. It is stifling and above all prohibits satisfactory free competition and should be abolished.

Abolition of price control is in the interests of the people of South Australia and will be more so when things have had a chance to

settle down so that we can get ahead and progress rather than trying to live in the past. A feature of this debate has been the number of people who have said they were going to support the legislation for another 12 months but have given very cogent reasons for not doing so. That has happened not only here but also in the House of Assembly. People seem to be supporting this Bill while speaking against it, and this is another little manifestation that I cannot quite understand. I think I have spoken fairly directly against it, and I certainly propose to vote against it.

The Hon. C. D. ROWE (Attorney-General)—I have listened very carefully to all honourable members who have spoken. Judging by the tenor of their remarks one would assume that because of this price control South Australia is going into a decline, that we have lost our initiative and that the future is a very sorry prospect indeed, whereas the contrary is exactly the case. In relation to the other States of the Commonwealth this State has maintained its position. Whether we look at it from the question of the amount of our basic wage, the employment position, the number of new industries coming to the State, or the financial position of anybody in the community, we have nothing to apologise for. I therefore feel that in the first instance the arguments that have been used do not line up with the facts.

The case for price control was set out very clearly and concisely in my second reading speech, and despite all that has been said I believe that nothing destroys the arguments that the Government there produced. I may say that the Government is very hampered in submitting its arguments in support of price control. Much of the information which we secure under the Prices Act is confidential information which we are not able to use. While everybody else can go to the press and make statements—and many of the statements which appear in the press and elsewhere are quite untrue and unsubstantiated from a factual point of view—we are in the unfortunate position that we are not able to reply. Even today with regard to some of the information given to the House by Sir Arthur Rymill from letters and other documents produced by him, we still do not get any names.

The Hon. Sir Arthur Rymill—I think you have got them rather intimidated.

The Hon. C. D. ROWE—I would much prefer to have details and to know what the

honourable member was talking about. We could then put our side of the case.

The Hon. Sir Arthur Rymill—I think the Premier knows all about the matters I refer to.

The Hon. C. D. ROWE—But I do not, and I have not the foggiest idea who the honourable member was referring to so unfortunately I cannot reply to that portion of his case, and this makes it extremely difficult for the Government to put the case as strongly as it ought to do. The plain facts are that because of the continuance of price control we have undoubtedly been able to maintain a much more stable economy than any other State of the Commonwealth.

The Hon. C. R. Cudmore—We were told that we even kept the price of tea down in Sydney.

The Hon. C. D. ROWE—I am talking about price control in South Australia this year. The facts are that in this State where we have continued price control we have maintained and kept prices at a much more satisfactory level. Mr. Cudmore has mentioned that the C series index does not mean anything at the present time, but I do not agree with that statement. The index registers what is the factual position, and if we look at the factual position we see that the increase in the cost of living since price control was abolished has been 105 per cent in Perth, 45 per cent in Hobart, 50 per cent in Melbourne, and 133 per cent in Sydney over the corresponding increases in South Australia.

The Hon. C. R. Cudmore—We have as much chance of checking those figures as you have of checking Sir Arthur Rymill's statements.

The Hon. C. D. ROWE—The information is available in the published reports of the Commonwealth Statistician, and members have a far better chance of checking that information because they have more time at their disposal. Anybody that can read can check the figures I have quoted. In view of those figures, how can anybody argue that the removal of price control would bring prices down.

The Hon. Sir Frank Perry—What is the position with regard to Queensland?

The Hon. C. D. ROWE—I am not in possession of that information. What is perhaps more appropriate to my case in my opinion is the retail price index which embodies a far more comprehensive list of articles than the C series index. In looking at that index we find that prices in South Australia have

increased far less than in other States of the Commonwealth.

I come now to an address given by the Premier in the Bonython Hall on the occasion of the William Queale lecture on October 18, 1956. Towards the end of that address the Premier dealt with the reasons why it was necessary to retain price control. He set out in detail all sorts of price fixing and cartel arrangements and associations resulting in restrictive trade practices, and he said that it was because of these things that it was necessary for the Government to protect the consumer. Nobody has challenged the Premier's statement on these matters.

The Hon. C. R. Cudmore—That is just as much a 'last year's' question as "tea" is.

The Hon. C. D. ROWE—The Premier's remarks still apply, and nobody has denied that his statement with regard to these arrangements is incorrect, or that those arrangements do not exist. The net result of all those arrangements is that there is not free enterprise. There is a monopolistic control of prices against the consumer, and the Government is concerned with the interests of the consumer. Printed copies of the Premier's address are available and members can therefore refer to it, and particularly to the details set out in pages 13 to 17 where he instances numerous examples of these arrangements.

It has been stated, I think by Sir Arthur Rymill, that after all is said and done all we have achieved by price control is to get a penny half-penny refund from some small retailer and that in total the net result is something which really does not matter.

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

The Hon. F. J. Condon—Is there any need for the Minister to labour the question?

The Hon. C. D. ROWE—No, but I think I should be able to put my case. I have a file for the last nine months which covers 180 cases where refunds have been obtained in respect of amounts that have been overcharged, and some of them are not small amounts. Also, I have a considerable number of letters of appreciation from people concerning the courtesy, assistance and co-operation they have received from the Prices Branch.

The Hon. F. J. Condon—How many prosecutions were among those 180 cases?

The Hon. C. D. ROWE—I cannot say, but I believe the total prosecutions during the last 12 months would be about 200 and a very large majority were successful. It is not the policy of the department to act as a policeman in

these matters, but to arrange them amicably and to see that justice is done without resort to prosecution. So, the number of prosecutions invoked is not evidence of the activities of the department.

We might have a look at one or two of the items to see what has been achieved because of the incidence of price control. First, dealing with tyres and tubes, because of the action taken by prices officers in this State there has been an over-all saving to consumers of £300,000 a year, and half that saving would be to primary producers, largely on their tractor tyres and requirements for heavy vehicles. As to timber in its various forms, although it is not controlled at present, because of the action taken the public has been saved over £280,000 and I think it will be agreed that that is not an inconsiderable figure. The position is similar regarding the total saving involved in the supply of and repairs to large tractors and earth-moving equipment. Although these are decontrolled at present, certain action has been taken and as a result the saving to the Government alone has been about £200,000 a year. So, I could go on.

The Hon. C. R. Cudmore—Some of these people have gone broke.

The Hon. C. D. ROWE—I have not heard of many tractor firms going broke, but I know some paying substantial dividends, and my only regret is that I am not a shareholder. Perhaps the best instance I can give relates to the quarrying industry as a whole. Here, a reduction was obtained of a certain amount per ton for the metal supplied and as a result the Government saves about £300,000 a year and councils about £40,000 a year. I could give other details and other information, but I think what I have said is sufficient to completely answer the main arguments advanced. The first argument was that the State is not progressing as it should because of this thing called price control. My answer is that we are certainly progressing, and faster than any other State in the Commonwealth. The second point made was that price control is a pin-pricking business and nothing worthwhile is achieved by it. I think the figures I have given show that it is something really worthwhile. Over the year primary producers have been saved a considerable sum in the purchase of superphosphate because of the activities of the Prices Branch. Thirdly, the economic position of this State has been maintained and the price structure kept very much in favour of the householder compared with what has happened in the other States.

I am reliably informed that the average householder today saves at least 30s. a week because of the activities of the Prices Branch as opposed to what would happen if it were abolished.

I realize that there are two sides to every question, and I am certainly not one of those who believe that price control must be continued when the evidence to support it disappears, but at present there is abundant evidence to support the Government's action, and until that evidence disappears we would be doing nothing but creating a breach of our trust to the people if we adopted another attitude.

The Hon. Sir Arthur Rymill—Do you think that such practices go on in South Australia and not in the other States?

The Hon. C. D. ROWE—Whatever the position in South Australia and whatever the practices here which are detrimental to the consumer, they certainly go on to a far greater extent in the other States, which is evidenced by the unfortunate results there. I cannot follow the argument that price control keeps prices up. After all, price control relates to the maximum price, and anyone can sell as much below that controlled price as he wishes. I do not feel it is necessary for me to delay the House any longer, as I consider that the answers I have given are quite effective and I hope they will be sufficient to convince members that it is necessary to retain this legislation for the time being.

The House divided on the second reading.

Ayes (12).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, N. L. Jude, W. W. Robinson, C. D. Rowe (teller), A. J. Shard, C. R. Story and R. R. Wilson.

Noes (5).—The Hons. E. Anthony, C. R. Cudmore (teller), A. J. Melrose, Sir Frank Perry and Sir Arthur Rymill.

Pair.—Aye—Sir Lyell McEwin. No—L. H. Densley.

Majority of 7 for the Ayes.

Bill thus read a second time.

Read a third time and passed.

METROPOLITAN TRANSPORT ADVISORY COUNCIL ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

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."

(Continued from October 29. Page 1326.)

The Hon. C. D. ROWE (Attorney-General)—When we were in Committee, Mr. Cudmore asked whether this amendment was within the ambit of the Bill. I have conferred with the Parliamentary Draftsman, who pointed out that the whole purpose of the Bill is to revise, and in some cases repeal, certain provisions of the Statute Law and certain Acts, in particular certain provisions of the Criminal Law Consolidation Act. The purpose of the amendment is to correct what was obviously a clerical error made at the time when the Criminal Law Consolidation Act was passed, when the figure "193" was inserted by mistake instead of "196." The amendment does not make any alteration in the law, and I think it is quite within the ambit of the Bill.

The Hon. C. R. CUDMORE—I have now received a copy of the House of Assembly's message on this amendment, and now that I have read it, it is clear that that House has included something that was not in the schedule when we dealt with it, that it was discovered by that House and we are now asked to agree to it, therefore I support the amendment.

The Hon. C. D. ROWE—I very much regret that this was not on members' files. I thought all members had copies of the message.

The PRESIDENT—I was just going to draw attention to the fact that it was put on members' desks last night.

Amendment agreed to.

POLICE PENSIONS ACT AMENDMENT BILL.

(Continued from October 29. Page 1320.)

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

New clause 5a "Election to contribute after previous election not to contribute."

The Hon. C. D. ROWE (Attorney-General)—I move to insert the following new clause:—
5a. The following section is enacted and inserted in the principal Act after section 18:—

18a. (1) This section shall have effect notwithstanding sections 13 and 18 of this Act.

(2) A person who before the commencement of the Police Pensions Act Amendment Act, 1957, had elected not to contribute to the fund may by notice

given to the Public Actuary not later than two months after the said commencement apply to become a contributor.

(3) If the Public Actuary is satisfied that the applicant is of sound bodily health he shall accept him as a contributor, in which case the applicant shall pay—

(a) arrears of contribution calculated at the rates from time to time in force for the period beginning on the day when he elected not to contribute and ending on the day when he becomes a contributor, in such instalments and at such times as the Public Actuary directs;

(b) contributions thereafter in accordance with this Act.

(4) A person who is accepted as a contributor under this section and the wife and children of such person shall be entitled to pension and other benefits in accordance with this Act.

I think the amendment is self-explanatory. It simply means that where a man has not, for some reason or other, contributed to the fund, may be permitted to do so on terms and conditions approved by the Public Actuary subject to his being able to satisfy the medical requirements. I feel there can be no objection to the amendment.

New clause inserted.

Clauses 6 to 10 passed.

Clause 11—"Amended rates of pension and benefits for officers above senior constables."

The Hon. C. D. ROWE—I move the following amendments to new section 30a:—

Subsection 3. After "dies" in second line to insert "after attaining the age of sixty and."

Subsection 4. After "Commissioner (second occurring)" to insert "and had retired after attaining the age of sixty."

These amendments are to correct drafting errors.

Amendments carried; clause as amended passed.

Remaining clause (12) and title passed.

Bill reported with amendments and Committee's report adopted. Read a third time and passed.

REMARK IRRIGATION TRUST ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1236.)

The Hon. W. W. ROBINSON (Northern)—I listened with great interest to the two speakers who preceded me on this Bill. In supporting the measure, Mr. Condon dealt with many phases, and I was pleased to hear him give the Bill his unqualified support. Mr. Story

showed a very practical approach to the problem, and I think we are very fortunate in having in this Chamber a member who has such a practical personal knowledge of this problem to place his views before us, which he did in a most excellent speech. Before discussing the merits of the Bill I would like to give members some of the background leading to the formation of the Renmark Irrigation Trust. In the latter part of the last century the Hon. Alfred Deakin, when on a visit to America, interested the Chaffey brothers in the possibilities of the development of the Murray Valley. As a result they were induced to come to Victoria, but for quite a period nothing more was done. Then the Hon. Mr. Downer, Premier and Attorney-General of this State at the time, sensed the importance of interesting the Chaffey brothers in the development of the South Australian part of the river and as a result an agreement was entered into on February 14, 1887. The settlement was started, but after eight years of strenuous endeavour the Chaffey brothers were forced into liquidation, primarily owing to the closing of the doors of the bank. On Christmas Eve, 1895, the Chaffey Brothers' office doors closed for the last time and the settlers became the managers of their own destiny for the development of the senior irrigation settlement on the Murray.

In the early stages the trust was unable to borrow £50 to get the pumps going so they were started without money. The townspeople and the blockers, working together, carted wood and stoked the boilers and the Murray water flowed again. Renmark from that time on, with the exception of one or two little ups and downs, has never looked back and there are today in Renmark and its environs about 7,000 people. I suggest that the same community spirit that carried them through to success in the early days was evinced during the disastrous floods which overtook the river settlements last year. It was my privilege to visit different parts of the river on several occasions during the flood and I was immensely impressed by the way in which the Renmark protection efforts were organized and carried out, the whole of the people working together and achieving reasonable success as a result.

The total area administered by the trust is about 20,000 acres. It also controls 23 to 25 miles of flood banks and is responsible for the maintenance of 100 miles of water channel and the collection of an annual rate revenue for water of £84,200 and electricity revenue of

£76,000, acting in all ways as a local governing body. It has during its lifetime had very excellent men to preside over its deliberations in the persons of Mr. Joseph N. Smith, who became known as the Grand Old Man of the River, Mr. C. H. Katekar, M.B.E., who served as chairman for 20 years and who was the organizer of the relief works during the flood, and Mr. C. S. Ruston, who has just relinquished the chairmanship and was also included in Her Majesty's Birthday Honours List earlier this year. The present chairman is Mr. Murray Price.

This Bill gives to the trust authority to purchase land to provide banks for the protection of the settlement in case of a repetition of the flood. This provision is enjoyed by all local governing bodies and it is necessary that the Renmark Trust should have this power, for one non-co-operative landowner could upset the plans for the protection of the town and property. To carry out this work will cost a considerable amount of money but nowhere near the amount spent in repairing damage after the last disastrous flood. I believe that in South Australia alone the damage amounted to some £5,000,000, and instead of spending huge sums like that from time to time I consider we should endeavour to see what can be done to prevent the damage recurring.

Some say that it is impossible to provide for the curtailment of the water that flows down the Murray, but I believe that if we went to the source of supply and adopted preventative measures we could at least take off that portion of the floodwaters which are difficult to control. I need only point to what has been done in Colorado Valley in America. There they have sent the water through a mountain and converted a vast plain on the other side of it into a flourishing garden. Work being done by our own Snowy Mountains Authority is a tremendous engineering feat. Recently I had the privilege of seeing what has been done in Holland in stemming back the North Sea and the Waddenzee from encroaching upon the land. That dyke, which is 26½ miles long, is 50ft. high and 300ft. through at its base. On the top it has provision for a double track railway, a double track roadway, with a bicycle track and footpath as well. This enables the people in Holland to carry on their pursuits without fear of erosion from the sea and it has added hundreds of thousands of acres of land to the productive area of Holland. If we set about it as a people I believe that we could control the Murray waters so that they would become a blessing instead of a disaster

as they were recently. During the last flood I saw water equal to the volume of the capacity of Mount Bold reservoir flowing to the sea every two minutes. All that water over that long period went to waste while we today are calling out for the blessing of water being applied to our country.

Although this Bill does not provide for that I thought I might stress the value of doing something to prevent the recurrence of a disaster of this nature. This Bill does provide that very necessary practical approach to the problem of protection for Renmark against further flooding. It gives the trust power to acquire the necessary land and banks and in that way provides protection. I have much pleasure in supporting the Bill.

Bill read a second time and passed.

MARINE ACT AMENDMENT BILL.

Second reading.

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

I move—

That this Bill be now read a second time.

This Bill has been introduced for the purpose of enabling the Government to take measures to ensure a greater measure of safety for coast trade ships and fishing vessels. Some recent losses of vessels, as well as the growth of the fishing industry, indicate the need for legislation of this kind. The Bill inserts two new provisions in the Marine Act. One deals with wireless installations, and the other with manning and equipment of fishing vessels.

The provisions dealing with wireless installations apply to coast trade ships, that is to say, to ships trading between one port and another in South Australia, and also to any ships which carry passengers for hire on journeys beginning and ending at the same port. The Bill provides that these ships must be equipped with wireless transmitting and receiving equipment complying with the regulations and kept in efficient working order. Every such ship must also carry a person who holds the prescribed qualification as a wireless operator.

Provision is made for exempting individual ships or classes of ships from the obligation to carry wireless. No doubt there will be some ships which will have a claim for exemption either because of their small size or the short journey which they make, or the fact that they do not carry persons other than the owners. If a ship does not comply with the requirements as to wireless and goes to sea the owner and the master shall all be liable to penalties not exceeding £100. There is little need for me to stress the great value of wireless to any

ship which gets into difficulties, but unfortunately all owners do not avail themselves of it—sometimes with disastrous results.

The other provision of the Bill deals with the manning and equipment of fishing vessels. It is provided that regulations may be made on a number of topics aimed at securing the soundness and safety of these vessels. Among other things the regulations may prescribe the examinations and qualifications of skippers and officers and requirements as to survey and equipment. Unseaworthy vessels may be prohibited from going to sea and other regulations may be made for the general purpose of ensuring the safety of vessels and the officers and crews thereof.

The regulations may also provide for the exemption of any vessels from the regulations. It is obvious, of course, that it may not be necessary to control every fishing boat in the State irrespective of its size or where it is used. Most of the other States of Australia have found it necessary to have legislation on the lines of this Bill. Regulations requiring intra-state passenger vessels to carry wireless equipment have already been made in all the other States. I stress this point in regard to the first part of the Bill. While most of the intra-state vessels in South Australia do carry some form of wireless, it is not at all certain that it is in all cases adequate, properly maintained and operated by a competent person. As regards fishing boats, Sir, regulations on this subject are already in force in Tasmania and Western Australia, and harbour authorities in New South Wales, Victoria and Queensland are now seeking legislation on this subject. I think this is a great improvement in the legislation, and I therefore commend the Bill to members.

The Hon. F. J. CONDON (Leader of the Opposition)—I cannot see any reason for delaying this Bill because I agree with the Minister that it effects a great improvement to the Act. It affords a greater measure of safety to trade ships and fishing vessels. One provision deals with wireless installations, which I think are very necessary under the circumstances, and another deals with the manning and equipment of fishing vessels. Some fishing vessels today are manned by one person and others have a crew of perhaps four or five men. In the past few years a few of our local vessels have been taken off the Australian coast and particularly the South Australian coast. I think we can safely say that we have been fairly safe from casualties on our South Australian coast, and

that is probably due to the provisions made in the past.

The introduction of safety precautions is something with which every member will agree. It also encourages people to take up an occupation which many do not appear to like. We know that during the past few years there have been very severe casualties in ships overseas, and this emphasizes the value of wireless installations. I can see nothing to oppose in the Bill, and I therefore support it.

The Hon. C. R. STORY (Midland)—The purpose of this Bill, as explained by the Minister, is to give a greater measure of safety to trade ships and fishing vessels. The Bill is a good one and has been introduced for the specific purpose of providing wireless installations in these vessels to give better communication between land and the ship. The Bill provides that ships must be equipped with transmitting and receiving equipment complying with the regulations and kept in efficient working order. Provision is made for the exemption of individual ships or classes of ships from the obligation of carrying wireless.

The Hon. F. J. Condon—It does not apply to the ferry at Blanchetown.

The Hon. C. R. STORY—I am not so sure it does not, and that is the point I am raising. I am very interested in Division XB concerning fishing vessels. Section 67f says:—

In this division "fishing vessel" means any vessel not propelled solely by oars and used in the taking of fish or oysters for sale and includes trawlers, pearling luggers, and whale chasers.

Section 67g defines fishing vessels. It provides that the Governor may make regulations for or with respect to the following:—

- (a) defining, by reference to tonnage or size, the fishing vessel to which any regulations made under this section shall apply;
- (b) the manning of fishing vessels;
- (c) the examination to be passed and the qualifications to be possessed by skippers and officers of fishing vessels.

Section 67g (2) is as follows:—

The regulations under this section may provide for the classification of fishing vessels, and different regulations may be made in respect to different classes of fishing vessels.

As we know, there are a number of people on the River Murray who derive their livelihood from fishing. These boats are propelled by a motor and are used by people who sell fish, and therefore they come in the category mentioned. There is a clause dealing with exemptions, but if the Minister does not choose

to exempt these people they could very easily be forced into a lot of things that I think are quite unnecessary as far as ordinary river fishermen are concerned.

It is my intention to move an amendment to new section 67f. Some of us have had experience of another Act where just as loose a provision was inserted and it was used some years afterwards and caused a good deal of inconvenience and monetary loss to a number of people in connection with the wharves on the river. I do not think any loophole should be left; it should be closed if possible, and the Bill should exempt those people who derive their livelihood from fishing on the River Murray.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Enactment of Divisions XA-XB of Part IV of principal Act."

The Hon. C. R. STORY—I move—

At the end of new section 67f to add:—"not being a vessel used solely on the River Murray or on any tributary, anabranch or lake connected therewith."

Progress reported; Committee to sit again.

BUSH FIRES ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The Bill makes a number of amendments to the Bush Fires Act. Under various sections of the Act councils are given power to issue permits to burn under circumstances which differ from the conditions laid down in the particular section. These provisions were enacted in 1955, the purpose being to give some elasticity to the provisions of the Act which was previously lacking.

Clause 2, Sir, provides that a council may, for the purpose of issuing the permits, appoint a committee consisting of two or more of the council members, and that it may delegate to the committee the power to grant these permits. Sections 13a provides that a Minister may, on a day he is satisfied is one of extreme fire hazard, broadcast a prohibition of the lighting of fires in the open, and at present there is no power to exempt anybody from the prohibition. The prohibition may extend to the whole State or any specified part of the State. Clause 3, Sir, provides a method for obtaining exemption from section 13a and a means whereby a person

may light a fire on a prohibited day. However, great care has been taken in framing the clause to see that such permit will only be issued by qualified people and subject to an appropriate examination of the particular circumstances.

It is proposed by the clause that the council may, with the approval in writing of the Minister, appoint persons as authorised persons for the purposes of the section. The Minister will not give his approval unless he is satisfied that it is in the public interests so to do, and that the councils of all the adjoining areas agree to the appointment of these authorised persons. A permit may be issued jointly by two authorised persons and is to be in writing in the form prescribed by regulation and subject to both the conditions set out in that form and to such other conditions as the authorised person deems necessary. The permit is not to be issued in respect of any day of any period, during which, pursuant to section 4 or section 7, the lighting of fires is prohibited.

The permit is also not to be issued unless the authorised person is satisfied that it will be unlikely that the applicant could satisfactorily burn on any other day. The permit will be issued for the burning of scrub or the burning off of newly cleared land. The permits are to be made out in quadruplicate and one copy is to be supplied to the holder of the permit, one to the clerk of the council, one to the nearest member of the police force, and one to the Minister, and the authorised person issuing the permit is to inform the clerk of the council and the nearest member of the police force by telephone or orally of the issue of the permit as soon as practicable after the issue of the permit.

Section 21a which was enacted in 1955 provides, Sir, that a council may require certain precautions against fire to be taken by the owners of sawmills. Clause 4 extends the section by providing that, in addition to providing these facilities, the owner must maintain them. It also provides that the council may specify the quantity of water to be continuously available at the sawmill, where tanks are to be placed, and the number, types and positions of the outlets and water mains from the tanks.

Section 29 deals with the appointment of fire control officers and subsection (1a) deals with a case of a council whose boundary abuts that of the council of another State. It provides that each of the two councils may appoint, as fire control officers, officers of the other councils so that if a fire crosses the State

boundary a fire control officer from either council can continue in charge of the operations. In some cases the controlling bush fire authority in the other State is not a council but another type of statutory body, such as shire councils in Victoria. Obviously there should be power to make the same reciprocal arrangements with such a body with the council, and clause 5, by paragraphs (a) and (b), makes provision accordingly.

Subsection (6b) of section 29² imposes on councils the duty of insuring fire control officers who do not receive any payment for acting as such and are therefore not eligible for workmen's compensation in the event of their being injured in the course of their duty. At present the Act provides for insurance up to £500 in the case of death or total incapacity, and that on partial incapacity an amount of not less than £2 per week is to be payable during such partial incapacity for a period of at least six months. As regards specific injuries, the section follows the table of compensation for specific injuries shown in the first column in section 26 of the Workmen's Compensation Act with a limit of £500.

Clause 5 provides that where the fire control officer in his normal vocation would be eligible for workmen's compensation if he were injured in the course of his ordinary employment, the council is to insure him for the payments which would ordinarily be made under the Workmen's Compensation Act with respect to his ordinary employment. If he is not a person who would be so eligible, he is to be insured for the amounts set out in the subsection, and clause 5 increases from £500 to £1,000 the amount to be payable on death or total incapacity and from £2 to £10 the amount payable on partial incapacity. In addition, Sir, the amount of compensation which may be payable for specific injuries is increased from £500 to £1,000.

Clause 6 provides that all voluntary fire fighting organizations formed for the purpose of combating bush fires outside the parts of the State to which the Fire Brigades Act, 1936-1944, applies, are to be registered with the Minister. At the present time, there is no register of such organizations, although it is obvious that it is desirable that there should be a central register and that the Minister should be kept supplied with up-to-date information as to various matters such as particulars of members, equipment, and so on. Clause 6 therefore provides accordingly.

In commending the Bill to members I point out that the clause referring to exemption from the general prohibition on burning appears

somewhat involved. Speaking from a practical knowledge of this problem, I would rather have the clause more difficult to evade than prohibitions loosened up. I believe the menace of fire increases year by year. The reason that the verbiage is so involved is to make sure that there are no loopholes left and that there is no indiscriminate burning.

The Hon. R. R. WILSON (Northern)—I support the Bill because it deals with a very important matter. The Bill delegates certain matters to district councils, and from its members a council can appoint persons who have the authority to grant permits on days when a fire ban has been broadcast. This request originates from many people who have cleared large areas of scrub land. When they are able to burn land which they have rolled or logged it often happens that a fire ban has been announced by the Minister and they are not allowed to light a fire on that day. Very strong requests have come not only from Eyre Peninsula but from other parts of the State in which there is virgin country. The State needs increased production and it is necessary that we intensify our production on this land, much of which is situated in good rainfall areas. People who have been prepared to clear this land have become despondent because of the total prohibition. The Minister has now consented, subject to very rigid conditions, to give relief in this matter. New section 13b (2) states:—

The council may, with the approval in writing of the Minister appoint any persons as authorized persons for the purpose of this section. The Minister shall not give any such approval unless he is satisfied that it is in the public interest so to do and that the councils of all areas adjoining the area of the council making the appointment agree thereto. Any such approval may be withdrawn by the Minister at any time.

I point out that the Minister has full authority to withdraw the approval even if it has been granted by the authorized committee. New section 13b also provides:—

(3) Every such permit shall be issued jointly by two authorized persons and shall be in writing in the form prescribed by regulation and be subject to such conditions as are set out in that form and may be granted subject to such other conditions, additional to those prescribed by this Act, as the authorized persons deem necessary.

(4) No permit shall be issued in respect of any day within any period during which, pursuant to section 4 or section 7, the lighting of fires is prohibited.

No authority is issued without careful consideration. I hope the Council will accept the

Bill, because more people will be clearing land. I have seen thousands of acres allowed to go untouched because they could not be burned when the total ban applied. I support the Bill.

The Hon. L. H. DENSLEY (Southern)—It appears that the Bill will result in cluttering up our Act without any very good purpose. It is the very big areas to which reference has been made where the danger point lies when a fire is lit on very hot days. It would be most difficult to bring the clause into operation and most inadvisable to try to. I oppose the proposal.

The Hon. C. R. CUDMORE (Central No. 2)—I am very much frightened by this clause. In effect it gives power to a council to recommend to the Minister, who will then authorize certain people, who will have the right to say that a person can burn in spite of the fact that the Minister said he could not do any burning at all. The provision is worse than I expected. If it is to apply, it should apply only to areas outside district council areas.

The Hon. W. W. ROBINSON secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjournment on second reading.

(Continued from October 29. Page 1333.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading of this Bill, which I think we can all agree is essentially a Committee measure. Quite a lot of experts in this Council and the House of Assembly have spoken on this Bill and the Local Government Act Amendment Bill. I do not claim to be an expert on traffic matters, but I think that traffic control has become a very serious and major problem not only to the councils who have control over traffic problems but also to the Minister of Roads and the Police Department.

I suggest that traffic control should be placed under the one central authority, which, in my opinion, should be the Police Department. Although we pass amending legislation year after year it is left to the Road Traffic Branch of the Police Department to give effect to the major provisions we pass. It is interesting to review the statistics concerning our motor cycles, motor cars and commercial vehicles. The latest report indicates that there is one vehicle for every 3.5 of the population in South Australia. This State led for many years, and I think it is still the leading State in the Commonwealth in the num-

ber of motor vehicles registered *pro rata* to the population. The revenue received from registration, drivers' licences and so on for 1956 amounted to £3,523,103 compared with £584,814 for 1930, an increase of £2,938,289. It is agreed that traffic legislation is ostensibly to protect road users. In 1954-55 accidents totalled 12,304, with 3,926 injured and 173 killed, but it is refreshing to note that for 1955-56 there was a decrease in the number of injured and killed. The number of accidents was 12,350, injured 3,709 and killed 167. Traffic control should be under the Police Department.

When an accident occurs the police take control and inspect the vehicle. They are charged with the responsibility of administering this law. However, we have regulations passed by the Adelaide City Council which conflict with the Road Traffic Act. One relates to the dimensions of trailers. Trailers more than 18ft. long come under the control of the Police Department, but those under 18ft. come under the control of the City Council. This applies not only to trailers, but also to machinery of the same dimensions.

The Adelaide City Council is setting up a private police force of its own to enforce its regulations. I read recently where it had appointed an additional 30 officers to police parking. In my opinion it is a superfluous force. It was stated by one of our leading Parliamentarians some years ago that if a person was given a fruit case and a bottle of ink, within two months he would have created another department. The object of this legislation is to make roads safer for vehicles and pedestrians using our highways. I think it will be agreed that in every human activity there is a standard of conduct to which, in the common interests, everyone is expected to conform. Unfortunately, that standard of conduct is not being maintained by a number of road users, and in my opinion there should be a code of conduct for road users. Respect for that code and the spirit underlying it is so much a moral duty that its practice should become a habit and its breach a reproach. It is true that members of the police force visit schools to give lectures on safety measures. Road users should show care and courtesy at all times and avoid unnecessary risks. I submit this as a possible highway code:—

- (1) All persons have a right to use the roads for the purpose of passage.
- (2) As the manner in which you use the road affects a large number of others, show care and courtesy at all times and avoid unnecessary risks.

- (3) Accidents are inevitable unless due allowance is made for possible errors on the part of others.
- (4) Every road user, whether he is driving a vehicle or is a pedestrian, should learn the traffic signals given by those regulating the traffic and also traffic lights and signs regulating traffic.

These things are fundamental and should be inculcated into the minds of all road users. I have experienced a lack of courtesy on the roads and seen risks taken which are the cause of accidents.

The Government appears to have left out of this legislation many essentials. Earlier in the session I asked the Minister whether he would consider an amendment providing that drivers of big transports must place a flare at the front and rear of their stationary vehicles at night. He said that this would be considered and provision probably made by regulation. In common with other honourable members, I have followed behind some of the big interstate transports and noticed that their loads were only loosely tied, and often the load was in a perilous and dangerous condition. Some weeks ago I followed one of these vehicles through the hills. It was loaded with condensers for the Electricity Trust and the load had worn through the tray of the vehicle right down to the hub of the back axle. No inspection had been made of the trailer at any of its stops. There should be some form of inspection every 100 or 200 miles. It should be compulsory for these vehicles to call at a police station to have the trailer examined to see that the goods were properly tied so that accidents could be prevented. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Statement as to insurance."

The Hon. A. J. MELROSE—I take it that people will no longer have to produce a certificate of insurance when registering a motor vehicle?

The Hon. N. L. JUDE—The idea is to simplify the form as much as possible, and as the certificate of registration is not issued unless a certificate of insurance is produced it is considered unnecessary to certify on the registration certificate that a certificate of insurance has been produced.

Clause passed.

Clauses 6 and 7 passed.

Clause 8—"Traders' plates."

The Hon. C. R. STORY—In his second reading speech the Minister stated 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. As I understand it that is not quite the position. The department has always provided these plates and has made no charge for them with the exception of the £2. Can the Minister say what the position is?

The Hon. N. L. JUDE—The position now will be that the Registrar will issue different coloured plates every year. They will belong to the department, and the fee will be payable merely for the issue of the plate in the same way as a disc is issued when a car is registered.

The Hon. A. J. MELROSE—I gather from what I have heard and seen in the press that it is proposed to stop the transfer of what might be called the family number plates. I have been led to believe that because a certain amount of work is involved by the department, the custom is to be dropped. If new number plates are to be issued to every motor trader every year, it must involve a hundred times as much work as the re-issue of family number plates. This seems to be an unnecessary piece of legislation, because most of those who use trade plates are permanently in the business and they do not want to renew them every year. It will only involve the department in great expense.

The Hon. N. L. JUDE—The suggestion was made in a general review of registration plates for vehicles. In Victoria the number plates are the property of the Government and they are issued every year. As to trade plates, the Registrar has informed the Government that there is no doubt that the present system has been subject to abuse and he would sooner have control of the plates and issue them. I can assure the honourable member that it is not proposed to do anything about family number plates.

The Hon. A. J. MELROSE—I am glad that the Minister acknowledges the sentimental value of some of the old number plates.

Clause passed.

Clause 9—"Duration of licence."

The Hon. C. R. STORY—Under the old system drivers' licences remained in force until midnight of the last day of the month in which the licence was issued, and this has resulted in a great rush when licences are renewed. Under the amendment it is proposed to issue licences for 12 months from the date

they are taken out, and thereby it is hoped that a more even flow of work will result. Would it not be better for the department to allocate the issue of so many licences each week? That would immediately spread the work over the succeeding years, but under the proposed system it would take a long time to spread these licences.

The Hon. N. L. JUDE—I think that the honourable member is slightly wrong. When all drivers' licences expired on June 30 there was much overtime work necessary, but in the last two years a person has been able to get a driving licence dating from the month when he made his application. This will gradually spread the work and do away with much of the overtime.

Clause passed.

Clause 10—"Lights on motor vehicles."

The Hon. C. R. STORY—At present lights are required to be placed within 12in. of the foremost part of a vehicle and at the rear-most part of the vehicle, but the amendment provides that the front clearance lights must not be more than two-fifths of the length of the vehicle from the front and the rear clearance lights not more than two-fifths of the length of the vehicle from the rear. For these two lights to be so close is not right. I think the matter should be further considered and suggest that the lamps should be placed as near as practicable to the front and rear of the vehicle on either side, but not more than one-third of its length from either the front or the rear.

The Hon. N. L. JUDE—I think the honourable member has something in his argument. Some of the big interstate transports have difficulty in getting a light near the front of the vehicle and until the cab is reached there is little chance of meeting the required width. Often the cab is of the same width and on some trailers the required width is not met until the superstructure is reached. There is no doubt that the department gave careful consideration to this matter, but if the honourable member feels that the distance is incorrect and can offer something more practicable, I am prepared to listen to it.

Consideration of clause postponed.

Clauses 11 and 12 passed.

Clause 13—"Driving while disqualified."

The Hon. A. J. SHARD—I take exception to this clause and ask the Committee to delete

it from the Bill. In his second reading speech the Minister said:—

Clause 13 deals with the offence of driving while disqualified by order of a court. At present it is an offence punishable by imprisonment for a person to drive a vehicle anywhere, whether on a road or not, while he is disqualified. It has been submitted to the Government that this provision causes undue hardship in a case where the disqualified person desires to drive a vehicle on privately owned property, such as a farm or pastoral holding, and the Traffic Committee has recommended that it should be limited to driving on roads. Clause 13 make an amendment for this purpose.

When the Act was amended in 1951, the Premier in introducing the measure said:—

Clause 16 makes an amendment of some importance. Under the present Act, as members know, the courts have power to disqualify offenders from holding and obtaining drivers' licences for substantial periods and many orders for disqualification have been made and are in force. The maximum penalty at present for driving a vehicle while under disqualification is a fine of £20. This penalty is inadequate. It is the penalty prescribed for the ordinary offence of driving without a licence, and is not appropriate in a case where a man is without a licence because of a sentence of disqualification imposed on him by the court. It is a serious offence, and one which is frequently committed. The Commissioner of Police informed the Traffic Committee that he knew of one case where a man had been convicted three times of driving without a licence while under disqualification; and one of the magistrates has also drawn the attention of the Government to some cases in which the present penalty is inadequate. The Traffic Committee recommended that this offence should be punishable by imprisonment up to six months. Clause 16 gives effect to this recommendation.

When one has a look at this and sees how readily it was agreed to, I am at a loss to understand why we should make a revision to show a particular favour to a particular section of the community as against another section. I have no sympathy for any person caught driving while drunk, and the whole tenor of this Bill is to make penalties more severe. Nobody can quarrel with that because of the present rate of offences, yet the Government is prepared to go out of its way to make it lighter for one section of the community. I think this step is wrong. If a person loses his licence for drunken driving and is not permitted to drive on roads, I do not think it is fair for another person to earn his livelihood on private property. If a court takes away a driving licence, no man should have a right to drive under any circumstances. A person could have a serious accident on the

road while he is drunk but because he happens to be employed on private property he is still permitted to earn his livelihood, whereas another person who might have a minor accident or even no accident at all, but who is charged with drunken driving, would be deprived of his livelihood. The disparity between the two sentences is too great, and I ask the Committee not to accept this clause.

The Hon. N. L. JUDE—The remarks of the honourable member are not without reason, but I point out several facts by which his argument must fail. There may be some anomaly in the verbiage of the present Act, but when a person's licence is suspended, it is suspended because of the desire and need to protect the public. To put it in ordinary verbiage, he is driving to the danger of the public, but one can do many things in one's garden that cannot be done in the parklands. The Government is perfectly consistent in saying that a person has private rights; any man can discharge a firearm on his own property without a licence. It is not necessary to have a licence to drive on private property, and the Government is merely being consistent in that regard. This clause may affect a transport driver more than a farm worker. However, it will still permit him to drive on a station property but not on a public road where he is likely to drive to the public danger. That is the reason for making the law consistent with regard to the right to drive on private property, where he does not need a licence. It is for that reason that the clause has been put into the Act. The Government is in full accord with the honourable member relating to drunken drivers, but this does not affect the public. The Government is determined to protect the public by increasing penalties for drunken driving.

The Hon. E. ANTHONY—I must confess that Mr. Shard's arguments impressed me. If a court has disqualified a man from holding or obtaining a driver's licence, it does not do so capriciously, but for some other reason.

The Hon. N. L. JUDE—A court must disqualify under the Act.

The Hon. E. ANTHONY—The Minister did not make that very clear. If a man is disqualified for a serious offence, he should not be allowed to drive a vehicle at all.

The Hon. Sir FRANK PERRY—I ask the House to support the Bill. The case of a transport driver has been argued, but as a constant driver, he should be very careful.

Mr. Shard has contrasted a transport driver with the owner of a property at Port Augusta, but there is no analogy. As the Minister said, the penalty is to safeguard the public. When a man is punished his penalty is not being able to drive on roads.

Clause passed.

Clauses 14 and 15 passed.

Clause 16—"Reckless and dangerous driving."

The Hon. J. L. S. BICE—I do wish to pay a compliment to the traffic police for their efforts in trying to educate some stupid drivers on the roads today. I suggest that the Minister request Inspector Turnbull and his traffic police to take a more definite stand against the stupid folk who will insist on driving their fast motor vehicles towards the centre of the road, and against the person who drives without dipping lights when approaching the top of a hill, especially on the South Road. This seems to me to be a real death trap.

Clause passed.

Clauses 17 to 20 passed.

Prögress reported; Committee to sit again.

MAINTENANCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1243.)

The Hon. A. J. SHARD (Central No. 1)—This Bill is a short one, and I think all members will be in agreement with it. Section 50 enables a sum not exceeding £1 10s. a week to be paid to foster parents for the care of a State child, and the Bill proposes to increase that amount to £2 10s. In 1950 a Bill was introduced to enable £1 10s. to be paid. My only point is whether the £2 10s. proposed will be sufficient to recompense people for taking care of a State child. I would imagine it would not be sufficient, and if the amount were higher it might encourage people of a better standard to take charge of these children. I do not wish to elaborate the matter, however, and I support the second reading.

The Hon. E. ANTHONY (Central No. 2)—I support this short but very important Bill. The matter of public relief and child welfare is an important one. The net cost to consolidated revenue of child welfare for last year was £267,587, an increase of £32,144 on the previous year. This shows the increasing growth in the expenditure of the department which, of course, can be expected with the expansion of the State's population. The children with which this Bill deals are mostly

wards of the State, and one realizes their unfortunate position. Some years ago, in my early career, I was a member of the Children's Welfare Board, and I obtained a good background of the work done by the department. The problems were then many and difficult, and they are no less numerous today nor are they less difficult.

This Bill increases the amount payable from 30s. to 50s., and I agree with what Mr. Shard said. If one looks at the amount the State has to pay for keeping children in institutions, they will agree with this. For instance, the net cost for keeping a child at the Glandore Institution is £1 7s. 6d. a day. I do not know how a foster mother will be able to maintain a child properly on 50s. a week, in view of these figures. Naturally, foster mothers must be specially chosen. Sometimes children are placed with foster parents and sometimes with their own parents, and in the latter case no payment is made, which I think should be so. However, I have raised this matter just to show how difficult it must be for people to maintain children on this very small allowance. We should be grateful that the department is being conducted in such an excellent manner. I have no criticism of the Bill except as to the amount of the allowance, and it may be that before long this will have to be increased further. Costs are rising all the time, and it must be difficult to support children on such a small amount.

Bill read a second time and passed.

[*Sitting suspended from 5.57 p.m. to 7.45 p.m.*]

MINING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1298.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill deals with the registration of mining claims. The Registrar, with the approval of the Minister, is given the right to refuse to register claims. There is no power at present to prevent a person who is the holder of a current miner's right from obtaining registration of a claim following pegging out on land on which the minerals are the property of the Crown (except certain lands exempt under the Act). As the result of some action taken at Tea Tree Gully some time ago the Government thought it was necessary to introduce a Bill to deal with the position where persons had made a claim on subdivided land. The anomaly which existed in that respect will be overcome by this Bill. The Bill deals

with other matters, but I can see no objection to it and I support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—This is a short Bill and perhaps looks innocent at first glance. I agree with Mr. Condon that there may be a virtue in several of the clauses. There may be a virtue in clause 3 and possibly in clause 4, but I have grave doubts about clause 5 which is too drastic to be put through speedily at this stage of the session or at any other time without the closest possible scrutiny. The power which it is proposed to give to the Minister is an extraordinary one. Clause 5 inserts a new section in the principal Act after section 114, which deals with the renewal of leases for a period not exceeding 21 years. I point out that in big mining concerns 21 years is not such a very long time. The proposed new section 114A reads as follows:—

If the Minister is satisfied, after due inquiry . . .

It is entirely for the Minister to say how much inquiry he makes—

that it is in the best interests of the State . . .

I emphasize this question of the "State" against the "individual"—

that any mining lease should be granted or renewed subject to special terms and conditions prescribing . . .

and I draw attention to that word "prescribing," which is very different from regulating by regulation and means that it does not come back before Parliament—

the minimum amount of any substance which the lessee must extract in a specified time from land comprised in such lease, he may grant or renew the lease subject to such special terms and conditions. This section shall have effect notwithstanding any other provision of this Act, or any regulation thereunder.

I am not going to labour the point because I do not know whether that is necessary, but when we get into Committee I will ask members to vote against clause 5 and if necessary I will elaborate on the matter then. This clause gives the Minister too much power and it is too dangerous a power. I hope we will hear from the Minister on the point, but as I am advised at present I will vote against the clause. I support the second reading.

The Hon. J. L. S. BICE (Southern)—I have examined clause 5 very carefully and I subscribe to the opinion expressed by Mr. Cudmore. The Public Works Standing Committee has had some experience in connection with one particular venture which raised doubts on the very matter dealt with in clause 5, and I am very

anxious to hear the Minister's explanation. Perhaps if 114A (2) were eliminated there may be some advantage in the clause. I know that under the existing administration of the Act certain people take advantage of not working their claims to the fullest. I think perhaps the Minister may be able to give the House a further explanation than appears on the surface of the Bill or in his second reading speech. If I can get a satisfactory explanation of proposed new section 114A (1) I will accept that. I believe this Chamber should have the right of reviewing any decision the Minister might make in connection with a matter of this description. The ordinary practice would be that regulations would be laid on the Table of this Chamber and we would have 14 days to examine them. With those reservations, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Progress reported; Committee to sit again.

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

A message was received from the House of Assembly intimating that it had disagreed to the Legislative Council's amendments.

The Hon. C. D. ROWE (Attorney-General)—As the amendments were carried in this Chamber by a fairly substantial majority I move—

That the Council insists upon its amendments.

Amendments insisted upon and a message sent to House of Assembly intimating the Council's decision.

A message was received from the House of Assembly requesting a conference at which it would be represented by five managers on the Legislative Council's amendments to which it had disagreed.

The Hon. C. D. ROWE moved—

That a message be sent to the House of Assembly granting a conference as requested by that House and the time and place for holding the same be the conference room of the Legislative Council at the hour of 9.30 p.m. this day and that the Hons. C. R. Cudmore, Sir Arthur Rymill, K. E. J. Bardolph, C. R. Story and the mover be the managers on behalf of this House.

The Hon. C. R. CUDMORE (Central No. 2)—I am sorry that I have to take action to disagree with the nomination. As far as I know, it has always been the practice in this House for the Party of which I happen to be the Leader to decide who shall be their representation as managers for a conference.

I therefore ask that the managers for the Council be appointed by ballot.

The PRESIDENT—The Standing Orders lay it down that any honourable member can demand a ballot on the selection of any Committee, and Mr. Cudmore having done that, the Council will now proceed to ballot.

A ballot having been held, the Hons. K. E. J. Bardolph, C. R. Cudmore, C. D. Rowe, Sir Arthur Rymill and C. R. Story were elected as managers on behalf of the Council.

The Hon. C. R. CUDMORE—I think it is three years since we had a conference with another place, and as we have new members in this Chamber who have not been on a conference, and as the rest of us have got a bit rusty as to the duties, practice and procedure, I think it would be helpful if you would give some advice on the duties of managers, Mr. President.

The PRESIDENT—Several members have asked me the duties, rights, powers and responsibilities of managers at a conference, and so that I would not give a quick or unprepared report, I have looked up some advice given by Sir Lancelot Stirling, when President of the Council, to managers leaving for a conference. I shall read his opinion, which I entirely endorse. This is what he said in 1921, and it is still in force today, as the Standing Orders are now exactly the same as they were then:—

The inherent principle involved in the practice of conferences is that the managers of each branch of the Legislature shall have the opportunity of inducing the other House to withdraw its opposition to any amendment of an Act under consideration, or failing such withdrawal to arrive at a compromise, by amendment (under certain restrictions) likely to be accepted by the respective Houses when reported by its managers. This duty is clearly defined under Standing Order No. 263.

The implication inferred by the definition of the duty of the managers is that such managers, whether they have been supporters or otherwise of the question at issue, should, in their advocacy at the conference, represent the decision of the majority of the Council as ascertained by the votes taken thereon in the course of debate. Unless such a duty is accepted by those appointed by the Council (in order to carry out the spirit of the Orders relating to conferences) it would be desirable that the representation on all conferences should be made by ballot when those only who support the majority voice of the Council may, if so desired, be sent to the conference to support such majority decision. Provision is made in the Standing Orders to demand that any such selection shall be by ballot.

Having defined what is the duty of the managers, I proceed now to allude to the proceedings at conferences: In Halcomb's Practice of the Council it is laid down that

its managers shall, before leaving the conference, draft their report containing recommendations which have been mutually agreed upon with the Assembly managers. A majority of the Council delegation is sufficient for its agreement to any recommendation, and inversely is sufficient to confirm a disagreement, either of which results such managers shall report to the Council. The Council acts in accordance with such report. It is believed that on occasions the decision of the conference as reported has been arrived at by a majority vote of the managers for both Houses voting as a whole, and is therefore not in accordance with the rules laid down by the Standing Orders as to conferences.

It will be seen that it is possible under the procedure at conferences which I believe has been adopted on some occasions, for a united representation from the House of Assembly assisted by the votes of a majority of the managers from the Council to successfully accomplish the defeat of the views of the Legislative Council as expressed by a majority of its members. I have on other occasions pointed out the duties of managers at conferences, and am in the hope that these duties will be accepted on the lines laid down by our Standing Orders, or that the Council will see that its managers are selected as representing the majority decision of the Council. I think that statement makes the position relating to the duties of managers quite clear.

The Hon. C. D. ROWE—I move—

That the sittings of the Council be suspended until the ringing of the bells.

The Hon. F. J. CONDON—I do not relish waiting here for three or four hours tonight. Would it be possible for the Council to receive the decision of the conference tomorrow? On previous occasions we have waited for as long as three or four hours for the bells to ring, and as the Notice Paper is almost cleared up, I think we should be considered in this matter.

The Hon. C. D. ROWE—I am quite happy to consider this request, but I was under the impression that it is necessary for us to be in a position to call the Council together as soon as the conference ends.

The PRESIDENT—Standing Orders lay down that the sittings of the Council shall be suspended during a conference, and not adjourned, and the motion that we grant a conference and that it shall take place at 9.30 tonight having been carried, and a message having been sent to the other House to that effect, I am afraid that even if the Council wanted to adjourn, it would be too late, so I will put the motion that the sittings be suspended until the ringing of the bells.

Motion carried.

A message was received from the House of Assembly agreeing to a conference as requested and intimating that its managers would be the

Hon. Sir Thomas Playford and Messrs. O'Halloran, Millhouse, Dunstan and Quirke.

At 9.30 p.m. the managers proceeded to the conference. They returned at 4.30 a.m. on Thursday, October 31. The recommendations were:—

As to Amendment No. 1:

That the Legislative Council amend its amendment so as to read: No. 1, page 1—after clause 2, insert new clause 2a as follows:—2a. Amendment of s. 6 of principal Act—Exemptions—Section 6 of the principal Act is amended by inserting therein after subsection (2b) thereof the following 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 for a term of not less than six months 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 holding over by the tenant after the expiry of the lease.

And that the House of Assembly agree thereto.

As to Amendment No. 2:

That the Legislative Council do further insist thereon, and that the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 3:

That the House of Assembly insist on its disagreement and that it amend the clause re-instated by such disagreement as follows:—

By striking out all the words after "by" in the first line of clause 7 and inserting in lieu thereof the following:—

(a) Inserting therein after subsection (2) the following subsection:—

(2a) Notice to quit on the ground that possession of a dwellinghouse is required for the purpose of facilitating the sale thereof shall not be given unless at the time of giving the notice the lessor is

(a) a British subject and has been the owner of the dwellinghouse for at least three years; or

(b) an executor or administrator who desires to sell the dwellinghouse for the purpose of the administration of the estate of a deceased person; and

(b) Inserting after the word "lessor" in the fourth line of subsection (3) the words "of the existence of the grounds of the notice to quit and"

And that the Legislative Council agree thereto.

As to amendment No. 4:

That the Legislative Council amend its amendment so as to read: After clause 7, insert new clause 7a as follows:—

7a. Amendment of section 55d of principal Act—restriction on letting of certain dwellinghouses.

Section 55d of the principal Act is amended—

- (a) By striking out all the words in subsection (3) beginning with the word “notwithstanding” in the tenth line and inserting in lieu thereof the words “the person so letting the dwelling-house shall not later than fourteen days after the lease commences give notice in writing to the trust of the letting. Such notice shall be in the prescribed form and contain all the particulars indicated in the form. If a person fails to give a notice in accordance with this subsection he shall be guilty of an offence and liable to a penalty not exceeding twenty pounds; and
- (b) By striking out subsections (4) and (5) thereof.

Consideration in Committee.

The Hon. C. D. ROWE (Attorney-General)—I think that I can briefly explain to the House the effect of these amendments. Amendment No. 1 was the amendment moved by Sir Arthur Rymill in this House. That was amended and provided as follows:—

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 for a term of not less than six months 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.

The provision relating to a subsequent lease was deleted by the House of Assembly. Where a person lets a house under a lease for a term of six months that house shall in future be exempt from the provisions of the Landlord and Tenant (Control of Rents) Act as far as the rental of the house is concerned, and it will be so exempt during any further holding over. I think it is fairly obvious what the effect of that clause is. The only addition is the words:—

or under any holding over by the tenant after the expiry of the lease.

I think the meaning of that is clear. As to our amendment No. 2 it was decided that we insist thereon and that the House of Assembly do not further insist on its disagreement thereto.

The third amendment was the one inserted by the Hon. Sir Arthur Rymill. The position was that the House of Assembly amended the effect of section 55c of the Act to provide that hardship conditions were to be considered in determining whether or not the landlord

was to get possession of his house. One of the arguments in favour of that was that under section 55c the landlord had to file a statutory declaration when he gave notice to quit setting out the reasons why he wanted the house. The argument used by the House of Assembly was that the statutory declaration may not be *bona fide*, and that often possession was given on grounds that were not *bona fide*. The effect of the amendment is that it must be a *bona fide* notice to quit, and the court has power to investigate that matter. It goes further than that and before the owner can give notice under section 55c in future, he must be a British subject and the owner of the dwelling-house for at least three years, or an executor or administrator who desires to sell the dwellinghouse for the purpose of the administration of the estate of the deceased person.

As to amendment No. 4, which was moved by the Hon. C. R. Cudmore and which proposed to strike out subsections (3), (4) and (5) of section 55d, those being the sections which provide that if a person secured vacant possession and sold the house and the new purchaser then let the house, he could only do so under the terms and conditions that applied with the previous owner. We altered that to provide that if under those circumstances the present owner sells the house and a new purchaser purchases it and lets it, then the person so letting the house shall not later than 14 days after the lease commences give notice in writing to the Housing Trust of the letting, and if he fails to do so he shall be subject to a penalty not exceeding £20. It is to provide against an owner securing possession by a false declaration, or by any other improper means. I move that the amendments be accepted.

The Hon. C. R. CUDMORE—I support the report. I think the Legislative Council gave way on what were quite reasonable matters and did not alter the attitude of the Council at all. I should like to make it clear, as it was not quite clear in the Minister's explanation, that clause (3), (4) and (5) of section 3 of Act No. 2 of 1957 are deleted and the other clauses in relation to reporting to the Housing Trust are inserted in their places. I support the motion.

The Hon. F. J. CONDON—I rise not to oppose the recommendation, because I want to stand by what the conference has done, but to complain that we are not to be given more time to consider these matters. It has taken the Conference more than six hours to

come to a decision, and it is therefore surprising that Mr. Cudmore should be prepared to support such recommendations without our having an opportunity to give them more consideration, because he always says that consideration should be given to such matters. How can members understand what is really meant? In effect, one House says "We have had a great win" and the other says likewise. Who knows what is really meant? The Council would be unable to consider the report this morning but for the consideration extended by the Opposition, as there would not be a quorum. Even the Attorney-General is not

prepared to give us more time. I enter my strong protest against an important measure like this being put through without its being given proper consideration.

Motion carried.

House of Assembly's amendments agreed to.

A message was received from the House of Assembly intimating that it had agreed to the recommendations of the conference.

ADJOURNMENT.

At 4.57 a.m. on Thursday, October 31, the Council adjourned until 2.15 p.m. the same day.