LEGISLATIVE COUNCIL.

Thursday, November 26, 1959.

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

ASSENT TO ACTS.

His Excellency the Governor's Deputy, by message, intimated his assent to the following Acts:—

The Australian Mineral Development Laboratories.
Holidays Act Amendment.
Millicent and Beachport Railway Discontinuance.
Nurses Registration Act Amendment.
Savings Bank of South Australia Act Amendment.
South-Eastern Drainage Act Amendment.
Vine, Fruit, and Vegetable Protection Act Amendment.
Wandilo and Glencoe Railway (Discontinuance).

QUESTION.

WIDENING OF CHURCHILL ROAD, PROSPECT.

The Hon. A. J. SHARD—On Tuesday, November 17, I asked the Minister of Roads a question in connection with the widening of Churchill Road, Prospect. Has he anything to report today?

The Hon. N. L. JUDE—Churchill Road is a section of the Adelaide-Dry Creek main road No. 61 and is on the metropolitan road widening schedule. The road is being widened by 7ft. on each side as opportunity occurs. It is not proposed to widen the pavement to its ultimate width of approximately 60ft. at this stage. Final widening will be carried out when all the necessary land is secured some time in the future. The intention to widen has definitely not been abandoned.

DOG FENCE ACT AMENDMENT BILL.

Read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2).

In Committee.

(Continued from November 25. Page 1824.)

Clause 18—"Powers respecting part of west park lands."

The Hon. F. J. CONDON—I move—

To strike out the whole of proposed new section 855a (1) to 855a (4), inclusive.

If that amendment is carried I propose to move for the insertion of a new clause which I cannot debate at this stage. However, it is on members' files. The policy of the Labor Party in this matter is:—

No further alienation of Crown lands and no further leasing or sale of park lands which may deprive the public of free access at all times.

During the second reading debate the Hon. Mr. Bardolph said:—

The Crown lands are vested in Parliament or the Executive by legislation on our Statute Book. Parliament in turn has granted powers to the Adelaide City Council for the administration, conduct and control of the park lands, subject to Parliament's sanction.

The Bill interferes with the rights of the people. The Hon. Mr. Bardolph explained that fully in his second reading speech and I do not want to reiterate what he said. The position is quite clear. Therefore, I ask honourable members to support my amendment.

The Hon. Sir ARTHUR RYMILL—The words proposed to be struck out, if my interpretation of them is correct, as I think it is, are those that provide that the council may lease its land. In other words, if this amendment is agreed to, the council that is seeking this power will itself have to run any development it may carry out on this land, and will have the obligation of complete control of that land for all purposes. A number of things lead me to oppose this amendment. The first is that I think councils in general have found that in many cases it is far better for them to lease places than to retain control of them themselves. For instance, as I mentioned yesterday, the Adelaide Oval is on park lands, and so is the Victoria Park Racecourse. If the obligation to run those places was imposed on the Adelaide City Council, it would be an almost impossible function for it to perform. The South Australian Cricket Association, which has a lease of the Adelaide Oval, has a staff whose main function it is to run the oval. The Adelaide Racing Club is an extensive club charged with the obligation of running the Victoria Park Racecourse—and I cannot imagine a council in this country running a racing concern of that nature.

The economic aspect also has to be considered. For instance, the Adelaide City Council developed the Olympic Pool, a little before the war. For some years it ran the pool itself, but then it found that it could not effectively do so. Since it has been leasing it to an excellent tenant, the pool has been run

at least as well and is providing no lesser, but rather a greater, service to the public. The City Council has benefited from it and I believe the lessee is doing quite well.

This amendment involves the council not only in developing this area but also in running it itself when it has been developed. As I understand the intention of the council, it is to develop this land, but it may well find it necessary to lease it after it has developed it. An important point is involved there because, even if the council is under an obligation, as this amendment envisages, of running this ground, it will run it for someone else but not for itself; it will run it for sporting bodies that are not the council's responsibility at all. Surely that would be a split administration, particularly on a ground of this nature.

The people administering the ground would not be associated with the sports held on the ground, which would not be a very desirable situation. If honourable members vote for this amendment they may well frustrate the raising of a sports ground or grounds on this area altogether, because I for one feel it would be impossible for the City Council to run the ground without the power to lease. The council can well develop this area, which will be a good thing for the sporting interests of Adelaide. I think it is its intention so to do. However, if its power to lease is omitted from the Bill, then it may well have second thoughts on the matter and say, "If we have to run this and set up some extra body to do this at our own expense, it is going beyond all our ideas and will be impossible to fulfil." I do not know whether the intention of this amendment is to frustrate the idea altogether, but that appears to be what underlies it. I do not suggest that is the intention.

The Hon. K. E. J. Bardolph—It is not.

The Hon. Sir ARTHUR RYMILL—I am glad of that assurance but, if this amendment is carried, it may well frustrate the whole scheme.

The Hon. S. C. Bevan—May we take that as a threat?

The Hon. Sir ARTHUR RYMILL—The honourable member need not take anything as a threat; he need merely take it as being a matter of ordinary commonsense and, knowing his commonsense myself so well, I think he should brood upon this amendment a little and take my remarks not as a threat but as a natural consequence that would flow if this power were omitted. It is very important. If the power to carry this idea to fruition in the final sense is omitted, then what is the good of starting it at all? The Hon. Mr. Condon's idea in introducing this amendment may be that he is against alienation of the park lands. I think we all are, but I should like to draw the honourable member's attention to the fact that permits are granted for users of the park lands all around the city. Every cricket, football, lacrosse, tennis and other club using the park lands has a permit from the City Council to use that land, which is in the nature of a lease even if it is not actually a lease. The whole set-up around the park lands these days, at the moment at all events on the latest thinking, is that these areas are in effect leased to the various people who can then run their own sports on them, and literally dozens of permits are in operation. This is in entire accord with what is going on now. The Adelaide Oval, the Victoria Park Racecourse, and the Adelaide Bowling Club grounds are leased, and permits are in operation for many other clubs on the park lands. There is nothing novel in this idea. If this amendment is agreed to, it will completely draw the teeth out of this clause and I am afraid it will probably have the effect of completely frustrating the whole scheme.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I rise to support the amendment and I assure Sir Arthur Rymill that the object of the amendment is not to frustrate the development plans of the Adelaide City Council. The Labor Party wholeheartedly supports a rehabilitation scheme for the park lands and I think members of that Party have displayed that view on this occasion and on other measures on which the Adelaide City Council have sought action. This amendment has been born out of a policy subscribed to by members of the Labor Party. All members will agree that this is a Party House, there being no Independent members here, and consequently each set of members representing the L.C.L. and the A.L.P. subscribe to their respective policies. It is our Party platform that there shall be no further leases granted of the park lands for the purposes contained in this Bill. I entirely disagree with Sir Arthur Rymill that it would be rather cumbersome for the Adelaide City Council to erect this new playing arena and to run it. My answer is that if the City Council developed the area and leased it to one of the organizations as provided in the Bill that organization would have to run it for some form of profit. It would have to

have some return to defray the cost of buildings on the area and also to pay the staff and to keep the amenities in order. Members of my Party say that should be done after the development of the area is finalized.

The Hon. Sir Frank Perry—They need not develop it.

The Hon. K. E. J. BARDOLPH—Sir Arthur Rymill said after the development work is done it is proposed to lease it to some other body. Provision is now made in the Bill for that to take place. If it is not proposed to do that members of my Party can see no difficulty in it for the Adelaide City Council. We are not moving this amendment in an attempt to decry the efforts of the Adelaide City Council. We submit there are sufficient members on the Adelaide City Council to set up some form of trusteeship to run the playing arena. The profits would then be paid back into the council and would not go to any association that may be given the right to lease the area. I see no difficulties that may arise to the Adelaide City Council if this amendment is carried. It would get the full benefits of the development project and the profits would go back into the Adelaide City Council. That is all that is behind the amendment, namely, that the council shall control the area and be responsible to Parliament as it has always been. The amendment has not been formulated to frustrate the Adelaide City Council.

The Hon. N. L. JUDE (Minister of Local Government)—I was interested in the Hon. Mr. Bardolph's assurance that his Party, in its amendment, was not out to prevent the council from developing the area for sports grounds for the general public. I remind the honourable member that surely the previous speaker, Sir Arthur Rymill, although he did not claim to do so, was speaking for the council because this Bill, as was stated in the press some time ago, was drafted at the request of the Adelaide City Council. Therefore his remarks as to what the council would be likely to do or on the position it felt it would be in if it were asked to control a ground such as a racecourse like Victoria Park and so on should be seriously considered. The council has considered the idea contained in the amendment and thinks it is beyond the bounds of practical possibility. I think honourable members must pay close attention to Alderman Sir Arthur Rymill's remarks.

The Hon. K. E. J. Bardolph—We are not attempting to belittle them at all.

The Hon. N. L. JUDE—If the honourable member peruses the Bill again he will see it expressly provides the very thing which he and other people including myself from time to time are—

The Hon. F. J. Condon—What has happened in the past?

The Hon. N. L. JUDE—The honourable member is dealing with the present. His Party policy says, "No further leasing." Let us speak to the present clause in this Bill and that is to deal with this provision for this particular portion of the parklands. This is not a general provision.

The Hon. F. J. Condon—Oh rot!

The Hon. N. L. JUDE—The honourable member may laugh, but he will realize that this clause expressly provides for permission for the public to enter this land at all times except on specific occasions and all honourable members will realize that "special occasions" would be when matches were in progress or other events were taking place. The idea is not to prevent access by the general public and I would remind the honourable member that there are plenty of places which are more or less fenced off in the Adelaide parklands today and those areas represent a very considerable asset, particularly to the younger generation around this city.

As Sir Arthur Rymill indicated, this amendment virtually cuts across the whole suggested plan for the development of this area. It is true that permits may be granted. The original idea was that they should be granted for three months, but that was altered in the draft to six months having regard to the average time a season of a sport may take. I remind honourable members that if any club is to get a permit and has to build these amenities—club rooms, changing rooms, etc—on the grounds without any tenure of any kind it would be impractical and unreasonable to expect them to risk their very limited capital to do so. One could not expect them to do it.

The Hon. S. C. Bevan—Where are they going to get the capital to develop it?

The Hon. N. L. JUDE—I do not know. I have had the doubtful pleasure of playing on the park lands for many years in several different sports. If honourable members could hear the remarks of the players who have to go out with shovels and clean up the ground before they can take part in the game they would view this matter differently. For half

the year the grass is far too long to let a small ball go through or the ground is too rough and it cannot be rolled, or it is too hard. Often in the other half of the year it is badly drained or there is no grass on it at all. Surely the time has come, in this State that we are all so proud of, to improve on that state of affairs. Despite all the sentiments attaching to this question I believe that Colonel Light and the original planners of this town would have seen the problem exactly as we have seen it. Where would we be today without one of the most attractive ovals in the world? I refer to the Adelaide Oval. Do members think if that oval were not enclosed that we would have had Test Cricket matches played there?

The Hon. F. J. Condon—Why labour the question when you have the numbers?

The Hon. N. L. JUDE—I am trying to produce sufficient arguments to get the honourable member to withdraw his amendment. I remind honourable members that throughout the State there are dozens of councils which let part of their park lands on lease to sporting clubs, and this, in many cases, virtually excludes the public. They have to pay high subscriptions and when the public wants to watch events, a charge is made. I have heard of no objections. Most of the opposition is based purely on sentiment. I suggest that all honourable members are just as jealous as Mr. Condon is to protect the park lands in the interests of the public, but I remind him that the development of this portion of the park lands is in the interests of many people who want to participate in sports but are not among the over-privileged who can afford to join expensive clubs. Apart from the aesthetic improvement of the site, are the young people to be denied the opportunity to play sport? The amendment is unsound because it is based upon false premises, particularly as it suggests that the clause as it stands will result in the exclusion of the public from this area at all times. It does not mean that. I hope the Committee will accept the clause as it stands.

The Hon. S. C. BEVAN—I oppose the clause entirely, and favour the amendment. The Minister says that we have to live in the present, but he suggested that we go back to the days of Colonel Light and try to visualize what Colonel Light had in mind. I suggest that he had in mind a green belt around the city to be retained for all time. It should be retained for the use of the public. We have seen some beautification of the park lands and this is to the credit of the City Council. I will not accept the suggestion that the council cannot continue this beautification if it so desires. The western portion of the city has been frowned upon and has been left to fend for itself. The people living in that area are deserving of consideration. The clause means that for about 25 years the City Council will have power to lease portions of this area of the park lands to any person or club. We heard reference to the Adelaide Oval, which actually is part of the park lands; but the general public has been deprived of free access to it since a lease was granted to the South Australian Cricket Association. A further area of the park lands has been taken up by the extension of tennis courts behind the oval. Mention was also made of the lease of the Victoria Park Racecourse. Only recently a move was made for the controlling body to have the right to charge the general public for access to the flat, but the matter has gone no further. That is an indication of what could happen. We must consider what will happen if this clause is accepted. Power will be given for the erection of grandstands, booths, fences, etc., and so the general public will be deprived of the use of this part of the park lands. Power is also proposed to prohibit the admission of any person to the area.

All the amendment suggests is that the powers should be vested in the Adelaide City Council at all times. The council has developed areas in the park lands and granted permits to various sporting bodies, but it is proposed that the council shall retain control under its jurisdiction and not hand it over to another body. I have played football, cricket and other sports on the park lands in question which were then much larger than now, as some of the area has been usurped. If the clause were agreed to it could result in the whole area not being available to the general public. The plan exhibited shows a considerable portion of the park lands as already reserved for the Adelaide Boys High School.

The Hon. N. L. Jude—Have you any strong objection to that?

The Hon. S. C. BEVAN—My objection is to the alienation of park lands from the general use of the public.

The Hon. Sir Arthur Rymill—The only portion that is reserved is for the high school itself.

The Hon. S. C. BEVAN—Not according to the plan as I understand it. This shows the high school reserve as going back to the railway line and I can only go by what is on the plan which is exhibited for our information.

The Hon. Sir Arthur Rymill—You have not read new section 855a (1) carefully enough.

The Hon. S. C. BEVAN—The plan shows the acreage, and the Bill stipulates the size of the playground. It refers to the whole of the area between the roads and back to the railway line. The Bill prohibits the admission of any person to the sports ground while any organized sport is in progress, which shows clearly that it would not be open to the general public without the payment of an admission fee, as is the case with the Adelaide Oval. Once the grounds are fenced and developed as intended the only time they will be open to the general public is when some sporting event is going on.

The Hon. N. L. Jude—You could go into the Adelaide Oval now.

The Hon. S. C. BEVAN—And immediately I did so the curator would want to know my business. If portion of this area were leased to a sporting body it would naturally not be agreeable to leaving the grounds open, as it would want to protect its improvements. This is merely the thin edge of a wedge which later could be used as a precedent for the further alienation of park lands; and it is the future we are concerned about. All the amendment does is to say that the ground shall not be given over to any club but shall be retained by the Adelaide City Council for the use of the general public.

The Hon. Sir FRANK PERRY—This clause means that 65 acres of the park lands is to be developed by the City Council and sublet to any private sporting body for the purposes of sport and beautification. The saving grace is that it must come back to Parliament for approval, and I should say that there is no-one more concerned with the beautification and use of our park lands than Parliament and the City Council. Over the years a fetish has developed as to what the park lands are for. I have not read exactly what Colonel Light intended, but it might have been for the grazing of cattle; probably that was one of the reasons. He did not make the city very big; he made the park lands a great deal bigger, and he made them for the use of the people in their judgment in the future. The authorities that can best judge the needs of the people are Parliament and the City Council. I would prefer to accept their viewpoint to even that of the Labor Party. The Bill does not prevent the City Council providing all the things necessary at the area, but simply that it must always control them. Control can be retained by a properly worded lease.

I understand that soccer, baseball and other of the minor sports may be played in this area. The word "public" covers a lot of people—those interested in sport as well as those who play it. If I am any judge, far more people are interested in looking at sport than in taking part in it. That will always be so because human nature is such that men and women do not retain the energy to engage in the more vigorous types of sport all their lives. The aim of the City Council, after careful thought, is to convert something that, if not an eye-sore is not particularly attractive, into something beautiful and useful which will serve the purposes of a good many of the public. I believe sufficient safeguards are provided and I oppose the amendment.

The Hon. Sir ARTHUR RYMILL—Although I agree with most of what the Minister said I make it clear that I am not representing the Adelaide City Council, nor am I its spokesman. I am here as a member of Parliament and do not think it would be proper for me to represent another body here. The expressions I used when I said what I thought the views of the City Council would be were based on my personal experience of its methods and how these things are handled. I should like to correct one or two things Mr. Bevan said. Firstly, he said that the whole of the Adelaide High School Reserve went right down to the railway line and that it was marked on the plan as such. I recommend that he look at the plan again because a small square is marked as the high school reserve and the larger portion along Glover Avenue is marked as sports ground. That portion is quite a number of times the size of the high school reserve as leased to the high school and is not part of the high school area as acquired by the Government. Confirmation of that will be found in lines 9 to 12 of new section 855a (1).

The other thing I could not understand was his objection to the prohibition of admission of people to the ground and to the charging of an admission fee, but the amendment he is supporting does not deal with that. It does not deal with new section 855a (5) which gives the council power to prohibit admission, and so forth, so I say that that argument also falls by the wayside.

The Hon. F. J. CONDON—I still stress the point of the rights of the people and am sorry that this Bill is being decided on politics. Two years ago this Council gave certain powers to the Adelaide City Council that it was not prepared to give anyone else. As far as I know, the Adelaide City Council is the only local government body controlled by the Liberal Party. I do not believe in municipal affairs being mixed up with politics. At every municipal election the Liberal Party calls for nominations—can anybody deny that?—for the mayor and aldermen of the City Council. That is not done in any other part of South Australia. The Liberal Party wants control; I am not prepared to give it control. It is sad to reflect that politics is introduced into deciding the control of the park lands. I am not prepared to give the power that Parliament gave two years ago. The members of the Liberal Party will take every opportunity, as others have done in past years, to increase their powers. I oppose that. That is why I ask honourable members to support my amendment.

The Hon. N. L. JUDE—The honourable member has laboured with me for many years pointing out that Parliament has these powers which are expressly put in this Bill. Then he moves an amendment to delete them, to strike out the words—

> Every lease . . . shall . . . be approved by the Governor; or be laid before Parliament and, if so laid, shall not be executed if either House of Parliament . . . disapproves.

The honourable member is not being consistent.

The Hon. F. J. CONDON—The Minister should not start these arguments. Certain powers are sought to be extended to the Adelaide City Council, for which I have great respect. Why give the power to one body and not to another?

The Hon. G. O'H. GILES—Certain accusations have been flung around this House that this is really a matter of politics. My interest is purely for the development of the park lands. In so far as this clause strives for that, I would vote against the amendment. It is desirable that a progressive policy should be adopted in regard to the park lands so that they shall become good environmental features of our city. I support a policy of progress rather than one that tends to leave the park lands uncared for and in a very rough state.

The Committee divided on the Hon. F. J. Condon's amendment—

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

Noes (13).—The Hons. Jessie M. Cooper, L. H. Densley, E. H. Edmonds, G. O'H Giles, A. C. Hookings, N. L. Jude (teller), Sir Lyell McEwin, Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill and C. R. Story.

Majority of 9 for the Noes.

Amendment thus negatived.

The Hon. F. J. CONDON—In view of the weight of numbers against me, I do not propose to move the rest of my amendments.

Clause passed.

Title passed.

Bill recommitted.

Clause 13—"By-laws"—reconsidered.

The Hon. N. L. JUDE—Honourable members will recall that there was some confusion in the handling of this clause on the first occasion, but I now move—

> At the beginning of new section 29a to insert "Subject to the approval of the South Australian Harbors Board."

The reason for this amendment is that, when the clause was drawn, the Parliamentary Draftsman was not aware of the fact that there was a clause in the Harbors Board Act that already gave the board considerable powers over fishing vessels and such small coastal craft. To bring it into line with that, the Government agreed that this clause should be amended in this way. The additional amendments as they appear on members' files are consequential.

The Hon. Sir ARTHUR RYMILL—This is curious. The Bill as drawn set out to give dominion over this matter to the local governing authorities. It is now explained to us that the Harbors Board has, to use the Minister's own words, "considerable powers" over these matters already. He then moves an amendment giving a sort of split control between the Harbors Board and the local governing bodies. If the Harbors Board already has control over these things, why then give it to someone else, subject to its authority? Or, if it is desired to give the control to another authority, why does not the Minister bring down a Bill relinquishing the control of the Harbors Board over these things that it already has and giving it to the local governing authorities? This sort of split control between two bodies which normally have very little to do with each

other seems most curious. It is strange that this power should be given to a local governing authority and that it should have to go to the Harbors Board for permission to exercise it. Surely it would have been more sensible to give the power to the local governing body without having this dual role by two different bodies.

The Hon. N. L. JUDE—With the clause as drafted originally the position was that there would be dual control because of the section already in the Harbors Board Act. In order to avoid dual control it is necessary that these regulations that are essential to control water ski-ing, and are so urgent, shall be submitted to the Harbors Board, which says it does not anticipate any problem about this. If that is not done then divided control will result because the Harbors Board will insist that it has powers that are conferred on it by a similar provision over the navigation of fishing vessels, river vessels, and so on. In order to avoid dual control by the Harbors Board and a local governing authority the amendment provides that the local governing body shall be subject to Harbors Board control. I have discussed the matter with the Minister of Marine and have no reason to think that the Harbors Board will worry local councils on matters that honourable members know perfectly well this Bill sets out to deal with. I refer to the danger arising from motor cruisers inshore and hydroplanes drawing water skis, etc.

The Hon. Sir ARTHUR RYMILL—I accept the Minister's explanation on that, for which he has my gratitude, but on the other hand I regard this as more or less a trial because it seems there may be difficulties in administration. I think the Minister should also so regard it, and if necessary devise some other method.

Amendment carried.

The Hon. N. L. JUDE—The words "motor vessels" are descriptive words used in the Harbors Board Act throughout, so it is thought desirable to omit those words and restrict the operation to "motor boats, water skis and other like equipment." Therefore, I move—

In line 2 to strike out "motor vessels and" and after "skis" to insert "and other like equipment."

Amendment carried.

The Hon. N. L. JUDE—I move—

In line 6 to strike out the words "and navigation."

I do that for the same reason as I explained previously. The Harbors Board has powers over navigation so it is not thought desirable to give councils control over navigation.

Amendment carried.

The Hon. N. L. JUDE—For the same reasons I move—

In line 7 to strike out "motor vessels or" and after "skis" to insert "and other like equipment."

Amendment carried; clause as amended passed.

Bill read a third time and passed.

DENTISTS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Dentists Act, 1931-1936. Read a first time.

The Hon. Sir LYELL McEWIN—I move—

That this Bill be now read a second time.

It is designed to give effect to a number of recommendations of the Dental Board some of which will remove obsolete matter from the principal Act and others which have appeared to the Government to be reasonable and necessary to enable the Board effectively to carry out its functions. As honourable members know, the board, which comprises a member (at present the Dean) of the faculty of dentistry in the University of Adelaide, a legally qualified medical practitioner and three elected registered dentists, is charged with the registration of dentists and the general oversight of the practice of dentistry in this State. The substantial matter covered by the Bill is the creation of a disciplinary committee separate and apart from the board itself.

Clause 3 of the Bill, apart from containing a consequential amendment, enlarges the definition of "dentistry" in the principal Act by including the performance of radiography in connection with human teeth or jaws, the giving of anaesthetics for dental operations and the doing of preparatory work and giving preparatory advice in connection with dentures. All of these things are normally regarded as part of the original work of dentists and the effect of widening the definition is that they can be done only by qualified dentists or medical practitioners.

Clause 4 will vary the constitution of the Dental Board by providing that what I shall call the "University member" shall be a member of the faculty of dentistry to be nominated, instead of the Dean of the faculty, who may not be always available. Clause 5 raises the annual registration fee from two

guineas to four guineas. In this connection it is relevant to point out that the principal Act has not been amended since 1936. Clause 6 will establish a disciplinary committee which will take over the board's present duty to hear charges against dentists in respect of unprofessional or infamous conduct. The committee will consist of five members, one of whom to be the chairman, will be a legal practitioner of at least five years' standing, all to be appointed by the Governor upon the board's recommendation. This provision will bring the provisions relating to the discipline of dentists into line with those applicable in case of the legal profession. At the present time the board itself deals with this question and thus is, in effect, both complainant and judge. It is considered desirable that the disciplinary committee should be separate. Clause 7 makes consequential amendments.

Clause 9 amends section 18 of the principal Act (which sets out qualifications for registration as a dentist) in three respects. Paragraph (*a*) substitutes the General Dental Council of the United Kingdom for the General Medical Council of the United Kingdom since there is now a Dental Council in the United Kingdom in addition to a Council of Medical Education. When the principal Act was passed, dental affairs came within the scope of the latter. Paragraph (*b*) strikes out two subparagraphs of section 18 which are no longer operative. They covered the registration of operative dental assistants, a matter to which I shall refer when I come to clause 12. Paragraph (*c*) of clause 9 will permit the temporary registration of persons who have obtained all the necessary qualifications in an Australian university but have not actually been admitted to their degrees. It is designed to bridge the gap between final examinations and the conferment of degrees. Clause 8 effects a consequential amendment.

Clause 10 will enable the personal representatives of a deceased dentist to continue his practice for up to 12 months or any longer period approved by the board in order to enable the sale of the practice. But the practice must of course be continued by the employment of one or more registered dentists to conduct it. This appears to be a reasonable and necessary provision. Clause 11 will add to the reasons for deregistration, mental or physical defect or any order by the disciplinary committee; the latter addition is of course consequential.

Clause 12 repeals all of the sections of the principal Act dealing with the registration of operative dental assistants except sections 27 and 30 which provide for the register and licence fees. The reason for the removal of the sections concerned is that they were designed to cover persons who were employed as operative dental assistants at the time when the sections were enacted and the time has long since passed within which any new persons could become registered as operative dental assistants. The sections concerned are therefore obsolete.

Clause 13 will remove from section 40 the provision that a person shall not practise dentistry if employed as an articled pupil or apprentice. The provisions of the principal Act concerning articled pupils and apprentices are now obsolete as it is not the practice for students to gain their practical experience in this way. Clause 13 also raises the penalty for practising by unqualified persons and clauses 14, 15, and 16 also raise penalties provided by the principal Act. Clause 17 is consequential upon the clause creating the new disciplinary committee and will provide for proceedings before that committee.

Clause 18 is likewise consequential, while clause 19 will amend section 46 so as to empower the board to refer applications for registration to the committee for inquiry. This clause is therefore of a consequential character.

Clause 20 removes section 47 from the principal Act in view of the new provisions for a disciplinary committee. Clause 21 amends section 48 of the principal Act by making certain consequential amendments, prohibiting a registered dentist from holding out an unregistered person as a partner or assistant and by restricting the number of registered dentists employed by dental companies to the number employed on October 1 of the present year. At present there are three dental companies entitled to practice dentistry having been registered at the time of the passing of the 1931 Act. Clause 22 will require dental companies to file certain returns with the Dental Board while subsection (2) is consequential upon the earlier provision in clause 21 concerning the number of registered dentists that can be employed by such companies. Clauses 23, 24, 25 and 26 effect consequential amendments. Clause 27 inserts a new and necessary provision conferring upon the disciplinary committee the powers exercisable by the board while clause 28 makes consequential amendments.

Clause 29 enacts a new section which makes provision for suspension of an order of the disciplinary committee where an appeal is

intended or has been brought. Clause 30 makes consequential amendments, adds to the regulation making power the power to regulate advertisements, and to prescribe a code of professional conduct. The clause also increases the amount of the penalty that may be imposed by the regulation. Clause 31 adds to the qualifications for registration by virtue of overseas qualifications, certain degrees of the Universities of Malaya, Malta and Pretoria. Much consideration has been given to the preparation of this Bill in conjunction with the Dentists Board, which has been seeking an amendment for some time and now that agreement has been secured I submit the measure to the consideration of honourable members.

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

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 25. Page 1821.)

The Hon. Sir LYELL McEWIN (Chief Secretary)—This Bill has been well debated and I shall not speak at any length in reply but only to refer to one or two points that have arisen. I thought that the highlight of the debate occurred yesterday and particularly desire to refer to the speeches by the two new members for the Southern District, who, I thought, presented their case very clearly. I was impressed with the manner in which both addressed themselves to the measure, one for and one against. Their speeches were impartial, clear and concise. They gave their reasons without any personal rancour and that added considerably to the tone of the debate. Mr. Hookings referred to the superphosphate position in the South-East. That part of the State is in a very favourable position in this regard because of the competition from over the border from a co-operative company and the fact that this area also enjoys special taxation privileges. It has the advantage of getting supplies both from Victoria and from companies in this State which enjoy subsidized railway freight at the expense of the rest of the community, and this has some bearing upon the position.

In opposing the measure Sir Frank Perry said that he thought there was room for something to prevent exploitation. That, of course, is natural, because it is a plank of the Party we both represent. I was hoping that he would have developed his argument a little further as to what means could be adopted to bring that about. The Act has been administered with the minimum of interference, and I do not know of any more effective way in which the position could be handled. I was interested in his assertion that price control had been responsible for the introduction of self-service restaurants. I had always understood that was something which originated in America.

The Hon. Sir Frank Perry—I was not talking about America, but about the position here.

The Hon. Sir LYELL McEWIN—The honourable member said that price control was responsible for their introduction here. It was not price control in America that was responsible for the establishment of these stores, but sheer, downright efficiency. I endeavoured to get some information on that aspect and the following is an extract from *Parents' Magazine* of August, 1959, at page 64:—

This month the super market industry celebrates its silver anniversary. Just twenty-five years ago a food chain executive named Michael Cullen conceived a system of merchandising that would cut the price of food to fit the homemaker's budget. His idea was simple but revolutionary. He would open a large store far from the main shopping area so that the rent would be low. He would eliminate as many of the service clerks as possible, assuming that the homemaker would be willing to wait on herself in order to save money. He would display lots of a great variety of merchandise in the hope that through volume sales he could reduce the unit cost of food. Mike Cullen's Super Market was an instantaneous success. Other merchants soon copied the idea until today there are over 18,000 super markets in the United States serving millions of enthusiastic customers every day. The super market industry has done more than bring cheaper food prices to the consumer. It has pioneered in many ways to make shopping more convenient and more pleasant. It has given impetus to better packaging, labelling and display of food to facilitate service. It has instigated price marketing of food so the homemaker knows the cost of every item she buys, at the point of decision. It has made one-stop shopping possible by expanding its merchandise to include other necessities than food for the family and home.

This was as far back as 1930, nine years before the war. It took a long time to spread here. In reply to the honourable member's interjection, I point out that self service restaurants were in operation pre-war in South Australia and are not a new idea. Other things were referred to, such as company take-overs and the control of profits. Take-overs were dealt with by my colleague, the Attorney-General. Both these points are so unrealistic that I don't think they merit my

addressing myself to them. At one stage of the debate we got to an exceedingly low ebb and it is something I have not experienced in 25 years as a member of this Chamber, and I hope I shall not experience it again. I find an honourable member suggesting that as a Party man he is something superior to any other honourable member elected by the electors on the Party's platform. Some with a 20 years' start carried on the policy of Liberalism before ever those members criticizing the Government ever thought of politics and then a member comes along a few weeks after an election and derides the Leader. I have had 20 years as a Cabinet Minister and have been loyal to my Leader, whatever disagreement there may have been. It is something beneath me to have to listen to suggestions by implication that the Premier is a Socialist, a twister, a totalitarian and such remarks as that. I think it is beneath the dignity of this place and should certainly be beneath the dignity of any member. It pains me to have to mention it and I hope this little reference may at least invite members to consider their remarks before submitting their case. We heard yesterday two speeches which I thought lifted the tone of the debate. I trust that I can be forgiven in feeling obliged to refer to this matter, and that is the end of the matter so far as I am concerned. I thank honourable members for their attention to the debate and trust that what has been said and done and because of the administration of the Act members will be induced to give their support to the measure which the Government has placed before the Chamber.

The Council divided on the second reading—

Ayes (11).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, G. O'H. Giles, N. L. Jude, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, A. J. Shard and C. R. Story.

Noes (6).—The Hons. Jessie M. Cooper, L. H. Densley, A. C. Hookings, Sir Frank Perry (teller), F. J. Potter and Sir Arthur Rymill.

Pair.—Aye—Hon. R. R. Wilson. No—Hon. A. J. Melrose.

Majority of 5 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Duration of Act."

The Hon. F. J. CONDON—We have had a very important debate, one of the best for a number of years, and I now want to give the reasons why price control was first introduced into South Australia. I was very disappointed that the honourable member in this Chamber who probably represents the Housewives' Association more than any other did not see fit to speak on this Bill. The women of this country are entitled to the expression of their opinions in Parliament and I think at least the honourable member I referred to should do it.

The Hon. L. H. Densley—Both of them have.

The Hon. F. J. CONDON—They voted against the Bill. They have a right to their own opinion, but how much more beneficial it would have been if they had expressed the viewpoint of the housewives on a matter which affects them more than anyone else. The husband earns the money but he has to take it home to his wife.

The CHAIRMAN—Order! The clause we are dealing with refers to the duration of the Act and has nothing to do with the Housewives' Association.

The Hon. F. J. CONDON—Being a new member—

The CHAIRMAN—You thought you might get away with it.

The Hon. F. J. CONDON—I am always amenable to your rulings, Sir. Why was price control ever found necessary? Mr. Potter referred to the prices legislation of 1939, but a Prices Regulation Act was introduced by a Liberal Government in 1914. When World War I broke out prices immediately rose considerably. I was a member of a deputation that waited on the Premier protesting against the increases. For example, tea went up 5d. a pound, and other commodities similarly, and it was deemed necessary to have some control. Following a change of Government in 1915 I became a member of the Prices Commission, which functioned for two years. The Federal Government then assumed control of prices and that continued until 1919, when it reverted to the States. I was reappointed to the commission which carried on for another two years. After that we had no control until 1939, but when members say it was introduced 20 years ago they are entirely wrong.

During the first 12 months that price fixation operated in South Australia there was not one determination or award that increased wages, but the cost of living rose by 28 per cent. I do not agree wholly with price control and I admire those who have the courage of

their convictions and say what they believe. Price fixation today is not what people expected it to be. I felt disposed to move for the extension of the Act until 1962, but the Government is doing what it thinks is reasonable and we must be fair and reasonable too. I therefore content myself by supporting the clause.

Clause passed; title passed.

Bill reported without amendment and Committee's report adopted.

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

In Committee.

(Continued from November 25. Page 1825.)

New clause 2a—"Exemptions from Act."

The Hon. F. J. POTTER—Some confusion arose yesterday from the way I had drafted new clase 2a, inasmuch as it contained a mixture of what was more than one amendment. Since then I have redrafted it and it is now in print on members' files. I ask leave to withdraw the amendment I moved yesterday with a view to moving the new clause 2a as it now appears.

Leave granted; amendment withdrawn.

The Hon. F. J. POTTER—I now move to insert the following new clause:—

2a. Section 6 (2) of the principal Act is amended—

(*a*) by striking out the words "of the whole" after the figures "1953" in line three of paragraph (*b*) and by inserting after the word "premises" in line 4 the words "or any part thereof";

(*b*) by adding after paragraph (*d*) the following new paragraph:—

(*d*1) with respect to any lease in writing of any dwelling house the term of which is for six months or more and which is entered into after the passing of the Landlord and Tenant (Control of Rents) Amendment Act, 1959;

This clause has now been divided into two parts —(*a*) and (*b*)—to separate the two amendments mentioned yesterday. Addressing myself first to the matter contained in 2a (*a*), the purpose of this amendment is to remove the words "of the whole" and insert after the word "premises" "or any part thereof." The clause will then read that there will be an exemption from the provisions of the Act—

with respect to any lease entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1953, of any premises or any part thereof which or any part of which was not let for the purpose of residence at any time between the first day of September, 1939, and the time of the said passing.

In other words, if you did not have a dwellinghouse or a part of a dwellinghouse that was let in 1939, and it has not been let up to 1953, then you may let the whole of that dwellinghouse or any part of it without this Act applying. It would help to provide accommodation, where such accommodation was available, in portions of premises rather than having it applying to a whole house.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I am not as well informed on these amendments as is my colleague, who has conferred with the Parliamentary Draftsman and Mr. Potter, but, as I understand them, they open up an avenue for the raising of rents in certain instances. It does not apply to one's own home if one is going to live in there. This relates to a house of any dimensions. It may be a 10-roomed house, two rooms of which can be let. That having been done, the whole house is then opened up to go outside the provisions of the Act. That is how I understand it. If I am incorrect I shall be pleased to refer it to the Attorney-General who is more used to studying Acts of Parliament and has had something to do with it. I ask the Committee to oppose this amendment.

The Hon. F. J. POTTER—I do not agree with the Minister. This is nothing to do with the raising of rents or jacking them up. It is a question merely of allowing the Act to apply to a portion of the premises where it can already apply to the whole. In other words, it is merely opening up an avenue for the letting of premises free from the provisions of the Act, which procedure is not now available. It is nothing to do with rent fixation because the whole of the house can be free under the provisions of the existing subsection (2). I merely suggest that a portion as well as the whole can be free under this clause.

The Hon. C. D. ROWE (Attorney-General) —I must agree with the Chief Secretary on this. At present section 6 says:—

The provisions of this Act shall not apply with respect to any lease of premises under which lease the lessor is—

and then we go down to subsection (2) (*b*)—

with respect to any lease entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1953, of the whole of any premises. . . .

The honourable member has moved to make it apply not to the whole of any premises but to one or two rooms or any portion.

The Hon. F. J. Potter—If necessary.

The Hon. C. D. ROWE—What he intended to do was to make it applicable to a small portion of a house which was let. The effect of this amendment, if carried, will be that, if a tenant has a 10-roomed house, all he will need to do is to let one room at a nominal rent and that will take the rest of the house outside the control of the provisions of the Act. The whole of it is outside at present, but not various portions of it. The honourable member's point that this will have no effect on rent is not a true statement of the facts. This is simply another way of endeavouring to defeat the Bill, but we have already decided that issue on the second reading. Therefore, for those reasons, I ask the Committee to oppose this amendment.

The Hon. Sir ARTHUR RYMILL—I support this amendment. The Attorney-General has said that this subsection applies only to houses which, or any part of which, were not let for the purpose of residence at any time between September 1, 1939, and 1953.

The Hon. F. J. Potter—Yes.

The Hon. Sir ARTHUR RYMILL—The Attorney-General says that this amendment would destroy the effect of the Bill. It applies only to houses that were not let between 1939 and 1953. The words "whole of which or any part of which" remain in. This legislation applies to houses that were let during that particular period, not those that were not let. Mr. Potter has drawn attention to what appears to be a defect in this section, which says:—

> With respect to any lease entered into after 1953 of the whole of any premises which or any part of which were not let for the purpose of residence at any time between September, 1939 and 1953, the provisions of the Act shall not apply.

What is asked for here is that the Act shall not apply to the letting of either the whole or any rooms of those premises.

The Hon. C. D. Rowe—That is precisely as I explained it.

The Hon. Sir ARTHUR RYMILL—Why this should apply only to the letting of the whole of the premises and not to parts thereof I cannot conceive. To say that this amendment will destroy the structure of the Act is a great exaggeration, because this applies to houses that people were living in themselves between these important dates. It does not apply to houses that were let. Surely people who were living in the houses themselves at all the times when this Act still had some sense in it are not now to be penalized and come under this new provision? In effect, it brings under this Act the letting of portions of houses that were never let before. Why the Government will not accept this amendment, which appears most virtuous, surpasses my comprehension.

The Hon. F. J. POTTER—This amendment has arisen from difficulties I myself have experienced in practice and cases mentioned to me by other legal practitioners. A client comes along and says, "My property has never been let before. I should like to let a portion of it for a couple of months because I want to take a trip interstate." Under the provisions of this clause he would have to let the whole of the property in order to get any protection at all.

The Hon. C. D. Rowe—There are other provisions.

The Hon. F. J. POTTER—Yes, it involves an application to the Housing Trust for a certificate of exclusion for a portion of the premises. As Sir Arthur Rymill has put it, this applies to premises which or any part of which has never been let between 1939 and 1953.

The Hon. Sir Arthur Rymill—If other provisions of the Act apply to this, will the Attorney-General explain why he will not accept the amendment?

The Hon. C. D. ROWE—I have already given the reason for that. It is because in my view it opens up an extra field of possible abuse with regard to the rents that can be charged for portions of premises. Sir Arthur Rymill said that this dealt with houses that owners had lived in for a portion of the time.

The Hon. Sir Arthur Rymill—*Inter alia.*

The Hon. C. D. ROWE—It does not at all; it applies to houses in which the owner has never lived. A red herring has been drawn across this clause. I maintain that my view is correct.

The Hon. Sir FRANK PERRY—I have not much respect for the Landlord and Tenant Act. Landlords have suffered much and are a persecuted section of the community. Mr. Potter's explanation seems to be clear to the average mind. He is backed by Sir Arthur Rymill and opposed by the Attorney-General. In those circumstances, surely it is time something was done about it.

The Hon. Sir Lyell McEwin—Two lawyers are arguing about it.

The Hon. Sir FRANK PERRY—Maybe, but what about the owner who wants a temporary leasing of his house, as instanced by Mr. Potter? He has to go to a lawyer or the Housing Trust for it, and there is all this trouble to let a portion of his house that he has never let before. We seem to be getting into a Gilbertian state of affairs. The lawyers here are divided two to one. The more we talk about it the more confused we shall become. Mr. Potter has given actual cases from his experience while the Attorney-General has produced only hypothetical cases. We have to consider what has actually happened, and that is what the Hon. Mr. Potter has mentioned. It is time this Act was scrapped altogether. If this House has an opportunity to correct the position mentioned by the Hon. Mr. Potter we should take it.

The Hon. C. R. STORY—I desire more clarification on this point. I have always been confused in dealing with an Act like this when I have had to refer to a heap of amendments that are supposed to correct something else. I have heard the Hons. Mr. Potter and Sir Arthur Rymill point out that one thing does this and on the other hand the Attorney-General says "no it does that" and that is something completely different. There must be some way in which we can find out about these things. In the short time that I have been in this House I have never heard so much conflict of thought from the people usually looked to for guidance on a matter of this type. I am not prepared to vote for the clause at the present time because of what I have heard.

The Hon. W. W. ROBINSON—As I understand the amendment it does not apply to houses that are now controlled by the Act but these are homes which were not let prior to 1953 and are not subject to control. As I understand the position this amendment will bring additional houses in without affecting those under control at the moment. At present I support it.

The Hon. F. J. POTTER—May I suggest with all humility that it comes down to this: if you exempt the whole of any premises from the operation of this Act why on earth can't you exempt a portion of those premises?

The Hon. Sir ARTHUR RYMILL—I agree with that last remark. That is the simplest explanation. It is a pity this Act has become so complicated, but that is what happens when you try to regulate things artificially. As soon as something is regulated someone tries to get around it and another amendment is made, and after all these years the Act has become so complicated that even people with the advantage of a legal training find it difficult to understand. The Attorney-General referred to red herrings I was supposed to draw. I do not like smelly fish very much, but if a red herring has been drawn across the trail it has been drawn by the Attorney-General. What I said is perfectly clear. At present the provisions of the Act do not apply to the letting of the whole of a house which, or any part of which, was not let between 1939 and 1953. That is clear enough. What I went on to say was that it applied to houses in which people lived themselves during that period and the Minister would not deny that. It does apply to those people, and in the main it applies to those people, but there can be other circumstances. I did not mean it to be exclusive, but I gave it as an example so that by giving an example I hope the Attorney-General will not suggest that I am *ad hominem*. There are other houses to which it would apply. There are houses that families of people lived in without the houses being leased. I ask the Attorney-General to tell me what houses he referred to when he said there were other houses. I told him what houses I can visualize. He said that is not complete, and I agree it is not complete, but if he is making the point that it is not complete it is up to him to give the House the benefit of his knowledge so that we know what he means.

The Hon. C. D. ROWE—The position on this clause is quite clear. At the present time the whole of the house has to be let to take it outside the provisions of the Act. What Mr. Potter is saying is that not only the whole but a portion of the house can be let and that then takes it outside the Act.

The Hon. F. J. Potter—The portion let.

The Hon. C. D. ROWE—That may be where we are at variance. As I understand this provision a man can let portion of the house—one or two rooms—and that would automatically bring the whole of the other eight rooms, or whatever the rest of the house comprised, out of the provisions of the Act and there would be no control at all and that could be used as a means by which the rent could be increased and the whole of the provisions of the Act abated. That is the point I made previously and that is what I repeat, and it is why the Government objects to this clause.

The Committee divided on new clause 2a:

Ayes (9).—The Hons. Jessie Cooper, L. H. Densley, E. H. Edmonds, A. C. Hookings, Sir Frank Perry, F. J. Potter (teller), W. W. Robinson, Sir Arthur Rymill, and C. R. Story.

Noes (8).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, G. O'H. Giles, N. L. Jude, Sir Lyell McEwin, C. D. Rowe (teller), and A. J. Shard.

Majority of 1 for the Ayes.

New clause thus inserted.

New clause 2aa.

The Hon. F. J. POTTER—I move to insert the following new clause:—

2aa. Section 6 of the principal Act is amended by adding after subsection (4) the following new subsection:—

(5) Where at any time prior or subsequent to the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1959, the provisions of this Act by virtue of subsection (2) of this section did not or will not apply with respect to any premises or any lease thereof then the provisions of this Act shall not at any time after the passing of the said Landlord and Tenant (Control of Rents) Act Amendment Act, 1959, apply with respect to such premises or any lease thereof entered into after the passing of the said Amendment Act.

If the premises are not controlled now or will not be controlled in the future because of the exemptions granted by section 6 (2) then under this amendment they will not be subject to control in the future. In other words, if the premises are not controlled now they will not be controlled in the future. That is the position briefly and simply. If the premises are released from the operation of the Act because of the exemptions granted in subsection (2) then they will in the future not be subject to the Act. That subsection provides many exemptions: there is a two years' lease in writing; a three years' lease in writing; premises completed since 1953 or again under the amendment we have just passed if they were never let between 1939 and 1953; or if there is a lease in writing for six months the premises are not subject to the control of the Act. That is to say they are not subject to rent fixation and they are not subject to the clauses dealing with repossession. If the premises are not controlled now and are exempt in the future at any time, as some of them may be under the exemptions referred to, then under this amendment they will be released for all time.

The Hon. S. C. BEVAN—I oppose the new clause. I have been rather amazed to hear members trying to make themselves the champion of the vast majority of the State in one instance and then deliberately introducing an amendment to exploit them. The effect of the new clause will be that premises not now under control cannot be brought under control. It will be a blank cheque to lessors. They could enter into a lease for six months at a nominal rental, and on its expiration could then demand an exorbitant rental. I wonder if some honourable members have taken the trouble to study the conditions under which people live in temporary houses because they cannot get anything better at the moment. At present British migrants are housed at Gepps Cross because there is no other place for them.

In its report for the year ended June 30 last the Housing Trust said that the number of houses and flats completed for letting was 36,564; that 1,780 houses were sold during the last 12 months; and that since 1946 the total number sold was 15,169. That does not include houses now being purchased which were previously let to tenants. As at July 1 last 2,448 homes were under construction. Since 1953, the number of emergency homes built was 2,284, but it was then decided that this operation would cease and the trust has since concentrated on building permanent homes. A total of 360 emergency homes at Gepps Cross must be added to the previous total. Temporary homes at Springbank are gradually being pulled down and the tenants placed in permanent homes. We have nowhere near reached the position where the housing position is satisfactory. Enquiry at the Housing Trust will reveal that there are still thousands of people waiting for homes. We should legislate for the majority and not the minority. Because of the migration policy the need for homes is growing and instead of catching up the lag the trust is getting further and further behind.

Some members have said that people will not invest in building homes for rental because of rent control and because they cannot get sufficient return on their capital. However, since 1953 new homes have been free from control. If a home were built now, it would be free from control. People are not building homes for renting because they can get better returns from hire-purchase and similar investments. If the new clause is inserted there will be nothing to stop a person from renting a home for a nominal rental for six months and then because of the housing shortage exploit the lessee, who

would have to pay the higher rent or be thrown out on the street. That is being done. There are shanties that are worth no more than 25s. a week for which £8 10s. is being charged, and they are free from control, and under no circumstances can they be brought back under control. They could be charged £20 a week.

The Hon. F. J. Potter—They would not do it.

The Hon. S. C. BEVAN—A few years ago the Government passed legislation to alleviate the position, but because of exploitation it introduced a Bill at the first opportunity to deal with such exploitation. I hope that the new clause is defeated.

The Hon. C. D. ROWE—If the new clause is inserted premises that become exempt from the operation of the Act will remain exempt for all time. At present exemptions under section 6 (2) apply only in respect to the leases mentioned, and for the duration of the lease. Exemption could still be obtained by the granting of a further lease, but if the new clause is inserted it will mean that if a landlord entered into a lease of six months, at the end of that time the house would be beyond rent control for all time. It would mean in effect that this legislation could be removed from the Statute Book. If that is not an attempt to defeat the object of the Bill, I have to discover what it is.

The Hon. Sir ARTHUR RYMILL—I feel that both the Minister and Mr. Bevan have fallen into a legal trap. Although a lessor can agree to grant a lease he cannot force the lessee to accept it. The burden of the song of the two honourable members is in effect that we must protect people against themselves. There is nothing in the Act to compel a lessee to accept a lease. If he does not accept he remains under the protection of the Act; but if he accepts a lease and it comes within any of the categories mentioned in section 6, the Act provides that the provisions shall not apply to that lease during its duration.

The new clause provides that if a house at any time has been exempt, it shall be exempt for all time. The Government many times has expressed itself in favour of the gradual releasing of controls, both in respect of this Act and the Prices Act. This is an attempt by Mr. Potter to get that gradual release moving, and I commend it for that purpose. It provides that once a house is exempted—that applies whether it is exempt now or is in future exempted—it does not come back under control. Why should it? I propose to support the new clause because I think it is another step in the right direction. If we cannot get rid of the legislation altogether, as I think we should, members should see that the controls are gradually released. I emphasize that a lessee cannot be forced to lose his protection under this Act by taking a lease. Whether or not he takes a lease which will exempt the premises from the provisions of the Act is entirely his own business. He can accept the lease or refuse it. If he refuses it, it does not deny him any of the privileges of the Act; he remains under its protection. If, however, he sees fit to accept a lease in certain circumstances, it is exempted. Mr. Potter's amendment is to continue that. So much legislation these days seems to try to protect people from themselves, but it has never worked and never will. That, apparently, is the burden of the Government's song in refusing to accept this amendment—protecting people from themselves.

The Committee divided on new clause 2aa:—

Ayes (6).—The Hons. Jessie M. Cooper, L. H. Densley, A. C. Hookings, Sir Frank Perry, F. J. Potter (teller), and Sir Arthur Rymill.

Noes (11).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, G. O'H. Giles, N. L. Jude, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, A. J. Shard, and C. R. Story.

Majority of 5 for the Noes.

New clause thus negatived.

New clause 2b—"Matters to be considered in fixing rent."

The Hon. F. J. POTTER—I move to insert the following new clause:—

2b. Section 21 (1) is amended by adding the following paragraph after paragraph (*k*), namely:—

(*l*) if the applicant for a fixation of rent has been the lessee of the premises (being a dwellinghouse) during the continuous period of six months immediately preceding the date of such application, the average weekly rent actually paid by the lessee to the lessor during such period.

This amendment makes it obligatory upon the rent fixing authority—that is, the Housing Trust in the first instance or a local court in the second instance if there is an appeal—to take into consideration along with many other things one further factor. Section 21 says that in fixing the rent of any premises, the trust or a local court must have regard to

several things, which are all set out in the subsection. I will give honourable members the benefit of some of them. They include the accommodation and the state of repair; the neighbourhood of the premises; if the lease is for part of the premises or for the whole; whether there has been sub-letting; whether any furniture or other goods are included; whether there is anything to be paid for gas, water, or electricity; whether any repairs or renovations have been done; what expenditure has been incurred for rates, taxes, and insurance; and the value of such additions and improvements made by the person who is the lessee.

I am proposing to add one further factor that should be taken into account, and it is set out in the amendment. Honourable members may ask: why put this in? It is put in in an endeavour to stop the Housing Trust being used as a kind of adversary against the landlord by a disgruntled tenant. I have known occasions where a tenant goes into a property and says to the landlord, "I will pay you £3 a week for rent." The landlord agrees. The tenant pays £3 a week for, maybe, 12 months. Suddenly he has a row with the landlord and says, "I have been paying you so much rent. I am going to the Housing Trust to get it fixed." He goes to the trust, which does not take the slightest notice of the fact that he has paid £3 a week for 12 months.

A similar situation may arise where a tenant is in a house paying rent, and it is sold as a tenanted house. Immediately the tenant is up in arms because he has a new landlord who, perhaps, may give him notice to go. The tenant says, "I will ask for the rent to be fixed by the Housing Trust." Therefore, I suggest it is necessary that the Housing Trust should have regard to the fact that the tenant has paid some rent during the preceding months, if he has been the tenant for that length of time. It does not mean that the Housing Trust has to fix the rent at the figure that has actually been paid: all it means is that the trust must take that fact into consideration along with all the other relevant circumstances as required by the section.

The Hon. E. H. Edmonds—He could agree to pay any rate of rent?

The Hon. F. J. POTTER—Yes, and he frequently does when he comes into a dwelling-house. If, of course, he enters into a lease the provisions of the Act do not apply. I am not talking of a written lease, but of the circumstances where a tenant has been in occupation paying the rent for months and sometimes years and then has a row with the landlord. He says, "I am paying too much rent and I am going to get it fixed by the Housing Trust." Honourable members may ask, "Why won't the Housing Trust fix it at the same amount as the man has been paying?" but that does not apply. The Housing Trust under the provisions of this clause must have regard to the rental value of the premises in 1939 plus 40 per cent.

The Hon. C. D. Rowe—Plus all those other things.

The Hon. F. J. POTTER—Yes. All I am asking is for this to be considered along with all the other things and I suggest it would be a useful further ingredient in the test of what is a fair rental on any property where there is an application for fixation. It won't apply to many properties, but there are occasions at present when there is an injustice to the landlord because the Housing Trust has no power to take into consideration the actual rent that has been agreed to and paid for longer than six months.

The Hon. C. D. ROWE—I think what this new clause proposes to do is perfectly clear. Under section 21 of the Act there are several matters which the Housing Trust must take into consideration in fixing rents of premises. The honourable member asks that where a house is let for more than six months the actual rent paid during that period, or during any longer period, must also be taken into consideration. My objection to that is that there are numerous people—and this has actually occurred in my experience—who will pay any sum to get the key of the door of a house. The landlord can demand an exorbitant rent at the beginning and collect that from some person in dire circumstances who is forced to pay it. When the tenant goes to the Housing Trust to get a reasonable rent fixed the extra circumstances must be taken into consideration in fixing the rent. I know from my own experience where this has happened and, under the circumstances, I must ask the Committee to oppose the clause.

The Hon. Sir ARTHUR RYMILL—I thought the Government could at least accept this because it seems to me a very sensible amendment. The amendment means that once a tenant has agreed to pay a higher rent and later goes to the Housing Trust, the trust, instead of referring to the obsolete outmoded rent he was previously paying, may take into

consideration the rent he was voluntarily agreeing to pay for the premises. What is wrong with that? No-one can force a man to take a tenancy of premises or force him to pay a higher rent. Let us divide the question into two pieces. Let us take firstly the position where the tenant is already in the premises and agrees to pay a higher rent. Why should not the Housing Trust take that into consideration? As the Hon. Mr. Potter pointed out, the rent fixed does not have to be the higher rent. The trust only has to take that into consideration.

Let us now examine the cases the Attorney-General brought up as being the other side of the question where a person was not in possession of the premises. This amazes me. He says that a person who agrees to pay a higher rent than he wants to pay or than the premises are worth to get the key of the premises and who lodges himself in them and gets the protection of the Act is the person who should be protected by the Act. There is a man who is conniving. He is doing a much worse thing than the man who is asking a higher rent than he should get for the premises. Surely the landlord is a more virtuous person than the person who comes along and pays anything to get a key, later seeking the protection of the provisions of this Act. I have never heard anything more fantastic than that such a person should be eligible for protection under this Act. This is surely a sensible and good amendment. A man cannot be forced to pay more rent than he wants to pay. That can be taken into consideration in fixing a future rent and what could be more sensible than that? The only case the Attorney-General has put up against it is of a person who has done something underhand to gain an advantage for himself.

The Hon. Sir FRANK PERRY—The Attorney-General's explanation didn't satisfy me. The Housing Trust doesn't have to pay; it only has to ascertain the ruling conditions at the time the man took a lease. He has been informed of the position and surely there is nothing wrong in that. He knows at a certain time he was forced to pay £3 when he should have paid 30s. That is all there is in it, and that fact is known to the Housing Trust before it decides. It is only a reference to the market value at the time the transaction was entered into.

The Hon. C. D. ROWE—The point raised by the Hon. Sir Frank Perry goes right to the crux of the matter. He mentioned market values at a particular time. There is a shortage of homes and there is a surplus of tenants and in those circumstances the position would be, in the absence of this Act, that the rents which have to be paid would be much inflated. The purpose of this legislation is to prevent that and to see, in a market where there is not an equal supply and demand, that the unfortunate person who is the tenant should receive some protection. That is the purpose of the Act.

The Hon. L. H. DENSLEY—It does surprise me that encouragement should be given to a person, who would deliberately accept a rent with the intention of getting into a house, to stay there for six months without a lease, but on a weekly tenancy, and after that time to go to the Housing Trust and complain about the rent and ask for a fixation, particularly as at that stage he would know that even if the trust fixed the rent he could not be put out. He has got possession under false pretences and I hope that sort of thing will not be encouraged in this State.

The Hon. F. J. POTTER—May I say again that this new clause represents one more factor to be taken into consideration. It won't bind the Housing Trust to fix the rent at the actual amount he has been paying for six months, but at least the trust will have to take that fact into consideration when making a fixation.

The Committee divided on new clause 2b:

Ayes (8).—The Hons. Jessie Cooper, L. H. Densley, A. C. Hookings, Sir Frank Perry, F. J. Potter (teller), W. W. Robinson, Sir Arthur Rymill, and C. R. Story.

Noes (9).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, G. O'H. Giles, N. L. Jude, Sir Lyell McEwin (teller), C. D. Rowe, and A. J. Shard.

Majority of 1 for the Noes.

New clause thus negatived.

New clause 2ba.

The Hon. Sir ARTHUR RYMILL—I move—

That section 21 (2) be amended by substituting the word "ninety" in place of "forty."

At present under the section the rental of a house is limited to the rent prevailing for comparable premises on September 1, 1939, plus 40 per cent. Yesterday or the day before I mentioned a little mathematical equation that I had worked out regarding the rent operating in 1939, plus 40 per cent (or two-fifths). That makes the rent seven-fifths of the 1939 rent and, as the value of money is

about one-third its value pre-war, the tenant is paying about seven-fifteenths, or slightly less than one half the real value, compared with what he paid for the same premises before 1939. No-one will deny that the pound is worth only one-third of its pre-war value. At present tenants are pegged to seven-fifths of the rent they were paying pre-war, and when that is reduced to money terms tenants in these premises are getting out of it for less than one-third of what they actually paid pre-war, because they are paying in a different currency. By the effluxion of time tenants have gradually been paying less and less rent in relation to true money values, until now they are paying under one-half of what they paid before the war. If my amendment is carried it will mean that rents can be fixed at one and nine-tenths of the pre-war figure for comparable premises. That means an increase of 50 per cent. A true figure would be 200 per cent instead of 90 per cent, because that would treble the pre-war rent, which would be roughly in line with what the premises would be worth. I realize that the Committee will not accept such a substantial increase all at once and therefore I have tried to find a figure that will give more justice to the landlords, without going to the full extent. I hope that such a figure will be acceptable to members. If we apply the same equation and multiply by one-third, we get the result that the tenants will pay nineteen-thirtieths of the pre-war rent, or about two-thirds. That seems reasonable. If members have any justice in their souls, this is something that can be agreed to.

The Hon. C. D. ROWE—The Government is not prepared to accept this amendment. The full situation has not been explained by Sir Arthur Rymill. The Act permits a 40 per cent increase on the rent payable in 1939, but all sorts of other things must be taken into consideration, such as amounts paid on repairs and rates and taxes.

The Hon. Sir Arthur Rymill—I mentioned those.

The Hon. C. D. ROWE—In addition, I think we must admit that a house property must be regarded as a gilt-edged security, and I think the interest allowed on other gilt-edged securities in 1939 would be about the mark. The interest on Commonwealth bonds in 1939 was 3½ per cent and it is now 5 per cent. The increased rate of interest over the period is nowhere near as much as the honourable member in this amendment suggests should be applied to rents. The same applies to other investments, and we are talking about properties for investment. Under the circumstances, I ask the Committee to reject the amendment.

The Hon. F. J. POTTER—I support the amendment. I do not want to say anything more than Sir Arthur Rymill said about changes in the value of money. The Act provides for a rental 40 per cent above the 1939 figure. However, that does not mean in each case the rental actually paid in 1939, but the rental fixed by the Housing Trust in 1939. I know of two flats let for two guineas a week at the actual date when this Act came into operation, and the Housing Trust in both instances said the rent should not have been more than 25s. The 40 per cent is worked out on the 25s. The 1939 rental fixed by the trust is used as the base figure, not the actual rent paid.

The Hon. Sir FRANK PERRY—Valuations can vary; a valuator usually values on the current value. This matter of valuation is just a subterfuge, as a man is asked to value and then told the conditions under which he should value. That is not justice. The value should be fixed according to the conditions now existing. The increased rental is based on a fictitious valuation as at 1939. The 90 per cent suggested in the amendment is fair, although not liberal. Many people living in houses covered by this Act have taken advantage of the rise in the basic wage but have not had to pay proper rents. I hope members will support the amendment.

The Hon. Sir ARTHUR RYMILL—I agree with practically all Sir Frank Perry said, except that the amendment is fairer than the present fixation, although I think it is a good deal lower than the proper fixation. I rise to answer the Attorney-General's rather staggering statement that, because Commonwealth stock interest was 3½ per cent before the war and it is now 5 per cent, that is the relative increase in the value of money. I am afraid his economics are rather confused. Interest rates, particularly Commonwealth bond rates, are regulated by the supply of money, not by the value of money. If the Attorney-General is right that, because the rate was 3½ per cent and is now 5 per cent, money has now been reduced in value only to that extent, then money is today more valuable that in 1930. In 1930 Commonwealth stock rates were 6½ per cent and, as they are only 5 per cent now, on his argument money is now more valuable. Does he really challenge my statement that money is now worth only one-third

its pre-war value, which is the figure taken by economists everywhere? The Attorney-General should not come out with these red herrings. It is pure sophistry to introduce that argument. Even if an increase of 90 per cent is allowed, the tenant will still be paying only two-thirds of the real rental value of the property.

The Hon. S. C. BEVAN—I oppose the amendment. I was interested to hear Sir Frank Perry say that the tenant would rather stay in these houses than go into trust homes. The implication was that he would be paying more for a trust home than he is now paying. Trust rents range from 35s. a week to 75s., the higher rentals being for the new homes. The original rentals of 12s. 6d. were increased to lower the rentals on homes built at greater cost. Yesterday, Sir Arthur Rymill mentioned the fixation of the basic wage under the C series index, and spoke about the differences between this State and other States. Under that index one-sixth of a man's wage is regarded as a normal rental for a five-roomed house. If Sir Arthur were consistent he would argue that the rental for a five-roomed home today should be based on one-sixth of the basic wage of £13 11s., which would be about £2 6s. a week, but he advocates a much higher rental and undoubtedly is suggesting that the rental for a five-roomed brick home should be at least £3 5s. a week, irrespective of the capital outlay or the return over the years on the property. The Committee should reject the amendment.

The Committee divided on new clause 2ba—

Ayes (6).—The Hons. Jessie M. Cooper, L. H. Densley, A. C. Hookings, Sir Frank Perry, F. J. Potter, and Sir Arthur Rymill (teller).

Noes (11).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, G. O'H. Giles, N. L. Jude, Sir Lyell McEwin, W. W. Robinson, C. D. Rowe (teller), A. J. Shard, and C. R. Story.

Majority of 5 for the Noes.

New clause thus negatived.

Progress reported; Committee to sit again.

MOTOR VEHICLES BILL.

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

ADJOURNMENT.

At 5.44 p.m. the Council adjourned until Tuesday, December 1, at 2.15 p.m.