HOUSE OF ASSEMBLY.

Wednesday, August 19, 1959.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

PUBLIC PURPOSES LOAN BILL (No. 2).

His Excellency the Governor, by message, recommended the House of Assembly to make provision by Bill for the appropriation of such amounts of the revenue and other moneys of the State as were required for the following purposes:—

(*a*) The repayment with interest of the sum of £25,400,000 to be borrowed for the purposes mentioned in the Loan Estimates for the financial year 1959-60, and of any other sums to be borrowed pursuant to the Public Purposes Loan Bill (No. 2), 1959.

(*b*) To make payment from the Loan Fund of repaid Loan money and surplus revenue for purposes mentioned in the Loan Estimates for the financial year 1959-1960.

(*c*) Any other purposes mentioned in the Public Purposes Loan Bill (No. 2), 1959.

QUESTIONS.

RAIL STANDARDIZATION.

Mr. O'HALLORAN—This morning's *Advertiser* refers to a statement in the Senate yesterday by Senator Paltridge in answer to a question by Senator Pearson of South Australia. The article states:—

The Commonwealth have not rejected the concept of standardizing the whole of the Peterborough railway division, the Minister for Shipping and Transport (Senator Paltridge) said in the Senate today.

The article went on:—

All the Commonwealth had said was that it would consider the Broken Hill to Port Pirie line.

Senator Paltridge further stated:—

The Commonwealth has stated that it is prepared at this juncture to consider the standardization of the Broken Hill to Port Pirie line.

He made some further references to the economic position which I shall not quote. Can the Premier say whether the Commonwealth has made a definite proposal to South Australia that the Cockburn to Port Pirie line only should be broadened at this juncture and that the subsequent conversion of the other narrow gauge lines in the Peterborough division should be held over? Will the Premier give the House the most up-to-date information he has on this matter in connection with the negotiations that have been proceeding for some time between the State and the Commonwealth?

The Hon. Sir THOMAS PLAYFORD—No agreement has been reached between the Commonwealth and the State Governments concerning the negotiations that have been proceeding, and no amount has been provided on the Estimates for the Peterborough line this year except, I think, £8,000, which was set down for survey work. No specific offer has been made to the State to consider the Port Pirie to Broken Hill line, but in a telephone communication the Minister said he would be prepared to consider the Broken Hill to Port Pirie line in isolation. In another communication from the Minister the word "isolation" occurs, which indicates to me that the report in the *Advertiser* sets out what is probably the Commonwealth view of this matter. It is not a view, of course, that my Government shares or accepts. I believe the present position is quite unsatisfactory, and I feel that the Commonwealth at present proposes to try to shelve this proposition.

Mr. SHANNON—I, too, noticed the press paragraph mentioned by the Leader of the Opposition. The Government has referred to the Public Works Committee two projects, one for the reconstruction of the inner harbour at Port Pirie, and the second for the establishment of bulk handling facilities for discharging wheat in bulk into ships at Port Pirie. As these matters are vitally concerned with railway connections, can the Premier say whether the Government has considered overcoming some of the difficult Port Pirie railway problems, where there are three gauges at present, and where there will continue to be three despite the standardization of the Port Pirie-Broken Hill section. Has consideration been given, concurrently with that rail standardization, to standardizing the main line connecting Port Pirie with Adelaide?

The Hon. Sir THOMAS PLAYFORD—In the proposal submitted to the Commonwealth we said we would be prepared to consider bringing a standard line into the metropolitan area to enable the East-West and Broken Hill lines to have direct connection with it. That would make it possible for a train to go from Adelaide to Kalgoorlie and a train to go from Adelaide to Sydney and Brisbane without a break of gauge. There would also be a connection between Adelaide and Melbourne on the 5ft. 3in. gauge. As I have outlined to the Leader of the Opposition, the proposals have not as yet been agreed to. Regarding the first part of the question, I will have an investigation made if it will help the inquiry by the Public Works Committee.

Mr. HEASLIP—The last paragraph in the report in this morning's *Advertiser* says:—

Further exchanges of views are necessary at both the political and executive levels, and it is not a question of arranging any single interview with the Premier.

Will those further exchanges of views be arranged in an endeavour to bring about an agreement that will enable what I regard as a most important work to proceed?

The Hon. Sir THOMAS PLAYFORD—I have always made it clear to the Commonwealth that Ministers in South Australia are always available and anxious for consultation on this type of matter, so there is no difficulty about that. I should be pleased to confer upon it on any suitable occasion that the Commonwealth may arrange.

MATERIALS FOR ROAD CONSTRUCTION.

Mr. KING—The following article appears in the August, 1959, issue of the *Riverlander*:—

The Main Roads Department in Western Australia is making excellent, cheap roads from dry dust—it uses no water, gravel, bitumen or cement. It is an amazing process (with important implications for many parts of Australia) which allows road construction at about one thirtieth the cost per mile of orthodox metal roads. This roadmaking process, like many other revolutionary methods, is extremely simple. It is the result of mixing together sand and fine dust and rolling it with a vibrating roller. That is all there is to it—a car or truck then can drive over it with hardly any impression.

Can the Minister of Works say whether the attention of the Minister of Roads has been drawn to this particular method, and whether that method can be adopted in South Australia, as my district has ample supplies of these raw materials?

The Hon. G. G. PEARSON—I will draw my colleague's attention to the article. From knowledge of the roads in Western Australia, gained during the war when I travelled 40,000 miles over the roads of that State, I know that over a very great area roadmaking is very cheap because long stretches of natural gravel exist, which lends itself readily to simple formation work and results in very satisfactory roads, provided fairly frequent maintenance and grading is carried out. I think Western Australia has very great advantages over South Australia regarding the natural soils for roadmaking purposes. I will draw the Minister of Roads' attention to the article so that he may be able to consider it.

POLLUTION OF RIVER TORRENS.

Mr. COUMBE—Some weeks ago I asked the Minister of Works if he would obtain a report from his department on the pollution of the River Torrens as it passes through my electorate and also in the higher reaches. Many people in the electorate are becoming anxious about this matter. If the Minister has not obtained that report, could he say when it is likely to be brought down?

The Hon. G. G. PEARSON—As I indicated last week, I am expecting a report on this matter in general, and in some instances in particular. I have not yet received it but I will inquire further tomorrow to ascertain when it will be available.

LOADS ON VEHICLES.

Mr. TAPPING—I understand that the State Traffic Committee is considering a recommendation from the Highways Commissioner to reduce the loading on tandem axle vehicles to about two tons, as against six to eight tons loading at present. A number of members in both Houses have received correspondence wherein alarm is expressed at the proposal. I quote the following extract from a letter I have received from Gunnersen, Le Messurier, Ltd. of Port Adelaide:—

We are of the opinion that, if the Road Traffic Act is amended as suggested, it can do three things:—

1. Put Timber Transporters Limited, who handle at least 80 per cent of the timber consignments discharged at Port Adelaide, out of business.
2. Would certainly be a deterrent to overseas and interstate lumber ships coming into this port owing to the reduced rate of discharge and slow handling from the Port Adelaide wharves.
3. Timber congestion would be so great on the wharf that it would be an embarrassment to the South Australian Harbors Board.

I ask the Chairman of the State Traffic Committee whether the alarm shown by the people concerned is really justified?

Mr. MILLHOUSE (Chairman, State Traffic Committee)—The matter referred to by the honourable member is at present before the State Traffic Committee. It is a technical matter. I am not sure that the honourable member is correct when he says that the recommendation is to reduce the limit to two tons. However, it is a reduction in the present load limit. Because the matter is such a technical one the report of the Highways Commissioner has been referred to a subcommittee of the State Traffic Committee. It

consists, I think, of Mr. Jackman (the Highways Commissioner), the Town Clerk of Adelaide (Mr. Veale) or his representative, and also Mr. Fallon (another member of the State Traffic Committee). If the honourable member will let me have the letter, and if other members will let me have similar letters they have had from various firms and other interested people, I will refer them to the subcommittee so that all matters raised can be fully investigated. Of course, the subcommittee will simply make a report to the State Traffic Committee as a whole and it will then be for the committee to make a recommendation to the State Government.

ROYAL COMMISSION WITNESS.

Mr. DUNSTAN—Will the Premier answer the question I asked yesterday concerning the actions taken about the boy, Allan Moir? When answering that question, will he also answer the following questions, as set out today by a newspaper in its editorial:—

1. Were the Sheriff's officers acting on instructions from someone in authority?
2. If so, was that authority a Minister of the Crown or Mr. Brazel?
3. If the instruction was given by Mr. Brazel was his action endorsed by a Minister?
4. Under what law of the land was the action taken?
5. Under what law and by whose authority was Leslie Moir, the boy's brother and a representative of the family in Adelaide, denied access to the boy despite repeated representations throughout Sunday afternoon and Sunday night?

The Hon. Sir THOMAS PLAYFORD—I told the honourable member that I would give him some advice on these matters today. I have made a slight examination of the position in the time at my disposal and find it is unlawful to detain anybody in custody unless he is lawfully committed by a proper authority. I find also that anybody who claims that he has been detained unlawfully has civil rights to heavy damages, if so detained unlawfully. I think that answers the two questions asked by the honourable member regarding the matter. Of course, the real answer to the problem is that the lad was not detained unlawfully. He went willingly to accommodation provided for him and the arrangements were made prior to his coming to South Australia. In reply to the last part of the question, Mr. Brazel wrote me a letter this morning—the first official communication I have had—to the effect that he had made the arrangements and that he took full responsibility for them.

Mr. McKEE—Can the Premier say where Allan Moir was kept in custody and why his brother, Leslie Moir, was refused permission to see him?

The Hon. Sir THOMAS PLAYFORD—No. I have already said that the lad was not kept in custody: he went quite willingly. He accepted an invitation to come from Queensland to South Australia and he was not kept in custody.

Mr. McKee—Where was he?

The Hon. Sir THOMAS PLAYFORD—I do not know.

Mr. Lawn—It's all very hush hush.

The Hon. Sir THOMAS PLAYFORD—He accepted an invitation and took the accommodation provided for him. I do not know where it was, but I know it was under the direction of the Commission. Members opposite would be the first to complain if an important witness of the Commission were in any way interfered with.

Mr. Jennings—Why wasn't his brother told where he was?

The Hon. Sir THOMAS PLAYFORD—As far as I know his brother did not apply to the Commission to know where he was, nor did he disclose his reason for wanting to see him. Members opposite would be the first to complain if anything happened to a witness going to the Commission. They would immediately say, "Why didn't the Government take steps to prevent it?" Members know quite well that the responsible authorities were under an obligation—

Mr. Lawn—Who were the authorities—the Government?

The Hon. Sir THOMAS PLAYFORD—I am quite happy to accept the word "Government." The Government would be under an obligation, if it brought a lad from Queensland to give evidence, to see that he was not interfered with. If the lad were interfered with members opposite would be the first to raise objections.

BOOK SALESMEN.

Mr. BYWATERS—Following on the question asked last Thursday about book salesmen, I have received several complaints from residents in my district, mostly women. I believe that residents of the member for Stirling's district have also complained of the methods adopted by Bert Angling, who calls himself a representative of the Caxton Publishing Company, in soliciting sales of a set of four books known as *The World of Children*. The cost of these

books is £17 10s. (plus 8s. for postage) when taken on terms, or, I believe, £16 16s. for cash.

It is alleged that, besides stating that the headmaster of the Murray Bridge primary school has recommended them, without authority, this man adopts stand-over tactics and is insulting and aggressive. I have no complaint about the set of books as to their value or quality, only the tactics used in soliciting sales. Some of these women have been most upset by the experience. Is there any law to protect such people from salesmen of this sort? If not, will the Minister of Education take the matter to Cabinet to see whether protection could be given to people living out in farm areas who are being pestered by people of this type?

The Hon. B. PATTINSON—At the moment I do not think I can add anything useful to what I have already said concerning this rather distressing subject. Some reliable booksellers employ reputable salesmen who effect sales of books on their merits. On the other hand, unfortunately, some firms and companies are employing these high-pressure salesmen who are adopting most disreputable tactics, particularly towards women, in an endeavour to effect sales.

What is equally, or I think even more, disturbing is that the Education Department officers and I are receiving inquiries from heads of schools and other teachers asking what redress, if any, they have against the indiscriminate use of their names as sponsors by these salesmen in recommending their books. I think that the reckless and indiscriminate use of the names of highly respected heads of schools is becoming a public scandal. I said last week in reply to the honourable member for Onkaparinga (Mr. Shannon) that I intended to consult the Crown Solicitor on the matter. At the moment he and some of his chief assistants seem to be somewhat busily engaged elsewhere, but I intend to take the matter up because, as at present advised, I do not think that the public have any power other than the ordinary civil remedies, to dispute these alleged contracts on the ground of misrepresentation. I hope that some protection can be given them in the not distant future.

BUILDING NEAR AIRPORT.

Mr. FRED WALSH—I understand that the Department of Civil Aviation has advised the Housing Trust against building on a certain area of land south of the Torrens outlet, the reason being that considerable nuisance will be caused the householders by jet airliners taking off. As the plans of the Housing Trust were considerably upset in respect of an area of land south of the West Beach Road some four or five years ago through advice received from the Department of Civil Aviation, what is the nature of the advice received from the Department of Civil Aviation and the reaction of the Housing Trust thereto?

The Hon. Sir THOMAS PLAYFORD—As regards the West Beach Reserve, action was taken by the Minister administering the Places of Public Entertainment Act in relation to a drive-in theatre there.

Mr. FRED WALSH—I was not referring to that.

The Hon. Sir THOMAS PLAYFORD—The Housing Trust has not reported to me about any present difficulties with the Department of Civil Aviation, although I have seen a reference to the matter in the press. I know it is not the policy of the Department of Civil Aviation to make requests outside its own land because they would probably involve it in damages or some compensation. As far as I know, it is not its general policy to do that. I will inquire into this matter for the honourable member and let him have a reply from the trust as soon as it is available.

OVERLOADING OF ROAD VEHICLES.

Mr. QUIRKE—A very heavy movement of crushed aggregate in connection with building takes place on main roads, particularly the road between Adelaide and Gawler. Apparently, in order to obtain the maximum pay load—to which there is no objection—contractors for the hauling of this aggregate load vehicles to the maximum. The metal is heaped up above the sides of the vehicle and any slight bump on the road causes some of it to shower on to the road, to the danger of vehicles immediately behind. Recently I was the victim of one of these showers, which appear to have the force of shrapnel, judging by the marks they make on a vehicle, and there is, of course, danger to the windscreen. I was lucky to get out of that, but, when I was driving down on Tuesday morning, just ahead of me was a vehicle that shed a considerable quantity of this aggregate on to the road to the danger of vehicles passing.

If it is necessary to pile the aggregate up above the actual container I think the danger can easily be obviated by having boards fitted to the sides and rear, above which the truck must not be filled. The present practice causes a considerable hazard. An inspection of the

North Road between Smithfield and Gawler today will reveal a considerable quantity of this metal on the road. Can a safety measure be introduced to prevent such showers of metal?

The Hon. Sir THOMAS PLAYFORD—The circumstances described can be dealt with under the Road Traffic Act. I think that all it is necessary for me to do is to bring the honourable member's remarks to the attention of the Police Commissioner, who will see that appropriate action is taken.

CONCESSION FARES FOR PENSIONERS.

Mr. LAWN—Yesterday, the Premier made a statement concerning the provision of concession fares for pensioners. Can he say whether the Government has determined the means of identification of pensioners to be used by the traffic authorities?

The Hon. Sir THOMAS PLAYFORD—Yes. The method of identification is quite simple and has been worked out in detail. Written applications will be made to the Tramways Trust, and full details will be made available to the public and, I hope, given much publicity. The scheme will operate from October 1.

MURRAY BRIDGE ROAD BRIDGE.

Mr. BYWATERS—Last week I asked the Minister of Works, representing the Minister of Roads, a question concerning the painting of the road bridge over the River Murray at Murray Bridge. I understand he has a reply.

The Hon. G. G. PEARSON—Yes. My colleague, the Minister of Roads, has now furnished me with the following report of the Commissioner of Highways:—

Funds for the repainting of the River Murray bridge have not been provided for 1959-60. Present plans are to call public tenders for this work during 1960-61.

UNIVERSITY EXTERNAL STUDENTS.

Mr. HAMBOUR—Many teachers who desire to improve their qualifications have difficulty in getting necessary facilities extended to them by the University. Will the Minister of Education see that the University makes greater provision for external students, particularly teachers?

The Hon. B. PATTINSON—I shall be pleased to comply with the request, but I would be obliged if the honourable member could supply me with some more detailed information as to what additional assistance is required. I have much sympathy for people who are endeavouring to continue their studies, either in diploma courses or degree courses, when they are living in the country and endeavouring to earn their living as well. Full-time University students do extremely well. The taxpayers of this State contribute about £1,500,000 towards the University's revenue, and full-time students have the benefit of lectures, tutorial assistance, extensive libraries and trained librarians, laboratories and all the other facilities which, although not denied to external students, are not available because they live and work in the country. I know that the Technical Correspondence School of the Education Department provides correspondence courses for several degree and diploma courses, but, whether it is possible for the University to do something of that nature or to provide any further assistance I do not know but I should be happy if further assistance could be given to these people who are endeavouring to further their education. At least 500 or 600 are teachers who are rendering splendid service to the State at present. If the honourable member can give me any further information I shall be pleased to take up the matter with the Vice-Chancellor of the University on his return.

Mr. HAMBOUR—On Monday last I attended a meeting of a branch of the Teachers Institute, at which a complaint was raised that certain teachers obtained no assistance from the University in obtaining the degrees necessary to their teaching profession. Will the Minister of Education ascertain whether the university will further assist country teachers to obtain the degrees necessary for their elevation in the profession?

The Hon. B. PATTINSON—I am disturbed to hear the very definite complaint voiced to the honourable member by a group of teachers. I repeat my promise that I shall be only too pleased to discuss the matter with the Vice-Chancellor of the University because, naturally, I have a personal interest in the welfare of the teachers, and I am sure all honourable members have an equally high regard for the work and the worth of the teachers to the thousands of students in this State. A difficulty exists regarding teachers and other external students at the University. Some courses or subjects in various courses cannot be taken unless these people attend lectures, which at present is almost impossible. It may be possible for the University to extend the range of subjects that may be studied in special circumstances without attendance at lectures, and I think the University might consider whether they are not providing far too much for some of the young full-time students of the University

(including a small minority of morons of both sexes whose disappearance from the University might be a very great blessing to the University and the State) and whether some of that time, attention, and money could be extended to helping some of these adult external students. My personal opinion is that it would be a step in the right direction.

WEST TERRACE AND ANZAC HIGHWAY INTERSECTION.

Mr. FRANK WALSH—It is over 12 months since I raised the question of an improved traffic lane system at the West Terrace and Anzac Highway intersection. I was then informed that this was entirely the responsibility of the Adelaide City Council. Recently we received a publication entitled *Roads in Australia*—a publication of the 1959 States' Road Conference. Will the Minister of Works ask the Minister of Roads to request the City Council to improve that intersection to a standard comparable with the photograph contained on page 9 of this publication?

The Hon. G. G. PEARSON—Yes. I will do that.

PORT AUGUSTA COURTHOUSE.

Mr. LOVEDAY—Last week the member for Stuart, Mr. Riches, questioned the Premier about complaints I had made on behalf of constituents that when they were called for jury service at the Port Augusta Circuit Court session, they had to endure long hours on most uncomfortable seats. However, the member for Stuart did not refer to two other complaints I have received relating to the draughty conditions in this court and the extremes of temperature, both in winter and summer, suffered by jurors. Will the Premier refer those complaints also to the Attorney-General?

The Hon. Sir THOMAS PLAYFORD—Yes.

PRINCES HIGHWAY CROSSING.

Mr. HARDING—Has the Minister of Works, representing the Minister of Roads, a reply to my recent questions about a dangerous corner at the junction of Glencoe-Kalangadoo road and Princes Highway?

The Hon. G. G. PEARSON—My colleague, the Minister of Roads, has now furnished me with the following report from the Commissioner of Highways:—

It is realized that the intersection of the South-Eastern Main Road with the Glencoe-Kalangadoo Main Road is unsatisfactory. However, standard warning curve signs are in position on the South-Eastern Main Road on each side of this curve. A survey has recently been made of the intersection, and it is proposed to prepare a design to effect improvement as soon as possible.

MOUNT COMPASS TO VICTOR HARBOUR ROAD.

Mr. JENKINS—I recently asked a question of the Minister of Works regarding the Mount Compass to Victor Harbour Road. Has the Minister a reply?

The Hon. G. G. PEARSON—The Minister of Roads has furnished me with the following report by the Highways Commissioner:—

This department appreciates the beautiful view which can be obtained from the old road near Cut Hill. The old road will not be disturbed where the deviation has been constructed, and access from the old road to the new road will be maintained.

PINNAROO-CANNAWIGARA ROAD.

Mr. NANKIVELL—Has the Minister of Works a reply to the question I asked on August 6 regarding the Pinnaroo-Cannawigara Road?

The Hon. G. G. PEARSON—My colleague, the Minister of Roads, has furnished me with the following report by the Commissioner of Highways:—

An amount of £30,000 has been provided for expenditure during 1959-60 to commence construction of the Pinnaroo-Cannawigara Road in the Pinnaroo and Tatiara areas.

MOUNT BARKER ROAD.

Mr. SHANNON—I recently asked the Minister of Works a question regarding the preservation of ornamental trees and shrubs on the Mount Barker Road when plans for widening the existing road are put into effect. Has the Minister a reply?

The Hon. G. G. PEARSON—My colleague, the Minister of Roads, has now furnished me with the following report from the Commissioner of Highways:—

The preparation of plans for widening the existing road between Crafers and Stirling and the selection of a route for the new road from Stirling to Verdun are in an advanced stage but the final alignment may still be varied. The widening of the road from two to four lanes or the construction of an entirely new road is only possible with the destruction of some of the trees and other growth along the road. This destruction will be kept to a minimum consistent with economical provision of a highway to modern standards. The individual cases referred to will be investigated.

MYPONGA TO HINDMARSH VALLEY ROAD.

Mr. JENKINS—Has the Minister of Works a reply to my recent question concerning the Myponga to Hindmarsh Valley Road?

The Hon. G. G. PEARSON—Yes. My colleague, the Minister of Roads, has now furnished me with the following report by the Commissioner of Highways:—

The length of five miles referred to above will be reconstructed shortly. A deviation of three and a half miles over Nettle's Hill is planned, and £10,000 has been included in the 1959-60 programme to commence this work. Some delay has been caused through difficulties in certain land acquisition, but it is anticipated that these will be completed in the near future. In addition, the 1959-60 programme also includes provision for the sum of £5,000 to be expended by the District Council of Encounter Bay on the portion of the Hindmarsh Valley-Myponga Main Road 402 not incuded in the Nettle's Hill deviation.

PERSONAL EXPLANATION: WATER CHARGES.

Mr. HAMBOUR—I ask leave to make a personal explanation.

Leave granted.

Mr. HAMBOUR—In this morning's *Advertiser* I was reported as saying:—

It was only reasonable to help such small communities by asking all growers reticulated with pump water to pay a 2s. 6d. surcharge.

If that were true it would mean that they would be paying 4s. 9d. for rebate water. I did not use the word "surcharge" in that regard. I suggested that they be asked to pay 2s. 6d. for rebate water. I should like this to be recorded as it has a big bearing on the argument I put forward in support of my case.

ELECTORAL BOUNDARIES AND REPRESENTATION.

Mr. O'HALLORAN (Leader of the Opposition)—I move—

That in the opinion of this House a Royal Comission should be appointed—

(*a*) to recommend to the House new boundaries for electoral districts for the House of Assembly to give substantial effect to the principle of one vote one value; and

(*b*) to report on the advisability of increasing the number of members of the House of Assembly.

Members will recall that last session I moved a similar motion. A vigorous debate took place, and the matter was contested by the Premier mainly on the ground that time did not permit the necessary inquiry to be held and the result or report of an inquiry to be implemented before the 1959 elections. At the time I did not think there was much validity in that argument, but, unfortunately, the majority of members thought otherwise and the motion was therefore defeated. I have taken early action this year so that at least that objection will not be valid, and I hope the reasons I shall give will result in a decision more satisfactory, not only to the Opposition but, I believe, to the people of South Australia, than the one arrived at last year.

The Hon. Sir Thomas Playford—Is the Leader optimistic this year?

Mr. O'HALLORAN—Very optimistic. Honourable members will notice that the motion refers to a method whereby a substantially equal value will be given to the votes of all electors. I do not think that point can be contested. The Opposition believes in democracy, in democratic government, and in the control of Parliament by democratic methods, and there can be no argument against that part of the motion. We do not lay down any cut and dried method, or any proposals. We simply ask that a Royal Commission be appointed to investigate this desirable principle. We say that the system of having alleged quotas on the two to one basis fails on every count. For instance, members cannot argue that it is democratic to have 13 members of this House in the metropolitan area, irrespective of the electoral population of that area. The present system, evolved in 1936 by an amendment of the Constitution, provided that the metropolitan area should be regarded as having 13 electoral districts, with the rest of the State having the country districts.

I have some figures to show enrolments. I have started with the 1938 election because that was the first held under the newly created single electorate system. In 1938 the enrolments in the metropolitan area were 211,963, which represented 58.09 per cent of the total number of electors in the State. The quota, that is the average enrolment for each metropolitan electorate, if a proper average can be achieved that way, was 16,305. Country enrolments totalled 152,921, or 41.91 per cent of the total State enrolments. The quota was 5,882. In 1959, metropolitan area enrolments had increased to 312,712, representing 62.86 per cent of the State enrolments. The quota was 24,055. The 26 country electorates had an enrolment of 184,744, after including the district of Gawler, which is only a country electorate in name. Gawler and its environs are rapidly becoming a northern suburb of the metropolitan area. The country quota in that year was 7,106.

The enrolments in the metropolitan area between 1938 and 1959 increased by 100,749, or 47.53 per cent. The metropolitan quota

increased by 7,750. Country enrolments, including Gawler, increased by only 31,823, an increase of 20.81 per cent. The country quota increased by 1,224. In 1938 the country vote was worth 2.77 metropolitan votes, whereas in 1959 it was 3.38. On the basis of the metropolitan quota being twice the country quota, the metropolitan area could have had 18 members with a quota of 17,500, and the country 21 members with a quota of 8,750. That is, if we based the quota on the number of electors in each electorate in the respective zones instead of the rule of thumb method, which gives the metropolitan area 13 members and the country 26, irrespective of the electoral population in the two zones.

One fundamental principle of democracy is that people should be able to change the Government if they want to. In fact, they should be able to elect the Government they want and defeat the Government they do not want, but that is not possible in South Australia. Take the figures for the last three State elections, and if I desired to do so I could quote similar figures for previous elections. In 1953 the Australian Labor Party polled 167,000 votes and the Liberal and Country League 119,000. There were some odd units but I will not mention them. The Australian Labor Party had a majority of 48,000 votes. In 1956 the Australian Labor Party polled 129,000 and the Liberal and Country League 100,000, a majority of 29,000. In the 1959 election the Australian Labor Party polled 185,000 and the Liberal and Country League 136,000, a majority of 49,000. The figures are not completely accurate because, unfortunately, the statistical returns for the last election are not yet available. I had to compile the figures from information published in the press immediately following the election. In these three elections the Australian Labor Party had majorities of 48,000, 29,000 and 49,000, yet it was not enough to change the Government. The Australian Labor Party won each of them, but not by enough. One is tempted to ask just how much a Party has to win by, under the Playford rule of Parliamentary elections, before the Government can be changed.

We have had the system for 21 years and during that time seven elections have been held, but there has been no change of Government. During the period there have been Commonwealth elections, where there is a reasonably fair distribution of voting strength. In them the Labor Party has won in South Australia. As I remarked before, we won at the State election in March this year, but unfortunately we did not win by enough. We had a better Labor vote than any other State at the last Federal election because we were the only State that returned a majority of the members to be elected at that election to both Houses of the Federal Parliament.

Another point that merits the serious consideration of the House is that, since the 1955 redistribution, which resulted from the recommendations, in 1954, of an Electoral Commission that was instructed to redivide the districts but to maintain the quota of 13 metropolitan and 26 country electorates, we observe—I am not going to cite all the electorates but even in that brief period some have got very much out of alignment—that, for instance, the electorate of Enfield, on the redivision, had 21,925 electors. At the first election under the new system it had 22,700. As a result, the honourable member for Enfield (Mr. Jennings) with his great ability adorns this House. At the election in March last it had 28,000. Glenelg had a quota of 22,690 in 1955, on the redivision. It had 23,400 in 1956 at the first election held under the new electorates, and in 1959 it had 28,700.

The Hon. B. Pattinson—If memory serves me correctly, the voters there voted opposite to those in Enfield.

Mr. O'HALLORAN—I do not desire to be offensively personal with the Minister of Education, but probably his stature, his Grecian beauty and his amiable demeanour to all the people attracted to him a considerable number of votes.

Mr. Hall—In other words, he adorns the House, too.

Mr. O'HALLORAN—Yes, both members adorn the House but they both have had thrust upon them an enormously increased number of electors, with an increased volume of work. One country electorate that has got seriously out of alignment is Gawler, so worthily represented by Mr. Clark.

Mr. Loveday—Is that a country electorate?

Mr. O'HALLORAN—It is supposed to be a country electorate. The redivision in 1955 shows that Gawler had an electoral population of 7,490, but at the first election held under the new system in 1956 that number had increased to 8,300, and in 1959 it had increased to 13,200. As the quota for country electorates was supposed to be 7,106, Gawler has nearly twice the country quota. These are some matters that we contend should be the subject of a fair and impartial investigation by a Royal Commission.

Mr. Jennings—What about Whyalla?

Mr. O'HALLORAN—I could go on citing any number of electorates but I do not desire to take up the time of the House. If honourable members care to go through the rolls, they will find all kinds of discrepancies, that some country electorates have lost electors since the redivision in 1955 while others, like Whyalla, have increased enormously, and will continue to increase.

Another point germane at this juncture is this: we believe that this alleged principle of having the electoral districts defined in the Constitution, placed there by Act of Parliament, given all the weight and all the majesty of law, should be abandoned. There should be a more elastic system, something like the Federal system under which the first principles are set out in the Constitution. Fortunately, the founders of Federation over 60 years ago were alive to the possibility of gerrymandering and they inserted provisions in the Constitution that prevented that being done without the consent of the people. They laid down the method by which the number of members for each State should be determined, having regard of course to the minimum of five members for an original State, and by which the quota of electors in each electorate within the State should be determined by a Commission using a tolerance of 20 per cent above or below the average in order to cater for circumstances associated with sparsity of population, etc. We believe that something like that should be introduced in South Australia.

I have here the report of the Joint Committee on Constitutional Review, which conducted a full inquiry into certain aspects of, and recommended changes in, the Federal Constitution. That committee was equally representative of the Opposition and the Government but it produced a unanimous report on all except three items. Reservations were made by Mr. Downer of South Australia about the recommendations dealing with industrial conditions, and Senator Wright of Tasmania dissociated himself from the committee's observations about the Commonwealth legislative machinery. But, apart from that, the committee was unanimous. In paragraph 35 the committee says:—

The committee considers that some constitutional changes are now necessary to facilitate the maintenance of continuous, sound, democratic government in the light of changed conditions since Federation.

It went on to say that:—

in the spirit of democracy as a general rule equal weight should be accorded to the votes of electors.

That is precisely what we are saying here, and that is what a committee, representative equally of Opposition and Government in the Federal Parliament, said as late as last year.

Coming to the second point of my motion, that the number of members of the House of Assembly should be increased, I submit that a strong case can be made out for increasing the number. I have gone back to the figures for 1918 because that was a Parliament I knew something about. In that year the House of Assembly had 46 members, and 258,712 electors were on the rolls, the population of this State then being 450,636. The number of members remained constant until it was changed in 1936 by the Act which established the present system. In that year the number was reduced from 46 to 33 although the enrolment had risen from 258,712 to 364,884. I point out that the figure I have just cited is actually the figure for the 1938 election.

Since then, the figures for the 1959 election show that the number of electors has increased to 497,456—approximately double the number in 1918. I repeat that that number of electors had 46 members, whereas today the 497,456 electors have only 39 members. The population has, of course, increased in a corresponding ratio. It has gone from 450,636, in 1918 to 907,992 as at June 30 last year. That of course is the latest official figure available, but I point out that, even following an intermediate year in 1938 when the present system was first used, the population was 595,000; it is now 907,000, so that there has been increase in that period of over 300,000. I submit that the increase in population, entailing as it does under the iniquitous system which obtains an increased number of electors in the electorates, particularly the metropolitan, requires that there should be more members in Parliament. Here again I quote from the same paragraph of the Federal Commission's report that I quoted earlier. It concludes by saying:—

The House of Representatives should be of sufficient size to provide adequate representation for the ever-increasing number of electors.

Those words could be aptly applied to the House of Assembly in South Australia. The House of Representatives is supposed to be the people's House in the Commonwealth Parliament; and this Chamber is supposed to be, but of course is not, the people's House in this Parliament.

A member—What people?

Mr. O'HALLORAN—The very best people: those with vested interests in the country. They are the people who have the weight and influence in electing members to this Chamber,

and it is that wall of anti-democracy that we have to break down in order to get a really representative Parliament here. I suggest that the case is abundantly proven that there should be an inquiry into, firstly, the question of some Constitutional provision which will give equal weight—as the Federal body said—to the votes of each elector; and that in order to provide for the growing population there should be an increase in the number of members in this House. Down the years the Opposition has sought repeatedly, by introducing Bills and by moving motions, to have some system adopted which would be more democratic than the present one. This time we are not asking for any particular method of voting. All that we want the Government to do is to appoint a Royal Commission—and of course the Government would have the right to choose its members—and submit to it the terms of reference contained in my motion. That would give the Commission an opportunity to consider the case on its merits, firstly, for giving, as the motion says, substantial effect to the principle of one vote one value, and, secondly, for giving the electors that number of members of Parliament they are entitled to.

I believe that the case is just and the arguments unanswerable, and I hope that it will receive from members that consideration which a just cause supported by unanswerable arguments should receive. I simply want it considered on its merits, so I conclude on the note I really started on, namely, the aim of democracy—and after all, in this British Commonwealth, we profess to believe in democracy. The old colonial days are gone. The era in which many parts of the world formerly known as colonies were governed substantially from Downing Street, has given way to the era of self-government, so we in South Australia ought not to lag behind Ghana, Ceylon, Singapore, and other newly-created countries within the British Commonwealth. We who pioneered women's suffrage and who have the illustrious lady member for Burnside sitting in this Chamber, should be prepared to give equal voting rights to men and women, whether they live in the metropolitan area or the country. With confidence, I submit the motion to the House.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Second reading.

Mr. DUNSTAN (Norwood)—I move—

That this Bill be now read a second time.

At the outset I propose to explain its clauses briefly. The Bill is an extremely simple one in its provisions. It aims to take out of our Criminal Law Consolidation Act any death penalty by providing that there shall be no death penalty for the matters covered by the Criminal Law Consolidation Act or for any other crime, and it removes any sections concerning the carrying out of any death penalty. Clauses 1 and 2 are formal. Clause 3 inserts a new section 10a as follows:—

After the passing of the Criminal Law Consolidation Act Amendment Act, 1959, no sentence of death shall be passed and persons convicted of treason shall be liable to be imprisoned for life.

At this stage there is no provision for a penalty for treason under the Criminal Law Consolidation Act. The law relating to treason is contained in the common law of England inherited as at 1836 by this State. The death penalty is applicable to the crime of treason, which is under common law. I have made no provision in the Bill as it stands for a penalty for piracy, which is the only other crime that I know of, apart from those covered by the Criminal Law Consolidation Act, which has a death penalty applicable to it.

The crime of piracy is exceedingly rare and the law governing it in South Australia is under an Act of George II, as amended by a later Act which makes the death penalty not a mandatory but a permissive matter. Perhaps it would be appropriate to provide in the Criminal Law Consolidation Act, since my Bill proposes to cut out the death penalty altogether, some penalty for piracy even though the chances of our courts having to consider such an offence are extremely rare.

Mr. Quirke—There are plenty about.

Mr. DUNSTAN—I admit that there are many who could be termed "pirates," but they do not come within the common law at the moment. I propose, in consequence, when the Bill reaches Committee, to move to include piracy or treason as offences for which persons shall be liable to be imprisoned for life.

Clause 4 provides that no longer shall persons convicted of murder suffer death as felons, and to substitute the penalty that they shall be liable to be imprisoned for life. That penalty under our Criminal Law Consolidation Act is applicable to all other major crimes and it does not mean that the courts must impose a sentence of imprisonment for the term of his natural life upon a man; it means that he may be imprisoned for any term up to that. Clause 5 repeals a number of sections in the Criminal Law Consolidation Act. Section 238, which is the first of these, relates to the crime of the rescuing of convicted murderers. This

is already provided for in any case, and this special provision was, I believe, only inserted in our Criminal Law Consolidation Act because the death penalty was applicable to murderers. I do not believe that there is any particular reason to have a separate offence for the rescuing of murderers in the Criminal Law Consolidation Act, and therefore I propose to delete that section.

Sections 301 to 307 of the principal Act provide for the carrying into effect of the death penalty, and the procedures for carrying out that penalty as do schedules 8 and 9 which provide certain forms to be signed upon the carrying out of the penalty. Clause 6 proposes that section 369, which lays down that after the conviction has taken place the Chief Secretary may refer the case or sentence to the Full Court of South Australia for review and report, should be amended to delete the provision that reference may be made in cases other than where the sentence of death has been passed. Where we do not have any sentence of death there is no reason for that provision. This, then, is the machinery of the Bill. Let me turn to the principles of the proposal.

I believe that in any Christian community the only justification that can be alleged for the taking of life is that without it life could not be preserved. The only way in which any person can justify the taking of a life is that by doing so he is preserving life. That would be the general view of anybody, except those pacifists who do not believe that the taking of life under any circumstances is justified. I am not a pacifist, although I appreciate their views, but I believe that the taking of life can be justified where it is in self-defence or in the defence of some other person whose life would be taken but for the taking of the particular life. I do not think there can be any argument about that view. After all, if we are a Christian community, that is all that anybody could allege as a justification for the taking of a life. Therefore, unless it can be shown that capital punishment, which is the taking of life by the State—the community as a whole—is necessary for the preservation of a life or lives, we should abolish it.

Mr. Quirke—You don't deny the right of the State to take life?

Mr. DUNSTAN—No; otherwise we could not defend ourselves in times of war. My whole case is that it is clearly unnecessary for the preservation of lives, and that it cannot be proved to be necessary for the preservation of lives, that capital punishment should be retained. Let us consider the case for the retention of capital punishment. What do people allege to justify it? Firstly, I must refer to a ridiculous statement, that is not an argument, which I heard only recently as having been expressed by the noted Victorian Premier, Mr. Bolte, who has been known for a long time as a person who can say some very silly things, but whose latest pronouncement has reached the nadir of preposterous poltroonery. He said that recent happenings in South Australia were a justification for the retention of capital punishment because if a person were not liable to capital punishment the public would not be so interested in seeing injustice put right and a man must come under the shadow of the gallows to have public interest taken in his case; therefore we should retain capital punishment to see that the public got wound up about it.

Mr. Jennings—If he is hanged in the meantime it is just too bad.

Mr. DUNSTAN—Yes: it is in the interests of those people who might get hanged that people get interested in these cases! Even the Melbourne *Herald* could not justify Mr. Bolte on this particular subject. I do not think I need say any more about that because it is obviously silly. The second argument that is used, and has been used by some responsible and more sensible people than Mr. Bolte, is that for a grave crime there should be grave punishment. The question of retribution, they say, goes beyond the mere application of the *lex talionis*. They say it is not true that people these days argue that there should be an eye for an eye or a tooth for a tooth. Any such argument today would be foolish. We do not believe that if a man attacks another and puts his eye out the appropriate punishment for the offender is that he should have his eye put out in return. Nobody argues that way today, but Sir John Anderson has been probably the most noted of the exponents of the view that the community must feel the grave nature of the crimes that are now visited with capital punishment, and that capital punishment should be retained as an indication that the community feels that these are grave crimes. I believe that imprisonment for life is a grave punishment and that that, in itself, is sufficient indication of the belief of the community of the grave nature of the crime concerned if that penalty is imposed upon an offender.

The third argument used in favour of the retention of capital punishment is that it is

the only effective deterrent for the crimes concerned. The argument cannot be merely that this is a deterrent, because other forms of punishment are deterrents. The argument to retain capital punishment is that this is the only effective deterrent and that without it we would have more crimes of the kind that are now visited with capital punishment. Let us see how far that is the case. Obviously enough, the average person in the community seems to say, "If I were thinking of what punishment would be most horrible to me, of those punishments that are today inflicted in civilized countries capital punishment would be the worst thing I would have to fear. Because that is to me the worst punishment I might face, therefore that is the only way in which we can effectively deter crime." I propose to quote from the writings of a Conservative member of Parliament in Great Britain, Mr. Christopher Hollis, on this particular subject. He said:—

> The question which we, who flatter ourselves that we are normal and more or less rational people, consider is, What would deter us from murder. That is equally what the criminal who is not a psychopath considers. But the question is in truth an unreal question. For our society has happily reached a stage of civilization in which the vast majority of us would not commit murder whatever the penalties that might be attached to it. We would not commit murder because we think it to be wrong. It is probably true that, if there were a complete breakdown of the whole machinery of law and order in the country, the number of murders would somewhat increase. But the number of murders in a year out of a population of about fifty millions is only between one hundred and two hundred, and at the very worst would be unlikely to rise much above that number. It is only what is numerically a tiny fraction of the population which falls into this class of what I may call potential murderers, and the question is not, What is an effective deterrent to the normal citizen (for he needs no deterrent), but the wholly different question, What is an effective deterrent to this small, submerged, half-crazy, perverted class of potential murderers?
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> To a large proportion of that class even a thoughtful champion of the death penalty, Lord Waverley, who made the opening speech for the rejection of the abolition motion in 1948, and spoke, as everyone admitted, with a special weight of experience behind him, frankly admitted the death penalty had no deterrent effect. It had, he thought, no deterrent effect in constructive murder, in *crime passionel*, and in political murders. This narrows considerably the field within which, even in the contention of the most responsible supporter of capital punishment, a deterrent effect is claimed for it.

What is more, a Royal Commission on Capital Punishment cast some doubts upon the thought that murderers actually paid to capital punishment as a deterrent. Either they do not care about the consequences of their action or they do not think they will be found out and, therefore, capital punishment as a deterrent is not the only effective deterrent. I will show, a little later, how far that is the case from the experience of other countries that have abolished capital punishment. If capital punishment is the only effective deterrent then the supporters of capital punishment would surely urge that in those cases where capital punishment had been abolished there would naturally have been an alarming increase in the number of capital crimes committed after its abolition. If that were not the case then there can be no argument that capital punishment is the only effective deterrent because it is obvious that there has been no alteration. Let us remember it is only if capital punishment is the only effective deterrent that we can justify its retention.

What has been the experience in Australia? Queensland abolished capital punishment in 1922. It had not imposed capital punishment for some time prior to that. From the end of last century the rate of capital crimes in proportion to population in Queensland has steadily fallen. It was falling before the abolition of capital punishment: it has continued to fall since. It is not apparent that the abolition of capital punishment has in any way affected the number of crimes of a capital nature in that State. That has also been the case in New South Wales. Under Labor Governments in New South Wales, apart from two cases many years ago, no capital punishment has been inflicted. In fact, New South Wales abolished capital punishment by legislation in 1955, but prior to then it was well-known that any person convicted of a capital crime in New South Wales would be reprieved since a Labor Government was in office. Labor had specifically said it would not impose capital punishment. On this point I might diverge for a moment to point out that this is not a Party measure, but nevertheless it is the view of the Australian Labor Party that capital punishment is wrong, and I introduce this measure with the wholehearted and united support of every member of the Australian Labor Party.

Let me turn to the conclusions of the Royal Commission on Capital Punishment in England. This was a most comprehensive inquiry.

Unfortunately, it was limited because the terms of reference did not include the right of the commission to decide whether or not capital punishment ought to be imposed. The terms of reference were whether there should be a limitation on capital punishment and how it should be imposed. In the course of their findings the commissioners had a number of things to say, and I propose to read for some time from the report because what the commissioners said is important to this particular topic, even if they could not report against the death penalty as a whole. They remarked on the evidence of people who believed that capital punishment was the only effective deterrent and said it was very difficult to prove this one way or the other. They turned to evidence of representatives of the police and prisons service and in paragraph 61, page 21, they had this to say:—

Of more importance was the evidence of the representatives of the police and prison service. From them we received virtually unanimous evidence, in both England and Scotland, to the effect that they were convinced of the uniquely deterrent value of capital punishment in its effect on professional criminals. On these the fear of the death penalty may not only have the direct effect of deterring them from using lethal violence to accomplish their purpose, or to avoid detection by silencing the victim of their crime, or to resist arrest.

It may also have the indirect effect of deterring them from carrying a weapon lest the temptation to use it in a tight corner should prove irresistible. These witnesses had no doubt that the existence of the death penalty was the main reason why lethal violence was not more often used and why criminals in this country do not usually carry fire arms or other weapons. They thought that, if there were no capital punishment criminals would take to using violence and carrying weapons; and the police, who are now unarmed, might be compelled to retaliate. It is in the nature of the case that little could be adduced in the way of specific evidence that criminals had been deterred by the death penalty. What an offender said on his arrest, probably some time after the commission of the crime, is not necessarily a valid indication of what was in his mind when he committed it; nor is it certain that a man who tells the police that he refrained from committing a murder because he might have to "swing for it" was in fact deterred wholly or mainly by that fear. Moreover we received no evidence that the abolition of capital punishment in other countries had in fact led to the consequences apprehended by our witnesses in this country.

Be it noted that they took voluminous evidence as to the situation in other countries. The report continues:—

But we cannot treat lightly the considered and unanimous views of these experienced witnesses, who have had many years of contact with criminals. Some of our most distinguished judicial witnesses—notably the Lord Chief Justice, Mr. Justice Humphreys and the Lord Justice General—felt no doubt that they were right. It seems to us inherently probable that, if capital punishment has any unique value as a deterrent, it is here that its effect would be chiefly felt and here that its value to the community would be greatest. For the professional criminal imprisonment is a normal professional risk of which the idea is familiar, if not the experience, and which for him carries no stigma. It is natural to suppose that for such people (except the rare gangster, who constantly risks his life in affrays with the police and other gangs) the death penalty comes into an entirely different category from other forms of punishment.

We must now turn to the statistical evidence. This has for the most part been assembled by those who would abolish the death penalty; their object has been to disprove the deterrent value claimed for that punishment. Supporters of the death penalty usually counter them by arguing that the figures are susceptible of a different interpretation, or that for one reason or another they are too unreliable and misleading to form a basis for valid argument. The question should be judged, they say, not on statistics but on such considerations as we have been examining in the preceding paragraphs.

The arguments drawn by the abolitionists from the statistics fall into two categories. The first, and by far the more important, seeks to prove the case by showing that the abolition of capital punishment in other countries has not led to an increase of murder or of homicidal crime. This may be attempted either by comparing the homicide statistics of countries where capital punishment has been abolished with the statistics for the same period of countries where it has been retained, or by comparing the statistics of a single country, in which capital punishment has been abolished, for periods before and after abolition. The second category is of arguments drawn from a comparison of the number of executions in a country in particular years with the murder or homicide rate in the years immediately succeeding.

An initial difficulty is that it is almost impossible to draw valid comparisons between different countries. Any attempt to do so except within very narrow limits, may always be misleading. Some of the reasons why this is so are more fully developed in appendix 6.

It is a voluminous appendix in which the relevant statistics on this subject have been assembled, and I commend it to the attention of honourable members. The report further continues:—

Briefly, they amount to this: that owing to differences in the legal definitions of crimes, in the practice of the prosecuting authorities and the courts, in the method of compiling criminal statistics, in moral standards and customary behaviour, and in political, social and economic conditions, it is extremely difficult to compare like with like and little confidence can be felt

in the soundness of the inferences drawn from such comparisons. An exception may legitimately be made where it is possible to find a small group of countries or States, preferably contiguous, and closely similar in composition of population and social and economic conditions generally, in some of which capital punishment has been abolished and in others not.

These conditions are satisfied, we think, by certain groups of States in the United States of America, about which we heard evidence from Professor Thorsten Sellin, and perhaps also by the New Zealand and the Australian States. In appendix 6 we print a selection from the relevant material.

Professor Sellin, who has compiled comprehensive statistics on this subject, is an international authority and he is quoted world-wide on this topic. The report continues:—

If we take any of these groups we find that the fluctuations in the homicide rate of each of its component members exhibit a striking similarity. We agree with Professor Sellin that the only conclusion which can be drawn from the figures is that there is no clear evidence of any influence of the death penalty on the homicide rates of these States and that, "whether the death penalty is used or not and whether executions are frequent or not, both death-penalty States and abolition States show rates which suggest that these rates are conditioned by other factors than the death penalty."

These findings have been published for some time. Honourable members may be interested in the issue of the *Annals of the American Academy of Political and Social Science* for November, 1952. It is an extremely reputable publication and has gone into this subject very carefully with some of the leading world authorities on criminology, who contributed to this particular issue. The statistics which appear in this issue deal with States that can be compared as to the similarity of social make-up and as to the economic basis, and compare States that have the death penalty with those that have abolished it.

There is no greater rate of murder showing in the States that have abolished the death penalty. That is clear from the statistics that have been assembled where comparisons can legitimately be made, as has been pointed out by the Royal Commission, and no exception can be taken to the statistical evidence by the proponents of the death penalty. It is quite clear that the death penalty has not affected the rate of capital crimes at all. The fluctuation in the rate goes on independently whether the death penalty is imposed or not. Honourable members will find that these statistics appear in the issue of the *Annals* to which I have referred. Particularly there is a table at page 58 covering groups of American States. The first group is Rhode Island and Connecticut. These two States are very similar in type of population, background and activity. Rhode Island has abolished the death penalty and Connecticut has retained it. From 1931 to 1935 the annual average homicide rate in Rhode Island was 1.8 and in Connecticut 2.4. For the period 1936 to 1940 the figure for Rhode Island was 1.5 and for Connecticut 2.0, and for the period 1941 to 1946 the respective figures were 1.0 and 1.9, I do not suggest that Connecticut is a vastly more lawless place than Rhode Island, or that there is any great significance in the fact that the Connecticut figures are slightly higher. The variation between the two States is not so great that anything can be decided. For instance, it cannot be argued that because the death penalty applies in Connecticut and it has a high rate that is something in favour of abolition. The significant point is that any fluctuations that have taken place seem to have taken place similarly in the two places. The factor of the death penalty does not seem to have influenced it.

Now we come to Michigan and Wisconsin, which are abolition States, and Indiana and Illinois, which have retained the death penalty. In the same way one can see that in these States there is some fluctuation, because there has been a decrease over the period 1931 to 1946. There has been a steady increase in the rate of capital crimes, but it does not seem that the death penalty has influenced it one way or the other. Minnesota has abolished the death penalty but Iowa has retained it.

The same situation applies here. The Royal Commission went further than the figures published in 1952. It compiled a series of diagrams in its Appendix 6 and they are extremely clear on this subject. They appear on pages 376 to 380 of its report. Diagram (1) refers to murders known to the police in New South Wales, Queensland and New Zealand and show a five-year moving average. In New South Wales, where the population increased about 122 per cent, there has been a fluctuation, but the diagram shows that the rate went up very slightly after the abolition of the death penalty, declined rapidly, and commenced to climb again towards the end of the period reviewed, namely 1940 to 1944. In Queensland there has been a steady fluctuation, but that fluctuation does not seem in any way to have been influenced by abolition. In New Zealand there was during the period 1930-1934 an alarming rise, followed by a quick fall to the time of abolition, and

after abolition there was a rise similar to that which had occurred from 1930 to 1934. The rise in the period 1930 to 1934 occurred while the death penalty operated. The rise after abolition seems to have followed exactly the same pattern as before abolition. There is no accounting for the sudden rise in 1930 to 1934.

Mr. Quirke—Were the rises very great?

Mr. DUNSTAN—They were quite significant in 1932. There was an extraordinarily wide fluctuation in New Zealand, for which the statistics were unlike those of any other States examined. The rise in the 1940's seems to have been the reason for the restoration of the death penalty in New Zealand. Of course, the Labor Party there has always argued that if the abolition of the death penalty caused this rise, then how could the extraordinary rise in the 1930's be accounted for?

The other diagrams to which I will refer would seem to lead one to conclude that social factors and not the deterrent account for these fluctuations in the rate of capital crime. Then there is a diagram showing a comparison of homicide rates over five-yearly periods in the two pairs of New England States, Rhode Island and Massachusetts, and New Hampshire and Maine. Each of those diagrams shows a fluctuation in the rate of capital crimes. They show a fairly steady decrease in each State, and show also that the fluctuations within the two groups of States are extraordinarily similar. Nothing, therefore, can turn on the fact that the death penalty had been abolished. It cannot be shown that the death penalty is the uniquely deterrent force that prevents capital crimes from occurring.

Further diagrams show the position in the Netherlands and Sweden. Sweden, which abolished capital punishment last century, provides an instructive example as there has been a continuous and steady decline in the rate of capital crimes there. The abolition of the death penalty seems to have had no effect whatever upon the falling rate of capital crimes in that country. These diagrams are backed with detailed statistics in the other parts of the appendix. I shall not weary members with these, but I urge those who are interested to read these tables, as they are completely informative on this point. The one thing they show quite clearly—and this is irrefutable—is that the rate of capital crime depends upon the social background of the community and upon social factors completely divorced from the deterrent that is imposed, and that it is not the deterrent—the death penalty—that decides and controls the rate of capital crimes within the community.

That was the conclusion to which the Royal Commission was led, and it said that it drew that conclusion from the statistics which I have read. At paragraph 65 the Commission stated:—

In most countries where capital punishment has been abolished, statutory abolition has come after a long period when the death penalty was in abeyance, and this creates the problem of what date should be taken as the dividing line. Whatever date may be selected, it cannot safely be assumed that variations in the homicide rate after the abolition of capital punishment are in fact due to abolition, and not to other causes, or to a combination of abolition and other causes. There is some evidence that abolition may be followed for a short time by an increase in homicides and crimes of violence, and *a fortiori* it might be thought likely that a temporary increase of this kind would occur if capital punishment were abolished in a country where it was not previously in abeyance but was regularly applied in practice; but it would appear that, as soon as a country has become accustomed to the new form of the extreme penalty, abolition will not in the long run lead to an increase in crime. The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate, or that its re-introduction has led to a fall.

We could get no more comprehensive review by more responsible people than this Royal Commission which took evidence from 1949 to 1953.

The conclusion is clear that the statistical evidence shows this: that there is no evidence whatever that the death penalty is the only effective deterrent. Well, Mr. Speaker, if that is the case, then there is no case left for its retention at all, and we by retaining it are ourselves committing the very thing that we condemn, for if we have no justification for taking life and we take it then we as a community are committing murder. That is what is happening in any State that retains the death penalty in the circumstances with which this State is faced at the moment, and every member of the community must have it on his conscience that he personally is responsible if he does not raise his voice in the cry against the retention of the death penalty here.

Were this not the case, there is another, and to me completely overwhelming, argument against the retention of the death penalty, and that is that in deciding whether or not a penalty shall be inflicted upon a man we must decide upon his guilt or innocence; he must go before a court, and a court must come to conclusions. We must have courts, and courts must come to conclusions and inflict punishments to reform and to deter people from committing like crimes. That is essential to the

community, and we cannot do without it, but no court is so infallible an instrument of justice that a man's life should depend upon its decisions. Mistakes have been made; no sensible person can deny that, and I will refer to some mistakes in a moment. I am amazed at times to read some things that have been said on this subject by people whom I regard as responsible, who have pooh-poohed the idea that a mistake may be made, and have claimed that under the British system of justice the chances of a man's being wrongly convicted are so remote that we could safely take his life.

I do not want to refer to events that are taking place elsewhere in this State at the moment, but that they are taking place is clear enough evidence that in everybody's mind in this House the conclusion has been brought home that mistakes can occur. If they can occur, then what right have we to inflict the punishment of death in the face of the fact that they can occur. Let me turn for a moment to a series of cases that have been examined in America. I refer to the work of Borchard in America on *Convicting the Innocent*, in which he reviewed 153 cases, not in all of which there was clear evidence of error but in some of which there was clear evidence of error. Some of these cases occurred last century, but I shall refer only to some that occurred in this century. At page 117 of the *Annals* we see the following example:—

On the morning of October 17, 1901, a railroad engineer, H. E. Wesson, was found dead in the shop yard of the Florida Southern Railway at Tilgham's Mill in Palatka, Florida. He had been shot at close range in the back of his head and his pockets had been turned inside out. Close by a .38 calibre pistol was found from which one shell had been fired. Under the pressure of public indignation the authorities right away rounded up a number of suspects and put them into jail. Among them was a yard night watchman, Lucius Crawford. Apparently, on the afternoon after the arrest, the jailer observed a coloured man approach a crack in the fence of the jail yard and call for Lucius Crawford who happened to be in the yard at that time. The jailer reported that the coloured man was J. B. Brown and that he had heard him say to Crawford, "Keep your mouth shut and say nothing." Brown was arrested and a chain of circumstantial evidence began to form against him. First of all it was reported that two months earlier Brown had had a fight with the murdered man and had threatened to kill him. On October 16, the day before the murder, Brown was reported by one witness as having been without money and having tried to borrow a quarter from him. In answer to the witness' refusal of his request, Brown was reported to have said, "Never mind, I'll catch 209 away from here tonight, that is the train going south to meet 208." Two hundred and eight was the train on which the murdered man had worked as an engineer. On the morning after the murder Brown had been observed to have money when he joined in a card game with a number of men, among whom there was one by the name of Johnson. Brown was reported to have been excited when he arrived for the game and to have taken Johnson aside for a whispered conversation. After these items of apparent evidence had been collected against Brown the other suspects were released. The clouds over Brown thickened further when two cell mates of his reported to the authorities that Brown had confessed to them that he had, together with Johnson, committed the murder for the purpose of robbing Wesson of his money. On the basis of all that, Brown and Johnson were indicted for murder in the first degree and Brown was brought up for a separate trial in which he was convicted and sentenced to be hanged. His appeal for clemency having been denied, he was finally led to the gallows. However, at the last minute, the rope having been put around his neck, the executioner was interrupted because of an almost unbelievable event. When the death warrant was read in the course of the execution procedure it was found that by mistake it ordered the execution, not of Brown, but of the foreman of the jury which had found Brown guilty. Brown was returned to gaol and under the impact of this occurrence his capital sentence was commuted to life imprisonment. The prosecution seemed to have lost the taste for continuing against Johnson, for the case against the latter was *nol-prossed*. More than 10 years later Johnson confessed on his death bed that he alone had committed the murder and that Brown had not been connected with the crime at all. On October 1, 1913, Brown, on the basis of Johnson's confession, was granted a full pardon.

He was granted compensation for his wrongful imprisonment. If there had not been a mistake in the execution warrant he would have been dead. It would have been small comfort to him to know that 10 years later someone else had confessed to the crime. There have been many cases in the English courts of false identification. Let me now turn to the matter of false confession, because it will be of interest to members. In one case:—

Louise Butler was a negro woman who lived with her daughter Julia aged 12 and a small son, as well as two nieces, Topsy Warren aged 14 and Anne Mary aged 9. Louise Butler had won the affections of George Yelder and she was very jealous of his attentions. One day upon returning home she learned that George had visited in her absence and had found in the house only Topsy, who was now in possession of a new one half-dollar piece. Louise Butler's jealousy was aroused and she beat the young girl severely, even threatening to kill her. After this incident Topsy was seen no more. Rumours that Louise Butler had killed her niece brought the police into action. Incredible as it sounds, the two children, Anne

Mary and Julia, accused Louise Butler and George Yelder of having killed Topsy, and gave many gory details. First, Louise denied having killed Topsy, but later she confessed and even showed the authorities the spot where she said that she and George had thrown Topsy's body into the river. Afterwards she withdrew her confession, but found no credence from the jury, in true accordance with the frequent experience that a prisoner is believed when he incriminates himself but mistrusted when he asserts that he is innocent.

These are timely words. The report continues:—

Both Louise Butler and George Yelder were found guilty and sentenced to life imprisonment.

If the death penalty had been imposed they would have been hanged. The report continues:—

Shortly after their having been sent to the penitentiary, Topsy was found well and alive, staying with friends in another country. The sheriff later learned that the children had been coached by an enemy of George Yelder's to make the false accusation.

Yet, there seemed to be evidence that the children had seen the gory thing happen. There was the confession of the woman who showed the spot to the police, and there seemed to be no doubt about the crime having been committed as said, but there had been no crime. Even where the greatest care is taken and a web of evidence is wound around a man, and he appears to have confessed to a crime, and there appears to be ample corroboration, it is not certain that he is guilty. Obviously the courts must come to conclusions. We cannot deny them the right to do so, because conclusions are difficult to come to, but at the same time we should not, as the result of the conclusions come to by the courts, cut off the possibility of righting a wrong. If we have the death penalty and it is imposed, we cannot right any wrong that may have been done.

Let me now turn to an Australian experience. There was the case of McDermott in New South Wales. His counsel in that case is now in Adelaide on another matter. McDermott was convicted on circumstantial evidence by a jury of the murder of a man whose body was never found. Fourteen years later a Royal Commission found that McDermott had been wrongly convicted and he was released and given a small amount of compensation. For some reason, of all the States that retain the death penalty South Australia executes the most convicted persons. Fewer reprieves take place here. Less exercise of the prerogative of mercy takes place in this State than in any other Australian State where the death penalty is retained. If McDermott had been found guilty here there appears to have been little doubt that he would have been hanged, and it would not have been much use to hold a Royal Commission 14 years later, because his ghost would have received cold comfort from it.

Let me quote the case of Evans, which has caused a great deal of public controversy. Evans, a labourer, had rented the upstairs portion of premises from a man named Christie in London. There he lived with his wife and baby. There had been some differences of opinion between Evans and his wife and then he left the house and was not seen for a time. He gave himself up to the Brighton police. He said that his wife was dead and that he had put her body down a culvert. The police did not pay much attention to what he said, but after he continued with the statement they had a look at the culvert and said that no one could open it and put anything in. However, he made a series of confessional statements. He confessed to having killed his wife, and in one statement he implicated Christie. A search was made of the premises he formerly rented and the body of Mrs. Evans was found beside some recently piled-up wood in Christie's washhouse. Evans' baby was also found strangled on the premises. Evans was indicted for murder. He protested his innocence and tried to implicate Christie at the trial. Christie was put forward by the prosecution as a reliable person. As a matter of fact, he had an unreliable background, but it was not brought out at the trial, and there were no means of the defence finding out. He was put forward to the jury as a credible and reliable witness. There seemed to be no doubt whatsoever that Evans had killed the child. It had been strangled by a tie. Evans made statements to the police that seemed to corroborate the evidence against him. The confession in which he implicated himself was believed and his other statements were disbelieved, and Evans was hanged. There was a petition for his reprieve which went to the then Labor Home Secretary, Mr. Chuter Ede, who, after grave consideration, decided that the law must take its course, and Evans was hanged. At a later stage, when a motion for the abolition of capital punishment was before the House of Commons, Mr. Chuter Ede voted against the abolition of capital punishment.

Some years later, Christie was apprehended. It appeared that he had killed a number of women, including his wife, and walled them up

or buried them in the very premises where Evans had been living. All these women had been killed in the way that Mrs. Evans had been killed. At the trial, Christie confessed to the murder of Mrs. Evans. It is true that Evans was convicted for the murder of his child and not of his wife, but the child appeared to have been left in Christie's care. There was plenty of evidence to show that, and all the child's things were in Christie's flat when the child's body was discovered.

Christie denied killing the child but admitted having killed Mrs. Evans. There was the evidence of all these other crimes, foul crimes in themselves. What he used to do was sexually to assault these women and strangle them at the same time. That appeared from Mrs. Evans' death to be what had happened to her. Many people in England were convinced by that that there had been a grievous mistake, a grievous miscarriage of justice. I will not cite all those who took part in the lengthy debate in the House of Commons upon it, but let me refer to the man who was most affected, after Evans himself, by this matter —Mr. Chuter Ede. In the *House of Commons Parliamentary Debates,* Vol. 536, at page 2083, he says this:—

I want to deal with a matter that is entirely personal, just as the Home Secretary did. If ever there was a clear case, when the papers came on to my table, that a man was guilty, it was the case of Evans. My honourable and learned friend, the member for Northampton, dealt with this subject in a book that was published in connection with the honourable member for Nelson and Colne (Mr. S. Silverman), a book to which the honourable member for Devizes (Mr. Hollis) contributed a foreword. He wrote this:—

"The most worrying aspect of the Evans case is precisely that Evans' guilt appeared so clearly proved. No criticism can be directed against the judge, jury, counsel or police, and yet the apparently cast-iron case was unquestionably a false one. No single reason advanced by Humphries in his address to the jury is relied upon by Mr. Scott-Henderson in supporting their verdict. It does not matter in the least if Evans may have been guilty of something upon the basis of some other case. His trial proves once and for all that a case that appears absolutely clear may yet be a false case."

Let me recall what happened. It is the last thing to which I shall ask the House to listen. Evans was found guilty of the murder of his infant daughter. He was charged, at the same time, with the murder of his wife, but as he had been found guilty on the first case, the second was never heard. He asserted that the man who had murdered his wife was the other man living in the house. The evidence was overwhelming against Evans and then, years afterwards, the bodies of six women were found in that house and the other man admitted the murder of those six women. If those facts had been known to the jury at the time, they might perhaps have found Evans guilty of murder in conjunction with Christie; I doubt whether they could have found Evans guilty of murder in any other circumstances.

I was the Home Secretary who wrote on Evans' papers, "The law must take its course." I never said, in 1948, that a mistake was impossible. I think Evans' case shows, in spite of all that has been done since, that a mistake was possible, and that, in the form in which the verdict was actually given on a particular case, a mistake was made. I hope that no future Home Secretary, while in office or after he has left office, will ever have to feel that although he did his best and no-one would wish to accuse him of being either careless or inefficient, he sent a man to the gallows who was not "Guilty as charged."

Members of the Labor Party who were present in the House of Commons testified that Mr. Chuter Ede was very visibly affected at the time he said those words, and it is quite conceivable that he should have been. I am sure that, although he did his best at the time, he would feel, and will feel to the end of his days, that he was to blame in having taken the view of capital punishment that he did. He does not now take that view. He supports from his own experience as Home Secretary the abolition of capital punishment.

Let me on this subject refer for a moment to the debate in the House of Assembly in New South Wales upon the abolition of capital punishment there. It will be noted that that legislation was introduced by the Government. It was opposed by the Leader of the Opposition, Mr. Treatt, who is himself, of course, a member of the Bar, but was supported, and supported most vigorously, by Mr. McCaw, the member for Lane Cove, who is not a Labor member but an Opposition member of the House. Mr. McCaw had this to say in Vol. 12, Third Series, of the *New South Wales Parliamentary Debates,* at page 3254:—

It has been said that the Rt. Honourable Chuter Ede was not satisfied that the man Evans, who was executed for the alleged murder of his wife, committed the crime. Neither Chuter Ede nor anybody else can be certain that Evans was guilty. He was hanged for a murder of which no living person can be sure he was guilty. What is certain is that in the same house another man committed six murders and has since paid the penalty for them. Was Evans guilty? I am doubtful, and that does not mean that I am satisfied that he was innocent. A man in Scotland had the death penalty commuted to life imprisonment. After twenty years he was released, and the Government paid him compensation because it was discovered that he had been wrongly convicted. I am not concerned whether that occurred in

the Twentieth Century or towards the end of the Nineteenth Century. The fact is that a citizen was wrongly convicted by a fallible court. It is all very well to say that the sentence of death for the crime of murder is sure to be commuted in proper cases. What does that mean? Does it mean that it will be commuted because the Executive Council is of the opinion that a jury wrongly convicted the accused? Is the Executive Council to sit in judgment upon the jury's decision and decide in what cases the death penalty will be exacted? I hope that it will not be thought that I have the least spark of sympathy for such men as the one who raped a girl—

This case had been referred to previously by members in the House. It was a case where a girl had been raped in horrible circumstances. The report continues:—

—murdered her fiance and pushed the motor car, in which they had been sitting, and which he had set alight, over the cliff. I am capable of as much passionate hatred as anyone else for such foul men, but I am also passionately opposed to injustice unless there is some predominant reason that justifies the system under which it can happen. To me it is unimportant that the injustice happens but rarely. I can conceive of no crime worse than taking, in the name of justice, the life of a man who is innocent, and that can happen if the death penalty obtains in this State.

I commend to the House the views of the honourable member for Lane Cove. Anybody who has in him any sense of justice, any sense of compassion, any sense of the value of human life cannot but support a move to abolish capital punishment, following what is being done throughout the civilized world today. I commend this Bill to honourable members and hope that they will support the second reading.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

LOAN ESTIMATES.

In Committee.

(Continued from August 18. Page 487.)

Grand total, £29,000,000.

Mr. FRANK WALSH (Edwardstown)—During the debate on the Address in Reply members on this side submitted to the Government certain matters that they considered important, seeking information upon them, but so far nothing has been forthcoming. It is to be hoped, therefore, that in the course of the debate on the Loan Estimates we will at least be able to drag some information from the Government. One of the most important matters that affects my district, and probably a large section of the Glenelg electorate, is that no provision is made to cover the South-Western Districts Drainage Scheme, which is supposed to be of major importance. Parliament has been assured that the Public Works Committee will present a report upon this project this session. I can only assume that, following this, it will be necessary for the Government to introduce legislation to implement that report. However, on the plain facts as I see them, there will be no attempt prior to next June to relieve the floodwater trouble in the south-western suburbs and, consequently, in the event of our having the plentiful rains we hope to receive even yet this season, the people in the Ascot Park and Marion areas and down towards Brighton may still expect to have to cope with floodwaters through their properties.

Mr. Quirke—They may get that for years even if the work were started now.

Mr. FRANK WALSH—That is so, but there is no provision in these Loan Estimates that would permit the work to start even though the report were favourable. I do not expect the job to be completed in a very short time, but at least we ought to be able to expect relief for some of the people concerned at an early date.

Another matter which may be linked up with this is the provision of a new bridge over the Sturt Creek at Marion. In the latter part of last session we were informed that plans were being prepared for this bridge, but I cannot find on page 424 of *Hansard* that the Treasurer, in presenting the Loan Estimates this year, said anything about it. He mentioned bridges at Blanchetown, Morgan-Waikerie, Renmark Avenue, Sturt Highway and Renmark-Paringa, but nothing about Sturt Creek. It is very important from another angle. We are led to believe that an oil refinery to the south of Adelaide is to be constructed in the near future and that a number of homes are to be constructed as a first contribution towards this project. These things cannot be done over night and the South Road cannot possibly be expected to carry the extra traffic that will result from the cartage of materials to those jobs. Consequently, unless an immediate attempt is made by the Government to construct this bridge to permit some of the traffic to be diverted on to the Marion Road there will be chaos. Again, apparently, this is a long range plan. Even though these matters have been raised in other debates we are unable to get information from the Ministers concerned, so I ask again just when will these matters be attended to? When is the Highways Department to be permitted to do these jobs?

It is proposed that the Housing Trust shall build 2,462 double units this year and I assume that they are all to be for rental purposes. We have been told that it is proposed to build 460 of these units in the metropolitan area and 1,020 in Elizabeth. Many residents of Elizabeth are obliged to travel to Adelaide to work because employment is not available for them at Elizabeth. There is a big demand for rental housing in the metropolitan area and those seeking accommodation will either have to go to Elizabeth to secure a rental home or remain in the city under unsatisfactory housing conditions. Are people working in the city to be forced to live at Elizabeth merely to enable the Railways Commissioner to help meet the costs of his passenger services to Elizabeth?

Mr. Ralston—Is that the idea behind it?

Mr. FRANK WALSH—What other conclusion can be drawn? The Government told us what would happen at Elizabeth, but we are still waiting for major industries to be established there. Until private enterprise establishes industries at Elizabeth the Government should seriously consider providing some type of industry there, even though it may be a form of socialization. It is not too late for the Government to recommend that the Housing Trust build in the metropolitan area the 1,020 homes planned for Elizabeth. I understand the Housing Trust requires any tenant of a rental home to lodge a deposit of £5.

Mr. Jennings—What happens to that?

Mr. FRANK WALSH—I recently cited the case of a tenant who gave reasonable notice of his intention to vacate the home and the Housing Trust advised him that because two light globes were missing and there was a cooking stain on the wall the £5 deposit would be used for repairs and maintenance.

Mr. Jennings—That's always the story.

Mr. Lawn—Could a private landlord do that or is that peculiar to the Playford dictatorship?

Mr. Hambour—There is nothing peculiar about it. If you take on a tenancy to maintain, you are obliged to maintain.

The CHAIRMAN—Order!

Mr. FRANK WALSH—I have not seen the terms of the contract of tenancy.

Mr. Hambour—You shouldn't talk about it then.

Mr. FRANK WALSH—I am going to, and if the honourable member does not understand me that's just too bad. I have not seen the terms of the agreement that a tenant enters into and I do not know if a tenant is responsible for maintaining the property he rents. If the trust finds it necessary to demand a £5 deposit from new tenants it is only reasonable that the tenants should receive ordinary rates of interest on it. When the Adelaide Electric Supply Company was operating many years ago consumers paid a deposit of 12s. 6d. before they were connected with power, but if they paid £1 the company recognized them as having a share in the company and paid the normal rate of interest. Apparently the Government will not make money available to assist people to purchase homes that have been previously occupied and all the money will be used for financing the purchase of new homes.

Mr. Quirke—That is with the State Bank; not with the Savings Bank, which will still advance money on other homes.

Mr. FRANK WALSH—If that is the case who should give the lead in these matters—the Savings Bank or the State Bank? The State Bank should indicate what it is prepared to do. Not many years ago it did help finance the purchase of homes that had previously been lived in. It is time the Government examined the matter to see whether money could be provided for this purpose. Recently, I asked a question concerning the provision of public transport to Shepherd's Hill Road, within six miles of Adelaide, but I have not yet received a reply. I understand that the Tramways Trust licences private bus operators when the trust is not in a position to provide the necessary transport. However, there are sometimes delays, and unfortunately we are unable to get public transport for many new housing areas. The Minister of Education will be concerned with this area because I understand a new school is to be built there.

An amount of £213,000 is proposed for the Mitchell Park boys' technical high school, which will be of precast concrete contruction and contain ten classrooms. A new building of precast concrete construction to contain nine classrooms, estimated to cost £230,000, is to be provided for the Vermont girls' technical high school. When introducing these subjects the Treasurer indicated that £144,000 proposed for major additions at seven technical high schools was designed to cover further work at the Norwood boys' technical high school and the Croydon girls' technical high school and to permit work to commence on other buildings, including those at Mitchell Park and Vermont. I assume that the Minister of Education has his officers investigate the requirements of various schools and that subsequently he reports to Cabinet which, later, refers the matter to

the Public Works Standing Committee. That committee has recommended the Mitchell Park and Vermont projects, and at Vermont work has commenced on the nine classrooms. However, I presume that the work involved between now and the start of the next school year in February will absorb the entire £144,000 if that school is to be ready then. I know there will be an addition to the Mitchell Park boys' technical high school within the next five or six weeks.

When there is an investigation on a school a report is submitted to Cabinet by the Minister of Works, the matter is then placed before the Public Works Committee for report, but where does the report go after that? I understand it goes to the Minister of Works and that he then calls tenders. When the matter comes before Parliament items appear piecemeal in the Estimates. Opposition members should be advised by the Government regarding requirements in their districts. For two schools, with which I am vitally concerned, I do not know where the money is to come from, because I can find no mention of these items in the Loan Estimates. I should be pleased if the Treasurer, the Minister of Works or the Minister of Education would tell me where the money will come from? If they are unable to do so before this debate concludes, I may be able to get the information when we consider the individual lines.

In the Address in Reply debate I expressed concern regarding Government contracts and the position of subcontractors. I do not know whether much notice was taken of me on that occasion, but certain information has come to me indicating that possibly it was. One gentleman came to me yesterday and wanted to know whether I could do anything to redeem his position as regards Government contracts. Certain builders and contractors have been selected and asked to give a price for projects to be undertaken, and I can only assume that the Minister of Works has at last prevailed upon the Government to alter its policy in that regard.

We are still waiting for the Unley boys' high school to be completed, and for the Seacliff primary school which I am not sure has even been commenced. The contractor for those jobs was publicised as an outstanding Government contractor, but a few weeks later it was announced that he was going into voluntary liquidation, and that probably accounts for the new procedure. I would be very interested to know whether the lowest tender is accepted, whether there is really any competition, and whether the present system is any better than the old one.

The Education Department has been using the Findon high school since last February. The whole school is being used by the department, yet the contractors for that school have been waiting for a final inspection to take place, and I understand that a final payment of about £7,000 will be involved. Those contractors are waiting on the money in order to pay the subcontractors who have done the work. The Education Department has the privilege of using these schools, but the people who have built them are being held up by the Architect-in-Chief's Department. The money has not been passed for these contractors, and therefore the subcontractors have been ignored.

In the case of the Thebarton infant school, the final payments to the contractors were not made until 22 months after completion, and it is no wonder that subcontractors are getting tired and worn out trying to obtain extended credit to enable them to carry on.

Mr. O'Halloran—And they jack the prices up to cover their costs.

Mr. FRANK WALSH—Where are we to get the money for the schools that are scheduled to be occupied by next February? I am wondering whether the officers of the Architect-in-Chief's Department are able to keep pace with the variations and alterations to specifications. I understand that variations and adjustments have amounted to £1,300 on each of the Findon and Salisbury high schools, and that the Architect-in-Chief's Department has offered £380 in each case.

Mr. Ryan—As final settlement?

Mr. FRANK WALSH—Yes, instead of the £1,300 involved in each instance. I am wondering how some of the contractors I have mentioned will fare. It was apparently necessary to change the roof covering on certain sections of the Norwood boys' technical high school, but I did not notice anything in the Loan Estimates to provide for a copper roof on a section of that school. I can only assume that the subcontractors' prices have been inflated, and that probably the reason they are getting so far behind is that they are still waiting for the variations to be decided upon. The line has not yet been passed and maybe the Minister of Works will be able to provide an explanation. Is it any wonder that there is turmoil in the department? I have been poohpoohed by the Government when I have said that it is time the Education Department had its own building division instead of having to

depend on another department. It is time that a halt was called somewhere along the line and we were told just what is to happen. If the Government adopts the policy of selecting a few master builders to do the work the Architect-in-Chief's Department will not be able to control tendering. If the Government will not permit the Education Department to go on with the work, it is time the Governmen and the Architect-in-Chief's Department got together so that work can be done more efficiently and the taxpayers' money saved.

I come now to the important question of zoning of high school students. The Minister of Education is present to defend himself if I say anything wrong about him. I carefully perused the proposals set out in *The Sunday Mail* recently about the attendance of students at the Marion high school. I point out that in addition to this school another school will soon be established in a northerly direction in the West Torrens area. I want to know what will be the measuring stick. Will there still be a barrier between the internal and the external examinations? Will there still be the three-year qualification? I would like to have a reply from the Minister on this matter.

Mr. Ryan—Is it not a system of regimentation?

Mr. FRANK WALSH—Some students who will go to the new school in the West Torrens area will have to pass an already established school. Many of the children going to the Marion high school now have to pass two established schools. Is a benefit to be gained from three years' secondary education? I do not want to interfere with the scheme that provides for the Public Examinations Board setting the examinations. I come now to the fourth and fifth year of study for the Leaving Honors examination. I think the measuring stick should be used for entrance to the University. I hope the Minister will be able to say that the students entering the high schools next year will be given at least three years' education.

I come now to the point raised by Mr. Ryan. The Government has gone out of its way in connection with regimentation. I understand, from protests made on the other side of the House, that the Government has reversed its policy on this matter. If there is no regimentation in the zoning proposals of the Education Department I have miscalculated the position. They show that zoning has taken place for students going to the Marion high school. They will come from as far east as Goodwood Road, and in a westerly direction from a spot just beyond the Morphettville racecourse—the corner of Bray Street and Morphett Road. This zoning has been taken also to the other side of the city. That is the big problem. This year the Government is advancing to the Tramways Trust by loan £55,000. Who is the authority for public transport in this State, and particularly in the metropolitan area? If the Education Department is to continue its system of zoning, it will have to consider just where public transport is available.

I raised my voice often and conducted correspondence about this when we were trying to establish the service between Glenelg and Glen Osmond, which involved many schools. The powers-that-be would not offer any subsidy to keep the buses operating in the interests of the children going to and from school but, when it suited the Government to help the M.T.T. to operate on a subsidized service, no one raised a query.

Mr. Hambour—I did.

Mr. FRANK WALSH—The honourable member was not here.

The ACTING CHAIRMAN—Order!

Mr. FRANK WALSH—In the period I am speaking of the honourable member for Light was not known in Parliamentary life. The Government subsidized the carrying of passengers in those days from the Hyde Park terminus at Cross Road to Prince George Parade, Colonel Light Gardens, and the bus ran along East Parkway but, when it wanted buses to operate on a Sunday morning, it could more than pay for it. Therefore, it is no use the M.T.T. or this Government saying it was not subsidized. The school children must be considered in zoning.

Transport could be made available to take children closer to both present and future high schools. We do not want children undergoing secondary education for at least three years to have to go to school by bicycle or some such means. I am not satisfied that the Education Department has done all it can about zoning. Children coming from Port Noarlunga and beyond to Marion High school are almost delivered to the door of the school, but those in the east, as far as the Goodwood Road, and those at the bottom end of Morphettville behind the racecourse have no public transport to get to the school. Zoning will not work for students in those areas who are doing Leaving Honors. They should not have to travel to Brighton for that. The department should further examine the matter to correct many anomalies arising under its zoning plan.

Public transport is involved in zoning, and is tied up with the £55,000 that is to be lent to the M.T.T. Many times here, and only this afternoon, the Treasurer has indicated to Parliament that the necessary arrangements will be made, and made known, for those in receipt of age and invalid pensions to use M.T.T. buses or the tramway route from Glenelg to Adelaide or the railways when they have to travel for hospital treatment. But what about those people living in the cottage flats in Ascot Park; Tower Terrace, Edwardstown; and St. Marys? Edwardstown is the closest to any public transport. It would be too far for aged people to walk from their cottage homes to the Edwardstown railway station, but a licensed bus passes their doors. The same applies to Wallala Avenue, Ascot Park, where a licensed bus service operates. No other public transport is provided for those people. What sort of treatment will they get compared with the treatment received by those living in an area served by the M.T.T. or the S.A.R.? Why has there to be this discrimination between the people of this country? Why is there an attempt further to divide the people? Why are all people not entitled to the same privileges? It is because of the inability of this Government and the M.T.T. to provide the wherewithal for public transport in the metropolitan area.

Mr. Riches—What about the country?

Mr. FRANK WALSH—Let the honourable member speak for himself; I am speaking about my own area. I understand that the honourable member at least has some railway system. I have heard of a recent dispute over the Electricity Trust not taking some of its employees to work at the Port Augusta power station, but I do not want to be involved in that, They were entitled to receive that service and those people who are paying rent to the Housing Trust in districts where a licensed bus service approved by the trust is operating should receive the same concession. If this Government is unable to provide the necessary hospitals to meet the cases in the country mentioned by my colleague, the member for Stuart, it should provide transport for them.

I come back to the question of the erection of schools and I want an answer from the Minister of Works as well as from the Minister of Education on the matters I have raised. I want the satisfaction of knowing more about this zoning and why school buildings are not being completed, as well as on that important question of where the third year certificate will begin and end. I support the motion.

Mr. LAUCKE (Barossa)—I have pleasure in supporting the motion and at once compliment the Treasurer on his presentation of a well-balanced programme of capital works which will provide the basic structure for the development of both primary and secondary industries. The very comprehensive explanations and wealth of detail relevant to each line given by the Treasurer have been most helpful to the Committee and I am sure is appreciated by all members.

The outstanding feature of the modern economy is the complementary provision of capital assets by the State and by private investors. Capital expenditure for both State and individual must conform to the same basic principles. The private investor who has limited funds at his disposal must be quite sure that his outlay will be remunerative to the extent that interest on borrowed capital will be returned to him together with a margin of profit which will enable him to replace the capital asset by the time it has reached the end of its efficient and economic life. Expenditure from State Loan funds has basically to measure up to a similar acid test, but with certain qualifications as the expenditure here is to provide the essential framework within which private enterprise may function. The return of the State's outlay is indirect and reflected through the industry and economic activity which it engenders and permits. It is the ability to ensure the creation of wealth which permits or qualifies the State's expenditure. The purposeful expenditure of Loan money conforming to what I believe is basic is evidence of this system and is typical of the Government's sound financial policy.

Consider the allocation for the Engineering and Water Supply Department. The amount provided here is £8,150,000, which is the highest of all the estimated payments. Above all things water is indispensable in enabling the creation of wealth. It is the limiting factor in the stock-carrying capacity in rural areas; it is basic to the production of food generally and is indeed the vital limiting factor in industry, and its provision in this State ranks among the most meritorious of the Government's achievements. It has been implied by interjection that the public authority expenditure on capital works, goods and services is socialistic or State Socialism. It is not Socialism, but Liberalism because it encourages in the individual the functioning of that solely constructive progressive and virile system we know as private enterprise.

Mr. O'Halloran—Did you get that definition from the encyclopaedia?

Mr. LAUCKE—It is my own definition formed from personal experience to a large degree. I subscribe most heartily to the reference made some years ago by that greatest of all British statesmen, Sir Winston Churchill. I quote:—

Liberalism has its own history and its own tradition.

Mr. Dunstan—Of what party was he a member then?

Mr. LAUCKE—This was at the time he had gone across to the Liberal Party.

Mr. Dunstan—That is when he was wrong.

Mr. LAUCKE—He continued:—

Socialism has its own formulas and aims. Socialism seeks to pull down wealth. Liberalism seeks to raise up poverty. Socialism would destroy private interests, Liberalism to preserve private interests in the only way in which they can be safely and justly preserved, namely, by reconciling them with public right. Socialism would kill enterprise. Liberalism seeks to build up a minimum standard for the mass. Socialism attacks capital; Liberalism attacks monopoly.

Mr. Loveday—Was he talking about English or Australian Liberalism?

Mr. LAUCKE—Whether it be in England or Australia that is my interpretation of Liberalism and today we are considering the expenditure of public moneys completely in line with Liberal tenets and aspirations. It is expenditure in keeping with public right; the encouragement of private interests, and the building up of living standards for all. Expenditure by public authorities and private investment do not run counter to each other: they are complementary, not antagonistic, one to the other. Collectively they enable us to develop and progress. Private investment in Australia has increased from £380,000,000 in 1948-49 to £823,000,000 five years later in 1953, and for the year 1958 to the record amount of £1,029,000,000. In public authority expenditure the increase has been from £142,000,000 in 1948-49 to £397,000,000 five years later, and in 1957-58 to £479,000,000. Private investment in Australia for capital goods and services is £1,029,000 compared with public expenditure of £479,000,000. Collectively these investments have led to a buoyant and rising national income which has grown from £6,319,000,000 in 1955-56 to £6,650,000,000 in 1956-57 and to £6,838,000,000 to the end of June, 1958.

My constituents appreciate the attention their water supplies received last year and look forward to the propositions contained in these Loan Estimates. The replacement of the previously inadequate Warren trunk main will remove a bottleneck in the supply which has presented a major problem to consumers in the rural areas west of Nuriootpa. Last year £880,000 was spent on laying 7½ miles of the new enlarged main from the Warren to a point near Rowland Flat and a further £1,200,000 is provided for the project this year. I have been impressed with the expedition with which the engineers and workmen have completed the first seven miles of this major trunk main.

Mr. O'Halloran—What will be the financial results of that expenditure?

Mr. LAUCKE—It is difficult to determine what is attributable to the State's economy directly from any given public outlay. For many years the Warren water system, to the point I have referred to, was a paying proposition, but I do not know the actual figures. The income, which will be in the main indirect income to the State's economy, will prove the capital outlay to be a good investment. I pay a tribute to the engineers and men for their good work in completing the magnificent South Para reservoir. I am delighted that the long-suffering Marananga people are at last to have a reticulation scheme as is Freeling and surrounding districts in the coming year. I vividly recall the distress occasioned in that area last summer when there was no water coming through to water sheep and livestock. It struck me forcibly then how important water is. Farmers had plenty of feed but they were on the point of disposing of stock because of lack of water. Water is the qualifying factor in stock-carrying capacity. Last year all the dams were dry and the only water available was from the inadequate system, and we hope that with the improvements envisaged for Freeling this year that situation will not recur.

As the reticulation of the rapidly developing area of Teatree Gully, Modbury, Hope Valley and Highbury is dependent on the completion of the Mannum-Adelaide pipeline, I am very pleased that a contract has been let for the major tunnel at Ansteys Hill, and hope that before long we shall have plans to provide supplies to these areas.

I notice that under "Miscellaneous" £4,000 is allotted for the purchase of land under the Public Parks Act, which authorizes the acquisition of land for the provision of public parks. Section 3 provides that there shall be an advisory committee consisting of the Director of Local Government, the Surveyor-General and

the Town Planner, the first named to be chairman. Under section 4 if the Minister is satisfied that in any area the public parks and open spaces set apart for the inhabitants are insufficient, he may, on the recommendation of the advisory committee, acquire any land to provide public parks, and any such land may be acquired by the Minister either by agreement or compulsorily. I heartily approve the £4,000 on this line and trust that in succeeding years the amount devoted to this purpose will be progressively increased. With this Act on our Statute Book, and the offer of the Government to subsidize councils and corporations in the purchase of land to provide playing fields and open spaces, subject to Government valuation and approval, I believe we shall better cater for the undeniable need for recreational areas whereon active participation in healthy outdoor sport may be undertaken by present and future generations. My optimism in this is enhanced by the knowledge that under the Local Government Act councils may, if they so desire, strike a special rate for providing parks and playing areas. I hope that the scheme which was reported upon in this morning's press to the effect that the St. Peters Corporation is planning to provide a new recreational area will come to fruition and show the way for action by other councils.

I wish to refer to one other matter, on which there could be recourse to the Government for financial assistance or for the provision of mechanical equipment. I am loth to seek Government assistance unless the matter for which assistance is sought is beyond the capacity or means of the individual or local governing authority. This matter concerns the growth of cumbungi in water courses in the northern part of my electorate. The two main species of this weed present are the bulrush (*typha augustifolia*) and the common reed or cane grass (*phragimitis communis*). These weeds are clogging the water courses and collecting silt as flood waters come down what are actually floodwater drains. Further growth of rushes and further silting result; and the stage is reached where the watercourses can no longer cope with the volume of water seeking an outlet, and where there is a real danger of flooding of nearby lands. This condition applies at Greenock and also at the nearby town of Nuriootpa, in the electorate of my colleague, the Speaker. The Greenock Creek and the North Para at Nuriootpa are no longer providing a clear get-away for floodwaters, and the flooding of both towns is not just a possibility.

Mr. Jennings—Could not these weeds be used to prevent soil erosion in other places?

Mr. LAUCKE—They could possibly be used under certain conditions in hilly areas to arrest further erosion. Stock eat these weeds and they may have some food value, but in watercourses they are a source of major concern to the inhabitants of Greenock and Nuriootpa. This matter is one which worries me, my colleague (Mr. Speaker), and the citizens of these two towns, and it could well be a matter for Government financial assistance. The cost would be beyond the means of landholders. I am told that it would cost about £300 a mile to eradicate these weeds from creeks with chemical treatment. The control of these weeds is not within the ambit of the Weeds Act. Therefore, there is no authority to enforce eradication by landholders.

I agree with the tribute paid by Mr. Hambour yesterday to the excellent work being done by the Electricity Trust in rural areas. Of the 12,800 new consumers in the last 12 months, 7,300 were in rural areas. The trust is providing wonderful service in the country and I join with Mr. Hambour in commending its work.

Mr. Riches—Do you think it equals the efforts of private enterprise?

Mr. LAUCKE—I think it is providing the basic framework which is necessary in any community. I appreciate its good work. In conclusion I will quote the words of Artemus Ward which I think are relevant to the motion before the House and may put members in the right frame of mind to accept it:—

Let us all be happy and live within our means even if we have to borrow the money to do it with.

I support the motion.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 5.55 p.m. the House adjourned until Thursday, August 20, at 2 p.m.