HOUSE OF ASSEMBLY.

Wednesday, August 26, 1959.

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

QUESTIONS.

STUART ROYAL COMMISSION.

Mr. O'HALLORAN—Although the Opposition is not abandoning the original request that a full inquiry be held into the Stuart case, or reflecting on the conduct of the inquiry up to now, it is concerned with the unfortunate prisoner, and desires that at the earliest possible moment the fullest opportunity be taken to prove him either innocent or guilty of the crime beyond any doubt whatever. In view of the difficulties that have occurred concerning the sittings of the Royal Commission, which apparently have caused a serious hold-up, can the Premier say whether the Government will refer the case to the Full Court under section 369 of the Criminal Law Consolidation Act?

The Hon. Sir THOMAS PLAYFORD—Actually, the Government considered that action before it decided upon a Royal Commission, but it is advised that a reference of that description to the court which would be in the nature of a trial, would preclude from investigation many matters necessary to be investigated. The Royal Commission does, in point of fact, give an opportunity of getting a very much wider investigation than a reference such as that described by the Leader; therefore the Government decided upon a Royal Commission. The Leader's question gives me an opportunity which I would have asked for in any event, and I now ask leave of the House to place before members certain matters which arose this morning in connection with this matter.

Leave granted.

The Hon. Sir THOMAS PLAYFORD—This morning I received a letter from the President of the Law Society as follows:—

I was very surprised to read the press report of your statement in Parliament yesterday concerning the Stuart case. The statement is not correct and I ask you to read this letter today in Parliament. What I specifically deny—quoting from the proof copy of your remarks—is: "The suggestion emanated from the Law Society that if the Government would be prepared to drop the third term of reference in the inquiry there would be no difficulty then in counsel being available for a speedy resumption of the hearing." In further elaboration I enclose herewith a long letter containing a full statement of the facts relevant to the subject of your statement. It is necessarily rather long, and you may or may not wish to read it to the House. You are at liberty to do so, but if by reason of its length you feel it is not practicable, I ask that you have it laid on the table of the House so that all who are interested may peruse it.

The letter is as follows:—

Dear Mr. Premier,

I was very surprised to read your statement to Parliament made yesterday concerning the Stuart case. This statement insofar as it relates to the Law Society is inaccurate and misleading. In addition to that it involves (though very inaccurate as to its contents) the disclosure of a conversation between Mr. Brazel, Q.C., and myself which was expressly agreed between us at the beginning of the converation to be confidential. The facts of the matter you discussed yesterday insofar as they concern the Law Society are these: When Mr. Shand, Q.C., and his juniors left the Commission Mr. Brazel, Q.C., as counsel appointed to assist the Commission telephoned me in my capacity as President of the Law Society. He told me it had been suggested by the Commission that the Society appoint someone to represent Stuart. I, of course, have no authority to do any such appointing, and I agreed to call a meeting of the appropriate committee immediately to consider the matter. I called a combined meeting of the Executive and the Poor Persons' Legal Aid Committees. We were unable to reach any conclusion at that meeting as to what assistance we could provide because it was not known whether or not Miss Devaney was still acting for Stuart. It was known that she had, apparently on the advice of her leader, Mr. Shand, left the Commission, but that of course did not in any way indicate that she was not continuing to act for Stuart. Early this morning, namely, Saturday, the subject to which you referred yesterday in Parliament was first raised by me with Mr. Brazel. I am the only one who had any negotiations at all with Mr. Brazel. I telephoned Mr. Brazel and said I wished to have a talk with him confidentially so that I could have something definite to put before the council meeting which would be held on Monday. This was agreed. I told Mr. Brazel that as I saw it, the inquiry was dealing with two matters, namely, the fate of Stuart on the one hand and the conduct of the case by Mr. O'Sullivan on the other hand. I said that in this I was relying on press reports and that the fact was that I had not even read the terms of reference. I said that as far as I was concerned I was prepared to do anything I reasonably could with regard to the first matter, but I thought that the second matter was quite wrong in principle and that I did not approve of it. I also said that the Society could clearly do nothing in any event, whatever might be the terms of reference, unless it transpired that Miss Devaney was no longer acting for Stuart. No-one can over-ride the relationship which exists between solicitor and client. I said also that whether she was so acting or not, I personally did not think the Society would "take any part in an inquiry which may be designed in some way to pillory one of its members after he had done a few thousand pounds worth of free work for the Government."

I put it to Mr. Brazel quite clearly that I had no power to bind the Society but that as President and therefore chairman of the meeting which would be held on Monday I wanted to clarify the issues to be put before the meeting which alone could decide. I indicated that there was great difficulty in any event attached to the assignment of any counsel at that late stage of the inquiry as I understood that several hundred pages of transcript of evidence and discussion were already in existence. I mentioned that Dr. Bray and Mr. C. H. Bright were already in the inquiry and acting on behalf of Mr. O'Sullivan and that they would presumably have the transcript up to date and be familiar with all the facts and that if anyone was to be assigned and if they were available for the task they would obviously be suitable persons. But I pointed out that they would not be able to represent both Mr. O'Sullivan and Stuart because of the fact that Mr. O'Sullivan would not be at liberty to give any evidence or to say anything which might involve a breach of the professional privilege which he owed to Stuart.

There would be a clear conflict of interests if they were asked to act for both. But I said that if the inquiry was directed to the only thing which I thought was of any public interest and to the only thing which I thought it was proper to inquire into, namely, the fate of Stuart, I believe these two counsel would be available if the Society chose to ask them to act. It was made perfectly clear throughout that:—

1. The Society had reached no decision of any kind on the matter.
2. I was merely endeavouring to clarify the position to put before the Council at a meeting to be held on the following Monday.
3. That in any event it would not be possible for the Society to make any appointment if Miss Devaney was still acting for Stuart.
4. That I thought the Society would be unlikely to take any part in any event in an inquiry which was being asked to challenge the independence of Counsel and which would put Counsel in a position in which he may by reason of a client's claim of privilege be attacked on matters and prevented by the law from saying anything.
5. It was made clear at all times that I was merely endeavouring to do what I conceived to be the Chairman's duty to do, namely get the propositions properly defined so that they could be considered by the meeting. With this end in view I asked Mr. Brazel to discuss the matter with you and let me have a decision before the meeting.

I think you will agree in these circumstances that your statement which implied that the Law Society was trying to drive some sort of a bargain with the Government as to the terms of reference and that the Law Society would in effect be quite prepared to override all other matters of principle which stood in the way is definitely not correct. Furthermore, I think it unfortunate that the conversation should be repeated in Parliament, whether it be repeated correctly or incorrectly, especially when it was merely part of a confidential negotiation directed to the sole end of doing anything which I felt I could fairly and properly do towards helping both the Government and the Commission out of a difficult situation in which they find themselves.

I wish to emphasize that in just the same way as my conversations with Mr. Brazel were my own and not the Law Society's, which had not had the opportunity of considering them, so also is this letter my own.

That letter was signed by Mr. Travers, Q.C. So that members may have the facts of the matter fully before them, I will also read a document which I have until now regarded as confidential, and which is a report to me of the negotiations that Mr. Brazel had in connection with the matter. This document was in my hands long before the statement was made to Parliament and consequently is not to be considered in any way as an answer to the statement by Mr. Travers this morning. It was given to me on August 24 and at the time it was emphasized that the conversation between Mr. Brazel and Mr. Travers was to be regarded as confidential. **Mr. Brazel did not disclose to** me an open letter, but a confidential statement. It was dated August 21, 1959 and was as follows:—

(*a*) Immediately on my return from the Supreme Court after the Commission adjourned, I spoke to the President of the Law Society (Mr. Travers, Q.C.) by telephone. The conversation was lengthy, extending over at least 20 minutes. I told Mr. Travers of the statement made by Mr. Shand, Q.C., and the subsequent withdrawal of Stuart's advisers. The circumstances of Mr. Shand's withdrawal and the events leading to it were fully canvassed. I asked for the assistance of the Law Society in having new counsel assigned to Stuart and I expressed the hope that something be done as quickly as possible because it was most desirable for the sittings of the Commission to be resumed promptly. While the subject was not expressly mentioned, the tenor of our conversation was such that Mr. Travers and I both assumed that Mr. O'Sullivan and Miss Devaney had been acting for Stuart pursuant to an assignment under the Poor Persons Legal Assistance Scheme. Mr. Travers promised to call a meeting of the Law Society's Executive Committee later in the day to discuss the situation.

(*b*) Upon my return to my chambers after luncheon I was told that Mr. Chamberlain, Q.C. had called to inform me of the Government's offer to pay the fees of any counsel briefed to appear for Stuart during the future sittings of the Commission. I immediately spoke to Mr. Travers (who left a meeting of the Executive to speak to me) and told him of the Government's offer.

(*c*) Mr. Travers spoke to me by telephone later in the afternoon and he informed me—

(1) The Executive had tried without success to find either Mr. O'Sullivan or Miss Devaney from whom the Executive desired to know whether the practitioners regarded themselves as still acting for Stuart.

(2) Until the relationship between the practitioners and Stuart was clarified, the Society was scarcely able to ask any counsel to appear.

(3) If the Society was free to approach counsel, it would do so as soon as it knew that Stuart's solicitors had terminated their retainer.

Saturday, 22nd August, 1959.

(*a*) Mr. Travers spoke to me by telephone during the morning to say that, after his last conversation with me yesterday, further consideration had been given to the matter by the Executive. It was felt that, if Dr. Bray, Q.C., and Mr. Bright were free to act for Stuart, it would lead to expedition because, as Mr. O'Sullivan's counsel, they were already familiar with the facts. However, he added, Dr. Bray and Mr. Bright felt there could easily be a conflict between the interests of Mr. O'Sullivan and those of Stuart, and, accordingly, while Mr. O'Sullivan remained a material witness Dr. Bray and Mr. Bright could not accept a brief for Stuart. Mr. Travers asked whether I would discuss with the Premier the possibility of amending the terms of reference by eliminating term 3 and thus render Mr. O'Sullivan's testimony unnecessary. Mr. Travers elaborated the reasons why the Executive of the Society desired this proposal to be considered by the Government. He added that it was still not known whether Mr. O'Sullivan and Miss Devaney regarded themselves as continuing to sit for Stuart.

(*b*) After dinner, I spoke by telephone to Mr. O'Sullivan to ask whether he and his partner were still acting for Stuart. He said he was unable to give me an answer to that question but added "we stand behind what Shand said." I then pointed out that Mr. Shand in announcing his "withdrawal" from the Commission had included the instructing solicitors in his announcement and if he (Mr. Shand) spoke with the authority of the solicitors, they must be taken to have terminated their retainer. Mr. O'Sullivan rejoined by saying that he and his partner were greatly concerned for Stuart who had been seen again that morning by Miss Devaney who had tried, with the aid of Father Dixon, to explain the present state of affairs to Stuart. I gather Stuart said "I leave it to you," signifying, according to Mr. O'Sullivan's impression, his desire for their continued advice. I tried to make it clear to Mr. O'Sullivan that, if he was acting for Stuart, it was his duty to inform his client of the Government's offer and let someone know as quickly as possible what counsel should be briefed. Mr. O'Sullivan repeated his concern over Stuart's position and I asked how soon Mr. O'Sullivan could let me know definitely whether he was or was not acting for Stuart. This he promised to do by "Monday night."

Sunday, 23rd August, 1959.

Mr. Travers spoke to me by telephone to say that a number of members of the Law Society Council had spoken to him during the last 24 hours. As a result, he wished to make these points:

(1) There had been for some time a growing concern in the profession over the burdens imposed upon lawyers as a result of the numerous, and often heavy, assignments under the Poor Persons Legal Assistance Scheme.

(2) This feeling had now reached a climax, because it was felt by many that Mr. O'Sullivan, who had given a great deal of time to the defence of Stuart, was now to receive as his reward a public cross-examination upon the propriety of his conduct of the defence and the skill (or lack of it) with which he presented it.

(3) Although no resolution had been passed on the subject, he (Mr. Travers) felt he could speak for the Society and its members and say that it would not be fair to Mr. O'Sullivan for him to be placed in that position.

(4) It seemed to Mr. Travers that, at this stage of the business, nothing really turned upon whether the "fresh evidence" should or could have been discovered by Mr. O'Sullivan did not produce any of this evidence to the jury. The Government's object in appointing the Commission would surely be adequately served by an examination of this and other relevant evidence and a conclusion being reached as to whether a doubt was raised upon Stuart's guilt.

Mr. Travers concluded by reiterating his request of the previous day that the Government be asked to eliminate term 3 from the terms of reference and thus render it unnecessary for Mr. O'Sullivan to testify. This would enable Dr. Bray and Mr. Bright to appear for Stuart.

I then told Mr. Travers of my talk with Mr. O'Sullivan and pointed out that, if Mr. O'Sullivan was still acting for Stuart, I did not see how the society could very well offer him counsel except upon the advice and with the approval of Stuart's own solicitor. Mr. Travers said he recognized the force of this suggestion but nevertheless asked that his request be put to the Government which I promised to do.

There are two things that I would like to add to these documents. The first is that before I made my statement in this House yesterday I anticipated that members would be anxious to know the position, and I had cleared my statement with Mr. Brazel in the presence of the Crown Solicitor before I made it. I make it quite clear that there was no breach of trust between myself and Mr. Brazel in informing members of the position yesterday. Secondly, I have cleared both communications with Mr. Travers and Mr. Brazel before submitting them here this afternoon; they have both concurred

in the tabling of the papers. Mr. Brazel does not know what is contained in Mr. Travers' statement, but I told Mr. Travers what was in Mr. Brazel's statement and they both concurred in the tabling of the documents.

In the correspondence I have read it has been assumed that there may be, in connection with the term of reference No. 3, a desire on the part of the Government for a heresy hunt into the conduct of the original case. Let me make it clear that my instructions to the Crown Solicitor, who was representing me at the inquiry, were very explicit and were that we were most anxious to find out the truth about the events that happened at Thevenard and that that was the sole purpose of the Commission. The Commission, to get the truth of the case, may have to call certain witnesses, but it is not in the nature of a heresy hunt in any way.

VETERINARY SURGEONS.

Mr. HAMBOUR—Can the Minister of Agriculture say how many veterinary surgeons are operating in this State and where they operate?

The Hon. D. N. BROOKMAN—I have a list of the number of veterinary surgeons operating in South Australia. They consist of three groups—veterinary surgeons, veterinary practitioners and permit holders. The list is too long to read to the House but I will make it available to the honourable member.

INSPECTION OF SCHOOL BUILDINGS.

Mr. FRANK WALSH—Can the Minister of Works say whether a final inspection has been made of the Findon high school and whether there is any dispute between the contractor for that school and the Architect-in-Chief's Department on certain extras involved in that school and the Salisbury high school?

The Hon. G. G. PEARSON—I will obtain a report for the honourable member tomorrow.

TEACHING OF ENGLISH.

Mr. COUMBE—In yesterday's *News*, under the heading "Board Attacks Exam Standards—Intermediate 'bad' ", appeared the following article:—

Large classes and ineffectual teaching may have been responsible for further deterioration in Intermediate English standards, say South Australian Public Examinations Board examiners. This was revealed in the 1959 manual of the board, released today. Intermediate examination examiners reported that there were not as many credit papers as usual and there was an increasing number of candidates with marks barely above pass level. Commenting on deterioration in standards, examiners said: "Large classes and ineffectual teaching may have something to do with it, as may also the failure to read enough, or the vulgarity of some aspects of life today."

I believe that is a reflection on some aspects of teaching and, as I am concerned in this matter—as I know the Minister of Education is—I would like him to comment on this statement.

The Hon. B. PATTINSON—Yesterday I also read in the *News*, under the huge heading of "Board Attacks Exam Standards," a report contained in the 1959 manual of the Public Examinations Board that there had been a further deterioration in Intermediate English standards. There followed detailed derogatory criticism by the board's examiners. It may be of interest to members and the public to know that the Public Examinations Board consists of 24 members, eight of whom are appointed by the University, eight of whom represent the Education Department schools, and eight of whom represent independent colleges and schools. The eight representatives of the University are professors, including the professor of English (Professor C. J. Horne). The eight representing departmental schools are the Director and Deputy Director of Education, the Superintendent and Assistant Superintendent of High Schools, the Superintendent of Technical High Schools, a woman inspector of secondary schools and the principals of two of our leading high schools—the Adelaide boys high school and the Brighton high school. The other eight are all headmasters and headmistresses of our leading independent colleges and schools. Therefore, if the complaints as reported in the *News* are made by members of the Public Examinations Board, or with its authority and approval, it may be that some remedies lie in their own hands. One might be tempted to retort, "Physicians, heal thyselves!" Nearly five years ago I had the temerity to accept an invitation to officially open a refresher course in English at the Adelaide University attended by leading teachers of English from both independent colleges and departmental schools. The *Advertiser* of December 14, 1954, published a summary of my opening remarks under the heading "Language Decline Deplored," as follows:—

Knowledge and use of the English language, and diction generally, had seriously declined, the Minister of Education (Mr. Pattinson) said yesterday. He was opening a refresher course in English at the University of Adelaide. The course is being held this week in an effort to find the causes of the decline and suggest a remedy. Mr. Pattinson said that

the decline was particularly noticeable in the Intermediate examinations, for which English was a compulsory subject. Ten years ago 83 per cent of the students passed in the English examination, compared with 73 per cent last year.

Of those who passed in four or five subjects, nearly 10 per cent had failed in English. Mr. Pattinson suggested that perhaps teachers should return to the old method of giving students a thorough grounding in grammar, spelling and parsing. The decline was apparent not only in schools he had inspected, but also at University level, and among adults, he said. The Professor of English at the University of Adelaide (Professor A. N. Jeffares) last night agreed with Mr. Pattinson. "The same decline is noticeable in other English-speaking parts of the world," said Professor Jeffares.

The principals of several departmental high schools strongly supported my views, which were also supported in a subleader of the *News* of the next day, but some of the teachers—and even the heads—of our leading independent colleges strongly criticized them and said they were derogatory and archaic, and several words to that effect, and that we should allow the students much more freedom, imagination, poetical licence, and words to that effect. I was somewhat heartened yesterday to hear my friend, the member for Gawler, with his long experience in the Education Department, voicing the very remarks that I had made in my ignorance as an untutored layman in the very citadel of learning at the Adelaide University almost five years ago.

HOUSING TRUST FLATS.

Mr. HUTCHENS—Has the Premier a reply to the question I asked on August 10 concerning the building of flats by the Housing Trust in co-operation with the Hindmarsh council?

The Hon. Sir THOMAS PLAYFORD—Yes. I have received the following report from the chairman of the Housing Trust:—

The South Australian Housing Trust erects flats in any suitable locality in which it is able to purchase land. It is likely that most areas occupied by substandard cottages in the Bowden and Brompton areas would, in the event of the cottages being demolished, be more suited for industrial development than for use as flat sites. If, however, the Hindmarsh corporation were to suggest to the trust any likely flat site which is situated in a locality suitable for flats, the trust would, of course, investigate the suggestion.

RAILWAY REFRESHMENT ROOMS.

Mrs. STEELE—I believe that certain negotiations took place between the Minister of Railways and a caterer with a view to leasing the railway refreshment rooms. Can the Premier say whether these negotiations were successful or whether they are still in progress?

The Hon. Sir THOMAS PLAYFORD—This suggestion was made some time ago by the member for Light, Mr. Hambour, and certain investigations arose from it, but up to the present time, so far as I know, no decision has been reached. It is being examined and a considerable amount of work has been done upon it.

ONKAPARINGA VALLEY WATER SCHEME.

Mr. SHANNON—Has the Minister of Works further information concerning reticulation of various towns along the route of the main now nearing completion in the Onkaparinga Valley Water Scheme?

The Hon. G. G. PEARSON—Yesterday I undertook to obtain a report on the general progress of the Onkaparinga Valley scheme, with particular reference to Mount Barker. On July 28 last I did give a report, which, at that time, was up-to-date, on the general progress of the scheme, and I refer the honourable member to that because as little time has elapsed since then that report to all intents and purposes is still up-to-date. In respect of the second part of his question, within the next few weeks it will be possible to transfer the Mount Barker supply to the Onkaparinga Valley Scheme. However, in view of the record dry winter and the almost complete lack of intakes into the storage reservoirs, it is considered that the bores from which Mount Barker has obtained its supply in past years should be continued and arrangements have been made to continue the use of the bores during the coming summer. If the demand in the township exceeds the capacity of the bores, the supply to it can be supplemented from the Onkaparinga Valley Scheme.

WAGES BOARD MEMBERS' FEES.

Mr. FRED WALSH—About three weeks ago I asked the Premier whether he would secure a report about increasing the fees for members of industrial wages boards. Has he a reply?

The Hon. Sir THOMAS PLAYFORD—Yes, but the Government does not propose to increase the payments. The Secretary for Labour and Industry reports as follows:—

Mr. Fred Walsh, M.P., asked in the House of Assembly on July 30, 1959, if consideration would be given to reviewing fees paid to members of Industrial Boards. The fees for chairmen and members of Industrial Boards are prescribed by regulation under the Industrial

Code. The present fees which were fixed in 1955 are:—

Chairman: A retaining fee of £10 per annum for each board and an attendance fee of £1 5s. for each meeting of the board provided that any chairman shall receive in total a remuneration of at least £2 2s. a meeting during each financial year.

Members: £1 per meeting.

This is the third request which has been made for a review of these fees since 1955. In considering the present fees for Chairmen, I would point out that the attached statement indicates that the lowest average fee per meeting to any chairman during the year ended June 30, 1959, was £3 14s. 1d. I feel that the work involved and the responsibility undertaken by the chairmen warrants a higher remuneration than £2 2s. per meeting which is guaranteed to them. However, the average fee which has been paid to the chairmen in the last two years does not indicate that the amount which they are actually receiving needs any review at present. Should the average fee per meeting fall below £3 3s. then I will suggest that the regulation be altered. There does not appear to be any need to take action at this stage.

Mr. Fred Walsh suggests that the fees for members should be increased in the light of the increased basic wage and last year pointed out that the fee paid to members in 1932 (when the basic wage was £3 9s. per week) was 7s. 6d. per meeting. There is no doubt that the fee paid to members of Industrial Boards has not kept pace with the decreasing purchasing power of money but as the Public Service Commissioner pointed out last year (when reporting on this matter) meetings of Industrial Boards are now usually held outside of normal office hours and most meetings do not last for more than an hour. Twenty years ago it was, I understand, the practice for many meetings to be held in the evenings for a duration of from two to three hours. In recent years the trend has been away from evening meetings to late afternoon for approximately one to one and a half hours duration. I do not consider that there is any reason to review the fees for Industrial Board members because the basic wage has increased. Also it should not be overlooked that all members of Industrial Boards represent either the employers or the employees, and they adopt a strongly partisan attitude on the Boards. In some respects, therefore, there would be justification for not paying members a fee at all. An increase of 5s. per meeting would cost approximately £500 per annum based on the number of meetings held last financial year. I do not recommend that any alteration should be made to the present scale of fees.

PORT PIRIE WHARVES.

Mr. McKEE—No doubt the member for Onkaparinga, as Chairman of the Public Works Committee, is aware of the urgent need for repairs to the Port Pirie wharves. As this work has been under consideration for a long time, can the Chairman of the Committee say what progress has been made?

Mr. SHANNON (Chairman, Public Works Standing Committee)—The question of the reconstruction of the inner harbour at Port Pirie was referred to the Committee in April this year, so the Committee has not had that matter before it very long. Certain considerations have arisen which are important for Port Pirie. They relate to the type of reconstruction of the wharves and the use to which the wharves will be put by the people who are perhaps more responsible for keeping Port Pirie where it is than anyone else. I refer, of course, to the Broken Hill Proprietary Company and the Broken Hill Associated Smelters. The proposals put forward by the companies are now before the harbour authorities, and my Committee is waiting for the harbour authorities to say whether all or any of the proposals made by the companies can be adopted, and in effect to decide the final plans for the reconstruction of the harbour. Other factors are involved, including the question of the removal of the railway line from Ellen Street, which is very desirable from Port Pirie's point of view. That matter is a little complicated. The Premier answered a question recently about the standardization of our northern railway system. There are now three gauges in Port Pirie, which makes it very difficult. These are factors we are hoping will be ironed out.

Mr. Riches—You are not going to wait until the question of standardization is decided?

Mr. SHANNON—No, I think we will have to resolve our railway problem on the assumption that there will be three gauges there. This matter complicates the planning, and the Railways Department and the Harbors Board must finally come to some agreement. There is now a proposal to install bulk handling for the shipment of wheat at Port Pirie. That project was put before us only fairly recently, and the Committee has not yet taken any evidence upon it. The Committee has to wait until the appropriate authority tells us what it is planning in that matter, and it is not in a position at this stage even to tell the House when it will be ready to report to Parliament. Many factors over which we have no control have to be taken into account, and I would not like to promise the honourable member that we can bring in an early report on the project he specifically asked about.

JERVOIS BRIDGE.

Mr. TAPPING—On August 18 I asked the Minister of Works a question regarding the condition of the Jervois Bridge, and I understand the Minister now has a reply.

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

The timber section at the western end of Jervois Bridge consists of timber piles, bracing, cross heads, girders and decking. It is over 80 years old and all of the timber is in varying stages of deterioration. While a sudden complete collapse which would endanger traffic is most unlikely in the immediate future, partial failure could require very considerable costly rebuilding of this section which is part of a structure the whole of which is near the end of its economic life. The replacement of the bridge is at present under consideration.

FIRES IN TEMPORARY HOMES.

Mr. LAWN—Has the Treasurer a reply to the question I asked last week concerning the earthing of all power points in homes?

The Hon. Sir THOMAS PLAYFORD—The Assistant Manager of the Electricity Trust (Mr. Huddleston) has furnished me with the following report:—

The Electricity Trust in common with other electricity supply authorities adopts the wiring rules of the Standards Association of Australia. Since 1955 these rules have provided that where three-pin plug sockets are installed in domestic premises the third pin must be effectively earthed and that in earthed situations (for example, kitchens, laundries, concrete floors, etc.), three-pin plugs with the third pin effectively earthed must be used exclusively. The rules would thus permit two-pin plugs to be used in unearthed situations, but since this would cause inconvenience in moving appliances from one room to another, the general effect of the present rule is that all plug sockets in domestic premises must be earthed.

PUBLIC SOLICITOR.

Mr. RICHES—I think the letter from the Law Society that the Premier read today expressed concern at the amount of work which it is being asked to undertake under the present arrangement with the Government. Can the Premier say whether I am right in that assumption and, if so, will the Government consider the appointment of a public solicitor for South Australia, similar to the arrangement that operated before the present agreement with the Law Society?

The Hon. Sir THOMAS PLAYFORD—If the honourable member looks at the correspondence that I read for members to study he will see that the suggestion made by the honourable member arises in the report of the conversation between Mr. Brazel and Mr. Travers. As far as I know, the Attorney-General has not had a communication from the Law Society requesting an alteration, but I will have the matter examined to see if it is necessary to take any action.

BOAT SAFETY.

Mr. BYWATERS—The following is an extract from an article in yesterday's *News* under the heading "Boat Safety To Be Discussed":—

Representatives of the S.A. Harbors Board, police, boat builders, vendors and owners have been asked to attend a conference this week to discuss safety in small boats. The conference has been arranged by the Municipal Association. Discussions will centre on the desirability of some control over the design of small boats and carrying of safety equipment. Control over small boats, as a means to prevent boating tragedies, has been discussed several times by the Municipal Association. Henley and Grange council originally proposed controls which would make compulsory the equipping of small boats with lifebelts and flares.

Some time ago I raised this matter in the House and made a similar suggestion. Has the Premier any knowledge of this committee being formed and what would be the Government's reaction on a request for necessary legislation to carry out its wishes?

The Hon. Sir THOMAS PLAYFORD—Experience has shown that it is difficult to police legislation of this description. A craft that may be licensed to carry a small number of people would be unsafe if two or three more were added to it. That problem always arises. The Government has considered the matter and would be prepared to alter the Local Government Act to enable a council to pass a by-law to operate in its area if such a request came from an authoritative local government source, that is, if the authority desired to take action in the matter and passed a by-law to control its own area.

AROONA RESERVOIR.

Mr. O'HALLORAN—Can the Minister of Works say whether, as a result of the beneficial but rather patchy rains that have fallen in the northern and north-eastern parts of the State in the last two days, there has been any worthwhile intake in the Aroona reservoir in order to augment the Leigh Creek water supply?

The Hon. G. G. PEARSON—As I have not received a report from the Engineer-in-Chief I am unable to answer the question. I will get the information tomorrow.

ATOMIC POWER STATIONS.

Mr. JENKINS—The following is an extract from this morning's *Advertiser* under the heading "A-Power Stations 'begin in 60's'":—

The S.A. Government has under examination proposals for establishing atomic power stations in S.A.

Has the Premier anything to tell the House regarding the proposals?

The Hon. Sir THOMAS PLAYFORD—Some time ago official authorities from Great Britain placed before the South Australian Government information about the cost of generating electricity. The costs were not analysed by us but they showed a great improvement on any previous costs quoted, and I arranged with the chairman of the Electricity Trust, through the Australian Atomic Energy Commission and the British Atomic Energy Commission, for two trust officers to be given the opportunity of working in one of the more modern atomic stations in Great Britain so that we would have the latest knowledge of all the advantages and disadvantages of the new form of power. One officer is already in Great Britain and the other has been selected to go. We are now awaiting the final clearance for him. No decision has been made, nor is it likely that there will be a decision regarding the establishment of plant in South Australia for some time ahead. We are now fully engrossed in a large construction programme at the Port Augusta power station and the building of an atomic station must obviously wait until that is completed.

BUILDING NEAR AIRPORT.

Mr. FRED WALSH—Has the Premier obtained a reply about land belonging to the Housing Trust south of West Beach Road, following on a statement by the Department of Civil Aviation?

The Hon. Sir THOMAS PLAYFORD—The South Australian Housing Trust owns about 170 acres of land to the north-west of the Adelaide airport and some time ago commenced building on the land. After building had commenced the Civil Aviation Department approached the trust with a view to leaving free of buildings a strip of land extending beyond the end of one runway. The department does not desire to extend the runway itself but states that, in view of the noise and vibration and other effects likely to occur when the particular runway is used by jet aircraft, building on the strip of land would be undesirable. So far the department has not been specific as to what it considers should be done and, accordingly, negotiations between the department and the trust are at a preliminary stage.

HEATHFIELD SECONDARY SCHOOL.

Mr. SHANNON—People in the Mount Lofty area are restive about the apparent slow progress being made in the acquisition of the Heathfield reserve for the establishment of a secondary school thereon. Can the Minister of Education give any information about the negotiations with the various parties and say whether finality for the building of the school will be reached without much delay?

The Hon. B. PATTINSON—When the honourable member asked me a similar question last year I informed him that senior officers of the Education Department had inspected several possible sites for the high school in the Heathfield district. Later the Director of Education and I met the honourable member with the Chairman (Mr. A. L. Vincent) and the District Clerk (Mr. A. D. McClure) of the Stirling District Council, the Secretary of the Hills District Public School Committees Association (Mr. J. Thompson), and other interested parties, and inspected the sites. We were unanimous that the portion of the Heathfield Reserve mentioned by the honourable member was the best. I agreed then that, if a clear title to this land were offered to me as Minister of Education for the purpose of establishing a high school, I would accept it, and the Director of Education concurred. I stated that I was still ready and willing to accept the transfer for that purpose, and this statement stands today.

In the meantime discussions have taken place between the Crown Solicitor and the legal representatives of the District Council of Stirling and the Heathfield Community Centre, who claim to have an interest in the land or portion of it. Recently, at a conference with me, it was stated that if the school buildings could be so sited that they did not encroach upon the oval and its surroundings it appeared that all parties concerned could quickly come to a satisfactory agreement. It was agreed that a proper survey of the whole area would be made as soon as possible so that the boundaries of the various areas and suggested position of the school buildings could be accurately shown.

As neither the Architect-in-Chief's surveyors nor the Lands Department surveyors were able to undertake the work my colleague, the Minister of Works, approved of the job being let out

to a private surveying firm. Accordingly, the Architect-in-Chief wrote to this firm enclosing a plan that indicated the portion of the reserve at Heathfield under consideration for the school site. They were asked in the first instance to provide a survey to establish the position of the surveyed road boundaries adjoining this land and a detailed survey with levels. They were also asked for a plan of this area showing the position of the existing buildings, the limits of the existing arena, the existing road and the surveyed boundaries. On the basis of this plan the limits of the area required for the high school would be decided.

I hope this matter will be quickly and satisfactorily concluded. I regret the long delay, which is due to circumstances over which I have little or no control. I am anxious to have a high school or, if it is preferred, a technical high school erected in the Heathfield district as soon as possible. If I cannot secure the reserve site I am prepared to consider any other suitable area of level or reasonably level land in the district at a reasonable price.

STANDARD ROAD SIGNS.

Mr. FRANK WALSH—Has the Premier received any information from the chairman of the State Traffic Committee concerning the revised code for road signs prepared by the Standards Association of Australia?

The Hon. Sir THOMAS PLAYFORD—Yes, the chairman of the State Traffic Committee (Mr. Millhouse) has reported that the State Traffic Committee has not had referred to it the question of the adoption of the revised code for road signs prepared by the Standards Association of Australia. From information the Committee has received it is understood that the Standards Association will not issue its revised code until next March.

DRIVING LICENCES.

Mr. TAPPING—Some months ago I asked the Premier a question relating to physically unsound people driving motor cars in this State. Has he a reply?

The Hon. Sir THOMAS PLAYFORD—Mr. Millhouse, the Chairman of the State Traffic Committee, has reported as follows:—

The State Traffic Committee has considered the question of persons possessing physical disabilities being permitted to drive motor vehicles. It is felt that in almost all cases where a person suffers from some major disability, such as the loss of an arm or a leg, this fact is made known when application is made for a licence or renewal of a licence. However, there may be cases where disabilities of a more or less serious nature are not disclosed either because the person concerned is not fully aware of the seriousness of them, or is unwilling to disclose them in case he may be deprived of the right to drive. Short of a compulsory driving test the committee can offer no solution to the question. It accordingly recommends that no action be taken on the matters raised by Mr. Tapping.

The Parliamentary Draftsman, to whom this matter was referred, stated:—

I agree with the chairman's recommendation. In any case, a driving test would not necessarily disclose a disability.

ELECTORAL BOUNDARIES AND REPRESENTATION.

Adjourned debate on the motion of Mr. O'HALLORAN:—

That in the opinion of this House a Royal Commission 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.

(Continued from August 19. Page 501.)

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I have not had much time to examine this motion because, as members know, since it was raised there has been a fairly heavy programme of various activities that have taken my attention. Consequently, I cannot quote statistics and other useful information I should have liked to cite.

Mr. O'Halloran—I provided them last week.

The Hon. Sir THOMAS PLAYFORD—If I had had sufficient time I should have liked to do some research to provide the Leader with one or two sets of figures, particularly relating to one aspect. However, after having another look at the motion, I must admit that it has a familiar appearance, so I am not on entirely new ground. It calls for the appointment of a Royal Commission with two duties assigned to it. I was rather intrigued with one aspect of the matter that had previously escaped my notice. It appears to me that, quite apart from whether or not we agree with the purpose behind the motion, the terms outlined would provide an almost impossible job for the Commission. I draw attention to the terms of reference. Firstly, the Commission is 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; secondly, it is to report on the advisability of increasing the number of

members of the House of Assembly. From this it will be seen that the Commission is to have two duties, but if it carries out one duty and the report is accepted, in all probability the work it does on the second recommendation will be nullified. Assume that we carry this motion here today and the Commission divides the State into electoral districts, providing for one vote one value. This would mean that it would proceed to divide the State into 39 districts, giving effect to one vote one value.

Mr. O'Halloran—It would not proceed to do any such thing.

The Hon. Sir THOMAS PLAYFORD—I could understand what the Leader was trying to get at if he reversed his terms of reference so that the principal term would be to report on the advisability of increasing the number of members and, having fixed that, to suggest the alteration of the districts in accordance with the numbers.

A member—Are you trying to help the Leader improve the motion?

The Hon. Sir THOMAS PLAYFORD—No, but I am pointing out that the Commission could not properly carry out the duties he would ascribe to it because, if it recommended redistribution of districts to provide for one vote one value, unless it came to the conclusion that 39 was the logical number its work on the second portion of the inquiry would be nullified. However, that is a small matter I only mention in passing. The real question is whether it is desirable to provide an electoral system under which each electoral vote has the same value. I cannot accept the words "the principle of one vote one value" because I cannot find a principle along those lines ever having been established. However, I know what the Leader is seeking to do—to provide that, whether there be 60 seats or 100 seats in the House of Assembly, the numbers of electors in each district will be, as near as practicable, the same.

I ask whether the principle—and I do not accept the term "principle"—of one-vote one-value is a good thing and whether or not it is conducive to the development of the country and the expansion of rural areas. That is the real matter we have to consider. Will it confer any advantage on the community as a whole, and will it be advantageous to the State as a whole if this alteration is made? I think that is the real question. I do not believe for one moment that any basis for an increase in the number of members of the House of Assembly has been established, and I have had some experience of the work of this House. I say advisedly that there would be disadvantages that would far outweigh any possible advantage that would arise from an increase. Be that as it may, I will deal firstly with the suggestion that we should have a certain number of electoral districts in the State and that each electoral district should have about the same number of electors. If we accepted the Leader's proposal, assuming we had 100 members of the House of Assembly, 39 would represent country electorates and 61 the metropolitan area. One had only to listen to yesterday's debate on the Loan Estimates to realize that when a member enters this House he represents his district and fights for it to the utmost to ensure that it gets every possible advantage. A member is elected to look after his district. If we accept the Leader's proposal, in future we can expect to have 61 seats in the metropolitan area and 39 in the country.

Mr. O'Halloran—When did I make that proposal?

The Hon. Sir THOMAS PLAYFORD—It is inherent in the proposition of one-vote one-value. The Leader is now trying to get away from that. Let me express it this way: 61 per cent of the seats will be in the metropolitan area and those members will be able to look at the Town Hall clock every day, and 39 per cent will represent the remainder of the State. I am surprised that the Leader, representing one of the largest electoral districts, should have introduced this proposal. We have already recognized that country members are at a disadvantage and have a more difficult and costly task. We have passed legislation whereby the country member gets an additional allowance.

Mr. Lawn—A measly £50.

The Hon. Sir THOMAS PLAYFORD—We recognize the facts and so do other Parliaments and the Commonwealth. The Richardson report recognizes that a country member has a more costly job than a city member. The Leader would not deny that this Parliament has agreed that country members have a more costly and arduous—

Mr. Fred Walsh—It is not more arduous. Compare a country member with a member representing a big industrial area, and consider the number of constituents he may have to attend to.

The Hon. Sir THOMAS PLAYFORD—I did not hear the honourable member object when we provided an increased allowance to country members. He realized that there was substantial justice in making that provision. Let us consider this proposal from the point of view

of the constituents. If a constituent of the member for Adelaide wanted to see him he would have little difficulty in so doing. He would not have to write a letter, but in the ordinary course of events would be granted an interview within two or three hours and it would probably cost him 5d. in travelling expenses. He would be received in a reasonable time and would be involved in paying one tram fare, but what would be the position with a constituent of Mr. Bockelberg? If one of his constituents wants to see him he cannot.

Mr. Lawn—Because he is in the city.

The Hon. Sir THOMAS PLAYFORD—Exactly. The honourable member came in like a great big fish: he accepted the bait. If a constituent wanted to see the member for Eyre he would have to take a 250-mile trip. It is a well-known fact that the further one is from the seat of Government the less his voice tends to be heard. The areas furthest away from Canberra are the least developed because their voices are never heard. If one examines the present Federal Budget one can see that the big sums of money are not being spent in the Northern Territory, Western Australia, South Australia, Tasmania or Queensland, but in and around the seat of Government. Do members suggest for one moment that the Snowy River scheme would have started had Canberra been in Queensland? Of course not! The closer one is to the seat of Government the more loudly his voice is heard.

Mr. O'Halloran—The Snowy River scheme started because of the Snowy River.

The Hon. Sir THOMAS PLAYFORD—The Snowy River is not the only river in Australia. There are magnificent rivers in Queensland and in northern New South Wales that have not been harnessed. That is why they want another State in northern New South Wales at present and why northern Queensland is agitating for the same purpose. Members opposite are strangely inconsistent when they say they believe in decentralization and then seek to take away the very thing that enables effective decentralization. They talk decentralization, but they practise centralization.

Mr. O'Halloran—We have not had a chance to practise anything for more than 20 years.

The Hon. Sir THOMAS PLAYFORD—I accept that, but the Leader is strangely inconsistent. I do not accuse him of lack of sincerity when he advocates decentralization because I know that in his representation of his district he has always tried to get industries established there, but this motion would completely nullify any possibility of decentralization. It would aggravate the forces that at present are so potent in causing people to flood to the metropolitan area. In a short time there would be a further move to increase the number of members in the metropolitan area and that process would continue *ad infinitum*.

Can any metropolitan member say that from the point of view of providing utilities, public services, hospitals and schools, his district is less favourably treated than any country area? If any amenity is to be provided it is always provided in the metropolitan area first and later it may be extended to the country. Adelaide is virtually 100 per cent sewered and we are now trying to extend sewerage to country areas. Adelaide has a complete coverage of power and we are now trying to extend that facility to the country. Adelaide has always received the utmost consideration in the provision of water. Obviously the present metropolitan representation in this House is quite capable of guarding its interests. There is one thing that members opposite sometimes lose sight of. It is quite often loosely said that the system now in operation which provides for two country seats to one city seat has been provided by my Government.

Mr. Fred Walsh—By your Party, not your Government.

The Hon. Sir THOMAS PLAYFORD—The statement made by members opposite that the distribution on the two to one basis is of recent origin is quite incorrect. That distribution of two to one was actually in operation before the Labor Party and the Liberal Party were ever thought of; it was in operation when the House was composed of all independent men.

Mr. Fred Walsh—That is a joke—independent!

The Hon. Sir THOMAS PLAYFORD—The member for Burra comes into his own there. We had no Independents in the form that we have them now, and there were only two Parties—the Party supporting the Government and the Party opposing it.

Mr. O'Halloran—What year was that put in the Constitution?

The Hon. Sir THOMAS PLAYFORD—I traced it back until I got tired of tracing it back any further. The general distribution may have fluctuated one seat one way or the other but, generally speaking, the two to one basis existed long before I ever became associated with Parliament. I assure the Leader that it is something that was not within

my province to fix up at all. A general complaint has been made from time to time that the present electoral boundaries are inherently unfair to the Labor Party.

Mr. Ryan—That is true. Would you deny that?

The Hon. Sir THOMAS PLAYFORD—A body consisting of three eminent non-political people was appointed by Parliament to decide the distribution, and if that distribution were inherently unfair to the Labor Party why was only one voice raised against it in this House? Sir George Jenkins was the only person who opposed it, and he objected on a ground rather different from a political one. He had for many years been associated with the electoral district of Newcastle, and, although he was going out of politics and had announced that fact, he did not desire to see the district of Newcastle obliterated. His objection was sentimental, not political. If the distribution were inherently unfair to the Labor Party, why did the Labor Party unanimously support it?

Mr. Shannon—Because the Trades Hall told Labor members they had to.

The Hon. Sir THOMAS PLAYFORD—It was because their own people outside had told them that it was favourable and directed them to support it.

Mr. Lawn—That is not correct.

The Hon. Sir THOMAS PLAYFORD—I do not mind which way the member for Adelaide has it: he supported it either because it was favourable or because he was instructed to do so. The fact remains that he exercised his free vote in this House, if it is a free vote, to support it. When the division was called for the only person who said "No" was Sir George Jenkins, and he withdrew his objection when he realized he was the only one. The re-distribution the member for Port Adelaide said was inherently unfair was unanimously approved by this House. I oppose the motion.

Mr. LAWN (Adelaide)—I support the motion. Firstly, I will read the present motion and then read the motion which was moved last year so there will be no clouding of the issue or misunderstanding of the motion before the House today and of what happened last session. The present motion is as follows:—

That in the opinion of this House a Royal Commission 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.

The motion moved by the Leader of the Opposition last session was as follows:—

That in the opinion of this House a Royal Commission should be appointed—(*a*) to recommend to the House during the current session 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 consider in the preparation of such electoral boundaries the advisability of providing for multiple-member districts.

There is a difference between the motion of last year and the one moved this year. When I knew the Premier was speaking today I elected to be the first Opposition speaker because I knew exactly what he would say. I have anticipated his remarks this afternoon so exactly that I can reply immediately on every point he raised.

Firstly, I knew that he would say he had not had time between last Wednesday and today to thoroughly read and digest the words in the motion, and that there was a certain amount of familiarity about it. Every time the Opposition introduces a motion or a Bill dealing with the electoral gerrymander or the electoral fixation (whichever he may call it) we have the Premier speaking in similar terms to those he used this afternoon.

Last session the Premier opposed the motion on this matter very briefly. In fact, he did not even seek an adjournment but spoke immediately after the Leader introduced the motion. He opposed it on two grounds, firstly that time did not permit the setting up of a Royal Commission before the 1959 elections and, secondly, that he opposed the Federal system which provided for an approximately equal number of people in districts. He is on record as saying that he was opposed to the Federal system, which I suppose is the most up-to-date in the world. We find that other countries are developing their Constitutions along the same lines as our Federal Constitution, and in that respect I refer to Ghana and other countries which have been given their autonomy by the British Parliament in recent years.

Mr. Clark—Are you sure they are not following the South Australian set up?

Mr. LAWN—I am sure of that. We have our own peculiar set up on everything. We have our own peculiar electoral laws. We have the most peculiar Long Service Leave Act and a peculiar way of appointing Royal Commissions. The eyes of the world are on South Australia in more ways than one. The electoral districts are stacked in favour of this Government in such a way that the people cannot kick it out, despite a majority of 49,000

votes for the Labor Party. Despite what the Law Society says is the practice throughout Australia, India, Ceylon and other countries of the world, we still appoint judges to a Royal Commission when they have already tried the case under review. This Government is a dictatorship that wants to foist its will upon people in all walks of life and to be different from everybody else.

Mr. Hambour—Don't you think your policy is responsible for your not being over here?

Mr. LAWN—The records show how people vote. The Liberal Party has not yet devised a way of overcoming that; if they could they would like to have a secret count and give figures themselves. We in this country are still provided with the figures relating to votes at elections. In the 1953 State election the Australian Labor Party polled 167,000 votes and the Liberal and Country League 119,000, a majority of 48,000 for the Labor Party. In 1956 the figures were 129,000 to 100,000, making a majority of 29,000 for the Party I have the honour to represent. In 1959 the A.L.P. received 185,000 votes and the L.C.L. 136,000, a majority of 49,000 votes for the A.L.P. In view of the figures I have just quoted, which show exactly what the people think of the L.C.L. and what they think of the A.L.P., it is sheer stupidity to suggest that our policy is responsible for our being in opposition. The Premier this afternoon forgot to say anything on the subject of one-vote one-value, which is the first part of the motion. He brushed it aside and discussed paragraph (*b*) of the motion. He asked whether it would be advantageous to the community as a whole, but he did not answer the question. I suggest that it would be advantageous. The Premier's argument supported his question. He said, "Every member will fight for his electorate," and he instanced how he did it. If that argument is to be used, would not 45 fighters be better than 39?

Mr. Hambour—Not as good.

Mr. LAWN—I do not think the honourable member is any improvement on the previous representatives of his district in this House, and in saying that I go back all the 100 years. I do not claim that I am an improvement on my predecessors in this House. In his own way Mr. Hambour fights for the people in his electorate, but all members fight that way. Members opposite do it, sometimes even against the wishes of the Government. There was no need for the Premier to pose that question if 45 fighters are not better than 39.

Mr. Coumbe—How many would you suggest?

Mr. LAWN—About 44 or 45. I prefer to leave the number to a Royal Commission, which could get information from other States. A membership of 44 or 45 would put us on a par with Queensland, but I shall refer to that later. The Premier also said that with the two to one representation the country gets better representation than if membership were divided equally between the metropolitan area and the country, but even with 39 members in this House the country always comes last. He pointed out that metropolitan area electorates had been sewered and that soon sewerage would be extended to country areas. He said that the metropolitan area had power supplies and that supplies would be extended to the country soon. He said the same about water supplies—the city first and country last. He said in effect that country members were not doing their job or that the 39-member system was faulty. He could have also said that concessional fares for pensioners have been granted in the metropolitan area and that later they may be extended to the country. If the Premier is right, does it mean that the country gets proper treatment? When he was speaking he asked how Mr. Bockelberg's constituents would get in touch with him and I interjected that they could not see him. The Premier picked on Mr. Bockelberg because he lives in Adelaide.

Mr. Coumbe—Rubbish!

Mr. LAWN—It cannot be denied. I know where Mr. Bockelberg lives and the Premier picked on him. Unless Mr. Bockelberg pays a visit to his electorate, his electorate does not see him. Whether we have 39 or 44 members there will always be a difficulty in this way. Whether the district is Eyre or Light or any other country district, the electors always have difficulty in seeing their member. It applies to a lesser degree in Adelaide. The people have to come to town to see me or write or telephone me to go to see them.

Mr. Stott—You don't live in your electorate.

Mr. LAWN—No, just outside. The Premier picked on Mr. Bockelberg for coming to the city to live, but that had nothing to do with the electoral system. When a country member becomes a Minister he resides in the city. The Premier ridiculed the motion because, he said, it provided for 61 city members and 39 country members, but the motion leaves the matter of membership to a Royal Commission. We all know the Premier. This is not the

first time he has done such a thing. Last year he said a similar motion provided for 24½ or 25 metropolitan members and 14 or 14½ country members, but that was not so, because the motion did not give any figures. The Premier could not properly debate the motion because there was no merit in his opposition to it. He tried to mislead the public, cloud the issue and cover up the gerrymander. He does not want an investigation by a Royal Commission of South Australians. We do not want a Royal Commission from outside this State. The Commission would be stacked just as much as the last Royal Commission the Government appointed.

Mr. Nankivell—What about one-vote one-value?

Mr. LAWN—The honourable member does not know what that means.

Mr. Nankivell—I do.

Mr. LAWN—The Commonwealth Government appointed a Royal Commission consisting of an equal number of Liberal and Country Party members and Labor members, and in its report the commission said:—

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

Mr. Nankivell's colleagues do not know what true democracy means. It means exactly what the Menzies-appointed Royal Commission said. Our Premier says he does not know of any such principle and he tries to hoodwink the people by putting up all sorts of obstacles to the motion. He even said that there are things in the motion that are not there. I think my reply to the Premier's remarks would make any proper thinking person realize that the Premier interprets things in his own way and in accordance with the interests he represents in this House.

Mr. Clark—He does not have to put up a case.

Mr. LAWN—No dictatorship does. I take more school children through this House than any other member. Generally they come when the House is not sitting and I give them the opportunity to sit in the seats of members and I stand by the desk occupied by the Clerks and give the boys and girls a talk about Parliament. I try to explain how Parliament came into being in Great Britain; I talk about the way in which the King used Parliament and about the changes that have been made; I talk also about the Parliamentary system as we know it today. I point out that the Government members sit on the right hand side of the Speaker and the Opposition members on the left hand side and I do all I can to justify the present Parliamentary system. The girls and boys, and sometimes the teacher, say "Didn't you say that the Party that wins the elections forms the Government?" and my reply is "Yes." Then they say, "Didn't the Labor Party win the last election?" They are not dumb; they assess the position correctly. They know that the Labor Party won the election because they read about it in the press and heard their parents talk about it. Children in technical schools often write essays, and although they cannot give exact figures they know the Labor Party won the elections in South Australia from what they have heard their parents saying. I have to tell them that the Butler Government in 1936 gerrymandered the districts in this State to keep the Labor Party out of office for 20 years and that in 1954, when this period had almost elapsed, the Playford Government found it necessary to continue the gerrymander.

The Premier said that when redistribution took place it was unanimously supported by members on this side. We criticized most of the electoral legislation right up to 1954 and when the legislation in that year was put to the House we opposed it at every stage, right up to the third reading. The member for Norwood was suspended during that sitting and hostility was very great, yet the Premier said we unanimously supported it! When the commission's report came back we did not call for a division. There was no need to do so, and nobody voted for or against it. The Premier denies his own statement in saying that the member for Newcastle asked for a division and withdrew, because there was no division. I did not agree with the gerrymander, but I knew we could not alter the Bill and that all it did was to bring the averages of the country and the metropolitan area up to date in conformity with the figures that existed in 1936. That resulted in one extra member on this side of the House, but we did not support it. There is no record in *Hansard* of any members of my Party speaking in favour of the Bill.

This is the system I have to justify to school children! On one occasion I took a party of Asian students from the University through the House, and they listened in the gallery. These students drew my attention to the electoral system here. We boast about equal rights for women and men and that a lady can sit in either House of Parliament in this State, but in saying that we are talking with our tongues in our cheeks. We do not

even give electors in the city, men or women, voting rights equal to those in the country. This electoral gerrymander has stacked the districts. The following table gives the percentage of metropolitan electors to the State total in the years shown:—

Year.	Percentage.
1938	58
1944	60
1950	62
1955	62.6
1959	62.86

These figures show that the percentage of people in the metropolitan area is increasing all the time and has increased by almost 5 per cent since 1938, yet the Premier is not prepared to agree to the appointment of a Royal Commission, the personnel of which he himself would appoint! We would leave it to that commission, appointed by the Premier, to recommend whether the membership of this House should be increased.

The Premier mentioned the £50 and £75 additional payment to country members for the extra work they do, but that has nothing to do with this motion except to indicate that by increasing the number of members the costs of country members in moving round their electorates would be reduced. It is suggested that because this Government pays this miserable sum it is meeting the expenses of country members, but of course that is not so. Other States pay up to £950 a year extra to country members. Members in this State are not even getting a living-away-from-home allowance when they come to the city, and this costs them more than £50 a year. I suppose some people think members live at Parliament House where everything is free. They do not realize that we must pay our board wherever we are and that country members in or out of session must pay board and lodging while in the city. No member could do that on £50 a year. In bringing in this argument the Premier has shown just how miserable his Government is.

In opposing a motion of this description last year the member for Torrens drew attention to the 1955 Senate elections and said that if the people want a Labor Government they can get it. He said that in 1955 the people of South Australia elected three out of five Liberal Senators, but my point is that the majority voted for the Liberal Party, and obtained a majority of Liberal Party Senators. In 1958 the majority of the people of South Australia voted for the Labor Party and three Labor Senators out of five were elected. That is democracy. The illustration given by the member for Torrens condemns him in his opposition to this motion because in the Federal elections the people, by majority vote, can get their choice of candidates. They either get a majority of Labor Senators or of Liberal Senators, whichever way they vote.

Three months after the last Senate election South Australians voted by a majority of 49,000 for the Labor Party in the State elections, yet we gained only 17 seats compared with 21 gained by the Government. No wonder the eyes of the world are on this State to see how we treat our coloured people! They are also on us to see how we treat white people. I have taken University students from Asian countries through this House who could enlighten members about democracy, especially the so-called British democracy or Playford democracy. As a matter of fact, it is incongruous to link those latter two words together; it is not a Playford democracy, but a Playford dictatorship. I have taken out some figures from the Commonwealth Statistician's Year Book relating to other States. In them I have regarded Queensland as having 78 members because a Bill was passed there last year to increase the number from 75 to 78. If I had not taken the new figure the discrepancy between that State and South Australia would be greater than it is. The following table shows the position in the States mentioned:—

State.	Number of members.	Population.	Area in square miles.	Average persons per member.	Average area per member.
Queensland	78	1,424,818	670,500	18,267	8,596
New South Wales	94	3,725,686	309,433	39,635	3,292
Victoria	66	2,770,919	87,884	41,983	1,332
Tasmania	35	346,545	26,215	9,901	749
South Australia	39	907,992	380,070	23,282	9,746
Western Australia	50	713,583	975,920	14,272	19,519

I think members realize that Victoria is, in area, the smallest State of the Commonwealth.

Mr. Quirke—What is the honourable member trying to show with these figures?

Mr. LAWN—The comparative position of members in the various State Parliaments having regard to the average number of people each member represents and the area

in which he has to travel to look after his electors' interests.

Mr. Quirke—They are not realistic in regard to New South Wales, because there are 66 members from Wollongong to Palm Beach. They have only square mile constituencies there.

Mr. LAWN—If the honourable member looks at the over-all figures I think he will at least agree that they support the case for an increase in members in South Australia.

Mr. Quirke—That is the point I wanted to know. I did not get that.

Mr. LAWN—My remarks are directed towards the second paragraph of the motion. I said earlier that Victoria was the smallest State, but I obviously meant the smallest of the mainland States. The figures I have cited exclude full-blooded aborigines. If South Australia were to be on a par with Queensland, for instance, we would need 44 or 45 members. At present South Australia has the second lowest number of members although it has the fourth highest population and the third largest area in square miles. If Government members would impartially consider this motion they would support it, but in so doing they would have to buck the master—the dictator of their own Party. The present electoral gerrymander stinks in the nostrils of decent electors who show at every opportunity at the polling booths just what they think of the Government. They have told the Playford Government what it ought to do and what they would like it to do.

Mr. Hambour—You are suggesting we increase our Parliamentary membership by five or six?

Mr. LAWN—You are just a liar if you persist in suggesting that. I did not say that. The member for Torrens asked me earlier what number I would suggest and I said I would leave it to the commission; that I had a table of figures I intended to read; and that if our membership were increased by five or six it would put us on a par with Queensland. I did not advocate any number.

Mr. Hambour—I accept that.

Mr. LAWN—When the *Hansard* report comes out I ask Government members to read what I have said and to consider the figures I have cited. I am not asking for our membership to be increased by five or six, but am attempting to justify an increase.

Mr. Hambour—You want an increase in numbers. You won't say how many.

Mr. LAWN—What does the motion say?

Mr. Hambour—Do you also want an increase in salary or would you reduce salaries if we increased the number of members?

Mr. LAWN—South Australia is always last in everything. It is the second lowest in respect of salaries paid to members and the second lowest in number of members.

Mr. Hambour—That does not mean it is not the best.

Mr. LAWN—It was the last to give effect to long service leave and it still hasn't given effect to long service leave as in other States.

Mr. Hambour—What you advocate would increase the cost of Legislature to the South Australian people. That doesn't bother you?

The SPEAKER—Order! Members should cease interjecting.

Mr. LAWN—And it doesn't bother the member for Light. I know why he is interjecting and I do not mind. This State is last in everything. Our people have suffered in all industrial legislation over the years from Liberal Governments. The legislation enacted by the Labor Governments in New South Wales, Queensland and Victoria has by far eclipsed our legislation. They were the first to introduce a shorter working week and they will be the first to introduce a 35-hour working week. Government supporters opposed a reduction in working hours but they are not game to revert to the old working week.

Mr. Hambour—You would like a 35-hour week?

Mr. LAWN—I would like a 40-hour week myself. I would like to get a 35-hour week. As a matter of fact—

The SPEAKER—I think the honourable member should revert to the motion before the Chair.

Mr. LAWN—I did not intend to develop the argument, but I was instancing how this State had lagged behind the eastern States in its industrial legislation. Annual leave was introduced by legislation in the eastern States before it went through the Arbitration Courts, as was sick leave and long service leave. In South Australia, with the exception of long service leave, every provision has been secured by the workers through the Arbitration Court. They did not even obtain long service leave by legislation: they merely have the Playford system of getting one extra week's pay after seven years' service. That is not long service leave in the accepted sense elsewhere in the world, but is peculiar to South Australia where we have this peculiar dictatorship. During my term as a member of Parliament the Premier,

in discussing similar motions introduced by the Opposition, has said that Queensland had a gerrymander and the people could not shift the Labor Government. I told him that the people could change that Government, and my words have proved correct because a couple of years after I said that the people dumped the Queensland Government. I hope they dump their present Government at the next election, and all I ask members opposite to do is to give our people the opportunity to dump this Government. I support the motion.

Mr. COUMBE secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 19. Page 510).

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—Firstly I apologise to the member for Norwood because I have not been able to prepare a coherent and concise statement on this matter. When the House is sitting it is extremely difficult to prepare an orderly statement. However, I have made some research and I have some views that members may be interested in. At the outset, if I were to speak purely as a member of the Executive Council, knowing the problem the Executive Council has in connection with capital punishment, and if I were merely studying my own convenience, I would immediately approve of this legislation because no more difficult problem confronts Excecutive Council than that which arises when it is necessary to consider a capital offence. This problem has been examined by many Royal Commissions the world over to see if it is possible to determine whether, in respect of the crime of murder, it is possible to have different degrees. It has not been practicable, in point of fact, to provide for a wilful murder as against another type of murder and it has been difficult to make distinctions in penalties for the crime. That means that unless a jury, in considering its verdict, makes a strong recommendation for mercy, which has the backing of the judge, every member of the Executive Council has to consider the problem and ascertain whether there are: (*a*) extenuating circumstances which would make it necessary that the full penalty provided by law should not be enacted; (*b*) any defects in the trial that become apparent and make it undesirable for the penalty to be enacted; or (*c*) any undisclosed fact, or hint of any undisclosed fact which again would make it desirable to waive the extreme penalty.

It is a very arduous, difficult and unpleasant job. In the first place it involves every member of the Executive in reading the whole of the evidence and the judge's summing up in connection with it. He has to sign a declaration that he has read the evidence and studied these things. That means that he starts off by having to spend, usually, two long nights studying the case. The Executive then has to consider the case, and the invariable practice is that the trial judge is summoned before the Executive and asked whether there are any extenuating circumstances or reasons why the full penalty of the law should not be carried out. The Crown Solicitor is also often interrogated along the same lines. Members will realize that I am only one member of the Executive Council, and, although I have not discussed this matter with my colleagues, I can say that the abolition of capital punishment would relieve the Executive Council of a very difficult and responsible duty, one which no one would undertake by choice.

For some years several States in Australia have had capital punishment upon their Statute Books but it has been an invariable practice—almost an unwritten law—not to exercise it. The honourable member's proposed legislation does not suffer from that defect but comes straight out and says that if we are not going to carry capital punishment into effect we should abolish it. In that respect I believe the honourable member has approached the problem in a straight-forward manner. Every Minister in the Commonwealth, before he is appointed a Minister, has to swear that he will faithfully uphold the laws of the land, and I cannot believe that we are faithfully upholding the laws of the land by proceeding to completely write a new type of administration over the law that has been provided by the Parliaments. On those two grounds I commend the honourable member's Bill.

However, I believe the disadvantages of the Bill over-rule to a very great degree any advantage that we would have on those two aspects I have mentioned. We have to consider this matter from the point of view not only of the comfort of the Cabinet Minister who may have to consider it, but of the wellbeing of the community and the effect of the repeal of the legislation on the community as a whole. If it were of any value I could quote from all sorts of documents relating to this matter, because it is one that has exercised the minds of enlightened people all over the world. No

one wants upon their Statute Book the type of legislation that may be regarded as primitive or vindictive. I suppose the most comprehensive report upon this matter so far as British peoples are concerned is the report of the Commission of Great Britain, which followed an inquiry that extended over four years. I believe the commissioners, who were people of very great eminence, did their utmost to effectively consider the problem before them. They went into many more questions than merely the abolition of capital punishment.

Mr. Dunstan—Capital punishment was not included in their terms of reference.

The Hon. Sir THOMAS PLAYFORD—I will read one or two of the commission's conclusions to the honourable member, and I do not know what those conclusions mean if they did not go into the question of capital punishment. The heading of the document is "Royal Commission on Capital Punishment."

Mr. Dunstan—I suggest you read the terms of reference first.

The Hon. Sir THOMAS PLAYFORD—I will read the direction of Her Majesty, which is as follows:—

Whereas we have deemed it expedient that a commission should forthwith issue to consider and report whether liability under the criminal law in Great Britain to suffer capital punishment for murder should be limited or modified, and if so, to what extent and by what means, for how long and under what conditions persons who would otherwise have been liable to suffer capital punishment should be detained, and what changes in the existing law and the prison system would be required; and to inquire into and take account of the position in those countries whose experience and practice may throw light on these questions.

It will be seen that the Royal Commission went into the question of capital punishment. The commissioners studied the statistics of the number of murders that took place in countries where capital punishment had been abolished. They could not have considered those statistics unless they were considering the whole question.

In the limited time at my disposal I have briefly considered the matters which that Royal Commission has set out in its report, which is only one of the many documents that have been written upon this topic. I think I could summarize the general view of this commission by saying that the commission found it very difficult to provide for a statutory law which was an improvement on the one in existence. Quite recently, knowing that this matter would be debated in this House and that the Crown Solicitor would be representing this State at an appeal to the Privy Council, I asked him to go into the matter while in England and to report upon it, and I am indebted to him for this report of the Royal Commission and also a brief report upon the present position in Great Britain as it has been affected by alterations that were made, I think probably as a result of the Royal Commission.

Before dealing with the Crown Solicitor's report I will quote two or three clauses from the report of the Royal Commission which, while they are to some extent qualified by the honourable member's point that the Commission was looking at alternative laws, would still have a considerable impact upon our consideration here today. The first paragraph I wish to read is headed "General proposals for the amendment of the law of murder." I admit that it does not mention general proposals for the abolition of capital punishment, but merely for the amendment of the law of murder. The paragraph reads:—

Re definition of murder.—It is impracticable to frame a statutory definition of murder which would effectively limit the scope of capital punishment and would not have overriding disadvantages in other respects. The scope of the law of murder in Scotland is satisfactory and no amendment is needed.

"Degrees of murder."—It is impracticable to find a satisfactory method of limiting the scope of capital punishment by dividing murder into degrees—a proposal which is moreover open to other objections. "Proposals to give either the judge or the jury discretion to substitute a lesser sentence for the sentence of death." We do not recommend that the judge should be empowered to substitute a lesser sentence for the sentence of death where a person is convicted of murder.

Those references are in sections 39 to 42 on page 278 of the Royal Commission's report. I know the references I have quoted would be subject to the general objection that they could be said to be merely paragraphs out of any book. I do not dispute that, but honourable members will see from the clauses I have read that the commission found very grave difficulty in making any proposals that would be a substantial improvement on what previously existed. The Crown Solicitor's report from London, dated July 30, is as follows:—

I have made inquiries on this topic and have discussed it at length with a number of well-informed people whose titles I am not permitted to disclose since they are all officers of the British Government but who willingly made their special knowledge available.

1. Capital punishment was dealt with in 1948 when a measure for complete abolition was passed by the House of Commons. This, I understand, produced widespread public

alarm and dissatisfaction, and the measure was rejected by the House of Lords and not reintroduced.

2. In 1949 a Royal Commission on capital punishment was set up and produced its report in 1953, after hearing a very large number of witnesses and considering strongly conflicting views.

3. The 1957 Homicide Act quite obviously represented a compromise between those in favour of abolition and those in favour of retention, and like most compromise measures it is in many respects illogical and unsatisfactory. In particular, the distinction between capital and non-capital murders is in some respects unsound.

The Crown Solicitor went on to expand that topic:—

(*a*) Murder committed in furtherance of theft is a capital crime, whereas murder committed in furtherance of other offences such as rape is not. The basic objection to this distinction is that if a man has committed a life imprisonment crime he has nothing more to lose and possibly everything to gain by murdering the potential witness or witnesses.

(*b*) The actual perpetrator of a murder by shooting (for instance) is liable to the death penalty, whereas the one who instigates the crime is not. This appeared to me to be a valuable concession to gang leaders, but I am informed that this is not so important in England as it would be in some American cities. The reason I was given for this was that the gangsters have never been able to establish any great influence in England because they cannot buy legal protection for their underlings as they can in some communities.

(*c*) The provision enabling the jury to return a verdict of manslaughter by reason of "diminished responsibility" appears to create serious difficulties in criminal trials. In effect, it simply allows the jury to split the difference between a conviction for murder and an acquittal on the ground of insanity. On occasions a conviction for manslaughter, with the length of sentence entirely in the hands of the judge, provides less protection to the public than an acquittal on the ground of insanity, which at least allows the Government to detain the prisoner so long as its advisers regard him as dangerous.

4. The consensus of opinion is that the 1957 Act has not been in operation long enough to warrant any inference as to its effect. In fact, the figures for the first three months after the Act became law showed a sharp increase but it is not thought possible to attribute this to the change in the law, since following that figures resumed a more or less regular pattern.

5. It is important to remember the death penalty still remains for certain types of murder, and probably still retains a great deal of its deterrent effect.

6. Although the Homicide Act is in many respects an unsatisfactory measure, it has made less practical difference than might have been expected owing to the common sense of judges and juries. Many of the cases now made non-capital by law would in any case have resulted in a commuted sentence, and most of the cases where verdicts of diminished responsibility are returned would have ended up with much the same kind of result if the law had not been altered.

7. My impression is that no one can say at this stage what the effect of the Act will be, but that it is a measure unlikely to help in the protection of the public by the criminal law.

That was Mr. Chamberlain's report to me after he had discussed the matter, but it is not what Mr. Dunstan is trying to do.

Mr. Dunstan—Before you leave the report of the Royal Commission, will you read clause 13 on page 3?

The Hon. Sir THOMAS PLAYFORD—If it is of interest to members I have no doubt that the honourable member will correct anything I have said wrongly. I was dealing with the attempt made in Great Britain to halve the difference and I commend the honourable member for not trying to do that. It would relieve some of the work of Executive Council, but it does not provide a satisfactory solution of the problem.

Mr. Fred Walsh—In England does not the final decision rest with the Home Secretary?

The Hon. Sir THOMAS PLAYFORD—Different countries have different ways of deciding whether the death sentence should be commuted or not. The responsibility is placed on an authority not directly associated with the trial. He goes into all the circumstances and considers whether there are any which would render it necessary to take action less stringent than was provided by the law. I believe that is necessary. It is an unpleasant task and an unsatisfactory one. I remember a case in South Australia where a person was convicted of murder. There was no recommendation from the jury about mercy. The trial was regular in every way and there was no appeal. As far as I know, there is always a petition from the defending counsel for the death sentence to be commuted, but in this case before there was such a petition the Crown Solicitor told me he was not satisfied about the case. I inquired about his problem and he said that he could not put his finger on any particular point, but that he believed, notwithstanding every possible defence had been raised on behalf of the man, that something had not

come to light. He believed that the man had committed the murder, as the evidence was conclusive, but he had a suspicion that some factor had not been divulged at the trial.

When Executive Council considers a case the custom is for the trial judge to be asked two or three pertinent questions. One question is, "Was there anything associated with the trial which would give you reason to consider that the sentence provided by the law should not be carried out?", and another is, "Are there any circumstances associated with the case which should be considered by Executive Council?" In this case the judge said that the trial was all right and that everything possible had been done to establish a defence. The man was new to South Australia and had come from a country where there were numerous illegal societies. It was felt that there was something about which we did not know the full facts. On that, and without any further argument, the sentence of death was commuted to life imprisonment, although it was known that the man had committed the crime. The reason for his committing the murder was not certain.

This shows how difficult it is for Executive Council to decide the matter, and in this respect I commend the honourable member's Bill. Parliament must consider whether it is right to have the same penalty for the most serious of all crimes as for less serious crimes. For instance, should a person convicted of murder be placed in the same category as a person convicted of robbery? A person sentenced to life imprisonment for a crime would not be given a greater sentence if he had shot and killed the policeman who apprehended him. Even if he shot a squad of policeman the penalty would be no greater, because he had been sentenced to life imprisonment for the crime he had committed. He could not be hanged. I think that is fundamentally wrong from the point of view of justice. In this Parliament we have tried to make the penalty meet the seriousness of the crime.

Mr. Dunstan—Can you point to a conviction for robbery in South Australia where the man has been sentenced to life imprisonment?

The Hon. Sir THOMAS PLAYFORD—I will inquire whether there has been such a case. When a person is sentenced to life imprisonment he serves, except in rare circumstances, only about 11 years.

Mr. Dunstan—I have referred to one who has been there for over 20 years.

The Hon. Sir THOMAS PLAYFORD—The honourable member knows that in that case there were exceptional circumstances.

Mr. Dunstan—No.

The Hon. Sir THOMAS PLAYFORD—The honourable member knows that there were exceptional circumstances as I have given him a report on the case. On the average a person who has been convicted for murder and who has his sentence commuted to life imprisonment seldom serves more than 11 or 12 years. In one case not long ago the murder sentence was commuted to life imprisonment and then the life imprisonment was altered to three or four years in prison. I do not condemn that law, because it is a good law. It enables a person through good behaviour in gaol to be released after he has served about half his sentence.

Further, there is not the slighest doubt that the provision of capital punishment in the Statute Book is a deterrent. As a matter of interest, I did some fairly extensive research on this matter. Fortunately for the consideration of this problem, we have in Australia a number of States whose social conditions are much the same, though not identical. They are all predominantly of British stock and British tradition, they have predominantly the same types of government and I believe it is fair to say that they all have an honest and efficient police force. So here, in Australia, we can make a useful comparison between the States. It is true that only some States have abolished capital punishment. I am informed by the Parliamentary Draftsman that capital punishment has been abolished formally in Queensland and New South Wales but has not been abolished formally in the other States, and it still exists in the A.C.T. South Australia is probably the only State that has observed the law with any degree of consistency; the Government has tried to apply the law here fairly and honestly.

I have considered what would be the best statistical approach to this question and have been able to get comparable statistics for all the States except Western Australia, whose statistics have a slightly different basis. Manslaughter due to motor accidents has been excluded from these figures for every State except Western Australia, where, unfortunately, separate figures are not available; so the Western Australian figures include manslaughter due to motor accidents. These statistics relate to murder, attempted murder and manslaughter. Honourable members will see that I have tried to get the figures for deaths associated with unlawful violence.

Mr. Dunstan—Manslaughter is not a capital crime.

The Hon. Sir THOMAS PLAYFORD—In many instances a verdict of manslaughter is brought in when a jury is not quite sure that there should be a conviction for murder; it is an alternative verdict. If the honourable member's objection is valid, it will be just as valid for South Australia as for the other States because these are uniform figures. So he will observe that, if manslaughter is to be excluded in New South Wales, it should also be excluded in South Australia. So that they shall not be regarded as abnormal figures for any one year, I have the figures over a period of the last 10 years available, 1949 to 1958 inclusive. I do not want to go into the figures of every State for each year but, so that honourable members shall have an opportunity, if they desire, of correcting my figures, I ask leave to have them inserted in *Hansard* without my reading them.

Leave granted.

CASES OF MURDER, ATTEMPTED MURDER AND MANSLAUGHTER† IN EACH STATE FOR TEN YEARS ENDED 1958.

Year	New South Wales		Victoria		*Queensland		*Tasmania		Western Australia		*South Australia	
	Cases	Mean Population	Cases	Mean Population	Cases	Mean Population	Cases	Mean Population	Cases	Mean Population	Cases	Mean Population
1949.	60	3,093,277	37	2,142,529	24	1,140,816	N.A.	—	8	532,603	10	669,828
1950.	85	3,193,208	51	2,209,013	31	1,173,232	N.A.	—	10	557,878	13	694,582
1951.	71	3,279,415	54	2,276,272	20	1,207.194	5	283,526	15	580,317	7	721,845
1952.	81	3,341,476	53	2,343,610	28	1,239,868	3	293,340	13	600,615	12	743,310
1953.	82	3,386,556	46	2,395,851	34	1,272,244	7	302,529	13	621,034	15	766,538
1954.	82	3,428,488	50	2,453,458	38	1,300,464	14	309,416	24	640,140	8	785,981
1955.	109	3,492,385	52	2,526,275	27	1,325,336	15	312,987	21	658,747	9	807,501
1956.	119	3,555,854	53	2,604,283	29	1,352,629	4	319,192	22	677,317	10	834,465
1957.	108	3,622,557	65	2,673,654	42	1,380,466	8	326,137	14	691,723	12	861,373
1958.	128	3,693,282	80	2.740,286	29	1,403,279	8	334,105	20	705,600	16	885,973
Total	925	34,086,498	541	24,365,231	302	12,795,528	64	3,022,243	160	6,265,974	112	7,771 396
Per 100,000 of population		2·71		2·22		2·36		2·12		2·55		1·44

† Manslaughter due to motor incidents have been excluded except for Western Australia for which separate figures are not available.

* Figures are for year ended 30th June.

The Hon. Sir THOMAS PLAYFORD—That will enable honourable members to examine the figures for any State in any year. There will be no difficulty about that, but a summary of the results of these investigations reveals that in New South Wales in 1949 there were 60 cases; in 1958 there were 128; over the 10-year period there were 925 cases.

Mr. Dunstan—Is that convictions or accusations?

The Hon. Sir THOMAS PLAYFORD—I have told the honourable member before what they are. These are cases of murder, attempted murder and manslaughter in each State for the 10 years ending 1958. Looking at the figures for cases of murder, I find that the statistics in the various States may be defective. For example, in New South Wales a policeman can be shot down by a person he is trying to apprehend for robbing a bank and, unless a person is ultimately caught and convicted, it is not registered as a case of murder at all. The only cases of murder to appear upon the calendar in New South Wales are those where the police have actually been able to catch a man and the jury has been able to convict him; but, obviously, if a person is shot down he has been murdered, so the figures I am citing are for murder (whether or not there has been a conviction), attempted murder, and manslaughter in each State. These police cases do show the intent—and that is the point I am trying to illustrate.

The Hon. G. G. Pearson—The figures do not cover double murders?

The Hon. Sir THOMAS PLAYFORD—No, but they cover the intent. The number in New South Wales over the 10-year period was 925. The number for Victoria for 1949 was 37; it increased to 80 in 1958; and for the 10-year period it was 541. The number for that period in Queensland was 302 and in Tasmania 64. The Tasmanian figure does not include the years 1949 and 1950 because no proper statistics were available for those years. The number in Western Australia was 160 but that figure is subject to the qualification that it includes cases where a verdict of manslaughter has been brought in on motor accident cases. For the purposes of this consideration we should eliminate Tasmania and Western Australia because the statistics relating to those two States, for some reason or another, are not completely analogous to those I am now quoting. In South Australia there were 10 cases in 1949, 13 in 1950, 7 in 1951, 12 in 1952, 15 in 1953, 8 in 1954, and 9 in 1955. In 1955, there were 109 cases in New South Wales, 52 in Victoria, 27 in Queensland, 15 in Tasmania, and 21 in Western Australia. In South Australia there were 10 cases in 1956, and a cross-section of the figures of other States for that year shows that there were 119 cases in New South Wales, 53 in Victoria, 29 in Queensland, 4 in Tasmania, and 22 in Western Australia. In 1957 there were 12 cases in South Australia and in 1958, the last year for which records are available, there were 16 cases. In that year there were 128 cases in New South Wales, 80 in Victoria, 29 in Queensland, 8 in Tasmania, 20 in Western Australia and 16 in South Australia.

I know it would not be scientifically accurate to consider this matter from the point of view of one State or one area, so I have added the figures and compared them with the total of the yearly population of these States. In New South Wales there were 925 cases in a total population for the 10 years of 34,086,498, which is 2.71 crimes for every 100,000 people. In Victoria there were 541 cases in a total population of 24,365,231, representing 2.22 cases for every 100,000 people. There were 302 cases in Queensland in the period with a total population of 12,795,528, or 2.36 cases for every 100,000 people. In Tasmania there were 2.12 and in Western Australia 2.55 cases for every 100,000 people, but as I have previously said, the figures for these States are not analogous and should be left out of the calculations. The South Australian figure revealed the interesting fact that for the 10 years the total number of cases was 112, the total population was 7,771,396, and the number for every 100,000 was 1.44. That is not much over half the rate in New South Wales, which was 2.71.

Mr. Hambour—It is not much over half the average.

The Hon. Sir THOMAS PLAYFORD—That is so. These figures are surely interesting, and they have not been prepared by me for political reasons—I do not believe there are any politics in this matter or that it should be considered from a political angle—but by an outside authority for whom I have very much respect. I notice that the document is marked "Confidential," so I shall not release it for publication, but it will be available if any member wishes to peruse it. I do not know why it is confidential; perhaps the officer concerned obtained the information from a confidential source in another State. It will be available to members with the qualification that it must not be quoted. It is over the signature of a person that I am sure every member will respect.

Mr. Hambour—Do you know how many of the 112 sentences were commuted?

The Hon. Sir THOMAS PLAYFORD—No, but the number of convictions for murder in this State is very small. These cases include crimes of violence as well as murder, so I cannot give the figures the honourable member seeks. I can obtain them, but it would be fair to say that Executive Council would commute possibly half the total. I put that figure forward with some diffidence, but I think it would be in that vicinity. One ground for commuting a sentence is the suspicion that there are some facts that were not fully determined in the trial by the jury. In some instances we cannot prove that but, in the case I mentioned, there was a suspicion that the person could have made a statement or said something that could have been material to his defence. That would be a ground upon which Executive Council would commute a sentence to life imprisonment. Severe provocation would be another ground upon which a sentence would be commuted. I bring to mind a case concerning a woman who was married to a man who almost incessantly came home the worse for liquor and proceeded to bash her and her children with the utmost violence, and this happened over a long period. Although it was a clear case of murder, it

gave Executive Council little concern. In cases of severe provocation Executive Council has commuted the sentence. Those would be the main grounds of sentences being commuted. I have not the slightest doubt that the fact that we have upon our Statute Books, whether we like it or not, a law providing for capital punishment is a powerful and effective deterrent against murder. I believe that the figures I have given clearly show that.

There are one or two other things I should like to have said, but I refrained from doing so. Honourable members probably know why I do not say them—because they may possibly be construed to have a bearing upon another matter that I do not want to discuss today. On another suitable occasion I could submit an additional argument, but I do not think it is so material that I need go into it now. I oppose the Bill and hope it will not be carried, as that would be a retrograde step.

I believe that this Parliament has not only a strong moral obligation to try to protect innocent people from crimes of violence, but also a particular obligation to members of our Police Force, who, because of the very nature of their profession, are most concerned in this matter. I believe we have a special duty to see that in the course of their dangerous duties they are given the fullest possible protection that the law can afford them, and that the provisions of our Criminal Law Code give them that protection. I am certain that if the Police Commissioner or any of his officers with any knowledge of the criminal law were asked to report upon this matter, they would strongly contend that this law protects the whole force.

Mr. Dunstan—Have you read what the Royal Commission had to say on that?

The Hon. Sir THOMAS PLAYFORD—I saw it and I have also seen what the Parliament of Great Britain has done in this regard. It has a most interesting law on the subject. In England the death penalty has not been completely abolished, but under the Homicide Act of 1957 the death penalty was abolished in all cases except in regard to what are described as "capital murders," for which the death penalty is still imposed. These exceptions are as follow:—Murder done in the course or furtherance of theft (which includes any offence which involves stealing or is done with the intent to steal); any murder by shooting or causing an explosion; any murder done in the course of or for the purpose of resisting, or of avoiding, or preventing a lawful arrest, or the effecting, or assisting an escape or rescue from legal custody; and any murder of a police officer acting in the course of his duty, or of a person assisting a police officer so acting. In addition, the death penalty is retained for a second murder, even where a person is convicted of two separate murders tried together. Death for treason, certain forms of piracy and setting fire to the Queen's ships or arsenals are not affected by the 1957 Act.

So, honourable members will see that in Great Britain if a person shoots a police officer he is guilty of a capital crime. However, if a person hit a politician over the head with a blunt instrument he would be in a totally different category, but if he shot a politician, of course that would be an entirely different matter; so long as he is able effectively to quieten him with either a blunt or a sharp instrument it would be quite all right. I admit, as I admitted right from the start, that I would not have raised this matter had the honourable member for Norwood by interjection not drawn my attention to the position in Great Britain. I admit that he has not fallen into this particular problem, and I commend him for that reason. His proposal has a weakness, which the one I have referred to has not. This one specifically sets out to protect our police officers in the execution of their duty. If we are to have the laws of this land properly carried out, our police officers, who are very responsible people, and I commend them, must be protected. What would be the logical result if the honourable member's Bill were brought into operation? A police officer has his life in his hands all the time. If I were a police officer, what would be the result if I thought I was going to be in difficulty? We would soon have a trigger happy police force. If we are not going to protect the police force, who will? The logical thing will be for them to protect themselves. I believe this proposal is unwise and will be a retrograde step. It is not a Party political matter and I am not going to recount the pros and cons of it. I have many documents telling me either to support or oppose it, and strangely enough an astonishingly large number come from the Communist Party.

Mr. Dunstan—I do not think they should be associated with this Bill.

Mr. Ralston—Are you in regular correspondence with them?

The Hon. Sir THOMAS PLAYFORD—I do not think we should settle this matter from the aspect of whether certain powerful sections

support it or do not. I know that one powerful section in this community does not believe, on spiritual grounds, in the proposals set forth by the honourable member. I hope the House will not approve of this measure. I believe it would be retrograde and would lead to a large increase in the number of crimes of violence.

Mr. LOVEDAY (Whyalla)—I was interested to hear the Premier say that he agreed that this was a non-Party political matter and I believe we all regard it in that light. However, I do deprecate his reference to the Communist Party, because that has nothing whatever to do with the case and I do not think we should be influenced by the fact that a number of letters have come from that Party. I think it would have been better had that matter not been mentioned. In his opening remarks the Premier said he agreed that the most important investigation conducted into this particularly difficult and contentious matter was that carried out by the Royal Commission of 1949-1953. He went so far as to quote from its findings and based his argument upon those quotations. In fact, he said that, summarized, the Commission's report was that it was difficult to provide for statutory law which would be an improvement on the present one. He also said that the Commission reported that it did not recommend a lesser sentence than the sentence of death for murder. I draw his attention to the fact that this Commission was not constituted for the purpose of deciding upon the abolition of capital punishment and I refer to page 3 of its report wherein the Commission said:—

By our terms of reference we are required to consider "whether liability under the criminal law in Great Britain to suffer capital punishment for murder should be limited or modified." The natural construction of these words precludes us from considering whether the abolition of capital punishment would be desirable.

In other words, the Commission was not in a position to decide whether the abolition of capital punishment would be desirable. The Premier commenced his remarks by saying that, speaking purely as a member of Executive Council, he would approve of this legislation. He said that no one, from choice, would undertake the onerous task of making the very difficult decisions that Executive Council must make in cases associated with capital punishment. This feeling must, and does, extend to many other people associated with the question. It must extend to judges, juries, the staffs of prisons and all others involved in the machinery concerned with capital punishment. It is a particularly difficult matter for these people and, in fact, quite a number have suicided as a result of the terrific problems they have faced in making difficult decisions on capital punishment and in carrying out executions. From the point of view of people associated with capital punishment, it must have a tremendously detrimental and adverse effect.

I think we could accept the Premier's statement that the inquiry made by the Royal Commission of 1949-1953 was the most important and outstanding inquiry into this particularly vexed question. I make no apology for quoting from its findings on this matter because, as individuals, we cannot have the knowledge that that Commission was able to accumulate. With all due respect to the statistics the Premier quoted, they are limited in their form and certainly cannot be replied to properly until they are analysed in every detail, because they include factors which have only a passing relationship to murder and capital punishment and, secondly, they have a number of factors associated with them which in all probability have not been taken into account. It would be erroneous to draw conclusions from those statistics at this stage. In the limited time at my disposal I do not propose to go into some aspects of this question, but will confine myself to replying to some of the Premier's remarks while they are fresh in our memories.

The Premier said that he was sure the police force would support the retention of capital punishment and he elaborated that particular aspect. It is most interesting to see what the Royal Commission found in this respect. In the 1948 debate in the House of Lords it is worth noting that a number of arguments were advanced by spokesmen for the British police who argued that the police would have to be armed if capital punishment were abolished. This aspect was thoroughly inquired into by the Royal Commission subsequently. The suggestion was made that when criminals no longer feared execution for murder they would be shooting much more freely than they would under other circumstances, but I think it should be pointed out that under present conditions it is equally valid to suggest that the fear of execution would make any murderer in danger of arrest more likely to shoot to avoid capture.

The Select Committee that inquired into this matter before the Royal Commission, and the Royal Commission itself, examined that aspect

very thoroughly and found that the carrying of firearms by criminals was most prevalent in France, Spain and the States in America which had retained capital punishment. In the course of their inquiries they visited Norway, Sweden, Denmark, Belgium, Holland, and the U.S.A., and made the most thorough inquiries into that particular point. It is interesting to note that that commission, which had received such strong evidence from the British police force against the abolition of capital punishment on these particular grounds, found that in all those countries they visited the evidence was quite contrary to the supposition that the British police force put forward. The Royal Commission, in its findings regarding the use of firearms and the protection of the police, said:—

> 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.

The Premier may be quite right when he says that the police force here would be opposed to the abolition of capital punishment, but I think we can feel satisfied that, if we accept the Royal Commission's inquiry as being the most important inquiry in the world up till now on this question, then surely we cannot accept the attitude of the police force as being the last word on this particular matter. One can understand the fears of the police force. After all, I suppose the main objection to the abolition of capital punishment is mainly based on fear and what would happen in the community if we abolished capital punishment, and we can understand the attitude of the police force in that regard. But surely if we are going to consider this question we should look to the only body that has really gone into it on a world-wide basis. That inquiry over a period of four years was conducted, as the Premier has said, by people who are most qualified in every respect to carry out such an inquiry. I ask leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT.

At 5.43 p.m. the House adjourned until Thursday, August 27, at 2 p.m.