HOUSE OF ASSEMBLY.

Wednesday, September 16, 1959.

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

QUESTIONS.

STUART ROYAL COMMISSION.

Mr. DUNSTAN—My question arises out of a reply the Premier gave me yesterday concerning the appearance of Mr. Travers, Q.C., before the Stuart Royal Commission. When I asked the Premier yesterday what had been done to facilitate Mr. Travers' appearance before the Commission he said:—

The setting out of the programme for this month had, of course, been done long before Mr. Travers' appearance had even been mentioned. Arrangements had been made for witnesses, counsel and everything else, and as the trial of the other man had been delayed already on, I think, two occasions, there was a strong case for it to continue. No doubt the delays have worried the defendant. I instructed Mr. Chamberlain that, if the Commission desired it and the Court was prepared to grant an adjournment of this case to facilitate the appearance of Mr. Travers before the Commission, we would not oppose it. There was no embargo and no desire to force the other case on if it could be set aside with the agreement of the parties, but I understand the Commission itself felt that, unless it had some assurance that some material evidence would be produced, it would have some doubts about granting a long adjournment.

He also said:—

. . . the Crown Solicitor was advised by me that we would not oppose an adjournment of the Promnitz case if the Commission desired it and if the trial judge was prepared to grant it. I understand that no application was made for an adjournment and that the case is proceeding.

In consequence of that reply by the Premier yesterday both Mr. O'Sullivan and Mr. Travers contacted me. Mr. Travers informed me, and has authorized me to explain today, that at the time of his original appearance in Chambers on the Wednesday he asked Mr. Chamberlain if he would arrange for an adjournment of the Promnitz case. Mr. Travers had ascertained that his client, Promnitz, would agree. Mr. O'Sullivan subsequently informed me that when Miss Devaney of his office spoke to Mr. Scarfe, Crown Prosecutor, Mr. Scarfe said that the instructions of the Acting Attorney-General were that the Promnitz case would remain listed as it was. When Mr. O'Sullivan spoke to Mr. Chamberlain, Mr. Chamberlain said that while he was administering the list the case of Promnitz would stay in the list as listed. I am informed by Mr. Travers that before the Promnitz case came on for hearing yesterday morning Mr. Matheson, appearing for the Crown, asked Mr. Travers whether he would be applying for an adjournment and Mr. Travers said "Well, no I won't, because Mr. Chamberlain has said that he would oppose it, and those are your instructions, are they not?" and Mr. Matheson said "Yes." There is an extraordinary discrepancy between this statement and the statement by the Premier yesterday. Will the Premier immediately ascertain from the Crown Law Office how the apparent blatant discrepancy occurred between the Premier's account of his instructions and the statement by the Crown Law Office, and how what has occurred between the Crown Law Office and Mr. O'Sullivan and Mr. Travers could have taken place?

The Hon. Sir THOMAS PLAYFORD—The position as I knew it and as it was given to me was outlined in the House yesterday. I did see the Crown Solicitor this morning and asked him whether he had read the report in the press and whether, in his opinion, it was according to his instructions, and he informed me that it was. Mr. Chamberlain said it was in accordance with his instructions and his activities. I understand that this morning the judges on the Royal Commission saw Mr. Travers in Chambers and that they made an arrangement with him that was suitable to him, but some time later in the proceedings—in fact, only a few minutes later—the Commission was informed that Mr. Starke, Q.C., from Melbourne had been briefed by Stuart and was appearing in the case, so that the arrangement for Mr. Travers to appear had been cancelled. I am now speaking from hearsay, but I will verify the position. I understand that Mr. Travers is not appearing in the case and that Mr. Starke, Q.C. of Melbourne has entered an appearance before the Commission, has been accepted, and has been granted, with the concurrence of the Crown, a three weeks' adjournment to enable him to become conversant with the facts of the case. I understand that that is the position. I believe that this morning the Commission made it clear to Mr. Travers publicly that it would have facilitated his going on with the case.

Mr. DUNNAGE—Some time ago the Premier stated that the Government would pay any lawyer or Queen's Counsel brought forward by Stuart to carry on his case so that he would be properly represented. As Mr. Shand ran away and another gentleman, Mr. Starke, Q.C., has now come in, will the Premier say whether

the Government is going to pay his fees and whether it was going to pay Mr. Travers, Q.C.?

The Hon. Sir THOMAS PLAYFORD—The Government announced publicly that if suitable counsel were provided for Stuart the Government would pay for the service, but I understand that there has been no application to the Government, either in relation to other counsel or in relation to Mr. Starke, for payment. I presume payment is being made from some private source of which I have no knowledge.

RAIL GAUGE STANDARDIZATION.

Mr. HEASLIP—The following is an extract from the *Advertiser* of this morning under the heading "Further Talks on Rail Plan":—

The Minister for Shipping and Transport (Senator Paltridge) said in the Senate today that he would soon have further talks on rail standardization in South Australia with the South Australian Premier.

This statement was made in reply to a question by Senator Laught as to where it was proposed to bring the various points of standardization into South Australia. The standardization concerns much of my electorate and the people there are anxious to know what is to happen. The matter has been dragging on for a long time. They say that surveys have been made through their farms and, in some cases, through their sheds. I cannot get a reply for them. Can the Premier give further information on the standardization of the rail gauge?

The Hon. Sir THOMAS PLAYFORD—Dealing with the first part of the question, the Government has been anxious to discuss this matter with the Minister, and on occasions I have gone to Canberra to discuss it with him. The Government would welcome further discussions; in fact, we would facilitate discussions in every possible way. Regarding the general position, the Government has stated categorically to the Prime Minister and the Minister that we are prepared, in fact desire, to go on forthwith with the agreement. We pointed out how desirable it was to maintain a gang which was operating in the South-East, and which we did not want to disband, and we asked for an amount to be set aside on the Estimates this year for the work to continue. There has been no delay as far as the Government of South Australia is concerned; in fact we have been using every influence we can to get the Commonwealth to agree to go on with the agreement which was signed some years ago and which, we believe, should now be given effect to. I regret that I have not yet been able to get a decision from the Commonwealth, but we are doing our best to achieve some agreement in accordance with the terms of an agreement already ratified by both Parliaments.

GUMMOSIS IN ALMOND TREES.

Mr. TAPPING—A few weeks ago I asked the Minister of Agriculture a question about gummosis in almond trees at Largs Bay. Has he a reply?

The Hon. D. N. BROOKMAN—The Director of Agriculture reports:—

Gumming in almonds is an extremely common occurrence and is due to attack by the larvae of a whitish native night-flying moth with a wing span of about 2in.—*Maroga unipunctata.* The production of gum is purely a physiological effect and has no relation to the disease known as gummosis in apricots which is caused by a fungus—*Eutypa* sp. The moth is in the category of the less destructive insects and does not warrant inclusion in the list of proclaimed pests. The removal of affected trees would not materially assist in its control. A survey of the extent of the damage attributed to the insect and a confirmatory check of its life history are projects listed for investigation this season by the recently-appointed Adviser in Entomology, Mr. R. G. Dent.

NORTHERN WATER SUPPLIES.

Mr. RICHES—It has been reported to me that rumour is current in the northern areas that there is a possibility of water restrictions this summer in districts drawing supplies from the Morgan-Whyalla pipeline. In particular, these rumours are causing concern to market gardeners in the Nelshaby district, and I have been asked to request the Minister of Works that he issue a statement so that they will be able to judge the amount of planting they should embark upon this year in order to avoid unnecessary loss. I am also told that this rumour is causing concern over a wide area, and it would be appreciated if the Minister would give a statement that would allay those fears.

The Hon. G. G. PEARSON—I appreciate the problem the honourable member raises, particularly as regards market gardeners in their ordinary activities, but I am afraid that with the best will in the world I am not able to forecast precisely what the water position will be because I do not know what the weather will be and, incidentally, it depends very largely on that. There is considerably less water in the reservoirs in the northern parts of the State now than there was at this stage last year. That does not mean, however, that water restrictions are imminent or unavoidable, but it points to the fact that, if some catchment could be taken into the northern reservoirs.

particularly Bundaleer, which responds quickly to run-off when rain occurs, the position would be put beyond doubt. At the moment, however, I am afraid the position is not beyond doubt and, for the reasons I have stated, I cannot forecast precisely what the position will be. As I mentioned privately to the honourable member yesterday, I hoped to be able to confer with the Engineer-in-Chief on this matter before making a statement, but as Mr. Dridan has not been available I have not been able to confer with him. As I see it at present, I would prefer not to forecast, as I could be wrong whichever way I went. If, for instance, I were to say that there was no likelihood of water restrictions, and people then planted gardens and subsequently were not able to water them, I should, perhaps, be guilty of misleading them. On the other hand, if I were to say the opposite and rain occurred, and they had not planted their gardens, they would say that I had done the wrong thing. I think the honourable member realizes my difficulty. Before I can answer the question statistically I should like an opportunity to confer with the Engineer-in-Chief and to go into the matter further. I am not prepared to quote figures of pumping, draw-off and so on until I have conferred with him.

HOTEL LICENCE FEES.

Mr. QUIRKE—During the Address in Reply debate the member for Rocky River, the member for Light and I spoke about the disparity that exists between charges made for hotel licences, due primarily, I think, to different methods of rating, and the Premier said he would investigate the matter. In view of the urgent questions coming to me from country hotelkeepers I now ask the Premier whether he has investigated this matter; if so, what is the reply?

The Hon. Sir THOMAS PLAYFORD—The question has been investigated by me on a number of occasions and I have discussed the matter with representatives of the Licensed Victuallers Association. Certain decisions have been made after discussions. The fees charged for hotel licences in South Australia are very much lower than in any other State because the South Australian fees are based upon an amount assessed on the district council rating, whereas in other States they are usually based on a percentage of the cost of liquor purchased by the hotels. I think the licence fee in the other States is 6 per cent of the purchases by a hotel. The first thing I want to emphasize is that the fees in South Australia are much below the Australian standard. The last time hotel fees were adjusted the L.V.A. agreed to all fees being adjusted, but, in point of fact, the Government did not increase the fees on small country hotels then: the increase was only made on the larger and more heavily rated hotels in the city. Any increase that has taken place in the licence fees of small hotels arises out of differences in the assessments of district councils.

Mr. Quirke—You can get a hotel a few miles from another, selling less, but paying twice as much.

The Hon. Sir THOMAS PLAYFORD—That is due to the rating value assessed by the district council, which, of course, as the honourable member will realize, is subject to appeal. It may be that some councils have not rated their properties as highly as they could have under the Act, but others may have rated to the full value. Unless we are prepared to alter the rating system as the basis of assessments—

Mr. Quirke—Could the fees be based on water rating, which is a different thing?

The Hon. Sir THOMAS PLAYFORD—Yes, if the honourable member wants that, but the effect of that would be that there would be no reduction in hotel licence fees.

Mr. O'Halloran—It would result in an increase in some cases.

The Hon. Sir THOMAS PLAYFORD—The effect would be heavy increases.

Mr. Fred Walsh—Wouldn't it be better to take the matter up with the people directly concerned?

The SPEAKER—Order! This question is being debated and it should not be debated at question time.

The Hon. Sir THOMAS PLAYFORD—The Government will closely examine the honourable member's remarks and will submit the matter to the L.V.A. to see whether it desires any alteration to the present system.

MATRICULATION STANDARDS.

Mr. MILLHOUSE—On August 20 I asked the Minister of Education if he would take up with the Vice-Chancellor of the University the question of raising the matriculation standard to that of the Leaving Honours examination. As I understand the Vice-Chancellor has been back in Adelaide since the beginning of this month, has the Minister had an oportunity of discussing it with him and, if so, what was his reply?

The Hon. B. PATTINSON—The Vice-Chancellor has only recently returned from a tour abroad, but I did have some correspondence, as well as one brief discussion, with him on the matter. In the meantime the Public Examinations Board has met and discussed the matter and has appointed a small subcommittee to work out details. When it is in a position to bring in recommendations I will then take up the matter with Mr. Basten, the Vice-Chancellor.

GRAIN STOCKS.

Mr. STOTT—My question concerns a matter of policy. In answer to questions yesterday regarding starving stock and fodder the Premier made a statement, and since its publication in this morning's *Advertiser* I have been inundated with telephone calls. The price of fodder is rising rapidly: for example, an additional 4d. a bushel on oats *ex* Broken Hill. This is having a depressing effect on the sale of lambs; at the Mount Pleasant market yesterday, for instance, a line of 200 lambs not quite plump but in very good condition, were sold for as little as 1s. 10d. a head. The Premier can appreciate the position when it is realized that from that price must be deducted freight, commission and other charges. The position is becoming desperate. The Premier answered my questions yesterday in a general way and I can understand his position in trying to look at the matter, but in the meantime country people are getting anxious. Is it the Government's intention to examine this disastrous situation with the idea of providing some relief to the farmers who have starving stock and who may require some assistance next year for seeding operations by the provision of seed wheat and fodder for starving stock? My two points relate to seed wheat and concessional rates for starving stock. I agree with what the Premier said yesterday regarding the stocks of hay purchased previously by the Government, but my question goes beyond that. Will the Government examine this proposition and, if so, when will it make a decision?

The Hon. Sir THOMAS PLAYFORD—I stated yesterday that the Government would be prepared to examine any practical solution of the problem confronting us in South Australia, but there are limitations to the means available to the Government for solving it. We have no large stocks of fodder and there is no way that I know of by which they can be economically provided. Any submissions the honourable member makes will receive immediate and, if possible, favourable consideration.

MANOORA AND WATERVALE WATER SUPPLIES.

Mr. HAMBOUR—In recent months the Engineering and Water Supply Department has been investigating and preparing schemes for water supplies for Manoora and Watervale. In view of the dry conditions, pressure is being brought upon me to try to get the schemes expedited. Can the Minister of Works indicate, so that I can advise my constituents, the stage of these schemes and what is proposed?

The Hon. G. G. PEARSON—So far as Watervale is concerned, the department is preparing details of a possible scheme based on underground supplies, but the preparations are not yet complete. They are being attended to and will progress as rapidly as possible. I am not sure at the moment of the latest position regarding Manoora but will let the honourable member have a reply tomorrow.

PILDAPPA WATER SUPPLY.

Mr. LOVEDAY—Can the Minister of Works indicate whether there is any possibility of the Pildappa area farms being connected with the Tod River main for the coming summer?

The Hon. G. G. PEARSON—That matter was referred to me when I was at Minnipa recently and I discussed it subsequently with the honourable member and the department. The Pildappa scheme has been completely reliable for many years and the cost of connecting it to the Tod River system is extremely great and seems to be out of all proportion to the needs. The Pildappa system has been self-contained and has rarely, if ever, failed and the problem of connecting it would involve a second pumping from the Tod pipeline and the building of a pipeline at a considerable cost. Having examined the matter since it was referred to me, I must say that there are not good prospects of connecting it with the Tod system for the two reasons I have outlined, namely, the fact that it has proved extremely reliable over the years and that there is no surplus of water in the Tod River system at that point, and that to obtain any water at all from that system would involve the laying of a pipeline and an additional pumping station.

FRUIT FLY ERADICATION.

Mr. LAUCKE—The welfare of the fruit industry in this State is directly related to the exclusion of the scourge of fruit fly. I am concerned about the present method of policing the entry of fruit into this State at various road points, as it appears that an

inquiry only is made as to whether the incoming traffic is carrying fruit. Will the Minister of Agriculture consider seeking greater powers for officers at road blocks, particularly regarding search?

The Hon. D. N. BROOKMAN—This matter is already receiving consideration. I will advise the honourable member as soon as I have a statement to make.

COMPANY TAKEOVERS.

Mr. HEASLIP—For some years the practice of takeovers has become rather prevalent, and big businesses are coming from the eastern States and absorbing companies here. In recent months this has become more prevalent, with the result that in many cases the auditors, secretaries and other office staff are being reduced in this State, in most cases the office administration being transferred to the head offices in the eastern States. The practice also tends to create monopolies and prevent competition. Has the Premier considered this matter, and has he any information to give the House on the means of combating it?

The Hon. Sir THOMAS PLAYFORD—The Government has considered this matter and is concerned that a number of South Australian companies are losing their South Australian identity and becoming merged in Australia-wide companies, rather than retaining their South Australian flavour. Two or three problems associated with this matter do not make it easy of solution. Firstly, the takeover is usually by an offer of a cash subscription or a beneficial subscription to the shareholder of the company, rather than to the directors. Sometimes it is made to the directors, but more often it is made to the shareholder, who is offered a financial reward to part with his shares. The honourable member will realize that it is impossible to make shares unsaleable or to put any embargo upon the trading in shares. Another aspect which must receive consideration at the same time is that the policy of taking over of companies is detrimental to the good development of companies.

Mr. O'Halloran—It can become very exploitative.

The Hon. Sir THOMAS PLAYFORD—Yes, it is very important for a company to have a policy whereby it finances some of its expansion out of its current earnings; that makes it competitive with other companies and makes it an effective company. If that is prevented by always having someone standing over companies hoping to buy them out if those companies have the slightest equity, it becomes a very serious matter and, from a policy point of view, the Government opposes that practice for it believes that it is wrong and detrimental to the interests of this State and the interests of the companies of this State. No effective way has yet been found of countering this practice but any people who take over a company in South Australia know that they will not obtain any financial benefit out of it as far as the Government is concerned.

NANGWARRY SHOPPING CENTRE.

Mr. HARDING—Can the Minister of Forests say when it is expected that the shopping centre at Nangwarry will be completed, whether tenders have been called and tenderers notified of acceptance, and whether it is expected that the official opening will take place soon?

The Hon. D. N. BROOKMAN—The department expects that the building will be completed and ready for occupation about the end of October or early November. Tenders have been received and are at present being examined. At present, no consideration is being given to an opening ceremony.

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 26. Page 612.)

Mr. COUMBE (Torrens)—This motion is similar to others that have been moved by the Leader of the Opposition in this House from time to time. It was introduced by the Leader very ably and clearly indeed, in direct contrast to the vituperative histrionics indulged in by the honourable member for Adelaide (Mr. Lawn) who spoke last on this motion before the debate was adjourned three weeks ago.

I believe this motion is very serious, for it affects not only the workings of this House, but also the rights and privileges of every elector in this State. It is one that should be debated seriously and conscientiously, and not made the excuse for a tirade of abuse such as we heard previously. It seeks specifically

to set up a Royal Commission, with two clear and specific terms of reference, namely, (*a*) to consider the establishment of the House of Assembly electorates on the principle of one-vote one-value and (*b*) to consider the desirability of increasing the number of House of Assembly seats. These are two distinct and separate references. I agree that the second suggestion may have some merit because this is one of the smallest Parliaments in the Commonwealth, certainly the smallest mainland Parliament, but the two references are coupled together, so we must consider the merits of the whole motion.

Mr. O'Halloran—Are you going to amend it?

Mr. COUMBE—I am not prepared to do that, but the honourable member can do so if he wishes. If we disagree with one reference we must discard the whole motion, and as I oppose the first reference I will vote against the motion. I will deal with this matter in two different ways. Firstly, I will refer to the present system of having 39 members in this House (but each having the same number of electors) and, secondly, to a system where we would have an increased number of seats, each returning about the same number of electors. Let us take the present position of 39 members. According to the latest statistics, about 62 per cent of the population of the State resides in the city and 38 per cent in the country. If we adopted the one-vote one-value principle as suggested, 62 per cent of the seats would be in the city and 38 per cent in the country. That would mean 24 in the city and 15 in the country. The quota per seat under that system would be about 12,000. That would mean that the number of country seats would be reduced by about half, and where we have two country seats today we would, under this proposal, have only one.

In most cases the area now represented by a country member would be at least doubled. Can country members, Liberal, Labor or Independent, conscientiously agree that this is a good move for themselves, the Parliament or the electors? Can they seriously support a motion that would mean, in many instances, their political annihilation? Do they imagine that this would be the form of decentralization that we hear so much about from Labor members? I believe that it would be the negation of decentralization, and would be centralization in its worst form. Is this the sort of thing the country electors want? Country members on both sides have submitted that many country electoral districts are already too large. In September, 1958, when speaking on a similar motion Mr. O'Halloran said that his electorate had an area of 132,000 square miles, five times the size of Tasmania, and that the means of communication were almost negligible. He also said that some electorates were too large, and that certainly his had become too large, yet under this latest scheme his electorate would become larger.

In an earlier debate Mr. Clark quoted from Dr. Finer's book, *Theory and Practice of Modern Government,* and pointed out that Dr. Finer had said that the electorate must not be so large as to prevent personal contact between electors and the member, but under this latest scheme personal contact would become increasingly difficult. What would be the position of metropolitan members? In my electorate one single subdivision would represent the quota of about 12,000. In other words, I would have half the voters and half the area to represent, and this House would become, under the proposal a glorified district council. It could become another Greater Adelaide Council, as was suggested by the Leader of the Opposition on another occasion.

Under the latest proposal put forward by Mr. O'Halloran we can compare the duties of the metropolitan member with those of the country member. The Labor Party makes a play on getting industries to the country, and achieving decentralization. What incentive would there be to industries to go to the country under such a scheme? I highlight what would happen under that scheme to emphasize the alternative—an increased number of seats.

If we assumed that country members would not like their electorates to be larger and that we retained the present 26 country seats, representing 38 per cent of the population, the natural result, as 62 per cent of the population is in the city, would be 43 seats in the metropolitan area. That would make 69 members in all. Once again that gives a predominance to the city, where we would have three times the number of seats that we have at present. Such a position would become farcical. City members would be jostling each other, and the districts would not be electorates but magnified wards of a district council. The quota would be about 7,000. One subdivision in my electorate of 23,000 electors has 12,000 electors, yet under the system put forward by the Leader the quota would be about 7,000. We would truly have pocket-handkerchief electorates.

These points were dealt with in Mr. O'Halloran's introductory remarks. Now I want to refer to some of Mr. Lawn's extravagant statements in his contribution, if I might call it that, to the debate. He said that the Labor Party was returned at the last State election with a majority of 49,000 votes, and for once I had the pleasure of agreeing with him, for in this instance he was perfectly correct. The Labor Party polled 49,000 more than the Liberal Party, but let us examine where the majority came from. In the metropolitan area, the seats of Adelaide, Enfield, Port Adelaide, Semaphore, and Burnside were not contested by both Liberal and Labor candidates. In the district of Adelaide only 12,861 votes were cast for Labor, and in Enfield 17,202.

Mr. Jennings—Don't say Enfield was not contested.

Mr. COUMBE—It was not contested by the Liberal Party. The Labor Party candidate for Port Adelaide polled 16,958 votes, and for Semaphore, 18,246. These were all primary votes, no preferences being allocated. In Burnside the Labor Party did not oppose the endorsed Liberal candidate, who secured 13,228 votes. Labor candidates in the districts I have mentioned polled a total of 67,267 votes, and, after deducting the 13,228 votes cast for the Liberal Party candidate for Burnside, the majority of Labor votes cast was 54,039. This is the number of votes cast for the Labor Party in seats in which Labor and Liberal were not directly opposed.

Let us now consider who were opposed to Labor in those seats. In Adelaide, Labor was opposed by the Democratic Labor Party and Communist Party; in Enfield, by D.L.P., Independent and Communist; in Port Adelaide, by D.L.P. and Independent; and in Semaphore, by Communist. The only reason why the Labor Party secured over 54,000 votes and had them handed over on a plate was that it had a motley collection of candidates opposing it in the field, and many people were forced to vote Labor because they had no alternative. No doubt thousands of Liberal voters in those areas voted Labor rather than for Communist, D.L.P., or Independent candidates: they had no alternative under the compulsory voting system.

Thousands of votes cast for Liberal candidates a few months earlier in the Federal elections were cast for Labor in the 1959 State election because Liberal voters had no alternative. I am not so bold as to say that on those occasions some of these candidates were dummies for the Labor Party, but I know that in the two country seats of Whyalla and Stuart another candidate was run by the Labor Party for the express purpose of securing a Labor vote in the Legislative Council. At least one of those candidates said he wished the people to vote not for him but for the endorsed Labor candidate, yet the Labor candidates for the Northern district of the Legislative Council were soundly defeated. The arrangement, however, resulted in the endorsed Labor candidate for Stuart securing 5,977 votes and for Whyalla 5,356 votes, giving a total of 11,333, yet this is part of the magnificent majority the member for Adelaide talks so glibly about!

The Labor Party has always said that it polls much better in the metropolitan area than in the country; in other words, where a great density of population occurs in highly industrialized areas Labor polls better. If members look at the results in the metropolitan seats in which Liberal and Labor candidates were opposed to each other—Glenelg, Norwood, Torrens, Unley, West Torrens, Edwardstown and Mitcham—they will find that the Liberal Party polled a total of 76,535 and the Labor Party 74,535. Once again there was a majority for the Liberal Party in the seats in which the two parties were directly opposed. We all remember that during the campaign for the last election Labor said, "We can and we will win three metropolitan seats," and they named them specifically: Glenelg, Unley and Torrens.

Mr. Lawn—We still say we can and will win them.

Mr. Shannon—When?

Mr. Lawn—Carry a no-confidence motion and go to the people this year or next year and we will probably win those seats.

Mr. COUMBE—This year in those three districts the Labor Party conducted a most intensive campaign of publicity, meetings and canvassing. No money or trouble was spared. In my district almost every street was placarded with a photograph of my Labor opponent.

The Hon. G. G. Pearson—Contrary to the Electoral Act.

Mr. COUMBE—Quite so. The Labor Party concentrated on these seats and spared no expense. The Party even distributed literature to school children as they came out of the school gates so that it would be given to Mum and Dad. I suggest that that is getting pretty low. These facts cannot be denied but, despite the intensive drive in these three seats, the Liberal majority recorded in 1956 was increased in those three seats in 1959. That is a fair

indication of what the people of South Australia, and particularly in those districts, thought of the Labor Party's policy and record. This result was obtained in the same areas, under the same conditions, and with the same three Liberal candidates as in 1956. The Liberal vote went up and the Labor vote went down, and this cannot be explained away by talk of gerrymandering, a charge often made by the member for Adelaide. Let us look at the working of the motion once again. In my opening remarks I suggested that one of its main features was the setting up of a Royal Commission.

Mr. Lawn—You are not too happy with the present Royal Commission and you are afraid of other Royal Commissions.

The SPEAKER—Order!

Mr. COUMBE—Most of the objections to the present Royal Commission come from members opposite.

Mr. Lawn—Your Government appointed it.

The SPEAKER—Order! I ask the honourable member to cease interjecting.

Mr. COUMBE—The motion includes, and hinges around, the fine sounding phrase "one-vote one-value." On many occasions the Labor Party has spoken about one-vote one-value, but it is rather difficult to find out what it really means, particularly as the Labor Party, which enunciates it, in its own internal workings does not have one-vote one-value, but one-vote representing two-thousand votes. That is what it means under the card system within that Party. When it suits members opposite they enunciate one-vote one-value, but when it does not, they have one-vote two-thousand votes.

Mr. Fred Walsh—How do you work that out?

Mr. COUMBE—There is no need for me to work it out: that is the honourable member's Party system. Under this system one of Labor's most prominent members—Mr. Clyde Cameron, who in the House of Representatives criticized a colleague—was expelled from his union.

Mr. Lawn—You said it was 12,000 to 1 last year.

Mr. COUMBE—If that illustration does not satisfy members opposite, I remind them that Mr. Bukowski in Queensland is suffering the same fate.

Mr. Lawn—You said it was 12,000 to 1 last year; now you suggest it is only 2,000 to 1.

Mr. Ryan—Every member of our Party gets a vote.

The SPEAKER—Order!

Mr. COUMBE—I submit that it ill suits members of the Opposition to speak here of one-vote one-value when in their own internal arrangements that system does not apply. The principle of one-vote one-value is an integral part of the motion and, as it hinges on that system, the motion should be discarded because the movers do not follow it in their own internal Party system.

Mr. Ryan—The Federal system must be wrong too!

Mr. COUMBE—Let us examine some of the other voting systems in various parts of Australia. The system for the House of Representatives is approximately the system of one-vote one-value. What is the result? Out of a total of 122 effective votes in that House, New South Wales has 46, Victoria 33, Tasmania 5, Queensland 18, South Australia 11 and Western Australia 9. The thickly-populated States of New South Wales and Victoria have 79 of the 122 seats, representing 65 per cent of the votes. Is that the way to develop Australia? Does that help to develop the vast areas of South Australia and Western Australia? All that happens is that the thickly-populated areas of New South Wales and Victoria can sway the vote in the House of Representatives, and if such a principle were adopted in this Parliament the city electors would have, through weight of numbers in this House, the means of effectively choking the development of the remainder of the State.

Mr. Clark—Country members always tell us that the country gets things last now. You want to get back to the feudal system.

Mr. COUMBE—The Senate is working under proportional representation, but as it is not functioning as well as it should and neither Party is satisfied, a special committee has been set up to investigate means of overcoming deadlocks in the Senate. In Tasmania, where proportional representation is the method of voting, there are all types of halts. They have had to alter the electoral system many times. They cannot get stable government and until recently, when they increased the number of seats, they had a rule whereby the Speaker was elected from the minority Party in order to give the other Party some means of governing. I would never advocate the introduction of proportional representation in South Australia. Some years ago we had the multiple electorate system which principle, incidentally, was part of a motion introduced by the Leader either last year or the year before, but the multiple electorate system has

gone out of favour and the only places where it operates are Tasmania where five seats return seven members, and Victoria where they have the two for one system, with which none of the three Parties is happy.

Mr. Clark—Those systems are all better than ours.

Mr. COUMBE—That is a matter of personal opinion. The motion seeks to set up a Royal Commission with two specific terms of reference and I have attempted to illustrate what would happen if we increased the number of seats under the one-vote one-value system while maintaining the same representation as at present and also what would happen without maintaining that representation, and I have shown that it would not work and would not be acceptable to the people. It is interesting to study the will of the people as expressed at the last election in metropolitan electorates, particularly as the member for Adelaide so glibly spoke about the majority his Party got. When we analyse where that majority came from and study the means by which it was obtained and from whom—a collection of all odds and sods, strange bedfellows—the position is farcical.

Mr. Ryan—Go back to last November and examine the figures.

Mr. COUMBE—I take it the honourable member is referring to the Senate vote where the Labor Party secured a majority. In 1955 the Liberal Party got the majority and Senate voting is just like that. I honestly believe that the number of members in this House, and to some extent in the Legislative Council, is too small and should be increased for the good working of Parliament and its committees, but I do not agree that the increase should be based on the principles suggested in this motion. There are certain anomalies that should be corrected because in a few years they will be aggravated and exaggerated. Glenelg has increased in size to about 29,000 electors and as it is developing rapidly that number will increase further. Whyalla, Mount Gambier and Gawler are country seats that have more than the quota of electors and may, in a few years, have many more than it.

Mr. Clark—More than the quota? Double the quota!

Mr. COUMBE—Some adjustment is required in those seats.

Mr. Clark—You might start your argument now.

The SPEAKER—Order!

Mr. COUMBE—In a few years some adjustment will have to be made and consideration should be given to increasing the number of seats in this House, but I cannot conscientiously vote for this motion because irretrievably tied up with the proposal to increase membership is the reference to one-vote one-value.

Mr. Lawn—Your master has told you what to say.

Mr. COUMBE—I feel that the second term of reference has been tagged on by the Opposition only as a smoke screen to get the first term of reference accepted and, as I cannot seriously support the motion under those circumstances, I must oppose it.

Mr. FRANK WALSH (Edwardstown)—I support the motion. It would appear that the member for Torrens does acknowledge the need for increasing the number of members in the South Australian Parliament. In other words, he is prepared to admit the importance of the South Australian Parliament, and particularly that the number of House of Assembly members should be increased; but because of the other provision, namely, that the Royal Commission should recommend new boundaries to give substantial effect to the principle of one-vote one-value, he opposes it.

The Opposition has not at any stage of the debate stipulated that the proposed Royal Commission must provide exactly for one-vote one-value. That is not the intention of the motion at all, and the Commission would merely give substantial effect to that principle. It appears to me that in the course of his speech the member for Torrens was more concerned with the policy of the Australian Labor Party as it is understood by people not connected with it. The people who can be said to be on the outside looking in always appear to devote more thought to an organization than do the people who are inside looking out. It appears that the policy of the Australian Labor Party is one of grave concern to the member for Torrens. He went on to say that an intensive Labor campaign apparently took place in Unley, Glenelg, and Torrens, but if he had gone a little further and looked at the published figures he would have found that during the last State election campaign the election expenses of the Liberal Party in those electorates—and probably we could add Mitcham to the list—were probably the highest of all, so perhaps the least he says about that matter the better.

The member for Torrens went to great lengths to try to explain the aggregate vote

in certain districts, including those I have already mentioned, but he did not mention the district of Murray, which was won again by Labor. Mount Gambier was not mentioned either, nor was Gawler or Wallaroo, where Labor members all increased their aggregate vote. The return of a member of Parliament is largely a question of the feeling in the district he represents. In the most recent by-election for the New South Wales Parliament Labor won with an outstanding majority in a seat it had never previously held; in fact, it had not even endorsed a candidate at the last general election. What is the value of trying to parade a particular individual? The result of an election must reflect the pulse of the people at the time.

A reference was made to the last alteration in the Constitution, and the new system provided by this Government, which can only be termed a gerrymander and nothing else. The legislation provides that two country representatives shall be elected to Parliament for every one metropolitan representative—in other words, 26 country and 13 metropolitan representatives. The last report, because of the Government's desire to retain the same quota, recommended the abolition of the districts of Newcastle and Young. This was done merely because of certain development that was taking place in the south-eastern portion of this State.

I do not know of any member in this Chamber, or any other Chamber, that can create so many Aunt Sallies, and knock them down with his own bowling, as can the Premier. He mentioned 100 members, and his own words indicate that there would be 61 in the metropolitan area and 39 in the country. What would occur if we accepted the present principle and used roughly the existing figures? Because of the policy that operates, we would be electing 66 country members and 33 metropolitan. What would the 66 country members be representing? People, square miles of country, sheep, cattle, dingoes, or rabbits? Let us be fair in our proposition, if it is going to be on the basis suggested. I believe that people are the most important factor and that without them we are not going to get very far.

The *Pocket Year Book* discloses that there are 15 towns in South Australia with a population of 3,000 or more: Elizabeth, Gawler, Kadina, Loxton, Millicent, Mount Gambier, Murray Bridge, Naracoorte, Peterborough, Port Augusta, Port Lincoln, Port Pirie, Salisbury, Whyalla, and Woomera. If we analyse these towns we find that Loxton is represented by the member for Ridley (Mr. Stott), who is an Independent. The district in which the town of Naracoorte is situated—

Mr. Jennings—Is not represented at all.

Mr. FRANK WALSH—Well, it has returned a member here. Port Lincoln is another major town that the Government represents. Of those 15 country towns 12 are represented by Labor members. If we analyse the representation of the Government under its policy of a two-to-one representation, we find that the Australian Labor Party has nine country representatives, the Government 15 and the Independents 2. Is it any wonder that there is so much criticism, not necessarily from supporters of the A.L.P. but from numerous other people as well? It is not in the best interests of any State, particularly South Australia, to have a Government of the one type of political thought for the number of years that the present Government has remained in office in this State. The Public Service of this State, in consequence, has been asked to develop on one theme only, with no alteration since 1933. The period is too long for the people to have the same type of representation. The Premier said that 61 per cent of the State's population live in the city. I accept that figure, which means that 39 per cent live in the country. The *Pocket Year Book* shows that 54.05 per cent of the population lived in the city in 1930, 55.09 per cent in 1940, and now it is about 61 per cent, which indicates a drift from the country to the city. This has been caused by the Government's encouragement and a continuation of the one type of Government.

The Hon. D. N. Brookman—Are you saying that there has been a drift from the country to the city?

Mr. FRANK WALSH—The Premier admitted that there is such a drift. He adopted a figure of 61 per cent for the city and 39 per cent for the country. Don't population numbers mean anything to the Minister? To me, they mean a lot. While the present Government continues to force its will on to the people this drift will continue. Today the population of Elizabeth is a little more than 10,000. The Government regards Elizabeth as being in a country district, and under its policy it sends people to live at Elizabeth although working in the city.

Mr. Hall—How many have left the country to come to the city?

Mr. FRANK WALSH—I cannot say exactly. The Government is trying to build up Elizabeth in population without establishing industries there. Population has increased in the South-East because of the Government afforestation programme, and Mr. Loveday represents an area where secondary industries have been established. An alteration in Government policy is necessary when 39 per cent of the State's population is in the country and 61 per cent in the city.

In this debate reference has been made to electoral divisions in the Federal sphere and the Leader of the Opposition mentioned that a Commonwealth Royal Commission had said that the House of Representatives should be of sufficient size to provide adequate representation for the ever-increasing numbers of electors. Those words could be very well applied to the House of Assembly in the State. The Federal electorate of Adelaide in July last had 38,497 electors, Angas 42,118, Barker 44,938, Bonython (which is half country and half city) 51,360, Boothby 43,725, Grey 43,640, Hindmarsh 47,500, Port Adelaide, 45,653, Sturt 46,614, Wakefield 41,331 and Kingston 55,516. There will be no published alteration in these numbers until after the next census, which will probably be held next year. After it has been taken, alterations will no doubt be made to Commonwealth electorates, and in view of the present building activity in South Australia this State could easily have 12 representatives instead of the present 11 in the House of Representatives. The Federal Constitution provides for such a revision, but the South Australian Constitution does not. The Commonwealth position should be favourably considered by the State Government. As we recognize the broad principle of the Party system of Government, our Constitution should provide for the people's determining which Party should govern. We should not continue with the present policy of two-to-one representation. We should recognize people before broad acres. I support the motion.

Mr. LAUCKE (Barossa)—Mr. Frank Walsh referred to a drift from the country to the city, and said it was encouraged by the Government, but I refute that statement because it is not correct. Although the metropolitan population has increased in South Australia more than it has in other States (since June, 1947, the increase in South Australia has been 38 per cent and the other States combined 35 per cent), the non-metropolitan population in South Australia has increased much more than it has in other States as in South Australia the increase has been 36 per cent whereas the average for the other States has been 20 per cent. Indeed, the non-metropolitan population in South Australia has increased proportionately more than that in any other State except Western Australia, where Kwinana has affected the situation. This State has shown almost as rapid an increase in non-metropolitan population as in metropolitan population, for the increase in non-metropolitan population has been 36 per cent.

Mr. Ryan—Does that include Elizabeth?

Mr. LAUCKE—Yes. In the metropolitan area the population has increased by 38 per cent and this situation applies to only one other State, Western Australia. According to the census taken on June 30, 1947, the metropolitan population of South Australia was then 383,000, and the non-metropolitan population 263,000. The percentage then was 59 per cent metropolitan and 41 per cent non-metropolitan. In 1957, the metropolitan population was 529,000 and non-metropolitan 357,000—60 per cent in the metropolitan area and 40 per cent in the country. There was a variation of one per cent over the 10-year period, but in that period there had been major metropolitan industrialization in this State that occurred, not because of the Government, but despite the Government's intentions and desires to decentralize industry as far as possible.

Mr. O'Halloran—When did the Government express that desire?

Mr. LAUCKE—It has done so by action. I refer the Leader firstly to the Leigh Creek coalfield, which was set up by the Government with its own finance.

Mr. O'Halloran—The Government did not put the coal there.

Mr. LAUCKE—I do not claim that, but the Government supplied the finance and management to take it from the coalfield. The Radium Hill uranium mine is another Government activity away from the metropolitan area, and the Nairne pyrites project was financed by the Government.

Mr. Lawn—It would be difficult to have a uranium mine in the middle of Adelaide.

Mr. LAUCKE—Wherever the Government has seen a possibility to develop industry it has gone flat out to exploit natural resources. There is no holding back merely because they are not in the metropolitan area.

Mr. O'Halloran—Express an opinion on the meatworks at Kadina, will you?

Mr. Shannon—What about the pyrites at Nairne?

Mr. LAUCKE—Finance was arranged through the Industries Development Committee for the Nairne pyrites project. Gypsum works on the West Coast and Kangaroo Island are examples of finance and technical advice being made available by the Government. Finance and technical assistance were also made available by the Government for brickworks at Nuriootpa, Port Augusta and Littlehampton in its desire to decentralize industry. The uranium treatment plant at Port Pirie was financed and directed by the Government. Finance was made available by the Government for mills in the South-East catering for the production of the forests, for extensions to the paper industry, and for the sulphuric acid plant at Port Pirie. The factories that process dairy produce into butter and cheese have had finance made available from Government instrumentalities under the Loans to Producers Act. Fruit packing sheds and wineries have also been financed by Government instrumentalities with the blessing of the Government. A new cannery at Waikerie has been financed by the Government, and financial assistance and advice in lay-out was given by the Government for the establishment of an agricultural machinery factory at Murray Bridge.

Mr. Ryan—Are you quoting our policy?

Mr. LAUCKE—I am referring to the amount of good this Government has done to decentralize industry, and I think it is a good record if one is fair enough in this matter to see how much the Government has done to spread industry as far as possible, provided that there is a reasonable chance of success by the industry.

Mr. Ryan—Was it forced on the Government?

Mr. LAUCKE—It has always been the Government's desire and intention, as can be seen in the results of these schemes, to bring about decentralization, but this must be based on a reasonable expectation of success. Industry cannot be established in a location where, through natural disadvantages, the prospects would be pre-determined.

Mr. Fred Walsh—Assuming that what you say is correct, to what extent can you use it as argument against the motion?

Mr. LAUCKE—What I have said is in line with the impact of this motion should it be carried. I am opposed to it, and am pointing out the effects of assistance, which policy I hope will be retained because it is in the best interests of the State as a whole. In a State such as South Australia representation must be, to a degree, of a potential and area as well as of population because, largely, a concentration of population in a given area is due not to any Government policy, but despite it. The view must be taken that a system of one-vote one-value would give inadequate representation to rural areas and would have a major impact on the economy of this State as a whole.

Mr. Ryan—But you are referring only to South Australia, aren't you?

Mr. LAUCKE—Yes, because the motion refers only to South Australia. I oppose the motion because I believe that if its provisions were implemented the common good of the State would not be served. One of the first obligations of this or any other Parliament is to ensure the maximum development of the natural resources of the State as a basis for a strong economy that can furnish high living standards to every section of the community. The effect of a system of one-vote one-value would be inadequate and unfair representation of those interests that are fundamental to our State's welfare, and in this I refer to the primary industries section of our economy. I firmly believe that adequate representation of country interests is absolutely essential to a continuation of the progress and development that has marked this State's activities over the past two or three decades in particular. As I see it, the representation that is desirable is of area and productive potential.

Under the Leader's proposals it is logical to assume that with a metropolitan population of 555,200 out of a State population of 907,992 there would be 24 city members who would represent an area comprising 167 square miles. There would be 15 country members, and they would represent an area of some 380,070 square miles. I believe in close and intimate representation of a given area by one member who is completely responsible personally for that area but, if there were a dilution of members of country areas in this House, what is now a difficult situation would be much more aggravated.

Mr. O'Halloran—Do you know how many square miles I represent?

Mr. LAUCKE—I realize the vast extent of the Leader's electorate. Any larger area would be utterly impossible. I could see no good accruing to the economy and to the

people of this State generally were the provisions of this motion to be implemented, and I therefore oppose it.

Mr. McKEE (Port Pirie)—Naturally, I support the motion, and in doing so I know I have the support, not only of Labor members of this House, but also of most South Australians. I agree entirely with the member for Torrens that this is a serious matter and that there are anomalies that need investigation by a Royal Commission. I will now point out some of the anomalies that exist under the present system. The Playford gerrymander has for years given country constituents a voting power out of all proportion to their numbers. Where there is a rural outlook progressive thoughts do not prevail. For example, in the southern States of America there are such things as the Ku Klux Klan, lynchings and segregation, and South Australia is being referred to as the hanging State of Australia. The Government gerrymander in this State is the basis of an outmoded Industrial Code. There is no proper award for rural workers, no workmen's compensation for workers travelling to and from work and no automatic living wage adjustment. While it claims credit for country development, I am afraid that country development is the last thing this Government wants, because decentralization of industry would bring to rural areas a broadened outlook that would inevitably end Tory rule in South Australia. The Playford cult, which has been developed by press propaganda, has been designed to focus attention on the so-called personality of its leader rather than the need for a progressive policy, and to encourage the belief that South Australia's welfare is bound up in the Premier's actions is a dangerous alternative to the democratic process. The people should be allowed to have confidence in themselves and self-government through their properly democratically elected representatives in the legislative institution. No supporter of the gerrymander has any moral right to level the slightest word of condemnation against any overseas regime based on dictatorship. In fact, an honestly administered dictatorship is far preferable to a dictatorship that hypocritically pretends to have regard for the people's will and the principles of democracy.

Under the present set-up this House is little short of a mockery while it houses the disproportion of the gerrymander instead of a fair representation of a democratic electoral procedure. The Government claims that the gerrymander gives more attention to country needs than would a one-vote one-value system, but the truth is that the country vote is being used as a tool of the city financial interests that supply the funds for the Liberal Country League in order not only to preserve their profits but to keep country people politically backward by the denial of a spread of industry and amenities to country areas. I support the motion.

Mr. HAMBOUR (Light)—I congratulate the member for Port Pirie on the way he delivered his speech, although I was somewhat amused at what he said concerning the political backwardness of country people.

Mr. McKee—I referred to their being denied a spread of industry.

Mr. HAMBOUR—The honourable member said that country people were politically backward, but I am sure my constituents are not.

Mr. Clark—Their member might be.

Mr. HAMBOUR—I suggest that the member for Port Pirie study the country representatives to ascertain whether the people are politically backward. My constituents are obviously politically forward. Prior to the last election I travelled throughout my district speaking at meetings and I was often questioned by Labor supporters, but not once was I asked about this one-vote one-value system and I charge the Labor Party with not having mentioned it in the country.

Mr. Ryan—Didn't we mention the gerrymander?

Mr. HAMBOUR—I do not know when the honourable member spoke or what he said but I was not once questioned about this system and I charge the Labor Party with going to the people before the last election with a policy for the city and a policy for the country.

Mr. Shannon—That's good policy.

Mr. HAMBOUR—Of course it is, but could it be called political enlightenment? Members opposite went to the country and preached decentralization and romanced about it whereas in the city they advocated one-vote one-value. They knew only too well what would happen had they preached one-vote one-value in the country electorates because the country people, no matter for which political Party they vote, want the present proportion of representation to continue. It will take more than the mighty member for Gawler to change their minds.

Mr. Clark—You are insulting the country people. Not one country person would want his vote to be worth 3½ times the value of a city vote.

Mr. HAMBOUR—I am not insulting country people, for they are the salt of the earth and supply this State's wealth and its exports, which are the basis of the State's existence. They are entitled to a majority of representation in this Parliament. The member for Port Pirie only made one completely wrong statement and that was that country people want this motion carried.

Mr. McKee—You were told a moment ago that country people are drifting to the city. They have to leave their homes to get work.

Mr. HAMBOUR—That is not true. The honourable member knows that last week I referred to this matter when talking with him in the passages of this House. I said I could not understand the whinges of the members for Stuart and Port Pirie about not being able to find employment for their young people. I heard this afternoon that Mount Gambier was looking for young people to employ.

Mr. Ralston—Mount Gambier is a Labor-held seat and naturally it is going to progress.

Mr. HAMBOUR—What does the honourable member call Port Pirie? Isn't that a Labor seat? The Opposition is not consistent. The member for Port Pirie is completely ill-advised if he thinks country people want one-vote one-value. The Labor Party did not advocate that system to any degree in the country prior to the last election.

Mr. Ryan—Who would be the Government if the system were carried out?

Mr. HAMBOUR—It would be a much weaker Government than we have at present. I am opposed to increasing the number of members in this Parliament because I believe the people of South Australia have the best value Government of any State. I feel that with 39 members Parliament is quite capable of carrying out its duties and responsibilities. The Premier and his Government for the last 20 years have carried out the wishes of the people and the Premier merits the acclaim and credit he has received.

Mr. O'Halloran—If the population increases do you not think we should increase the number of members?

Mr. HAMBOUR—I am not concerned with numbers: I am concerned with efficiency. If we had a few more efficient members opposite we could reduce our numbers.

Mr. Loveday—What do we represent?

Mr. HAMBOUR—I do not know what or who the honourable member represents, but if he is not capable of representing his district he knows what to do. If any member opposite feels he is incapable of representing his district he has an easy way out and there would be plenty of men willing to step into his place. Our present administration is costing the State enough. It is easy to incur further and greater expense and I am opposed to it. I am not prepared to concede any more seats to the city, and that is what the first part of this motion seeks. The metropolitan area has 13 representatives in a small area and they are more than sufficient to represent the people. If they were all capable members, as I know the metropolitan representatives on this side are, the people would be well cared for.

Mr. Corcoran—You are trying to be funny. You would not be appointed to the Commission.

Mr. Ryan—You would be biased.

Mr. HAMBOUR—I would probably be a good member for many Commissions.

Mr. Corcoran—Self-praise is no recommendation.

Mr. HAMBOUR—The member for Barossa dealt well and at some length with what this Government has done by way of decentralization. The people know that the Government is doing everything humanly possible to assist and foster industries in country areas. The people are content and believe that the Playford Government is trying to spread industry. I oppose the motion.

Mr. RYAN (Port Adelaide)—Naturally, I support the motion, not as a Party measure, but because I believe in its sentiments. In opposing the motion the Premier said that, quite apart from whether or not we agree with the purpose behind the motion, the terms outlined would provide an impossible job for the Commission. I intend to prove that the terms are not impossible but have been carried out in other States.

Mr. Hambour—But they are not desirable.

Mr. RYAN—They are desirable and if the people were given an opportunity to express an opinion there is no doubt about how they would vote. On numerous occasions before and between elections the Opposition has referred to the gerrymander. The dictionary meaning of this word is to divide a State into electoral districts in an unnatural and unfair way to give a political Party an advantage over its opponents. No-one can deny that the Playford Government for many years has operated within the meaning of that word. Not one member opposite has expressed the

view that there should be one-vote one-value although much has been said about the present system under which the number of square miles is the principle governing the right to vote. Under this system we could reach the ridiculous stage where an uninhabited area of many thousand square miles could have a representative here. Property is not considered because if voting were concerned with property valuations, the value of property in the metropolitan area would far exceed the value of property in the country; and, in saying that, I am not referring merely to square miles, and empty square miles at that.

The Hon. D. N. Brookman—Do you believe in proportional representation?

Mr. RYAN—Not at present. In 1954 a Royal Commission, the most recent in this State, was set up with terms of reference similar to another Royal Commission. The Commission was instructed that it was to make an inquiry and give a decision in accordance with the terms of reference, which meant that it had to redivide the metropolitan area into 13 approximately equal Assembly districts (which at present would give an average quota of about 24,000 people) and to redivide the country area into 26 approximately equal Assembly districts (which on today's figure would give an average quota of about 8,000 people).

Mr. Hambour—Very good.

Mr. RYAN—Very good, indeed! Whereas the 8,000 people in the country would elect one representative, it would take 24,000 people in the metropolitan area to elect one candidate. If a motor mechanic lives in a country area his vote is three times as valuable as that of a motor mechanic who lives in the metropolitan area. I cannot see how that can be reconciled. The value of a person's vote apparently depends not so much on what he does but on where he lives. The member for Light has the same voting strength in this House as I have, yet he represents only 8,000 people compared with the 25,000 in Port Adelaide.

Mr. Harding—You don't have to be a motor mechanic in Adelaide.

Mr. RYAN—You do not have to be a motor mechanic in the district of Victoria either, but if you are lucky enough to be a motor mechanic in Victoria you get three times the value for your vote as the motor mechanic in Port Adelaide, yet that voter does not get three times the value in the candidate who represents that seat. The South Australian Government has been in office for a very long time, and the Opposition has often expressed its opinion as to why that has come about.

Mr. Hambour—It is good Government.

Mr. RYAN—In only one other State of the Commonwealth, namely New South Wales, has the same Government been in office for a long period, and that Government, had it so desired, had the same opportunity to gerrymander the electoral system. It could have done that and so remained in office for ever under the same system as the Playford Government in South Australia, but the New South Wales Government has never abused that right. It was elected in 1941 to represent the whole of New South Wales, and nobody can deny that it has carried out its election promise. That State has 94 electoral districts and the electoral position is vastly different from that in South Australia, as it is provided that there shall be 48 members representing the Sydney area with a population of 1,200,000. It is also provided that 46 members shall represent the country areas, representing a total of 883,000 people. In New South Wales the average quota for the metropolitan districts is 25,000 electors, not square miles, whereas the 46 country members represent districts with an average population of 19,213. The average over the whole of the State is 22,000 people per electorate, but, in fact, the country electorates now average about 19,000 and the metropolitan electorates about 25,000, with a fluctuation of 5 per cent above or below. I point out that the enrolments for country and metropolitan districts in that State are not much below or above the average for the whole of the State, and there is no three-to-one advantage in the voting strength of some individuals. What a vastly different set up in that State compared with ours! The Electoral Act of New South Wales provides:—

> The persons so to be appointed as Commissioners of the Act shall be a person who is or has been a judge of the Supreme Court or member of the Industrial Commission of New South Wales or a judge of the District Court; the person for the time being holding the office of Electoral Commissioner, and a person who is registered as a surveyor under the Surveyors Act of New South Wales.

That provides who shall be on the Royal Commission. The Opposition's motion does not specify who shall be on the proposed Royal Commission here; the Opposition is willing to leave it to the Government to make the appointment. The Opposition is being fair in this offer, and will accept whoever is appointed.

One of the most glaring examples of the difference between the Governments of New

South Wales and South Australia, and one that has caused people to refer to the gerrymander in this State, is shown in section 13 of the Electoral Act of New South Wales, the provisions of which could easily be included in the Electoral Act of this State and thus remove the stigma of the gerrymander that exists here. That section states:—

It shall be the duty of the commissioners, and they are hereby directed, to re-distribute New South Wales into electoral districts for the purpose of this Act whenever directed by the Government by proclamation in the *Gazette*, or in the event of the Governor not so directing then such distribution shall take place after the expiration of five years from the date of the last distribution.

Compare the set-up in that State, which had the opportunity to perpetrate a gerrymander had it so desired, and the set-up that exists in South Australia! Under the Act in New South Wales the Government has no say in the matter, because it is laid down that every five years there shall be a re-distribution of the electoral boundaries in that State on the basis of 46 country electorates and 48 metropolitan electorates. There is no manipulation of figures or of electors such as exists in this State.

All the Opposition is asking is that it shall be left to a Royal Commission, without any tags such as existed with the 1954 Commission, to inquire into and report on the basis of one-vote one-value. I do not know whether Government members are frightened of what the report might be, but apparently they are.

Mr. O'Halloran—They must be; they are opposing the motion.

Mr. RYAN—We are willing to accept the Commission on the basis I have mentioned, because, apart from Tasmania, that is the accepted principle of voting for the Governments of all other States and of the Commonwealth, and one that has operated for some years.

Mr. Hambour—In Western Australia?

Mr. RYAN—Yes. I admit that in that State other people came out under disguised names, and that is one of the circumstances in the present set-up. In Queensland the system is such that there is not the gerrymander that exists here. The Labor Party that had been in office in that State for many years was recently displaced by a Government of a different colour. I know that in the last few months the Queensland Government has made a re-distribution that will take effect as from the next election, probably in March of next year, so even though there is a Liberal Government in Queensland, that Government still honours its obligation by asking for a redistribution and facing the people on that system, whereas the Government of this State will not give effect to the same principle.

Mr. Hambour—You are completely satisfied with the redistribution in Queensland?

Mr. RYAN—I do not know the details of that redistribution, but I know that the Queensland Government, even though it is of the same political colour as the Playford Government, had the courage to make a redistribution. The Opposition challenges this Government to give this State the same opportunity, and it has no hesitation in saying that the sides will change in this House. If it is good enough for the Federal system it is good enough for the South Australian electors who vote for the Federal Parliament to have the same system in this State. We know that the Government members have manipulated the figures to suit themselves, as far as the will of the people is concerned.

Mr. Hambour—Your Party was completely satisfied with the redistribution that took place in 1956.

Mr. Jennings—Hooey!

Mr. RYAN—I think it was in 1954 that the redistribution took place. I listened attentively to the member for Torrens when, expounding the policy of his Party, he again manipulated figures to suit his argument. I did not hear him say that the same people in the electorates he quoted voted in an election last November, and that those voting for the Australian Labor Party constituted a majority both in the collective votes for the House of Representatives and for the Senate. The honourable member cannot deny those figures, which are truly representative because they cover every person who voted in the South Australian election on March 7 of this year.

All the Opposition is asking—and it challenges the Government to do it—is for the Government to give the people the right to say whether there shall be a Royal Commission to inquire into a further redistribution. If the Government is willing to accept that and to accept the decision of the Royal Commission, all the Opposition asks is that Government members support the motion, and if it does so, the Opposition will accept the decision of the Royal Commission. I support the motion.

Mr. SHANNON secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 26. Page 620.)

Mr. LOVEDAY (Whyalla)—When I spoke on this Bill earlier I was dealing with the possible effect upon the police force if capital punishment were abolished. In order to refresh the memories of members I will refer briefly to the argument the Premier put before the House. He said that capital punishment was a deterrent, but he did not say that it was a unique or effective deterrent, only a deterrent. He said also that the abolition of capital punishment would lead to an increase in criminal offences and that we would have a trigger-happy police force. Previously I had shown that the Royal Commission of 1949-53 had received no evidence that the abolition of capital punishment in other countries had led to the consequences suggested by police witnesses in Great Britain. This statement by the Royal Commission was unanimous. Similarly, the Select Committee of 1929-30 in Great Britain reported in paragraph 255:—

> We had no evidence put before us that after the abolition of capital punishment in other countries there has been any increase in the number of burglars arming themselves or in the carrying of lethal weapons.

Although the Premier could find no fault with the constitution of the Royal Commission of 1949-53, and its effective consideration of the problem, he quoted only two of its decisions relating to definition and degrees of murder. He said he was indebted to the Crown Solicitor for a report on the Royal Commission, but from that report, as read to the House, the only thing we find stated by the Crown Solicitor was that the Commission was set up and produced its report in 1953 after hearing a very large number of witnesses and considering strongly conflicting views. I find it surprising that if the work of the Commission were so commendable, efficient and far-reaching we did not hear more, either from the Premier or the Crown Solicitor, about its findings. I intend to show that the absence of any further reference to the report of the Royal Commission can only indicate that the Premier was not prepared to go further along those lines because the Commission's findings did not suit his argument. I draw the attention of members to the fact that there have been three independent and impartial inquiries into capital punishment. First there was the Royal Commission of 1864-1866, then the Select Committee of 1929-1930 and the Royal Commission of 1949-53. The latter consisted of 12 members and it made about 40 recommendations, only three of which were not unanimous. All the opinions and recommendations that I shall quote were unanimous.

Those who put up a case for the retention of capital punishment usually do so on grounds which can be divided into two groups—rational and emotional. The greatest emphasis in presenting the rational case is usually laid on two points. The first is that capital punishment is a greater deterrent than any other form of punishment, and the second is that there is no satisfactory alternative punishment. In dealing with the first point, I think we can gather a lesson from history. It is desirable to go back a little to see what happened in the early days when attempts were being made to abolish capital punishment from the beginning of the last century. Early in that century capital punishment existed in England for over 200 offences, for example, defacing Westminster Bridge, consorting with gypsies, stealing goods of forty shillings value in a private residence or of five shillings value in a shop, and for picking pockets. Many Bills passed by the House of Commons for abolition in respect of these offences were rejected by the House of Lords from 1808 to 1818. It is noteworthy that persons of considerable importance opposed the abolition, for example, the Chief Justice, Lord Chancellor, Recorder of London, many lawyers and judges. All were opposed to the abolition in respect of shoplifting to the value of five shillings. They said, "Death is the great deterrent." They also said, "Abolish capital punishment and every vestige of property will be swept away by robbers," just as the Premier is saying today that if we abolish capital punishment we shall have a trigger-happy police force. In 1820 the Lord Chancellor opposed abolition of the death sentence for cutting down a tree or wounding a cow. He said, "Persons would destroy plantations of trees and the whole of a farmer's stock." The House of Lords finally gave way, not because they wished to do so, but because juries refused to convict for these trivial offences—offences which are obviously premeditated crimes.

During the period 1823 to 1833 capital punishment was abolished for such offences, but nevertheless the incidence of the particular crimes steadily decreased after the abolition. In 1834 the city of London was able to discharge one of its salaried executioners. In 1861 capital punishment was abolished, except for the crimes for which it generally exists

today. In 1868 public executions were abolished, mainly because of the evidence that of 167 persons under sentence of death in one town over a number of years 164 had witnessed public executions. The Commission of 1864-66 concluded that the judges could not be right in the view they had expressed in favour of the continuance of public executions on the ground of its special quality as a deterrent. It is interesting to note that when criminals were being executed in London for picking pockets the crowds that went to see them executed were having their own pockets picked during the proceedings. Such was the value of the deterrent! The crimes for which capital punishment was abolished continued to decrease. Looking back on this period it is clear that the amount of crime depended on the economic and social background and not on the death penalty as a deterrent. If capital punishment was not found to have a greater deterrent effect than imprisonment for these premeditated crimes, surely it is less likely to have such an effect in the case of a man committing murder, because murders are not usually premeditated crimes.

Sir Samuel Romilly, Q.C., M.P., was responsible for most of the Bills for abolition in the period 1808 to 1818. He used the argument that the chief deterrent to crime is not barbarity of punishment, but certainty of conviction. The former decreases the latter and is therefore futile. He also said that brutal punishments accustom people to brutality and tend to increase crimes of violence, and that violence breeds violence. Those who consider that severity of punishment is the chief deterrent to crime and want to retain capital punishment on that ground are in a dilemma. If they insist on capital punishment being widely used, the sooner increasing dislike of it is likely to result in its complete abolition. If, on the other hand, they agree to its being used more sparingly, they gravely weaken their own argument, because the less it is used the less its deterrent effect will be. There will be less certainty of conviction. The increasing dislike of juries to give verdicts of murder leads to acquittals, verdicts of insanity and manslaughter. This is the position today in Australia and figures regarding it are revealing.

The average number of executions each year in Australia during the period 1861 to 1880 was nine; from 1881 to 1900 six; from 1901 to 1910 four; two from 1911 to 1920; two from 1921 to 1930; one from 1931 to 1941; and 0.5 from 1941 to 1950. That represents a clear picture of the position in Australia today and it shows that capital punishment can no longer be classed as a deterrent. I have some information regarding the countries in the world that have abolished capital punishment. The information should be included in *Hansard* because some people imagine that we in this country are so progressive that we must be moving along the same lines as other countries, but this list shows that we are dragging our feet badly in this respect. Austria abolished capital punishment in 1950, Belgium in 1863, Denmark in 1930, Finland in 1949, Western Germany in 1949, Holland in 1870, Iceland 1944, Israel 1954, Italy 1948, Luxemburg 1822, Norway 1905, Portugal 1867, Sweden 1921, and Switzerland 1942. Various States like Nepal, in India, abolished it in 1931, Travancore, in India, in 1944, Queensland 1922, Maine 1887, Michigan 1847, Minnesota 1911, North Dakota 1895, Rhode Island 1862 and Wisconsin 1853. I believe a few others have abolished it since then, but the list I have given is impressive.

Mr. Jennings—Has anyone been murdered in those places since?

Mr. LOVEDAY—Strange to say, very few. These countries differ widely in many ways, but they are a very representative cross section. Queensland, a very similar State to South Australia, abolished capital punishment in 1922, but has the Queensland police force become trigger-happy since 1922? Is there any evidence of a wave of murder since 1922, or a wave of criminal offences? The Premier of South Australia forecasts a trigger-happy police force here if capital punishment is abolished. I have taken the trouble to prepare a list of Supreme Court criminal convictions for Victoria, Queensland and South Australia since 1922. These records are complete except for the years 1922 to 1925 for Victoria, for which period no records are available in the Parliamentary library. The figures have been taken from appropriate *Year Books* and in some cases the figures show the rate per 100,000 of mean population, but where that is not given in the books I have obtained the population number and worked out the figures on that basis. I wish to record my appreciation to the librarian, Mr. Host, for his assistance. The interesting thing about these figures is that over the 31 years from 1926 to 1956 the average number of criminal convictions for every 100,000 of mean population in Victoria was 35.3, in Queensland 23.2, and in South Australia 36.0. I have selected those three States because the population of Victoria is slightly

greater than that of Queensland, and the population of South Australia is slightly less, and Queensland abolished capital punishment in 1922. Curiously enough, in the year in which Queensland abolished capital punishment the rate of Supreme Court prosecutions was 49 for every 100,000 population, but the year after it dropped sharply to 35, and it dropped further still in later years. It is interesting to note that the number of criminal convictions in Queensland during the depression years was much lower than in Victoria and South Australia. In fact, the number of convictions in South Australia was more than twice as great as in Queensland, where there was no capital punishment, so that all these fantastic claims of a trigger-happy police force and the underlying suggestion that there will be a wave of crime and criminal convictions is not borne out by these facts.

I draw attention to the fact that the Premier said we could draw very good comparisons between all the Australian States because, he said, they all have a good police force, conditions are similar, and in every way they form an excellent basis for comparison for statistics of this nature. I ask leave to have the table that I mentioned previously incorporated in *Hansard* without my reading it.

Leave granted.

SUPREME COURTS CRIMINAL CONVICTIONS.

	Number.			Rate per 100,000 mean population or population where rate not shown.		
	Vic. Dec. 31.	Qld. Dec. 31.	S.A. Dec. 31.	Vic.	Qld.	S.A.
1922	—	378	113	1,590,273	769,180 (49)*	504,910 (22)*
1923	—	cy 278	120	1,625,455	785,466 (35)*	515,372 (23)*
1924	—	—	104	1,657,151	804,442	526,648 (20)*
1925	—	June 30. fy 222	123	1,684,051	825,313 (27)*	539,920 (23)*
1926	461	234	174	1,711,987 (27)*	847,757 (28)*	553,800 (31)*
1927	474	269	196	1,741,832 (27)*	864,502 (31)*	565,284 (34)*
1928	521	259	264	1,761,746 (30)*	877,753 (30)*	570,863 (46)*
1929	630	244	258	1,778,269 (35)*	891,435 (27)*	572,457 (45)*
1930	720	193	304	1,792,605 (40)*	903,703 (20)*	573,242 (53)*
1931	723	198	274	1,803,570 (40)*	917,830 (22)*	575,717 (48)*
1932	674	209	236	1,813,387 (37)*	930,456 (22)*	578,010 (41)*
1933	594	198	224	1,824,217 (33)*	940,628 (21)*	581,034 (39)*
1934	550	206	206	1,836,660 (30)*	950,462 (22)*	583,474 (35)*
1935	569	129	172	31	961,200 (14)*	29
1936	533	222	171	29	23	29
1937	565	154	183	30	16	31
1938	642	173	172	34	17	29
1939	690	142	179	1,883,133 (37)*	14	597,048 (30)*
1940	651	214	163	1,914,918 (34)*	1,021,426 (21)*	599,136 (27)*
1941	705	145	177	1,946,425 (36)*	1,032,122 (14)*	601,193 (29)*
1942	721	151	211	1,962,558 (37)*	1,036,690 (15)*	609,172 (35)*
1943	826	155	208	42	1,040,433 (15)*	34
1944	792	200	158	40	19	25
1945	692	218	203	34	20	32
1946	712	229	231	35	21	36
1947	785	261	246	38	24	38
1948	806	270	185	39	24	28
1949	669	250	205	31	22	30
1950	722	313	207	33	27	30
1951	761	346	307	34	29	43
1952	883	336	328	38	28	43
1953	918	419	330	38	33	43
1954	912	502	312	37	39	39
1955	1,043	382	340	2,555,021 (41)*	29	820,143 (41)*
1956	1,249	431	362	48	32	43
1926-1956 (inclusive)—Totals				1,095	719	1,116
Averages				35.3	23.2	36.0

* Calculation of rate per 100,000 mean population where not shown in Year Book.
cy = Calendar year. fy = Financial year.

Mr. LOVEDAY—Surely these statistics at least show that the absence of capital punishment will not lead to a wave of crime. If any member believes that, surely he must assume that South Australia has an exceptionally large number of criminals who are only waiting for capital punishment to be abolished to commit a crime, and I do not think anyone would try to put forward that contention. I now wish to give the position in other countries examined by the Select Committee of 1929-30 and to mention the work carried out by the Royal Commission, which did a tremendous amount of work in examining the position in other countries where capital punishment had been abolished. The Select Committee of 1929-30, in paragraph 453 of its report, stated:—

Our prolonged examination of the situation in foreign countries has increasingly confirmed us in the assurance that capital punishment may be abolished in this country without endangering life or impairing the security of society.

The committee was referring to Great Britain. The Royal Commission of 1949-53, after most exhaustive inquiries, came to a similar conclusion. Let us now consider what that Commission did so as to satisfy ourselves on whether it examined the position thoroughly. First, it sent out a questionnaire to the appropriate Governments and obtained the basic facts. It then heard a number of witnesses in Great Britain from foreign countries; then it went to Norway, Sweden, Denmark, Belgium and Holland where it heard many witnesses; and then it went to the United States and heard many more witnesses. It then checked to see whether there was any case in which capital punishment had been restored because abolition had been followed by an increase in murder. For example, capital punishment was abolished in Italy in 1890 but was restored in 1931 on the ground that its absence was incompatible with Fascist philosophy. It was abolished again in 1948, and the Commission checked to see if its re-introduction had been followed by a fall in the number of murders, because, if restored with great publicity, it might have been expected to have a strong deterrent effect. In the United States the Commission checked adjoining States of similar population, economic and social conditions, some of which had the death penalty and some of which had not. With regard to the United States, the Commission stated in paragraph 64 of its report:—

Whether the death penalty is used or not, and whether executions are frequent or not, both death penalty States and abolition States show rates which suggest that these rates are condtioned by other facts than the death penalty.

I now turn to paragraph 65 of the report, which shows the Commission's general conclusion:—

The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate or that its re-introduction led to a fall.

Once again, are we to believe that South Australians are so much more brutal and so much more inclined to homicide than the people of all these countries where capital punishment has been abolished? This is not to argue that the degree of punishment has no deterrent effect, but experience has shown, where it can be tested by facts, that the degree of prospect of conviction is of much more importance than the degree of punishment. This was put very clearly by Archbishop Temple in a fairly recent article in *The Spectator*, and I believe it is understood and acknowledged that the Archbishop understood human nature very well. He said:—

Recent experience has shown that in many cases public opinion revolts against the execution of condemned criminals, and indeed the proportion of reprieves tends steadily to increase. Moreover, observation seems to leave no doubt with regard to the chief quality of effectiveness in deterrent punishment. It is not the severity of the penalty inflicted, but the certainty both of detection and of the exaction of the penalty required by law, whatever this may be.

Later in the article he said:—

Our modern sentiment has robbed the death penalty of its chief defence. This is of great importance when we remember that all punishment should contain the remedial or reformative element, for, as has been said, this element is at its minimum in the death penalty. Unless, therefore, it can be pleaded that the penalty is uniquely deterrent, which in modern conditions it is not, the case against it seems overwhelming.

But even certainty of conviction can be a deterrent only where the crime is premeditated, and most crimes where capital punishment is involved, such as crimes of murder, are certainly not premeditated. It is worthwhile looking at the nature of murders and murderers in order to get a clearer picture of this question. To ask ourselves what would deter us most if were were planning to commit a murder would be unreal, because so very few people are, in fact, potential murderers. The real question is what does or does not operate as an effective deterrent on the few in the community who might commit a murder.

The large majority of murders are committed quite without premeditation. Obviously, capital punishment is no deterrent there, and the relatively small number of planned murders are committed by people who are quite certain that they will not be caught, so that there is virtually no deterrent effect in those cases. Many murders are committed by people who are insane, and these people will certainly not be deterred by the death penalty.

On this matter it is worthwhile to examine some evidence as to what proportion of murderers can be classified as insane. In the Royal Commission's report, appendix III, table I, for the 10 years 1940-49 (including the war years when men were trained to kill) 586 people were tried for murder in Great Britain, of whom 325 were found to be insane, excluding acquittals. I feel quite sure that we can assume that the 325 people were not in any way deterred by the death penalty. These figures do not include people like the psychopaths Haigh and Heath, with whose names I think we are all familiar. It is quite clear from these considerations and the Commission's findings that very few, if any, potential murderers are deterred by the death penalty. If any are deterred, why does not abolition result in an increase in the number of murders? On the other hand, there is reason to believe that capital punishment is the cause of some murders. The earlier Select Committee gave some very interesting evidence at page 4651 of its report. Prison Governor A said, "I am certain young people copy what they read in the press as regards these murder cases." Prison Governor B, asked whether press publicity caused imitative crime, said, "I am perfectly certain that it does."

In the Royal Commission's report, medical evidence showed that there were types of disordered minds upon which the existence of capital punishment might act as an incentive, and two types were quoted—the suicidal and the exhibitionist. I will now quote two typical cases. Donald Brown, the "Teddy Boy," is the first. The prison doctor said he did not think the death penalty would have the slightest deterrent effect on Brown who, when read an account of the murder in the paper, said, "I felt that at last I was somebody." Then there was the well known case of a man called Marjeram who, in 1930, stabbed a girl to death on Dartford Common. There was no sexual assault and he helped police find the knife. The *Police Recorder* described the crime as inexplicable. At the police station Marjeram asked for the newspapers, saying, "I wish to read the account of the murder and all that has been said in the newspapers about me. There must be a lot about me as a job like this has not been done for a long time." Earlier in life he had attempted suicide and had given himself up for a murder he had not committed. He was then sentenced to six months' imprisonment for stealing a handbag, and was imprisoned in Maidstone Gaol where Fox, a murderer, was in the condemned cell. Marjarem was released on April 5, and Fox was hanged on April 9. To his mother, Marjarem referred to Fox as a hero, and on April 11 he murdered the girl on Dartford Common. I think those two cases illustrate cases of exhibitionists.

Mr. Clark—Freud gives a number of examples of the same sort of thing.

Mr. LOVEDAY—Yes. The other objection put forward by those who wish to retain capital punishment is that there is no satisfactory alternative punishment. I think we must accept that the punishment must be severe for a criminal case, but it is generally conceded that professional criminals fear a life sentence more than anything else and many consider that a life sentence is much more severe punishment than death. The most important point in the consideration of alternative punishment is that those countries that have abolished capital punishment have solved this problem quite satisfactorily. The Royal Commission, in appendix 6 of its report, found that no released murderer in Norway, Switzerland, Sweden and Holland had ever committed a further murder. In regard to the conduct of murderers, the Commission said:—

> There is a popular belief that prisoners serving a life sentence after conviction of murder form a specially troublesome and dangerous class. That is no so . . . on the contrary it would appear that in all countries murderers are, on the whole, better behaved than most prisoners.

In giving evidence to the Royal Commission a representative of the Home Office said:—

> It is a rare thing to find a reprieved murderer had been guilty of any previous kind of violence. That is a rare thing.

Let us consider the situation after the release of murderers because it has been mentioned that when a man is convicted for life he rarely serves the sentence but comes out after a number of years. The Royal Commission took evidence on this aspect and found from the evidence given by the Central After-Care Association that in England and Wales 156 life sentence prisoners were discharged to their care during 1934-1948, of whom 127 had had no

previous convictions, only 16 had been reconvicted since release, and only one had been convicted of a further crime of violence. There are some interesting factors about this last case which concerned a Walter Rowland who, in 1947, was hanged after strongly protesting his innocence. Four years later another man named Ware, who was found to be insane, confessed to what the police considered to be the crime for which Rowland was hanged. It is quite clear that those persons who can be classified as murderers do not, after release, represent a danger to the community.

It is not necessary for me to deal with the aspect of alternative punishment for the murderers classified as insane as they are sent to other appropriate institutions. I submit that there is, therefore, no rational ground for supposing that the alternative punishment would create any special difficulties, as it does not, in fact, create them where capital punishment has been abolished. Another objection to the abolition of capital punishment is what might be called the emotional case for retention. It is a case based on the emotions of fear and anger and it finds its expression in such statements as "An eye for an eye," "A man like that deserves to be hanged," and "Hanging's too good for him."

Mr. Jenkins—That's what the member for Adelaide said the other day.

Mr. LOVEDAY—Today the State gives no support to the idea that vengeance should have any place in punishment. The Premier certainly did not use that as an argument for the retention of capital punishment. In giving evidence to the Royal Commission, a Home Office representative said that there is "no longer in our regard of the criminal law any recognition of such primitive conceptions as retribution." I remind members that, after all, the claim "An eye for an eye," when first uttered, was really an appeal for restraint upon vengeance. When we consider that what are termed the worst cases of murder are usually committed by persons of acute mental disorder, to say that a man deserves to be hanged is little more than an expression of emotion devoid of any real meaning. On emotional grounds capital punishment simply cannot be defended.

I wish to summarize what I have said, and to stress my main points, which are: (1) The evidence provided by past history and by the most exhaustive and competent inquiry of recent years (the Royal Commission of 1949-53) shows that capital punishment is not an effective deterrent, nor does its abolition result in greater use of firearms; (2) Satisfactory alternative forms of punishment can be provided and are in fact being provided in States that have abolished capital punishment; (3) The existence of capital punishment can even be a cause of capital crimes; (4) Capital punishment has a brutalizing and otherwise adverse effect on those in any way associated with it; (5) The emotional demand for capital punishment is mainly a demand for vengeance, which is incompatible with the modern approach to criminal law; (6) Many innocent people have suffered capital punishment and there is no doubt that capital punishment is selective to a considerable degree.

Although there is not much evidence on the question of selectivity in capital punishment —because very few people have an opportunity to examine this particular aspect—I want to quote from Lewis Lawes, the Warden of Sing Sing for many years (and, as such, in a unique position to observe whether capital punishment was selective) who, in his book *Twenty Thousand Years in Sing Sing*, said:—

> Not only does capital punishment fail in its justification, but no punishment could be invented with so many inherent defects. It is an unequal punishment in the way it is applied to the rich and to the poor. The defendant of wealth and position never goes to the electric chair or to the gallows. Juries do not intentionally favour the rich, the law is theoretically impartial, but the defendant with ample means is able to have his case presented with every favourable aspect, while the poor defendant often has a lawyer assigned by the court. Sometimes such assignment is considered part of political patronage; usually the lawyer assigned has had no experience whatever in a capital case.

He also said:—

> In the 12 years of my wardenship I have escorted 150 men and one woman to the death chamber and the electric chair. In ages they ranged from 17 to 63. They came from all kinds of homes and environments. In one respect they were all alike. All were poor, and most of them friendless.

I think that evidence, coming from a person in such a unique position, surely bears out the point I made in respect of selectivity. The continuance of barbaric forms of punishment has been found inconsistent with our self-respect, and our own self-respect as a civilized State demands the abolition of capital punishment. I conclude with a quotation from the wellknown play *Caesar and Cleopatra* wherein Caesar says:—

> An so, to the end of history, murder shall breed murder, always in the name of right and honour and peace, until the gods are tired of blood and create a race that can understand.

I support the Bill.

Mr. JENKINS (Stirling)—There seems to be abroad today much sympathy for the murderer and the potential murderer but little consideration or sympathy for those who suffer at their hands or those who remain to grieve for the murdered. I oppose the Bill, the substance of which is contained in clause 3, which if accepted, will result in the abolition of capital punishment. I believe that in abolishing capital punishment for murder in its worst form we will subject our people to a considerable loss of protection. We well know that only the perpetrators of the worst forms of murder pay for their crimes with capital punishment and where there are extenuating circumstances the death penalty is commuted to life imprisonment or a term of imprisonment.

I do not agree with the member for Norwood (Mr. Dunstan) that capital punishment is no deterrent. It must be some deterrent in some cases, although probably not in the unpremeditated, hot-blooded or passionate murders, but in the cold-blooded, calculated crime where plans are made to rob or commit a felony, the criminal assesses the risk and what it will cost him if he is caught. He, of course, does not expect to be caught, but, if he is, will consider imprisonment a risk worth taking. If the death penalty is abolished, he can kill if apprehended in the course of committing a crime with fear of no more than imprisonment. Crime detection today is of a high order and any intelligent criminal must take into account the possibility of being caught. Therefore, I feel that to abolish capital punishment would be to give a licence to these offenders. In fact, it would be virtually declaring an open season on our innocent men, women and children.

Members opposite have quoted from *The Annals* of the American Academy of Political and Social Science and from the Royal Commission of 1949-53 to uphold their view that capital punishment is no deterrent, but there are other considerations apart from the deterrent aspect and I intend to quote from the statements of some eminent men who have a great knowledge of these matters. Members opposite did not quote any evidence to support the retention of capital punishment, but I intend to do so. On page 18 of the Royal Commission report Lord Templewood and Sir John Anderson spoke of retribution and Lord Justice Denning said:—

The punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformative or preventive and nothing else . . . The ultimate justification of any punishment is not that it is a deterrent, but that it is the emphatic denunciation by the community of a crime: and from this point of view, there are some murders which, in the present state of public opinion, demand the most emphatic denunciation of all, namely the death penalty.

The member for Norwood, to justify his case, quoted from statements by a high churchman, but I point out that in the report of the Royal Commission the following appears:—

The Archbishop of Canterbury, while expressing no opinion about the ethics of capital punishment, agreed with Lord Justice Denning's view about the ultimate justification of any punishment. By reserving the death penalty for murder the criminal law stigmatizes the gravest crime by the gravest punishment; and it may be argued that, by so doing, the law helps to foster in the community a special abhorrence of murder as "the crime of crimes," so that the element of retribution merges into that of deterrence. Whatever weight may be given to this argument, the law cannot ignore the public demand for retribution which heinous crimes undoubtedly provoke; it would be generally agreed that, though reform of the criminal law ought sometimes to give a lead to public opinion, it is dangerous to move too far in advance of it.

I now turn to some evidence dealing with the restoration of capital punishment. The member for Whyalla quoted countries that had abolished capital punishment, but he did not quote the countries that had restored capital punishment, one of which was New Zaeland.

Mr. Dunstan—It is abolishing it again.

Mr. JENKINS—I believe there is a Bill before the New Zealand House for abolition.

Mr. Jennings—How many people were hanged during the time it was restored?

Mr. JENKINS—I do not know those details. Capital punishment was abolished in New Zealand in 1941, after having been in abeyance since 1936, and was restored in 1950. A table on page 342 of the Royal Commission's report shows the number of murders known to the police for the years 1920 to 1949 inclusive. Paragraph 34 on page 343 is as follows:—

Column 7 in the table is of interest in view of the opinion often expressed that the abolition of capital punishment makes juries less unwilling to convict in murder cases. No statistics of the number of persons proceeded against for murder (the normal basis for a survey of the percentage of convictions) are available, but column 7 shows that the percentage of convictions in relation to murders known to the police was 21 in the years 1941-1944 as compared with 10 in the years 1933-1940. A speaker in the debate on the restoration of capital punishment in 1950 in the New

Zealand House of Representatives commented on the proportion of convictions to acquittals since capital punishment was abolished.

On the restoration of capital punishment in New Zealand, the Royal Commission said this (at page 372):—

The statistics are shown in table 14 and diagram 1 and are considered in paragraphs 32-34. Information about the reported attitude of certain murderers towards the penalty for murder is given in paragraph 16. Capital punishment was abolished in New Zealand in 1941 after being in abeyance since 1936. In August, 1950, a Bill was introduced into the New Zealand House of Representatives with the object of restoring capital punishment. The Bill was considered by a Select Committee of both Houses of Parliament, which took evidence in public, was subsequently debated in both Houses, and became law in December, 1950.

The report on that continues:—

The attitude of murderers towards the penalty for murder (see paragraph 16). Representatives of the Department of Justice told the Select Committee: "We attach great importance to the fact that in New Zealand there have been a number of recent cases which suggest that the question of hanging was in the mind of the murderer before he committed the crime."

The member for Whyalla in his speech said that there was no evidence by the police before the Commission that capital punishment was a deterrent, but I point out that in New Zealand the Commissioner of Police told the Select Committee:—

In my opinion, the abolition of capital punishment is a reduction of the penalty and thus the deterrent is reduced and the gravity of the crime also reduced. The majority of persons charged with murder are below average mentality, and these are the people who are so easily influenced by any reduction in the gravity of the crime and easily impressed by the many newspaper reports and headlines stating that the penalty for murder is less than death. The lower the mentality of the subject, the stronger the deterrent must be.

The report also deals with the evidence in favour of restoration given by a leading New Zealand pathologist and by the Director-General of Mental Hospitals, who considered that there were cases where the murders would not have taken place if the death penalty had remained on the Statute Book. It further stated that a number of notorious sexual murders took place during the period of abolition, and that these may have influenced the many women's organizations which favoured restoration. It then went on to mention that there had been an increase in the number of murders by professional criminals. The report goes on:—

One speaker in the House of Representatives said than in the 16 years prior to 1935 there had been only two murders associated with robbery, while in the nine years of abolition there had been five.

It then referred to newspaper reports about a considerable increase in the number of murders after capital punishment was abolished. That report concludes as follows:—

It must be emphasized that these reasons for the restoration of capital punishment were the reasons given during the debates in Parliament and the hearing by the Select Committee. This account does not purport to consider the merits of these arguments, many of which were rejected by those opposed to the restoration of capital punishment.

America has also restored capital punishment in many of its States. Mr. Loveday gave a list of those that had abolished it, but the report of the Royal Commission gives particulars of those States that restored capital punishment. The report states:—

Statistical information about the States which have restored capital punishment will be found in paragraphs 38 to 54. The most interesting of these States are Kansas and South Dakota, which restored capital punishment after a long period of abolition. No information is available about the reasons for restoration in Iowa, Colorado and Arizona.

Capital punishment was abolished in Washington in 1913, and restored in 1919. According to the report, in 1922 the Attorney-General of Washington said:—

The legislature evidently regarded capital punishment as a deterrent force, for it was restored after a trial of six years of life imprisonment as the maximum penalty.

The report continues:—

The Governor of the State in 1930 thought that restoration was "the result of a series of murders," particularly the murder of an industrial insurance commissioner by a man who boasted that the State could do nothing to him but board him for the rest of his life.

In Oregon, capital punishment was abolished in 1914, but restored in 1920. The report dealing with that is as follows:—

In 1920 the Governor called a special session of the legislature and, in his address, he said: "Since the adjournment of the regular session in 1919 a wave of crime has swept over the country. Oregon has suffered from this criminal blight, and during the past few months the commission of a number of cold-blooded and fiendish homicides has aroused our people to a demand for greater and more certain protection . . . Because of a series of dastardly homicidal offences a distinct public sentiment has developed that the people of the State should once more be given an opportunity to pass upon the question of the restoration of capital punishment and that there should be no unnecessary delay in bringing this question before the electorate."

The report dealing with Tennessee, which abolished capital punishment in 1915 and

restored it in 1919, is as follows:—

In 1922 the Attorney-General of Tennessee said: "After the repeal of the Capital Punishment Act in 1915, we had a reign of crime of the most heinous nature in this State which brought about a complete reversal of public sentiment upon the subject and therefore resulted in the repeal of this Act in 1919." Judge Kavanagh told the Select Committee that he was informed in 1930 that the reason for the reintroduction of capital punishment was "that great surge upwards of murderers following the abolition of the death penalty."

The report then deals with Missouri, and goes on to quote many countries that have had similar experiences. Speaking from memory, there was one case in New Zealand where a man was arrested after he had boasted that he was setting out to murder seven people. When arrested, he had murdered three people, and he said "Well, it was well worth it." He stated that he had considered before he started out that all he could get was eight years in prison anyhow, and that it would be well worth serving that to murder seven people. Had there been a death penalty I have no doubt he would not have embarked on that enterprise.

The Royal Commission gave voluminous figures and statistics which, it is claimed, in some cases are not conclusive. The Premier gave figures of all States of Australia which could be considered to be on some kind of an equal basis, and I think those figures can be confirmed by figures which I had taken out for me a week or so ago. The member for Whyalla did not quote New South Wales, but the member for Norwood did when he said that the abolition of capital punishment was part of the Labor Party platform, and that such abolition had taken place in New South Wales. The Commonwealth Statistician's figures for South Australia and New South Wales, and also the *Year Book* for New South Wales, show that the total number of convictions for murder and attempted murder in South Australia were none in 1954, none in 1955, and two in 1956, whereas the figures in those three corresponding years in New South Wales were 14 in 1953-54, 10 in 1954-55, and 17 in 1955-56. The latter figure for New South Wales is that given by the Commonwealth Statistician, whereas the New South Wales *Handbook* shows that there were 20 convictions in 1955-56, which is three more than the Commonwealth Statistician has shown.

I feel that the figures produced by the Premier the other day were authentic, and the figures I have quoted bear that out. My figures disclose that the number for the entire period 1933-34 to 1955-56 was 232 in New South Wales and only 23 in South Australia. Members opposite have pointed out that this matter is not being fought on Party lines and that it is entirely up to the individuals, but I notice that the member for Norwood (Mr. Dunstan) said that he had the full support of his Party. He also mentioned that New South Wales, which is a Labor State, is carrying out the Labor Party's policy. In the censure motion last week the member for Adelaide (Mr. Lawn), when speaking of the Ceduna murder, said that hanging was too good for the person who committed that crime, so I do not know whether the member for Norwood can be certain of having every member of his Party behind him on this point, and it will be rather interesting to see which way the member for Adelaide votes.

Mr. Dunstan—You ask him.

Mr. JENKINS—He may change his mind, because he often does. Finally, I believe that capital punishment should not be abolished and that the law should remain as it is. In this State execution is only put into effect in the very worst cases of murder. Should this Bill be carried, the deterrent to the calculating cold-blooded criminal will be removed and licence will be given him to act in the knowledge that his life is not forfeit. I believe that if we pass this Bill we will directly or indirectly be signing the death warrant of an undetermined number of our people, and on that score I oppose the Bill.

Mr. HUGHES (Wallaroo)—I support the Bill. A large percentage of people in South Australia have for a long time shuddered at the thought that South Australia still persists in meting out capital punishment. Public feeling has been rising in this State for some years and it is said that something should be done about the abolition of capital punishment. Some people believe that because it is the law to hang persons convicted of murder we should leave it at that. They say the onus is on the people who are prepared to allow the legislation to remain on the Statute Book. The following is an extract from a speech on "The Abolition of Capital Punishment," by Lord Buckmaster:—

It is assumed that society has the right to punish as it pleases all offenders against its laws. The rule which should guide us, however, is not that of doing what the law says we have power to do but what reason, justice and humanity say we ought to do, and these forbid the continuance of capital punishment. As we get older we get possessed by the idea that conditions in the world are not so bad after all and that, anyhow, the present is much better than the times which have preceded it

and it is no use for us to interfere. This, of all opinions, is the most detestable. The same feeling has been responsible for the continuance of savage laws since the earliest times in history. Hazlitt said in his day that the times were bad for those interested in social reform since everything that could be accomplished had actually been done. There were no more peaks to climb or paths untrod. Why did Hazlitt take this view of conditions which we are now ashamed to recall? . . . People will look back with pity, contempt and horror on much of our social conduct today, just as we look back on the barbarities of a hundred years ago. When Hazlitt wrote, it was possible for men, women and children to be hanged for stealing five shillings from a shop or forty shillings from a private dwelling. Men found armed in a rabbit warren or fishing in other people's waters were not only liable to be hanged but actually were hanged. People who were then administering the law were just as human and upright as they are today; but were quite unable to see how horrible the conditions were. It is the same today with regard to capital punishment. People cannot realize its horror. Some think it manly to pay no attention to a man being flogged or killed. They believe it mere sentiment to think otherwise. But to me the only hope of the human race lies in increasing the feeling of sanctity of human life. Without this realization we shall never get rid of slums, of poverty or of crime. If we believe life to be the most mysterious and sacred thing there is we are, through capital punishment, desecrating the very thing we should hold high, and in executing the criminal are committting the same crime as that for which he has been condemned.

It is amazing the number of people who agree with capital punishment merely because the law says the penalty for murder is death by hanging. They are prepared to leave it at that; they are not prepared to examine the position, and like Lord Buckmaster to say that it is most detestable. I wonder sometimes whether, if they were to examine their conduct, search their own hearts, and consider their own attitude towards this blot on the State, they might—

Mr. O'Halloran—And their conscience.

Mr. HUGHES—Yes, and they could do that very well indeed.

Mr. Hambour—It is a bold statement.

Mr. HUGHES—I am prepared to back it all. I used the word "might" and, like the honourable member, I talk to many people. It is a blot on our State when one reads what was printed in the *News* on Thursday, August 13, under the heading of "Sydney Weekly dubs South Australia the Hanging State." No doubt all members read the article. It showed what people in other States think of South Australia. I commend the *News* for running the article. It might wake up complacent people in this State and make them take a more active interest in reforms. Somehow members on the other side of the House seem to resent the article.

Mr. Clark—None of us were happy about it.

Mr. HUGHES—That is why I brought it up. The article said:—

In recent months South Australians have been describing themselves as the Hanging State. It is an unpleasant appellation and it is causing a marked unease among the normally complacent population of that comfortable territory.

Mr. Hambour—Do you think that is a fair statement?

Mr. HUGHES—Happenings in this State within the last few weeks have certainly caused a lot of uneasiness amongst people who until now were prepared to close their eyes because the law said that certain things should be done. As members opposite appear to be interested I will read further from the article.

Mr. Heaslip—The *News* is not the only authority.

Mr. HUGHES—I agree, but other members read from various documents and I will do it. The article continued:—

Extrapolating figures from the U.K. Royal Commission on Capital Punishment of 1949 and from the Australian Encyclopaedia, it seems that South Australia is in the habit of executing 42 per cent of its convicted murderers. Western Australia follows a good way behind with an execution rate of 35 per cent. New Zealand has overall during the course of the century averaged a 24 per cent execution rate. Tasmania's small figures reveal a rate of 20 per cent.

Further on the article said:—

It is unquestionable that there is far more hanging in South Australia than anywhere else in the nation. The question is why South Australia chooses to hang 42 per cent of its convicted murderers. There is very little doubt that the predilection for hanging is connected with South Australia's political gerrymander . . . Whether rightly or wrongly, it is firmly held that country people are fierce believers in capital punishment and rigorous justice. Therefore, South Australia gets country justice in capital matters.

The statement that hangings in South Australia can be connected with the political gerrymander is one that I would not stoop to debate, because it is a serious subject. When he explained the Bill Mr. Dunstan said that this was not a Party measure, and the Premier said that it was not a Party political matter. Therefore, I trust that when the vote is taken members will vote according to the dictates of his or her conscience. I represent a country district and I know that the people I represent are not fierce believers in capital

punishment. This was borne out about two months ago when I received a letter from Mr. M. T. Lawrie, secretary of the Northern Yorke Peninsula Branch of the World Council of Churches Fellowship. He informed me that a meeting of the Fellowship had been held on June 29, when the following resolution was carried:—

That this meeting of Christian people assures Mr. Hughes of our concern regarding capital punishment and asks for the matter to be debated in our State Parliament at the earliest possible moment.

I am unable to give members the wording of the second resolution, because it concerns something that is happening in Adelaide at present and is therefore *sub judice*.

Mr. Heaslip—How many people were at the meeting?

Mr. HUGHES—Six denominations were represented, and it was attended by a cross section of people, school teachers, business men and civic leaders. I mention this because I do not want members to get the idea that the people who attended were one-eyed and there for only a certain purpose. At a larger gathering of country people held on Yorke Peninsula a few weeks ago, in the district represented by the Minister of Lands, a motion was carried supporting the abolition of capital punishment.

The Hon. C. S. Hincks—I was not there.

Mr. HUGHES—I did not say that the Minister was present. I resent the statement that country people are fierce believers in capital punishment.

The Hon. C. S. Hincks—The first vote taken at the meeting was lost and they asked for another vote, which was just carried.

Mr. HUGHES—That is how the present Government carries things. Mr. Dunstan said that no court of law is infallible and that mistakes are made. About two years ago in New South Wales a mistake was made. The court might have acted rightly in the light of the evidence presented at the trial, but when fresh evidence was given it was seen that a mistake had been made. A reference was made to the matter in the *Advertiser* last year under the heading "Released After Murder Trial," and it said:—

A man who spent 14 months in gaol for the alleged murder of his wife, tonight was acquitted after a retrial. Women shrieked and had to be silenced by court officers when a Central Criminal Court jury found him not guilty after a two hour retirement. The man, Kenneth Joseph Blanning, 49, salesman, was sentenced to life imprisonment last June for the alleged murder of his wife, Amy Charlotte Blanning. The Crown alleged that Blanning shot his wife through the head as she sat at her kitchen table on March 29, 1957. He was found guilty of murder and sentenced to life imprisonment. The Court of Criminal Appeal granted Blanning a new trial because fresh evidence could suggest someone else was at the scene of the crime after Blanning left for work. Blanning's second trial lasted six sitting days. Legal authorities in Sydney said tonight they could not recall a similar case in New South Wales in which a man charged with murder had been acquitted after being convicted at an earlier trial.

Had New South Wales been a hanging State this man would no doubt have been hanged long before the 14 months was up, because he had been found guilty of murder and sentenced to the penalty applicable to the crime in that State. The greatest injustice had been done, but think of the injustice to a man if he had lived in a hanging State like South Australia, and the agony and torture he must have suffered. There is no compensation in the world that can justly compensate a man for being branded a murderer in the eyes of his relatives, friends and his State. I do not intend to labour this argument because I think that ample justification for the repeal of the sections mentioned in the Bill, as suggested by Mr. Dunstan and again this afternoon by Mr. Loveday, has been given.

The question before us is whether it is right or wrong for capital punishment to continue to be meted out in this State. Consequently, I will quote extensively from men who have made a close study of what I consider to be a revolting way of dealing out punishment. Let me turn to the book entitled *A Life for a Life?* by Sir Ernest Gowers, who was chairman of the Royal Commission set up in 1949 on capital punishment. One thing that we should keep uppermost in our minds in referring to this Royal Commission is that it was not set up to abolish capital punishment. Sir Ernest Gowers said in the foreword to his book:—

My interest in capital punishment dates from my appointment as chairman of the Royal Commission on that subject set up in 1949. We were not concerned on that commission with the question whether capital punishment should be abolished or retained. What we had to do was to assume that it would be continued, and to consider and report whether the liability to suffer it should be "limited or modified" and, if so, to what extent and by what means. But evidence directed to the question whether the scope of capital punishment could safely and properly be limited is often no less relevant to the question whether it could safely and properly be done away with altogether.

It is interesting to note that before the Royal Commission was set up in 1949, Sir Ernest, like many other people, had never given much thought to whether it was right or wrong to administer the barbaric practice of capital punishment. I think it bears great significance that the man entrusted with the responsible position of chairman of the commission, after hearing all the arguments for and against, felt impelled to say:—

Before serving on the Royal Commission I, like most other people, had given no great thought to this problem. If I had been asked for my opinion I should probably have said that I was in favour of the death penalty, and disposed to regard abolitionists as people whose hearts were bigger than their heads. Four years of close study of the subject gradually dispelled that feeling. In the end I became convinced that the abolitionists were right in their conclusions.

I do not suppose any other person would be in a better position to speak or be more informed on the subject than Sir Ernest Gowers. I do not suppose any other person would be in a better position to sum up the case for or against capital punishment, because he had access to material from all official publications, reports and minutes of evidence of the Select Committee of the House of Commons on capital punishment in 1930, the report of the Royal Commission on Capital Punishment in 1949-1953 (of which he was chairman), and the official reports of all Parliamentary debates. Although he said that he could not agree with all the arguments put forward by the abolitionists, he finally said they were right in their conclusions. The main argument used for the retention of capital punishment is that it is the most effective deterrent. The idea that human beings are deterred by the fear of punishment is as old as the human race, therefore those who support the retention of the death penalty should make the fear more effective. Mr. Justice Barry, of the Supreme Court of Victoria, has stated the legal case for the abolition of capital punishment. In reply to the question "Is it a deterrent?" he said:—

The argument that the penalty of death is unique in its deterrent effect rests really upon personal intuition; upon the feeling that each one of us has that awareness that his life will be forfeit if he does a forbidden act will prevent him from doing that act. Implicit in that awareness is, of course, the assumption that discovery and conviction are certain or, at least, highly likely. Where that assumption is not made or is rejected, plainly the awareness does not act effectively or universally as a restraining influence, for it is notorious that many planned murders have been committed by persons who felt sure their guilt would not be discovered. The argument involves, too, that no lesser form of punishment will be as effective. But if the argument is to be regarded as coercive, it is applicable to every crime, and thus the whittling down of the list of capital offences during the nineteenth century in England from over 200 to four was done in disregard of that.

Experience has demonstrated its falsity in connection with the crimes that were made non-capital, for the adverse consequences predicted did not occur. Moreover, if deterrence is the object the logic of deterrence requires that the penalty be attended by more than simple death. It should be preceded by torture and death should be inflicted in the most agonizing forms. Furthermore, execution should be publicly carried out and, unless the health laws are regarded as of greater importance than punitive deterrence, felons' bodies should be exhibited to public view. In brief, rigorous application of the theory requires that the criminal's social usefulness as a deterrent example should be exploited to the full, not only before and at death, but afterwards as well.

I ask leave to continue my remarks.

Leave granted; debate adjourned.

MENTAL HEALTH ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

ADJOURNMENT.

At 5.56 p.m. the House adjourned until Thursday, September 17, at 2 p.m.