HOUSE OF ASSEMBLY.

Wednesday, September 23, 1959.

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

QUESTIONS.

LOSS OF OVERSEAS MARKETS.

Mr. HARDING—A news flash this morning reported the Australian Apple and Pear Board as stating that, owing to the fierceness of competition from the Argentine, the Australian market in West Germany for apples and pears had been reduced by 50 per cent. The same applies regarding honey, except that we have lost 100 per cent of our honey market in West Germany to the Argentine, Mexico, China and other countries. I understand that South Australia does not supply West Germany with apples and pears, but supplies London. If Australia loses the German market competition will be keener. Is the Minister of Agriculture aware of the position, and, if so, has he anything to report?

The Hon. D. N. BROOKMAN—I am aware of the position: competition has become much keener, as the honourable member has stated. It is very clear that producers of apples will suffer from the competition, and the Apple and Pear Board has to appreciate this situation. Beyond that, I cannot think of any comment at present but, if the honourable member wants me to get any information, I shall be glad to do so.

TUNA FISHING.

Mr. TAPPING—A report in the September issue of *Waterfront* states that the first-class fishing boats *Tacoma* and *Fairtuna* have left South Australian waters to take part in the fishing season in New South Wales waters. Does this action suggest that this State's potential is not as good as earlier expected?

The Hon. D. N. BROOKMAN—No. Those two ships largely fish for tuna, and tuna is not normally caught in quantities in South Australian waters except during the early months of the year. These ships have to be kept busy and it is their normal practice to go to the eastern States where tuna are fished for at this time of the year. If the usual custom is followed, I expect that these ships will be back in South Australia about the end of this year.

BARLEY STOCKS.

Mr. NANKIVELL—Yesterday I asked the Minister of Agriculture a question about the repurchase by a local merchant of a shipment of 10,000 tons of barley. In making my statement, I incorrectly said that this barley was not available until January, whereas I should have said that it had been sold for forward delivery in January. If this transaction has been completed, however, I understand that the barley will become available immediately. Has this transaction been completed, and will stocks be available for feed or will it all be processed into stock food pellets? Is the grain of an inferior quality? Will some control be exercised to ensure that it is not sold at an unfair price?

The Hon. D. N. BROOKMAN—The transaction referred to by the honourable member is being arranged but it is still subject to confirmation, which I should say will come within the next 24 hours. I also believe that, when it is confirmed, a large quantity of the shipment will be available as grain for people who wish to purchase it. The quality that the honourable member asked about is generally Chevalier No. 4, which is the normal feeding quality for barley. Legislation regarding price is being debated here at present and I suggest that as any comment on that would be a matter of policy, the honourable member either inquire of the Treasurer or put the question on notice.

EMERGENCY FIRE FIGHTING SERVICES.

Mr. SHANNON—Some emergency fire fighting services in the hills districts are having difficulty in maintaining the standard of equipment necessary for them to meet what could easily be a rather hazardous summer because, due to the long dry winter we have had, there is a tremendous amount of dry growth about. Can the Treasurer say whether it is possible, by means of a subsidy, to assist the units to replace run-down vehicles? They are prepared to do their share as, of course, they always do. They are doing a marvellous job for us. In the past a subsidy on vehicles has been refused, but the vehicles are at present causing the greatest worry to the units. If the question cannot be answered today, will the Treasurer consider the matter so as to keep the services up-to-date with their equipment?

The Hon. Sir THOMAS PLAYFORD—A permanent committee gets a certain amount of its funds from the Government and a certain amount from insurance companies for providing subsidies to emergency fire fighting organizations. Its functions are well known and I suggest that the units concerned apply in the normal way.

UMEEWARRA MISSION STATION.

Mr. RICHES—Last week I asked the Minister of Education whether he could arrange for a visit to the Umeewarra Mission Station by Inspector Whitburn who was going to Coober Pedy. Has he been able to arrange for such a visit?

The Hon. B. PATTINSON—I endeavoured at short notice to make arrangements, but Mr. Whitburn had already been committed to the itinerary in connection with the visit to Coober Pedy and could not work in a visit to Port Augusta. However, he will be going there next month when he will be opening the new school of the air in my name and on my behalf. That will be on October 9, and he will be pleased to visit the mission that day, the day before, or the day after. The honourable member will remember that I visited the mission with him a few years ago and I was impressed with the work being done at the school, and although it is not the direct responsibility of the Education Department I am personally interested in its welfare and promotion, and shall be only too pleased to do anything in my power to assist it.

GUMMOSIS.

Mr. KING—At present the disease of gummosis is threatening to decimate the apricot plantings in the Barossa area and it has spread to the river and some of the soldier settlement areas. The spores are carried on dead wood on vines and trees. Can the Minister of Agriculture say whether gummosis is peculiar to South Australia? If not, are remedial measures successful in other States or overseas? Has the disease manifested itself in prune fruits in the Angaston area or in any other deciduous stone fruit trees, and what stage has research reached into the problem of the cause and cure of gummosis? Is there any new development in research being carried on into the production of resistant stocks?

The Hon. D. N. BROOKMAN—Great strides have been made in research into the treatment of gummosis by what is known as the modified pruning method. Much research work is being carried out at the Barossa viticultural station. I will obtain a full report for the honourable member and let him have it later.

NORTHERN RESERVOIR INTAKES.

Mr. HEASLIP—Following on the week-end rains, particularly the heavy rain that fell in the Baroota catchment area, can the Minister of Works say how much water is held in the northern reservoirs and also whether any worthwhile intake has resulted from those rains?

The Hon. G. G. PEARSON—There have been several inquiries in addition to the honourable member's inquiry about intakes into reservoirs in recent weeks and I asked the Engineer for Water Supply to give me a statement of the position. The Engineer-in-Chief sent me a report which states:—

The intakes into the northern reservoirs following the weekend rain were almost negligible and on September 21 the storages in the three principal reservoirs were as follows:—

Reservoirs.	Capacity.	Storage on 21/9/59.
Beetaloo	819,000,000	113,500,000
Bundaleer . ..	1,401,500,000	670,700,000
Baroota	1,371,400,000	475,100,000
	3,591,900,000	1,259,300,000

The Morgan-Whyalla pumping plants have been operating at full capacity 24 hours per day for some considerable time and they are at present delivering a total of nearly 70,000,000 gallons per week of which about 63,000,000 gallons are being delivered from the Hanson tanks into the Northern District. Any surplus River Murray water above actual requirements in the areas it directly serves is being fed into the Bundaleer Reservoir system. The demand for water in the northern district had in common with the rest of the State, been exceedingly high during the very dry winter months and this has prevented as much River Murray water being taken into the Bundaleer reservoir than would have otherwise been the case. The storage in the Bundaleer reservoir will be the critical factor in the department's efforts to meet the demand in the northern district in the coming summer. There is still a possibility of a good heavy rain over the catchment areas of the three principal reservoirs, but if this does not occur in the next week or two, consideration must be given to reducing consumption by imposing restrictions. Steps are being taken to establish a boosting plant on the Morgan-Whyalla pipeline near Hanson to step up the discharge of the pipeline between Hanson and Gulnare so that as much River Murray water as possible can be delivered from the Hanson storage tanks to the northern district.

These comments refer only to the northern district and I am not talking now of the metropolitan area. Secondly, Cabinet this morning approved the purchase of pumping equipment for the installation in the first of two or three boosters on the Morgan-Whyalla pipeline north of Hanson so that we might get additional water into Bundaleer and other northern reservoirs, and so that the capacity of the rising main from Morgan to Hanson might be passed on more completely than is possible now. The honourable member will see that every possible step is being taken to meet the position. There was a good fall of rain over the

high lands in the Wilmington-Melrose area last week and we hoped, and still hope, that some flow would reach the reservoir as a result, but, at the time of this report, no appreciable intake had been received.

Mr. RICHES—Is the Minister now in a position to advise growers at Napperby and Nelshaby regarding the planting of their market gardens over the summer months? I tried to follow his reply to ascertain what information the growers could get from the report, and it seemed to me that they would still be very much in the air. Is the Minister now able to formulate an opinion that could be taken to those gardeners as definite advice regarding water supplies for the coming summer?

The Hon. G. G. PEARSON—I would be glad if I were able to offer advice, but it is extremely difficult to say one way or the other. I have outlined the possibilities as fully as I know them. The Engineer-in-Chief indicated in his report that unless some useful intakes were received into the reservoirs in the next few weeks we would have to consider restrictions in the northern areas. I feel that it would be prudent for the people concerned to assess that statement as well as they can. I am not able to say whether we shall have an abundance of water. I would say we would not; at least, that is apparent at present. The prudent course would be for people to plant certain crops that will mature fairly soon, and to plant up to a reasonable proportion of their normal plantings. The Government does not desire to prevent people from carrying on their normal avocations of production and it would do its best to keep them supplied with their normal water requirements. Having said that, I cannot give a guarantee that the Government will be able to do it. That is the best answer I can give under the circumstances. If we should receive a good rainfall in that area the position would be very much better and adequate supplies would be available. I think that the people concerned will appreciate my reluctance to make any categorical statement at this stage.

DUCK-SHOOTING SEASON.

Mr. HARDING—My question refers to the different opening dates of the duck-shooting season in South Australia and Victoria. Last year it was suggested in the House that attempts should be made to have the opening of the season in both these States on the same day. Will the Minister of Agriculture state whether any negotiations have taken place or whether it is likely that the season will open on the same day?

The Hon. D. N. BROOKMAN—There will be no alteration in the date of the opening of the duck season in South Australia, which is at present specified in the Act. The season will open in February next.

CONSTITUTION ACT AMENDMENT BILL.

Mr. O'HALLORAN (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1955. Read a first time.

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 September 16. Page 752.)

Mr. SHANNON (Onkaparinga)—I do not know what is in the Bill just introduced by the Leader of the Opposition, but obviously it deals with a similar topic to that in the motion now being considered and has some bearing on it. If it is any satisfaction to the Leader, I can say that I am in agreement with one topic, and one only, among the matters contained in the motion before us. I favour an increase in the number of members of the House and I favoured a retention of the original number of 46 when in 1938 the Act was amended and there was a change from multiple districts to single electorates. On that occasion the numbers in this Chamber were reduced to 39. I thought then that that was not in the best interests of the people of the State, and said so. To that extent I feel some sympathy for that part of the motion. However, my attitude to paragraph (*a*) is quite different. It is wise for us to refresh our memories of what happened when the re-distribution of boundaries, under which this House now operates, was made. In the 1955 volume of *Hansard*, at page 719, the Premier in introducing that amendment of the Constitution Act said:—

This Bill provides for alterations in the electorate exactly as recommended by the commission.

His introductory remarks were extremely short and occupied just over half a page of *Hansard*. The Leader of the Opposition also spoke on that important measure, but I will not quote all of his remarks. The relevant portion, appearing on page 856 of the same volume, was:—

It does achieve approximately one vote one value within each zone. To that extent it is a great improvement on the present system, and therefore I support the second reading.

There were no more speeches on the second reading and, if this present motion is as important as members opposite suggest, I am surprised that more members did not speak. The member for Burra (Mr. Quirke) spoke when the Bill was in Committee.

Mr. O'Halloran—We all spoke about the appointment of the Commission.

Mr. SHANNON—I am referring to the debate that took place on the Bill that gave effect to the commission's recommendations.

Mr. O'Halloran—There was nothing wrong with the Commission's report within the terms of its reference.

Mr. SHANNON—The difficulty is that, having agreed to a matter, members opposite now wish to disagree.

Mr. O'Halloran—No we don't!

Mr. SHANNON—This motion obviously suggests that. I think I should quote the actual proceedings that took place when this important matter became the subject of a Bill. If the Commission's terms of reference were wrong there was an earlier opportunity, to which the Leader has just referred, that the Opposition had to move to alter them, but it was not successful.

Mr. Jennings—There is no change of front.

Mr. SHANNON—There is a remarkable change.

The Hon. Sir Thomas Playford—Was not a certain resolution carried somewhere or other?

Mr. SHANNON—I might come to that later. The Royal Commission made its recommendations which were incorporated in a Bill for consideration by this Parliament. The Leader spoke on behalf of the Opposition and supported the second reading. Before the Bill went into Committee the late Hon. Sir George Jenkins called for a division, but, as he could not find anyone from either side to count, the Speaker called it off. In other words the Bill passed with the support of 37 of the 38 members available to vote—I exclude the Speaker. The only member to raise his voice against the measure was Sir George Jenkins. When we went into Committee the member for Burra (who I think was then the member for Stanley), the Premier, and Mr. Hawker were the only speakers, and the gist of their remarks related almost *in toto* to the naming of the districts and not to the substance of the measure at all. We heard no criticism in Committee of the substance of the measure.

Page 858 of the same volume of *Hansard* records that the Bill was read a third time without any division. As the Premier has reminded me, our friends on the Opposition benches—as usual being subject to a certain amount of direction—had received instructions from Grote Street that it appeared on the surface that this redistribution might not be a bad thing—"We can steal the Treasury benches from old Tom by this measure; vote for it and give us a go." That is history, of course, recorded in this instance only in the press.

Mr. O'Halloran—It is about as big a lie as many press reports on this subject.

Mr. SHANNON—It was reported in the *Advertiser*, a newspaper on which I place some reliance. The attitude of many members in this House certainly gave colour to the *Advertiser's* report that Grote Street had come to a decision. If members had been half so vociferous in debating the Bill as the Opposition had been at the time of the appointment of the Royal Commission, quite obviously we would not have disposed of it in about two pages of *Hansard*, as we did.

It is quite obvious to me that the Opposition now has to find new ground on which to try and fight its way to the Treasury benches. The member for Adelaide (Mr. Lawn) is the Opposition's arithmetician; he does some adding and subtracting and arrives at some peculiar answers. My friend the member for Torrens (Mr. Coumbe) gave a few very salient facts regarding metropolitan electorates in particular, although I think he also dealt with Mount Gambier, and he made out an excellent case. He pointed out that in the metropolitan area certain Labor held seats were contested in some cases only by Communists, and not by Liberal candidates. I am not sure whether or not one candidate for one of those seats was an Independent. Not one of these safe Labor seats referred to by the member for Torrens was contested by a Liberal candidate, but the member for Adelaide had no compunction in using the overall figures to indicate the numbers who voted for the Playford Government compared with the Opposition.

The member for Torrens also mentioned the northern electorates of Stuart and Whyalla, two electorates which the Liberal Party did not consider worth-while contesting and did not contest. As the member for Torrens quite rightly pointed out, there was an election in those areas for another place, and it was important for Labor—because it is not compulsory voting for another place—that there should be a contest in those two Assembly electorates in order that the full strength of the Labor Party voters might go to the poll and vote for their candidates in the Upper House election for the Northern District. I do not want to labour that point unnecessarily. These points were made by the member for Torrens, I think very tellingly, and they considerably watered down the member for Adelaide's arithmetical approach to the overall picture of the State election.

Certain members of this House at the last election came back without any opposition at all. The electorates concerned are Albert, a good sane Liberal seat, if I may say so, with 7,200 electors; Alexandra, which is in the same category, has 7,100; Barossa has 6,800; Eyre, 6,300; Rocky River 6,200; Stirling 7,100 and Yorke Peninsula 6,300.

Mr. Quirke—Too many of them uncontested.

Mr. SHANNON—I want to give the overall picture, but I am not going to try and assess the Party strengths in those seven well-accepted Liberal electorates I have mentioned. What percentage of the vote would be Liberal and Labor I do not know, because I have nothing to work on, so I am not going to be so bold in my arithmetical approach as the member for Adelaide was. Between 47,000 and 48,000 electors in those seven electorates have to be offset against only one uncontested Labor seat on this occasion, namely, Hindmarsh, with nearly 23,000 electors. My friend, the member for Burra, suggests that it is a shame that there should be so many uncontested seats, and I could not agree with him more. I have never had the honour of being put into Parliament without being elected first.

Mr. Quirke—If you are like me you never will.

Mr. SHANNON—I do not expect to; I have always had to face my masters before being elected to this House. However, eight members did not have that obligation and were elected without opposition. Surely in our assessment of the overall picture we should take into account the few Liberal voters who might reside in Hindmarsh, and the few Labor voters who might reside in the seven safe Liberal seats. If that were done I think it would be discovered that the Treasurer and his Party are in power today as a result of the opinions of the majority of the people expressed at the polls.

I regret that our Opposition lacks what I would call a good substantial fighting policy of its own which it can propound at election time with some hope of winning the confidence of the electors and so gaining the Treasury benches. It would not be the first time in South Australia that the Labor Party had occupied the Treasury benches. Some of its members have never seen the Treasury benches, and if they continue in their present role of negative politicians, without any constructive ideas to put to the elector, I suggest that they will always remain in the political wilderness and never see what is commonly called the tuck-shop or enjoy the fruits of office.

I think in fairness to the Opposition I have to say that since the last redistribution of electorates in this State there have been major changes in population distribution. That must be admitted, because it is well known and patent to everyone who looks at the picture. I have some trust in my own Government, which was not prodded into setting up a Royal Commission to establish boundaries and sort out inequities in the electoral law or the Constitution of the State but did it voluntarily, and I have no doubt that at the right time—and the time will come—it will again be done voluntarily if this present Government retains office.

One thing that every honourable member should give some thought to is the ratio of representation in this Chamber between metropolitan seats and country seats. Obviously, some country seats, such as Mount Gambier, Port Augusta, Whyalla and Port Pirie, by virtue of the secondary industries established in them differ very little in political outlook from the metropolitan area itself; so, although I am now giving a broad definition of "country," I think that these big outer-lying centres of population might conceivably qualify for the metropolitan measuring stick. However, I do not intend to use it, for one good reason, on which I do not think honourable members opposite will altogether agree with me because, unfortunately, it takes away some of the argument which in season and out of season they produce here about encouraging the decentralization of population by getting industries out into the country areas. If there is one thing more than another that encourages the development of the outer-lying areas it is

an effective voice in the affairs of the State, a voice that can be heard and a vote that can be counted when it comes to deciding the policy that shall be pursued in our affairs.

Hence, I shall not complain that my friends of the Labor Party have voices in this Chamber that speak for industrial areas. Although they are not in the metropolitan area but are far away from it, it is desirable and in the interests of their Party that that should be so: I am certain of that. I see what is happening at Canberra where, for all practical purposes, Melbourne and Sydney control the destinies of Australia when it comes to counting heads. I do not want that sort of thing to occur in South Australia. It will be a sorry day when Adelaide can call the tune for the whole of the State. My extensive experience in this Chamber convinces me that the rural representatives in this House have been more than fair in their approach to matters of purely metropolitan interest. The old shibboleth of country *versus* town has never raised its hoary head since I have been a member of this Chamber. I have never witnessed any of the selfishness that is sometimes alleged to be the main driving force of a member of Parliament; I have never seen it exhibited here when we have been discussing matters of a purely metropolitan nature. Country members will have an opportunity this session of discussing and of saying what they think is the proper thing to do.

I am one who stands hard and fast for the principle of maintaining the present ratio between metropolitan and rural seats. I am convinced that, once we get away from that principle of electing members to this Chamber, we can forget the development of our outer fringe country. It would wither away because the whole force of government would be directed to the interests of the metropolitan area. I am not unmindful of the fact that a member representing a metropolitan seat today, on either side of the Chamber, be he Liberal or Labor, has the responsibility of serving approximately 3½ times the number of electors that I serve. But there is another aspect to that. For the most part, no metropolitan member need worry about how long it will take him to get to a public meeting or function in his electorate. He need not even have a motor car or a push bike: he can walk to it and be there in ample time after his evening meal.

Mr. Millhouse—That has not been quite my experience.

Mr. SHANNON—I know all about the honourable member—that he has to go to Blackwood. I am not jealous of him. He is a worthy representative of my portion of the hills. I do not know of any country electorate, with the exception of Port Pirie, Stuart, Whyalla and Mount Gambier, whose representative has not very long distances to travel. He has for the most parts to cover widely separated villages, not even dignified by the name of "towns." In other parts of the world they would be very simple little villages. Places with 1,500 to 2,500 inhabitants, as most of our country towns are, are nothing more than villages, widely scattered, with local interests and affairs, in which the member for the district is expected to take an interest. My experience is that our members are very attentive to district matters and are, very properly, available when a function is being held. In fact, in my electorate I get most of my purely district work done by attending a show, a sports day or some similar function, which takes place nearly every weekend. Generally, the people see me there and say to themselves "Ah, I can see him now. Here is my opportunity." Then they say to me, "Come over here; I want a bit of a yarn with you." That is good, and it is how democracy should work. The member knows at first hand what is happening in his electorate. He gets it, as the saying goes, from the horse's mouth, and there is no better way to get information.

I point out, however, that, if we do increase the number of members as the Leader of the Opposition suggests—he does not say to how many—obviously, on the basis of one-vote one-value, some country electorates will be so large as to be quite unworkable. As for the close personal contact with the member, which is now difficult in some country districts, if we have country electorates of increased size the electors will have less chance of having personal contact with the member. These factors lead me to oppose the motion. If I thought that the Labor Party honestly and sincerely favoured the principle of one-vote one-value, and its own Party management had adopted it and wanted to confer it on the people because of its value, I would approach the motion in a different way, but I know that proponents of the principle keep far from it by means of the card voting system. It has been said that voting under that system is similar to what happens in this House. It is said that a member of Parliament speaks for all his electors, and I agree because that is the way a democracy should work. It is said that he has a card for all his electors.

Unfortunately the position with the Labor Party is different. The rank and file who

through their representatives cast votes on the card system for a selected Parliamentary candidate are not consulted at all in the matter. Probably they do not know what the fellow with the card will do when the voting takes place. It can be said that I have a card from my electors, but I have another responsibility in that every three years the electors in my district have the chance to vote for someone else. What about the man who takes the card along for himself or his friend as a Labor Party candidate? There is no chance of the rank and file saying that they do not think much of him and that they want someone else.

I think this move hinges around the fight that is taking place in the court by Mr. Clyde Cameron, M.H.R. I do not know whether Mr. Quirke recalls what happened to him when he was a member of the Labor Party. Because he was an individualist and got out of step with the powers-that-be he lost his chances of being re-elected as a Labor Party candidate. If that is the sort of thing that the card system perpetuates we should try to clean up our own house before agreeing to a motion supporting the principle of one-vote one-value.

Mr. CLARK (Gawler)—I support the motion. I do not think that it is unfair to say that most of us who have been in this Chamber for some time with Mr. Shannon realize that his speeches are either very good or the complete opposite. I think I can leave it to members on both sides to decide into which category his speech today goes. Mr. Shannon thought that he gave us conclusive evidence that members of the Labor Party supported the gerrymandered electoral system that we have for this place, but that is a fabrication because we never supported it. In 1954 Parliament considered the Electoral Districts (Redivision) Bill and in opposing the move to retain the iniquitous system that we had for many years and only reallocate the boundaries, the Leader of the Opposition said:—

If we did not know the real reason for the so-called electoral policy of the Liberal and Country League we would not believe it possible that the Government could bring down such a Bill as this.

That does not sound much like support from this side of the House for our present electoral system. Mr. O'Halloran also said:—

It is difficult to understand how the Government could have the effrontery to propose now that the existing electoral injustice should be perpetuated.

That does not sound like support for the proposal. In the debate on that Bill every member on this side, and the Independents, spoke in opposition to the proposal. Four Government members, including the Premier, spoke in favour of it and apparently the other Government members thought it unnecessary to speak, and that their attitude on the Bill would be taken for granted. The House divided on the second reading which was carried by 16 votes to 14. The Opposition tried to amend the Bill in Committee but its moves were defeated. Mr. O'Halloran, Mr. Dunstan and I opposed the Bill on the third reading. The member for Norwood will remember that debate because during the course of the second reading debate he was named and suspended from the sittings of the House. Surely the member for Onkaparinga must be under a misapprehension if he suffers from the idea that the Opposition supported any system such as this. However, I admit that after the Royal Commission had brought in its findings and we were faced with the new electoral boundaries and the certainty that we had no hope in the world of doing anything about them—although a good many of us were of the opinion that anything in the world was better than the electoral boundaries we had—we were prepared to accept them but we only accepted them after the bitter defeat we had undergone the previous year.

Mr. Hutchens—Crumbs are better than nothing at all.

Mr. CLARK—I agree with the member for Hindmarsh when he says that to a starving man crumbs are better than nothing at all. The Leader of the Opposition and members on this side of the House were concerned only in the interests of the State in bringing down this motion. Some members who have spoken in opposition to the motion seem to have confused the issue either accidentally or deliberately. It seeks to do only two things. Firstly, we want a Royal Commission to recommend to the House new boundaries for House of Assembly electoral districts to give substantial effect to the principle of one-vote one-value. Just how the Royal Commission will do this is up to it. We are not dictating to the Commission at all. The second point is that we want the Royal Commission to report on the advisability of increasing the number of members in this House. I think that these two matters are completely wrapped up in each other and one is the corollary of the other.

The Premier, as usual, has made it plain that the existing system is a good one and I do not know that we can blame him for that. He has gone further than that and has told

us now this system keeps the country areas waiting until last to get things done; yet in spite of that, according to him, it is weighted as it is to assist country areas. If that is the case I say it has proved singularly unsuccessful for the purpose for which it was designed. We, on this side of the House, think it was designed for an entirely different purpose. I draw the attention of the House to the systems that exist in other States, and we shall see how we compare with them. It is interesting to see how the other States have attempted to resolve the difficulties of just representation of country and metropolitan areas, though I admit that is a difficult thing to do.

Firstly, let us examine the system operating in the Commonwealth. Most honourable members will know of these systems but it is good, when we are considering a matter such as this, to make some sort of comparison between our system and those existing elsewhere. The electorates for the Commonwealth Parliament are based on the quota system, and if we were fair we would realize that that was the most satisfactory method in a democratic system. We know that, as far as the Commonwealth is concerned, the actual boundaries are fixed by a commission and the commission has no other instructions except that it shall endeavour to make each district conform to the quota, or average enrolment, with a 20 per cent tolerance. The Federal Electoral Act also provides that when, through population movement, a quarter or more of the district ceases to be within the allowable margin another distribution must be automatically made. In other words the whole spirit of the Federal Act is to determine these things almost automatically, and a very important point is that it is done with the minimum of political interference. If we compare the Commonwealth system with our system we find a very great difference. Here the L.C.L. Government has insisted on crystallizing even the electoral boundaries in the Constitution Act and that obviously makes it almost impossible for any other Party, particularly when it has not a majority in another place, ever to be able to do anything about it.

I claim—and I do not know whether other members will agree with me here although I think they will outside the House and I am a little uncertain on the other side but I hope they will too—that the prime purpose of any democratic electoral system is to give voters the right to elect or reject a Government, and I think that is fundamental to our ideas of democratic government. If we are fair we must admit that South Australia is the only State that deliberately refuses to do that, and not only does it refuse to do that but it refuses to do it under the guise of doing the country people of this State a kindness. One may ask why this is done. There is no doubt that the Federal system does provide an opportunity for the people to reject or elect the Government they desire, but in this State Labor would have to gain a majority of between 60 and 70 per cent of the votes to govern. Why should such a high ratio apply so that it results in a permanent Opposition in this State? All the other States have adopted a quota system with variations.

Victoria probably has the fairest electoral system of any other State because it simply has two State seats for every Federal seat, and they are determined as I indicated when referring to the Commonwealth system. Victoria has 33 seats in the House of Representatives and 66 seats in its House of Assembly. The Victorian system is essentially democratic. In Tasmania we find each Federal district elects six members to its State House. They are elected in Tasmania by proportional representation and we find that each member represents approximately the same number of electors. In New South Wales we find there is a metropolitan and a country quota. The metropolitan is roughly 1¼ times the country quota, but the metropolitan area contains about 60 per cent of the total population of New South Wales and has just over 50 per cent of the representation, while the rest of the State contains about 40 per cent of the population and has just under 50 per cent of the representation. I am not trying to say that is perfectly fair, but I am asserting it is a lot better than the system we have here. Queensland's electoral boundaries are being altered slightly. I am informed that it will not be a big alteration, so I may be pardoned if I deal with the position there on the basis that has operated for a considerable time. I understand the numbers will not be altered very much.

In that State there are four zones—metropolitan, south-east, northern and western—and the greater voting strength is given to non-metropolitan areas. That State has more decentralization than any other State, but its system takes into account the dispersal of population, whereas South Australia's system merely arbitrarily dictates that the metropolitan area shall elect half as many members as the country, quite irrespective of changing

numbers. In the meantime, the country percentage declines and the city percentage increases, but nothing is done about it, and we might well ask why.

Apparently, if 90 per cent of the population lived in the city and 10 per cent in the country —which is not beyond the bounds of possibility —this would still obtain. We have zones, but their representation remains the same regardless of population trends. A good example of that is in my district where already numbers warrant two country members and, by 1962, when the next State elections are held, there will certainly be enough to warrant four country members, but nobody has ever heard the Government hint that there will be an alteration.

The Western Australian system could be regarded as an unsuccessful Liberal attempt to gerrymander districts. I think the idea was to give results like those in South Australia, but it has not always worked out that way by any means. The Western Australian system is based on a metropolitan and a country quota, the former being twice the latter, but, to get as many members as the country, the metropolitan area would have to have twice the population of the country. However, sparsely populated areas with smaller enrolments are not included in working out the total for the metropolitan and country areas. I should not like members to confuse the Western Australian system with ours: there is no comparison. I have been asked at meetings, "Haven't they a two-to-one system in Western Australia?" To some extent they have, but there is no comparison between that system and ours, as the Western Australian system recognizes that there is a definite relationship between the number of members and the number of electors they represent. In other words, a metropolitan vote is worth half as much as a country vote, but I hope nobody suffers from the misunderstanding that a metropolitan vote in South Australia is worth even half as much as a country vote.

Mr. O'Halloran—A country vote has over three times the value of a city vote!

Mr. CLARK—Yes, to adopt the Western Australian system of one-to-two would be regarded by this Government as much too generous. We can be certain that all other States have some sort of quota system and, whatever objections we may raise to the systems in other States—and they are by no means perfect—they certainly appear to be perfect compared with ours. Let us examine our own position. Surely everyone must admit that what we do here is vastly different from laying down a ratio between the value of a metropolitan vote and that of a country vote, which other States do in the main. We prescribe a ratio of representation regardless of the number of electors in each electorate. Apparently, in South Australia it is a fixed and irrevocable thing, no matter how great the disparity becomes.

Let us examine what the Premier has said on this issue, and he has been Leader of the Government for many years; we were told a few days ago of his record. I will not attempt to analyse his speech because I, like many others, feel that there was very little to it worthy of reply, but I will mention some things with which I completely and utterly agree. He said, "Country members are at a disadvantage," and I agree that often they are. He went on to imply that this method, presumably, evens things up for them. The Premier also said:—

> This motion would completely nullify any possibility of decentralization. It would aggravate the forces that at present are so potent in causing people to flood to the metropolitan area.

I do not agree with that, but I most certainly agree with the implications of what he said. However, who has been responsible for those very things? I am afraid the Premier was confusing cause and effect, as people often do. There has been only one effect in this State: the Premier himself. I agree with his statement that:—

> If any amenity is to be provided it is always provided in the metropolitan area first and later it may be extended to the country.

He went on to instance sewerage, power and water, and what he said was certainly correct. Also, this Government, put into power by a system that weighs the country against the city, recently announced increases in railway fares. Here again the percentage increase was lower in the city than in the country. That is what we expect, but it is the last thing we should expect because, after all, there are 26 country members in this House in a total of 39 to look after the interests of country people, and ostensibly our system is designed to do that very thing.

Let us examine the position as far as Party members are concerned. In this House are 15 Liberal and Country League, two Independent and nine Labor country members; only the members for Unley, Mitcham, Burnside, Glenelg and Torrens are metropolitan Government members. The Premier has admitted that the country

gets things last under our system, which was designed to give it a fair go. One would think that the five Government metropolitan members would have difficulty in outvoting the 15 Government country members, but apparently when the Premier tells us that the country gets things last these five powerful stalwarts from the metropolitan area have no trouble in downing their 15 country colleagues. It goes somewhere along the road to prove the contention when he says that country members are put at a disadvantage. In his Party, they must be. It is amazing that the number of Government members representing country districts apparently are not capable of obtaining the things for the country areas that we would expect. The Premier told us that the country does come last, and many of us know that it does. Let us be frank. If the Premier said so, it must be right, and this must continue. That is why the motion is being opposed by all Government members. The country must come last.

If the country population becomes too large in the wrong places, or the right places, dependent on one's point of view, the Government majority must inevitably become too small, and that, of course, must not be allowed to happen. I believe that country development will always be retarded under our present set-up because increased development there would result in increased numbers in Government-held electorates. That would not do, as it might upset the stranglehold the Government has been successful in putting on the Treasury benches for such a long period, and this is the only way it can continue to keep that hold. We hear much talk about development in country areas, but do we ever stop to think where this development is taking place? We must not blind ourselves to the fact that the development in the main has been at Whyalla, Mount Gambier, Port Augusta and in my own district, each of which is well represented by a Labor member. An oil refinery is to be established in a Liberal-held district, not because the Premier wanted it there, but because the company wanted it there, and unfortunately we may lose as a member of this House an honourable gentleman whom we all like and appreciate except for his politics.

I know that many statements that members on this side make are twisted and made to appear the opposite of the truth. In 1933 there were in South Australia 112 country towns with a population over 500, and yet today, 26 years later, with all our much-vaunted developments and the glorious achievements of the Government under a gerrymandered system, we find that we now have three more country towns in that category. Do not let us forget that in the same period 17 towns that had a population of more than 500 in 1933 are now well below it. Country members will have no difficulty in recalling those 17 towns. I know that the Leader of the Opposition would have no trouble in calling to mind immediately quite a number. Because there has been very large development in three or four Labor-held districts, do not let that blind us to the fact that the Government, under its present iniquitous electoral system, cannot afford to have large-scale industrial development in country towns. It becomes reasonably obvious that the Premier's system—designed to help the country areas, as he told us—has not had that effect. Irrespective of Party, I could not be more sincere when I say that the ultimate benefit of the State should be our first consideration, and not the benefit of any Party. And that should be so whether a particular Government is good or bad, which, to a large extent, is a matter of opinion.

We should allow the suggested Royal Commission to make up our minds for us. Let it decide on more equitable boundaries, if that is thought advisable, and whether there should be more members to represent the districts resulting from new boundaries. If we had just electoral boundaries, we should require more members; whether they be in the country or the metropolitan area is up to the Commission. Eventually its report would come to Parliament, but unfortunately Government members, led by the Premier, apparently have no desire to give a Commission an opportunity to plan just and equitable representation. It is not prepared to permit us that one little step along the way. Possibly the idea may be that it is better to kill this dangerous child before it grows into a healthy adult, and from the Government's point of view that may be right. I believe that most of the causes of harm in our State are due to the electoral system under which we work. The Premier has told us that this system was designed to assist the country—a very laudable objective if it were genuine—but it has not been successful. Surely a system such as ours that the Premier admits, almost with pride, keeps the country areas waiting till the last for necessities is not in the best interests of the State? I have much confidence in members and their desire to do

their best for the State, so I unhesitatingly support the motion.

Mr. HALL (Gouger)—It is a pleasure to be able to agree with the member for Onkaparinga (Mr. Shannon) on this occasion. Of course, it is amazing to members opposite that members on this side can disagree with each other. We do tolerate criticism of one another whereas members opposite are not permitted to criticize their colleagues. The members for Onkaparinga and Torrens have refuted the figures presented by the Opposition to support this motion and have presented their case so well that there is little more to be said.

Mr. Ralston—I thought the member for Torrens agreed with the figures.

Mr. HALL—His speech was devoted to opposing the motion. The member for Gawler (Mr. Clark) said he disagreed with the allocation of seats in this State, yet he admitted that in New South Wales there is a differentiation between the country and the city. It may not be as great as here, but it is a difference that is tolerated by the Labor Party. He also made the despicable insinuation that this Government refuses to develop the country areas because of its political interests. I deny that emphatically as do all members on this side. We hear nothing but decentralization from members opposite, but that is merely a catchcry. If they have plans for decentralization let them bring them forward: this Government may put them into effect. This is not a one-eyed Government.

Mr. O'Halloran—It is a one-man band.

Mr. HALL—This Government believes in governing in the State's best interests. It is rather futile for the member for Port Pirie to say that there is a dictatorship in South Australia: in fact, I think he went further and insinuated that it was a dirty dictatorship.

Mr. McKee—That is true.

Mr. HALL—I point out to the honourable member that every member on this side has been chosen by his own electorate to represent the people residing therein. I ask members opposite whether that applies to them.

Mr. Fred Walsh—Of course it does.

Mr. Shannon—What about pre-selections?

Mr. Fred Walsh—What about Burnside?

Mr. HALL—I am referring to the Labor Party pre-selections. Were members opposite selected by their own electorate?

Mr. Fred Walsh—They were elected by the people.

Mr. HALL—They find fault with our electoral system when their own house is in disorder.

Mr. Hambour—Will the people of Hindmarsh be allowed to retain Mr. Clyde Cameron?

The SPEAKER—Order!

Mr. HALL—They won't have any say; that is quite obvious. This motion is a political blindfold to cover the fact that the Labor Party has no policy.

Mr. Coumbe—What Labor Party are you referring to?

Mr. HALL—The conglomerate mixture. Members opposite do not adhere to what they put to the public. Is the member for Wallaroo (Mr. Hughes) game enough to go back to his people and tell them his Party's policy? Is he game enough to tell them the socialistic side of his policy?

Mr. Hughes—That is why they put me here.

Mr. HALL—Members opposite go to the people with their policy hidden beneath such catcheries as they have made today. This motion involves centralization. Because they cannot get more Labor candidates elected to this House members opposite want to be legislated here. Centralization, which is part of Labor policy carried to its extreme, would have us ruled, as I believe the member for Onkaparinga suggested, by the two eastern cities, Melbourne and Sydney. I have two small pamphlets in my possession. One is entitled *Local Government*. That is government as close to the people as it can get and although some mistakes are made in its operation, it is a desirable feature by which services are freely given by community leaders. The powers of local government should be increased. It would be wrong to remove from local government its ability to solve local problems and give that power to centralized societies. The second pamphlet is entitled *Roads in Australia*. There is no more pertinent question confronting local government than the provision of good roads across the Commonwealth. As I have pointed out before, in my electorate there are miles of a particular type of water piping giving considerable trouble. That is a problem that would not be met by a centralized city government.

Mr. Fred Walsh—It is not being met by the present Government.

Mr. HALL—As much as we can press for is being done. We have a programme of maintenance and replacement that country members have been responsible for instituting. An example of control from afar can be had in the Northern Territory where residents claim they

do not have any say in their local affairs but are directed from Canberra. That position would certainly apply here. If this measure were passed our voting system would be weighted in favour of the cities.

Mr. Dunstan—It would not be weighted at all.

Mr. HALL—Mixed up with this motion is the suggestion, I think put forward by the member for Adelaide, for a larger Parliament, which means larger costs. I believe this motion is put forward to benefit politicians rather than the people of South Australia, and I urge the House to reject the motion and to think more of the people and less of the politicians.

Mr. RALSTON (Mount Gambier)—I support the motion. It will do no harm to remind members opposite, in case they have forgotten, of the principles of democratic Government. Members on this side of the House need no such reminding, as they are pledged to support democratic ideas. The principles of democracy were given to a nation by Abraham Lincoln, the sixteenth President of the United States of America, on a historic occasion on November 19, 1863. His speech, which is well-known as the Gettysburg Address, was one of the greatest of the time. Abraham Lincoln by any standard was a great and humane man, and much of his greatness stemmed from his unswerving belief in loyalty to and the basic principles of democracy, freedom and justice.

During the course of that speech he referred to the only system of Government which complies with the accepted principles of democracy. The system he believed in and advocated was, "Government of the people, by the people, and for the people." This interpretation of political justice, given 96 years ago, is still recognized throughout the world and will continue to be recognized for all time as the hallmark of democratic government. In a democracy a Government's right to govern is justified only by the fact that it is elected by the will of the majority of the people. When a Government is elected on a minority vote of the electors that Government without question must assume the role of a dictatorship. The present Government of South Australia in every way qualifies for such a role. It was elected by a minority vote of the electors, and this result was made possible only by the peculiar system of electoral boundaries that applies in this State, where 13 members of the House of Assembly represent more than 60 per cent of the electors and the other 26 members represent the remaining 40 per cent.

I would like at this juncture to refer to certain remarks made by the member for Torrens. He went to great pains to prove to the House how the figures showed that the Playford Government—and although it is the L.C.L. Government it is best known to the people as the Playford Government—had the right to represent the people, but he ignored the fact that the Liberal Party has for years issued how to vote cards which urge Liberal supporters at all times to give their second preference votes to an Independent or a D.L.P. candidate, where there is one, in preference to giving it to Labor. Bearing in mind that fact, I would like to comment on the remarks of the member for Torrens which appear at page 743 of *Hansard*. He said:—

> . . . 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 . . . the only reason why the Labor Party secured 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 . . .

No doubt he was referring to the Independent and D.L.P. candidates that the Liberal Party advocates should receive the preference votes. He went on:—

> . . . and many people were forced to vote Labor because they had no alternative.

I do not know how the member for Torrens can say there were no Liberal candidates in the field and that therefore all the votes went to Labor, because the Liberal Party advocates almost any candidate in preference to a Labor candidate. A little prior to that the member for Torrens, when speaking of the member for Adelaide, said:—

> 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.

That must dispose of the claim that the member for Torrens opposed entirely what the member for Adelaide said, because in fact he agreed with him in that respect. A little prior to the State elections a Federal election was held, and in the overall picture of the State, based on another form of electoral boundaries, the majority of primary votes for Labor over Liberal in the Senate was 9,500, and the majority of primary votes for Labor over Liberal in the House of Representatives was almost 12,000. It seems that to the people of South Australia the Menzies Government was more acceptable in November last year than

the L.C.L. regime in South Australia was in March, for a substantially greater number voted in favour of the Menzies Government than for the Playford Government in this State.

Mr. O'Halloran—But there was still a majority against the Liberal Party.

Mr. RALSTON—Yes, on all occasions.

Mr. Jennings—The Menzies Government was not quite as unacceptable as the Playford Government.

Mr. RALSTON—It is obvious from the State voting results tabled in this House after each general election, and especially after the last election in March when Labor polled 49,000 votes more than L.C.L. candidates, that the Playford L.C.L. Government came to power and imposed itself on the people in this State against the will of the majority of the people, and that it has been doing it for years. This imposition can only persist while the present method of defining electoral boundaries continues—the method known the world over as a gerrymander, a method that carries a stigma of a rigged election, and a method repugnant in every way to any decent fair-minded citizen who believes in British justice. I very much doubt whether any member opposite is proud of his or her association with this vicious system that enables the Playford Government to sit on the Treasury benches after an election in which the people of South Australia have voted overwhelmingly against it.

Mr. O'Halloran—They may not be proud of it but they live by it.

Mr. RALSTON—Possibly. In this case, Lincoln's famous words can be used in another formula—"Government of the people by the people who live on the people." In a sincere attempt to correct this flagrant breach of electoral justice the Leader has moved to this effect—and I ask leave to have included here the terms of the motion:—

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.

At this juncture it is pleasing to note that the member for Onkaparinga (Mr. Shannon) agreed with at least 50 per cent of the terms of the motion. The figures he quoted show that six uncontested electorates returned six Liberal members representing 47,000 electors, while one uncontested electorate returned a Labor member representing 23,000 electors. These figures, compiled by the honourable member himself, should have convinced even him that he should support the other 50 per cent of the terms of the motion. He made out a perfect case for the need for a Royal Commission.

The Leader of the Opposition, when explaining this motion, clearly stated the views held by members on this side of the House when he said—

The Opposition believes in democracy, in democratic government, and in the control of Parliament by democratic methods. We do not lay down any cut and dried method or any proposals. We simply ask that a Royal Commission be appointed to investigate and make recommendations.

No-one could cavil at the terms of the motion, for they are eminently fair and just in every sense of the words. The Premier saw fit to oppose the motion for a Royal Commission, so let us examine the grounds on which he based his arguments.

First of all he said, "I have not had much time to examine this motion." Then he launched into a long and involved diatribe of assumptions and presumptions of what he thought the Commission might or might not recommend, if appointed. He forecast disastrous consequences to some nebulous decentralization schemes which honourable members know full well rarely, if ever, materialize. The deep sea port for the South-East provides a classic example of this but, should a Commission be appointed and have the audacity to recommend a variation in the ratio of metropolitan electorates to country electorates or, worse still, an increased number, such a calamity would blast the hopes of the country electorates for ever.

Mr. O'Halloran—It would not make any difference to the establishment of the atomic power station at Lake Leak.

Mr. RALSTON—Liberal members representing country electorates, although advocating the principle of decentralization of industry, are obviously well aware themselves that to support such a policy actively would mean their own political extinction for, where decentralization of industry has occurred to any extent, that country electorate has eventually and invariably returned a Labor member.

I doubt if there was ever before in this House such utter nonsense advanced as the arguments used by the Premier in an attempt to refute the sound, logical reasons so ably submitted in support of the motion by the Leader of the Opposition and other speakers on

this side. I have much pleasure in supporting the motion.

Mr. JENNINGS secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 16. Page 764.)

Mr. HUGHES (Wallaroo)—Last week, when it became necessary for me to ask leave to continue my remarks, I had been speaking to the House on what I considered a detestable method of dealing out punishment. I had also pointed out that for some time public feeling had been rising on this matter and that some people said the onus was on those who were prepared to allow such legislation to remain on the Statute Book. I had also pointed out to the House that we were living in a changing world and, as people got older, there was a danger that they would become possessed of the idea that conditions in the world were not so bad after all, that times were far better than they used to be, and that it was no use our interfering. I pointed out that I had no respect for this type of thinking and that we were ashamed to look back on many happenings of the last century.

People will look back with pity, contempt and horror on some of our present-day social conduct. I pointed out that we must not overlook the fact that those administering the law in the last century were just as humane and upright as we are today, although it was possible for men, women and children to be hanged for stealing 5s. from a shop or 40s. from a private dwelling; that those administering the law over a century ago were unable to see how horrible the conditions were, and that today with the death penalty people cannot realize how horrible the position is.

I have proved to the House that mistakes are made and that innocent men can be hanged for a crime of which they are not guilty. Last week I read extracts from the remarks of the chairman of the Royal Commission on Capital Punishment of 1949-53, who became convinced that the abolitionists were right in their conclusions. I stated that the main argument for the retention of capital punishment was that it was the most effective deterrent. As Mr. Justice Barry said, 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, executions 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.

It can be clearly seen that if the argument of the death penalty as a strong deterrent to murder is to be used, then those supporting its retention should press for the reintroduction of public hangings. It is clear that they were originally carried out, not as a good way of killing the offender, but as an excellent device for enhancing the deterrent effect of the death penalty, by exposing his body to the public gaze in the most ignominious and abject of postures. The publicity was really the deterrent. One hundred years after this public stigma was removed some people still say that the death penalty is the most effective deterrent, despite the report of the Royal Commission that there was no evidence to show that the death penalty acted as a greater deterrent than other forms of punishment. In this debate on the motion Mr. Jenkins said:—

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 Zealand.

He quoted from submissions to the Royal Commission and selected passages which I consider were not convincing argument. Had the honourable member taken more time in his research we would have found that capital punishment was reintroduced in New Zealand to keep faith with an election promise. I quote from a book *Capital Punishment as a Deterrent and the Alternatives*, by Mr. Gerald Gardiner, Q.C., who said:—

There are some countries which have abolished capital punishment and then restored it. In New Zealand, for example, the issue unfortunately became a matter of Party politics so that one Party having abolished it when in power, when the other Party got into power, while expressly disclaiming the suggestion that abolition had led to any increase in murder, they restored it as a matter of Party politics.

A perusal of *Who's Who* shows that Mr. Gerald Gardiner was called to the Bar in 1925, was a member of the Committee of Supreme Court Practice and Procedure, a member of the Lord Chancellor's Law Reform Committee, Master of the Bench of the Inner Temple in 1955, and chairman of the General Council of the Bar in 1958. If the House is not prepared to accept his statement, let me turn to one by the Honourable Mr. Webb,

Minister of Justice, when a Bill was introduced in the New Zealand Parliament in 1950. According to the New Zealand *Hansard* he said:—

In its election manifesto the National Party promised that a Bill to restore capital punishment, and also corporal punishment in serious cases, would be introduced into the House and submitted to a free vote of its members.

In the same debate Mr. Hackett said:—

This is one of the most important pieces of legislation that has been before the House for many years. The Government, as well as the Opposition, appreciates that fact. When the Bill was first presented to the House a Joint Committee of the House and of another place was set up to hear all the evidence available on the subject. I regretted to hear the Minister of Justice declare that in this Bill the Government was putting into operation an election promise. I doubt whether it is right that in an election campaign a promise should be made to take away people's lives.

I now turn to the figures for New Zealand immediately preceding 1950. The period includes the war and post-war days and I think members will concede that always at such times there is a tendency for murder to be on the increase. The Minister of Justice in 1950 spoke strongly in support of the Bill to restore capital punishment. I have purposely selected these figures to prove that Mr. Gerald Gardiner was right when he said that the Party in power disclaimed the suggestion that abolition had led to any increase in murder. According to the New Zealand *Hansard*, the Minister of Justice (The Hon. Mr. Webb) said:—

In the last 15 years there have been the following murders, and I give the number in each year, 8, 4, 7, 4, 4, 9, 5, 10, 20, 20, 10, 12, 13, 12, and 10 up to date in 1950. They are the reported cases of murder in the past 15 years and they total 148. That is a pretty formidable list in a young country such as New Zealand. Here again, the impartial survey I am seeking to make compels me to say that in the previous 15-year period, during the whole of which time capital punishment was in operation, the number of reported cases was 154 . . . This is an important point—that the numbers vary in the periods during which capital punishment was in operation and the periods when it was not in operation. For example, in 1917, there were 14 cases of murder. In the previous year, 1916, there were only four, and in the subsequent year, 1918, there were only four. Similarly, in 1942, there were five reported cases of murder, and in 1943 there were 10. I have satisfied myself that the figures neither prove nor disprove the case for capital punishment, and therefore they neither prove or disprove the case against it. I confess that if all I had to guide me in coming to a decision on this question were the statistical records, I should hesitate to support this Bill, but I emphasize that I am disregarding the statistics altogether for the purposes of the case that I am making out.

Those figures clearly show that there was no justification for the reimposition of the death penalty as a deterrent. The Minister of Justice in New Zealand made the admission that if he had to rely solely on figures to come to a decision he would hesitate to support the Bill. I consider that statement to be fatal to his case and Mr. Anderton was quick to point out to the Minister his mistake, and again I quote from the New Zealand *Hansard* reports, at page 4314:—

Sir, this is one of the most important measures that the legislators of this country have to consider and pronounce a verdict upon. It is well that honourable members should remember this House has been given a free hand and that this House will be responsible to society for the action it takes in this very serious matter we are now considering. The Minister of Justice is a lawyer with a trained legal mind and with some understanding of human nature. I anticipated listening to a speech from him with all his legal capacity and human understanding justifying capital punishment. I am sorry to say that he failed lamentably in that task. In his argument he dispensed with anything that proved capital punishment not to have been a deterrent. He knows that there are in existence figures which show conclusively that during the 15 years in which there was no capital punishment there was a smaller number of murders than in the previous 15 years.

The Hon. Mr. Webb—I quoted those figures.

Mr. Anderton—I know. The Minister of Justice also quoted other figures, and said that there were other countries in which the statistics show the same thing. But, he said, figures could prove anything, and that if he had to rely on figures, if he had to accept the figures, he would have to oppose the Bill. That is the statement he made.

The Hon. Mr. Webb—No.

Mr. Anderton—The Minister of Justice said that if he had to accept the implication of the statistics in this and other countries in which capital punishment has been abolished, he would be forced to oppose the Bill.

The member for Stirling will see that capital punishment was not re-introduced because the murder rate increased but it was reintroduced because of Party politics. Many eminent men have differed in their opinions and I have the utmost respect for expert opinion, but I feel, and I think Lord Douglas really spoke these words, "to my lay mind, sometimes opinion may be more impressive than evidence, but I realize it is my opinion, valuable opinion, but it is not evidence." I have repeatedly noticed in reading the opinions of experts, who I feel have approached this

matter with the greatest of confidence and an open mind, that not one could prove that the death penalty acted as a strong deterrent. Speaking in the House of Lords on the suspension of the death penalty in 1948 the Lord Chancellor (Lord Jowitt) said, "Hanging is a grim and horrible business but so is murder," and to his mind there was only one justification of capital punishment—that its potency as a deterrent reduced the number of murders. He believed it did, but he could not prove it. He admitted it was true that the experience in abolitionist countries pointed the other way. Lord Wright spoke to the same effect. He said, "Any one of us may be killed by a violent murder, and there is no safety against that, no mitigation of risk, except the threat of capital punishment." That conclusion, he said, could obviously not be proved by evidence.

Lord Maughan also supported capital punishment and ended by saying, "The number of murders in a country like ours depends on all sorts of things other than whether if caught a murderer will suffer a particular kind of punishment," and he prophesied that "whether the experiment is made or not, you will find in five years' time practically no difference in the number of murders." Here we have one of the highest authorities in England speaking. Because the death penalty had been in operation for so long he was not prepared to weigh the sacred nature of life against what he considered the needs of the State. The point I make is this: even though Lord Maughan was a supporter for the retention of capital punishment mainly because it had been carried out for hundreds of years he conceded a very important point that if capital punishment were abolished, in his opinion, murders would not increase.

The member for Stirling quoted Lord Justice Denning, and I will do likewise. Lord Justice Denning held that to test the efficiency of a punishment solely by its value as a deterrent was too narrow a view. Punishment was the way in which society expressed its denunciation of wrongdoing; in order to maintain respect for the law it was essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. I say if a referendum were held in this State on whether capital punishment should be abolished it would adequately reflect the revulsion felt by a great majority of our citizens for the death penalty. The following are the views expressed to the Royal Commission on capital punishment by Mr. Justice Frankfurter of the Supreme Court of the United States of America and I have taken this cutting from page 59 of a book entitled *A Life for a Life*:—

I am strongly against capital punishment for reasons that are not related to concern for the murderer or the risk of convicting the innocent and for reasons and considerations that might not be applicable to your country at all. When life is at hazard in a trial, it sensationalizes the whole thing unwittingly, the effect on juries, the Bar, the public, the judiciary, I regard as very bad. I think scientifically the claim of deterrence is not worth much. Whatever proof there may be in my judgment does not outweigh the social loss due to the inherent sensationalism of a trial for life.

I think Mr. Justice Frankfurter was quite right in saying that when a State carries out the supreme penalty of capital punishment it is striking at the very core of society. After I spoke in this debate last week, a copy of the *News* was placed before me, and one of the first things I saw on opening it was an article, under the heading "South Australian Professor Helps Decide," which stated:—

Ceylon told "No Death Penalty."—Re-introduction of capital punishment in Ceylon was not justified, a Government commission stated today. The commission is led by Prof. Norval Morris. Prof. Morris is Bonython Professor of Law at Adelaide University. The commission reported today that nothing in the experience of the suspension of the death penalty in Ceylon between May, 1956, and the end of 1958 justified the re-introduction of capital punishment.

The four-member commission was appointed last October. In its report the commission said that the murder rate in Ceylon had remained substantially stable between 1948 and 1958. The death penalty has been suspended until April, 1961. The commission's terms of reference were to inquire if there had been an increase in murder cases and, if so, whether this was due to the death penalty's temporary abolition.

I think that proves conclusively that there was no need in that country to reintroduce capital punishment, and that murders had not increased.

In England, until recently, the average annual number of executions has been 12 or 13. In the United States of America, with a population of nearly 170,000,000, the number declined from a peak of 199 in 1935 to 62 in 1953, 83 in 1954, 76 in 1955 and 65 in 1956.

Mr. Millhouse—Will you tell us how many of the 50 American States still retain capital punishment?

Mr. HUGHES—The honourable member can tell the House soon how many have done so;

he will have ample opportunity. In England and Wales during the first 50 years of the century 7,454 murders were known to the police, 1,210 murderers were sentenced to death and 632 were executed. During this period, if anyone committed a murder in England or Wales the odds against being executed were about 12 to 1, and in Scotland about 25 to 1. In view of these figures, I do not think the supporters of capital punishment can form any reliable opinion on its value as a deterrent. The comparative infrequency with which the penalty is inflicted is an additional argument against its deterrent value.

We should not ask someone to do something we are not willing to do ourselves: the job of hangman. While the State continues to mete out capital punishment, it must foster the job of hangman. I do not suggest that hangmen are brutal, though they must be in a class all their own with a desire to take human life or to earn more money by playing the leading part in a grim barbaric ritual of killing a fellow creature. Perhaps very few realize their ambition. They may take part in the practice of pulling the lever with a dummy on the platform, and perhaps even of strapping the legs of a condemned person. However, it does not matter whether their ambition is realized or not or what part they play, as that does not alter the fact that while capital punishment continues the State must foster such people, who are the type of people no State would be proud to foster as its future citizens. I support the Bill.

Mr. MILLHOUSE (Mitcham)—Probably no more difficult problem has to be faced in any community than whether or not capital punishment should be retained in our legal system. This debate involves fundamental problems related to the purpose of punishment and the sanctions permissible against crime. This matter is one upon which every member must make up his own mind; nobody can do that for him as it is an individual duty. I am confident that that duty will be undertaken by every member on this side of the House, but it is a matter of regret that the same cannot be said for members opposite.

Mr. Lawn—What justification have you for saying that?

Mr. Loveday—What about your own Leader's introducing the matter of Communist letters?

Mr. MILLHOUSE—I do not know what the member for Whyalla is talking about, but my justification for my remark is in the State platform of the South Australian branch of the Australian Labor Party.

Mr. Dunstan—To which we have all subscribed.

Mr. MILLHOUSE—Quite, and I am grateful to members opposite for allowing me to have this document. My ambition is next to obtain the constitution of the Party. Under the heading "Legal and Prison Reform" the first plank is "The abolition of capital punishment and flogging"; therefore, before this debate began every member opposite was committed to the abolition of capital punishment, whether his own individual belief is that way or not.

Mr. Loveday—That is not true.

Mr. MILLHOUSE—I will bet it is true, because we know quite well that every member opposite is committed to the platform of the Labor Party.

Mr. Loveday—We believe in it personally.

Mr. MILLHOUSE—That may be so, but I am saying that whether members opposite believe in it or not they are committed to it.

Mr. Loveday—You are the one who is introducing Party politics now.

Mr. Dunstan—It is a disgraceful and despicable thing to do.

The SPEAKER—Order!

Mr. MILLHOUSE—I am sorry if it is a disgraceful and despicable thing to quote to members opposite their platform.

Mr. Dunstan—It is a disgraceful thing to bring Party politics into this debate, and that is what you are doing.

The SPEAKER—Order!

Mr. Dunstan—You come up with a high moral tone and then descend to the gutter.

Mr. MILLHOUSE—I did not come up with any high moral tone. I would have thought the Labor Party brought Party politics into the matter because of its platform.

Mr. Loveday—We did not say anything about our platform.

Mr. MILLHOUSE—No, but there should be a free vote on this.

Mr. Dunstan—It was not introduced as a Party matter.

Mr. MILLHOUSE—But members opposite are bound by their own platform.

Mr. Quirke—Is it not also fair that they would not be prepared to subscribe to that platform unless they believed in it?

Mr. MILLHOUSE—That may be so. I am simply pointing out that before this debate began there were 17 members who were committed to one side of it. May I contrast that with the position prevailing in Great Britain,

where, when this matter is debated, there is a true, free vote. In the House of Commons there are members of both major Parties on both sides of this issue, and I regret that it is not the same here.

Mr. Clark—It will be a free vote here.

Mr. MILLHOUSE—I am glad to find that that is so.

Mr. Hughes—I personally refrained from quoting the Premier in the press because I did not want to bring politics into it.

Mr. MILLHOUSE—I am only quoting from the Party platform. The views I express on this subject are those which I hold at present. I do not say for a moment that my views are unchangeable. It may well be that in other circumstances at other times in the future my views on this matter may be completely different. All I can do this afternoon is to set out the views which I now hold. Unfortunately, we do not find, as honourable members opposite have tried to tell us, guidance on this matter from our religious principles and beliefs. Mr. Dunstan, the member for Norwood, habitually endeavours to arrogate to himself a monopoly of truth and a monopoly of virtue when speaking on such matters as this. He did so on this occasion, and he was followed most particularly by Mr. Hughes, yet those who favour the abolition of capital punishment do not have a monopoly of virtue and of truth. To illustrate my point, may I quote from two debates in the House of Lords. In the debate on July 9, 1956, the Archbishop of York had this to say when speaking on the Death Penalty (Abolition) Bill:—

I intend to vote for the second reading of this Bill. In saying this I wish to dissociate myself from some assumptions which have entered into some of the propaganda on behalf of this Bill, for I believe them to be dangerous and morally enervating assumptions. One assumption of which we have heard something —though not in your Lordships' House—is that it is progressive and Christian if we can gradually eliminate the element of retribution from punishment, and let the idea of reformation of the criminal hold the entire field, leaving no portion of it whatever to retribution.

I dissent from that notion. I would endorse most gratefully what the noble and learned Viscount the Lord Chancellor has said this day about the moral necessity of retribution within our penal code; and as for reform, I believe that the reform of people who have done things that are terribly wrong includes on their part the recognition that they have deserved the penalty meted out to them. It will be a sad day for our country if the verb "to deserve" is eliminated from thought on this matter.

I quote that simply to show the view of one of the senior prelates of the Church of England who favours the abolition of capital punishment. I will now quote the remarks of the Archbishop of Canterbury when speaking on February 21, 1957, on the Homicide Bill. He said:—

My Lords, in the debate in July of last year, last session, both the Most Rev. Primate the Lord Archbishop of York and I made as clear as we could what the doctrine of the Church is in the matter of capital punishment We said that the State has a right, in the name of God and of society, to impose the death penalty, whether as an act of justice or for the protection of its own citizens from violence. I repeat that, not least because the noble Lord, Lord Silkin, said that in his view the imposition of the death penalty was immoral; and I feel bound to repeat what the most Rev. Primate and I said last time that there is no immorality in it at all. It may be wise or unwise, expedient or inexpedient; but it is not against the laws of God or the doctrine of the Christian Church.

I give these two quotations simply to show that those who are in favour of the abolition of capital punishment have not a monopoly of truth and of virtue, nor have they the backing of Christian doctrine. As regards this debate, religious considerations are irrelevant.

Mr. Dunstan—They are not speaking *ex cathedra.*

Mr. MILLHOUSE—I am not suggesting that they are.

Mr. Dunstan—And they would not suggest it either.

Mr. MILLHOUSE—Of course they would not. Why should they? All that I am saying is that devout, sincere churchmen can differ on this matter but agree that there is no question of doctrine involved. Where do we start in considering this matter? I am prepared to start, as all other honourable members have done, I think, with the report of the Royal Commission on Capital Punishment of 1949 to 1953. However, before I get on to that report, there is one matter which has been advanced in all seriousness by honourable members opposite with which I must deal, because there is not one suggestion of it contained in the report of the Royal Commission. That is the suggestion made by Mr. Dunstan first, and then backed by other honourable members in favour of the Bill, that mistakes happen and that we are not justified in inflicting capital punishment because the wrong man may be hanged. That, I think, sums up the argument quite accurately. Strangely enough, that is an argument that is not mentioned in any of the 505 pages of the report.

Mr. Fred Walsh—That does not mean that it is not right.

Mr. MILLHOUSE—Quite so, but it is curious that it has not been advanced before. We must all admit that our system of justice can admit of mistakes because it is a human system, and we are all fallible human beings. Of course a mistake could happen. What is the evidence about mistakes on such a matter as this? Mr. Dunstan mentioned cases that occurred both before and after the Royal Commission made its investigation. Some of them were in America. However, he mentioned, in particular, the case of Timothy Evans. That is a well-known case, but let us get the record straight and realize that not everyone suggests that Evans was wrongly convicted for the murder for which he was subsequently hanged. In the debate in the House of Commons on February 16, 1956, the then Home Secretary, Major Lloyd-George, who introduced the resolution, "That this House is of opinion that, while the death penalty should be retained, the law relating to the crime of murder should be amended", said:—

I go further—I do not believe that in recent times there is any case in which an innocent man has been hanged. I say that advisedly, and I say it after full consideration of the cases of Rowland and Evans. I have read many of the books which have been written about those cases, and a good many of them are open to the charge of serious inaccuracy, as I happen to know. I say again advisedly, and from this Box, that I do not believe that in recent times any innocent man has been hanged in this country.

Mr. Clark—What is the difference between recent times and other times? Is there any real difference between recent times and former times as far as the law is concerned?

Mr. MILLHOUSE—I am afraid I cannot follow that, but as the member for Gawler is the next to speak, no doubt he will explain himself. The point I am making is that while it has been suggested by some people—and perhaps we could say, in fairness, by many people—that mistakes were made in those two cases, there are as many people on the other side who are entirely convinced that no mistake was made in those cases. However, let us assume for a moment that a mistake was made in one or the other, or both of those cases. Let us remember, as against a possible one or two mistakes, the number of convictions for murder where there has been no suggestion of mistake. Let us remember—and these figures appear on page 19 of the Royal Commission's report—that between 1900 and 1949, in England, 7,454 murders were known to the police and, arising out of those murders, 1,210 people were sentenced to death. For a period of 50 years there were over 1,200 convictions for murder. It has been suggested by members opposite that there may have been mistakes in one or two cases—not in that period but subsequently. Possibly two cases in over 50 years is less—and I hope this is a fair estimate—than .1 per cent of the convictions for murder in England and Wales.

Are we going to twist our whole system because of a suggestion of a mistake in a fraction of one per cent of cases? for that is what the argument from members opposite comes to. The member for Norwood knows as well as I do, and knows as well as most members of this House, that hard cases make bad law and one should not twist the whole of our system because of the possibility of a mistake in a fraction of one per cent of cases. I hope that I have said enough to dispose of that argument, which was not advanced before, nor mentioned by, the Royal Commission. It is an argument which, perhaps quite naturally, has been advanced by members opposite at this time in this State, but let there be no more said about it.

Having disposed of that argument, let us get on to the other arguments that have been brought forward by members opposite in support of this Bill. Firstly, there was some back chat about the terms of reference of the Royal Commission in England, but let us be quite clear about them. The Premier was invited by members opposite to quote from paragraph 13 of the report. I shall do so, if that will satisfy them. It states:—

By our Terms of Reference we are required to consider "whether liability under the criminal law in Great Britain to suffer capital punishment for murder should be limited or modified." The natural consideration of these words precludes us from considering whether the abolition of capital punishment would be desirable; and the Prime Minister (Mr. Attlee) stated in the House of Commons that they were intended to have this effect.

The next statement is the important part. It is:—

But we have not thought it necessary on this account to exclude all evidence tending to establish or to refute the proposition that capital punishment should be abolished.

In paragraph 15 we read the following:—

We had therefore to consider first how far the scope of capital punishment as the penalty prescribed by law for murder is already restricted in practice, and by what means; and whether those means are satisfactory so far as they go. This led us to examine the

evidence as to how far capital punishment has, in fact, that special efficacy which it is commonly believed to have.

So that we see that although it was not within the terms of reference of the Commission to report upon the abolition or otherwise of capital punishment, in fact the same ground was covered by it.

Mr. Dunstan—That is, of course, what we have been saying.

Mr. MILLHOUSE—I am glad to hear that at last I have cracked the jackpot and said something with which the member for Norwood agrees.

Mr. Dunstan—Every member on this side of the House has said just that.

Mr. MILLHOUSE—I am grateful for the honourable member's interpretation of what would otherwise not have occurred to me. Let us pass from that question to one which, I confess, has given me much anxiety, and upon which I have changed my mind in the last couple of weeks, and that is whether we should have capital punishment for murder and leave it at that, or whether we should try, as they have in England, to differentiate and to have capital punishment only for certain degrees of murder. At the beginning of my consideration of this question I thought it was simply a matter of all or nothing, and so far the debate here has proceeded upon that basis. The Bill—and I do not desire to consider in detail its provisions—says straight out, "No capital punishment." The Premier, in opposing it, said, straight out, "Capital punishment. We do not want to consider the system they have in England." I am not so sure that we should not consider some modification of the present law.

Mr. Lawn—Are you prepared to support the second reading?

Mr. MILLHOUSE—Certainly not; it could not be done in this Bill. Perhaps I could develop this point a little more by quoting again from the Royal Commission's report. The report on this matter is as follows:—

In deciding the punishment for other offences the court has a wide discretion, and can pay regard to all the circumstances both of the particular offence and the particular offender . . . Offences of the same legal category vary greatly in gravity and turpitude, and the courts make full use of the wide range of penalties which they have power to impose.

It goes on:—

Yet there is perhaps no single class of offences which varies so widely both in character and in culpability as the class comprising those which may fall within the comprehensive common law definition of murder.

Then examples are given. Paragraph 22 is as follows:—

No one would now dispute that for many of these crimes it would be monstrous to inflict the death penalty.

With that I think every member in the House would agree. It goes on:—

The view is widely accepted that this penalty should be reserved for the more heinous cases of murder. In many other countries where capital punishment has been retained, the law has tried to do this, either by confining the application of the death penalty to a more limited class of homicides or by giving a discretion to the court to decide in individual cases whether the sentence of death should be imposed. In Great Britain the law still reflects the concept of an earlier age that every murderer forfeits his life because he has taken another's life. This rigidity is the outstanding defect of our law of murder.

That was the opinion expressed by the Royal Commission. Following that report there was, of course, much discussion in the Old Country on this matter. I have here a pamphlet entitled "Murder: Some Suggestions for the Reform of the Law relating to Murder in England," and as the member for Norwood is so anxious that Party politics should not be intruded into this debate, perhaps he will pardon me for quoting it, for it has been prepared by the Inns of Court Conservative and Unionist Society. The preface to the pamphlet is as follows:—

The question of the death sentence is once more being actively canvassed. It involves fundamental problems relating to the purpose of punishment and what sanctions are permissible against crime. But the issue is distorted by a number of anomalies and anachronisms in the English law of murder. Unless these are removed it is difficult for the public to bring a clear and enlightened moral judgment to bear on the question how far sentence of death is permissible in any circumstances. It is as if before Sir Robert Peel's reforms people were asked to give a simple Aye or No to the question whether capital punishment should be abolished. Peel almost certainly reflected contemporary public opinion to the effect that the death sentence should remain for murder and certain other grave crimes but should be abolished for comparatively trivial offences. So, today, it might well be that public opinion would demand the retention of the death penalty for certain deliberate homicides while rejecting it in other cases.

That was written in England in January, 1956. There is another quotation I should like to make. I quote it because it is in the pamphlet and because I think it is relevant to the general purposes of the debate. The introduction to the pamphlet is as follows:—

In 1948, the death penalty was by administrative action but without legal authority suspended in England for a trial period. Within a short time there was such a strong upsurge of public opinion as to compel the Government to bring the experiment to an end. That is something members opposite should remember. It goes on:—

Whatever the reasons for this remarkable expression of public view there can be no doubt that there was at that time a deep-seated feeling in the public conscience that the penalty of death should be retained—both because of its deterrent effect and as a protection to an unarmed police force.

As a result of the discussions that went on in Great Britain in the middle 1950's, the Homicide Act was introduced in that country in 1957. The Premier commented on the difficulties of this matter. As all honourable members will understand, it was a very difficult measure to frame and get through both Houses of Parliament, but I do not think that simply because of the difficulty of the matter we should dismiss altogether the aim it sought to achieve. What do we find is the position in England now? According to a letter I have received from the Conservative Political Centre, the position regarding the death penalty is as follows:—

It is retained only for (*a*) murder in the course of, or furtherance of, theft; (*b*) murders by shooting or by causing an explosion; (*c*) murders in the course of resisting arrest or of escaping from legal custody; (*d*) murders of police officers in the execution of their duty and persons assisting them. The death penalty is also retained where a person convicted of murder has previously been convicted of another murder done in Britain. These changes also apply to persons convicted of murder by courts martial, whether these take place at home or abroad.

The *Campaign Guide* of the Conservative Party, quoting an expression of opinion by Mr. R. A. Butler, states:—

There was a very strong struggle of conscience in Parliament in order to obtain the Act we have. It was not conducted on Party lines. I see no chance of legislation in this Parliament and, indeed, as far as I can see, unless the opinions in Parliament alter, for some time ahead. We have to interpret it as we find it, and I think on the whole the Act is working.

No-one can suggest from that comment that Mr. Butler, or anybody else, is wildly enthusiastic about it. Mr. Butler obviously is not. But simply because of the difficulties of the matter, it does not mean that we should altogether dismiss the object it has in view. Therefore, since I started to consider this matter I have come seriously to wonder whether we should not in this State consider some amendment of the law, perhaps along English lines, while retaining capital punishment for certain degrees of murder.

Mr. Hambour—Isn't that the case today? Doesn't Executive Council order hanging only in extreme cases?

Mr. MILLHOUSE—That is so, and perhaps, as the member for Light has prompted me, I might say something about the desirability or otherwise of doing it in that way. Again, I quote from the Royal Commission's report, at page 15:—

Criticisms of the use of the Prerogative to mitigate the rigidity of the death penalty. In both countries (England and Scotland) the liability to suffer the death penalty for murder is thus already limited to those murderers who in the opinion of the Home Secretary or the Secretary of State for Scotland deserve it, and the rigidity of the law is in practice circumvented. But this method of adjusting the law to public sentiment is open to certain obvious criticisms. These are based on two grounds. First, it is said that in principle, especially since the establishment of a Court of Criminal Appeal, the exercise of the Prerogative should be an exceptional measure, interfering with the due process of law only in those rare cases which cannot be foreseen and provided for by the law itself.

Then follows a quotation from the Archbishop of Canterbury, which I think was given by the honourable member for Stirling (Mr. Jenkins) last week:—

The other ground of criticism is the undesirability of pronouncing the death sentence in so many cases when it is not carried out.

The conclusion that the Commission reached was:—

No one denies that the present system is anomalous, though it works well in the sense that it produces results generally regarded as broadly satisfactory.

Having passed from that matter as to whether it should be all or nothing or something in between, we come to a consideration of the function of capital punishment in our society. It is almost trite to say that there are three functions of any punishment in the community. First, there is retribution, as it is called —and with that we include reprobation, which is something rather different. Secondly, there is reformation, and thirdly there is deterrence. The honourable member for Norwood (Mr. Dunstan) in his second reading speech on this matter very shrewdly confined his remarks to the aspect of deterrence. In his usual (if I may say this without offence to him) smug and self-righteous way—

Mr. Hambour—How do you do that without offence?

Mr. MILLHOUSE—I can do it, I am sure. The honourable member for Norwood drew very narrowly the ground that he said was the main argument against the abolition of capital punishment.

Mr. Corcoran—A long list was given by the honourable member for Whyalla (Mr. Loveday) of countries that have abolished it.

Mr. MILLHOUSE—Some 14 countries have abolished it, but, if the honourable member for Millicent will remember, there are about 82 members of the United Nations, so that the list is not very long when considered in comparison with all the countries of the world. I will leave it at that. To come back nearer home, the honourable member for Norwood said:—

My whole case is that it is clearly unnecessary for the preservation of lives, and that it cannot be proved to be necessary for the preservation of lives, that capital punishment should be retained.

That, of course, refers only to the aspect of deterrence; it cannot refer to anything else. He says that is his whole case. What is the position with regard to deterrence? The honourable member for Norwood himself quoted at some length the Royal Commission's report on this matter. I was at a loss to understand why he quoted the reasoning of the Royal Commission but then substituted his own conclusions in place of those of the Commission, which were rather different.

Mr. Dunstan—I specifically quoted the Royal Commission.

Mr. MILLHOUSE—Yes. The honourable member quoted from paragraph 65 of the report but did not go on, as I suggest he should have, to quote from paragraphs 67 or 68, because it is in those paragraphs that the conclusion of the Royal Commission is set out.

Mr. Dunstan—If the honourable member reads on in my speech, I think he will find it.

Mr. MILLHOUSE—I have read the honourable member's speech not once but many times and have not found him setting out anywhere the real conclusions of the Royal Commission on this matter. Let him and this House judge for themselves, because these are the conclusions of the Royal Commission on this aspect of deterrence. Paragraph 67 states:—

The negative conclusion we draw from the figures does not of course imply a conclusion that the deterrent effect of the death penalty cannot be greater than that of any other punishment. It means only that the figures afford no reliable evidence one way or the other. It would no doubt be equally difficult to find statistical evidence of any direct relationship between the severity of any other punishment and the rise or fall of the crime to which it relates.

Then there is an extract from the evidence of Professor Thorsten Sellin, quoted by the honourable member for Norwood. This is the first part, so you can see what I am driving at:—

(Q) We cannot conclude from your statistics . . . that capital punishment has no deterrent effect?—No, there is no such conclusion.

(Q) But can we not conclude that if it has a deterrent effect it must be rather small?—I can make no such conclusion, because I can find no answer one way or another in these data . . . It is impossible to draw any inferences from the material that is in my possession, that there is any relationship . . . between a large number of executions, small number of executions, continuous executions, no executions, and what happens to the murder rates.

Here is the final conclusion of the Royal Commission on this matter, at paragraph 68:—

The general conclusion which we reach, after careful review of all the evidence we have been able to obtain as to the deterrent effect of capital punishment, may be stated as follows. *Prima facie* the penalty of death is likely to have a stronger effect as a deterrent to normal human beings than any other form of punishment, and there is some evidence (though no convincing statistical evidence) that this is in fact so. But this effect does not operate universally or uniformly, and there are many offenders on whom it is limited and may often be negligible. It is accordingly important to view this question in a just perspective and not to base a penal policy in relation to murder on exaggerated estimates of the uniquely deterrent force of the death penalty.

In other words, you cannot tell one way or the other. It does not prove anything.

Mr. Dunstan—They said something else that you have not quoted.

Mr. Corcoran—Would you agree to referring this question to the people by way of referendum?

Mr. MILLHOUSE—This is a matter upon which we have the responsibility of making up our minds, and I see no reason why we should abdicate that responsibility. Apart from the statistical evidence, for or against, of the effect of capital punishment as a deterrent, there are—and this is borne out pretty well in the report of the Royal Commission—what they call the commonsense arguments in favour of deterrence. I suggest to honourable members that they are worth consideration. These arguments, according to the report,

are not only the simplest and most obvious, but are perhaps the strongest that can be put forward in favour of the uniquely deterrent power of capital punishment. The case was very clearly stated by Sir James Fitzjames Stephen nearly a hundred years ago—

and I propose to quote his words because I do not think they have been improved upon since—

No other punishment deters men so effectually from committing crimes as the punishment of death. This is one of those propositions which it is difficult to prove, simply because they are in themselves more obvious than any proof can make them. It is possible to display ingenuity in arguing against it, but that is all. The whole experience of mankind is in the other direction. The threat of instant death is the one to which resort has always been made when there was an absolute necessity for producing some result . . . No-one goes to certain inevitable death except by compulsion. Put the matter the other way. Was there ever yet a criminal who, when sentenced to death and brought out to die, would refuse the offer of a commutation of his sentence for the severest secondary punishment? Surely not. Why is this? It can only be because "All that a man has will he give for his life." In any secondary punishment, however terrible, there is hope; but death is death; its terrors cannot be described more forcibly.

I believe that sums up the position very well, apart altogether from statistics. Further on the report says:—

The true inference seems to us to be that there is a strong association between murder and the death penalty in the popular imagination. We think it is reasonable to suppose that the deterrent force of capital punishment operates not only by affecting the conscious thoughts of individuals tempted to commit murder but also by building up in the community, over a long period of time, a deep feeling of peculiar abhorrence for the crime of murder. "The fact that men are hung for murder is one great reason why murder is considered so dreadful a crime." This widely diffused effect on the moral consciousness of society is impossible to assess, but it must be at least as important as any direct part which the death penalty may play as a deterrent in the calculations of potential murderers.

I wish to say no more in regard to deterrence. What are the other two aspects? I believe them to be reformation and retribution or reprobation. We cannot say much on reformation when capital punishment is inflicted. It is impossible to reform a man once he is dead. The Royal Commission of 1864-66 suggested that the man who faced death was far more likely to repent than the man not faced with death. That is certainly an aspect which we must bear in mind, although I do not propose to take it far now. Then we come to the third aspect, which I regard as the most important of the three—retribution or reprobation. Mr. Dunstan dismissed it with an airy wave of the hand and a few words, and then said no more about it. What is the position when we consider it? Because it is put far better than I could ever put it, I quote the following from the report of the Royal Commission:—

Discussion of the principle of retribution is apt to be confused because the word is not always used in the same sense. Sometimes it is intended to mean vengeance, sometimes reprobation. In the first sense the idea is that of satisfaction by the State of a wronged individual's desire to be avenged; in the second it is that of the State's marking its disapproval of the breaking of its laws by a punishment proportionate to the gravity of the offence. Modern penological thought discounts retribution in the sense of vengeance.

Later, it said:—

But in another sense retribution must always be an essential element in any form of punishment; punishment presupposes an offence and the measure of the punishment must not be greater than the offence deserves. Moreover we think it must be recognized that there is a strong and widespread demand for retribution in the sense of reprobation—not always unmixed in the popular mind with that of atonement and expiation.

Then follows a quotation by Mr. Justice Denning, which was mentioned by Mr. Jenkins last week. Here is the crux of the whole matter, as set out in the report:—

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.

In the Bill we are asked to substitute in every case of murder the penalty of imprisonment for life. Does Mr. Dunstan realize that under the Criminal Law Consolidation Act he would be making a murderer liable to a penalty less severe than for one other crime, and equal to that of a great number of crimes which I am sure everyone regards as of lesser gravity than murder? Section 48 of the Criminal Law Consolidation Act says:—

Any person convicted of rape shall be guilty of felony and liable to be imprisoned for life and may be whipped.

Section 50 refers to any person who unlawfully and carnally knows any female under the age

of 12 years. Section 84 refers to arson, section 88 to setting fire to crops of corn and section 93 to damaging building with explosive. All these offences carry the penalty of imprisonment for life. Does Mr. Dunstan really feel that murder should be on a par with these crimes, or is it a crime of a more serious nature? I believe it to be a crime of a more serious nature, deserving a more severe penalty. I believe that we must maintain the penalty of death and that many murderers, not all of them, deserve to be hanged on account of the foulness of the crime they have committed. In many cases I do not believe there is an appropriate alternative penalty sufficiently severe to match the enormity of the crime.

There should be a supreme penalty for a supreme crime and I believe that the feelings I have just expressed are the feelings of the majority of the people in our community. Not one member of this House will soon forget the way in which the member for Adelaide blurted out the other day, "The man who committed that crime deserves to be hanged. Hanging is too good for him." We all saw the embarrassment that caused to members of his Party, but when he blurted that out he blurted out the truth, and I agree entirely with it. He was echoing the views of the people of South Australia when he said it. After a long and anxious consideration of this matter I believe there is great justification for the retention of capital punishment in our State. I oppose the second reading of the Bill.

Mr. CLARK (Gawler)—I support the Bill. I have often been annoyed by Mr. Millhouse but seldom disappointed in him. I was disappointed in the attitude he took early this afternoon when he appeared deliberately to be making this a political issue. I had sincerely hoped that this matter could have been debated without political rancour and I thought that would be the case. The Premier, who opposed the Bill, did it without resorting to political expression and the honourable member for Stirling did so too. They both kept politics completely out of the discussion and I am disappointed that the member for Mitcham saw fit to do otherwise and did not follow the example of those who are older and wiser than he. My only hope is that whilst speaking on this matter I shall not fall into the trap of making it a political issue, because my Party does not want it to be so regarded. If I do fall into that trap I hope that honourable members will remind me that I am transgressing.

It is a pleasure to be able occasionally to get up in this House and speak on a matter that is close to one's heart, realizing it is not a political but a moral issue. I congratulate members who have debated this matter without political bias and I hope my colleagues or the Government members will bring me sharply into line if I am guilty of political bias. We all have our own opinions on this matter and we should all vote and express ourselves irrespective of any party opinions we may hold. My own opinion is that this Bill is a good measure and I intend to debate it on those lines. I admit, as I think the honourable member for Norwood who introduced this matter admitted, that the State has the right to take the life of a murderer if he threatens its security from within, just as it has the right to take the life of one who threatens its security from without. I admit the State has that right, but I have grave doubts whether it has the right to exercise that right, and that is what concerns me. Is there anything to be gained from doing so? Can we look without concern at the irrevocable nature of deliberately taking away a man's life? I do not think anyone in this House can. Can we honestly convince ourselves that hangings and other executions do deter people from committing such crimes? I will try to answer those questions to the best of my ability. I believe capital punishment to be futile and immoral. I do not want to belabour the religious angle because I do not think there is much point in doing so. We have all seen articles in the press supporting or denouncing capital punishment and giving quotations from the Bible to support or refute a particular argument. I do not want to do that. I have respect for all religious opinions. I believe that hanging contradicts the very essence of the Christian concept. Many will agree with me—others will not. I have aways believed that the Christian faith redeems, not destroys. Let me give one quotation from the Book of Ezekiel in the Old Testament. It reads:—

As I live saith the Lord God, and have no pleasure in the death of the wicked, but that the wicked shall turn from his way and live.

I have always been taught to believe that repentance and the opportunity of reformation are two of the chief principles of the Christian ideology, but I may be wrong, and I know that others who should know better than I can justify capital punishment from the Scriptures. I have every respect for their opinion, even if I cannot agree with them. I do not, however, believe that religious grounds

should decide the fate of this Bill because there are other ample grounds to support the contention that the final irrevocable punishment of hanging should be abolished, and I believe that one of the main reasons why we should look at it in that way is that once a man's life has been taken that is irrevocable. One thing it does do is to prevent any repetition of the offence by the same person. That is certain, but we must ask ourselves, "What if the executed person were not guilty?" There is always that possibility and indeed I think it could be more than a possibility. There is always the possibility that an innocent person could be executed, and this has happened in the past for a variety of reasons. We may all be able to think of some, and if one searched through the files of books on this matter dealing with criminology cases and things of that nature one would find evidence of them. It may be the result of mistaken identification, perjured testimony, fallibility of the senses, a genuine mistake, possible lapses of memory, errors in judgment, undiscovered evidence (which is possibly the most common of the lot), possible inordinate zeal on the part of police officers (which I believe is more common in the United States of America), or possible public clamour for a conviction that can sway a jury. All these things could and have led to miscarriages of justice and I think honourable members will find ample proof of that. We must remember that a life once taken cannot be returned. How can we recompense the relatives of an accused person who has been proved to have been executed for something he did not do at all? Such miscarriages of justice have occurred.

The member for Mitcham this afternoon said, "Let's get the record straight," and he appeared to think that the instances of conviction and execution afterwards proved to be wrong were uncommon. I have gone back a long way and have found a number of cases and will quote at least some of them so that we can, in the words of the member for Mitcham, "get the record straight." I will now quote several cases in which people, after paying the ultimate penalty, were later proved to be innocent. In 1721 William Shaw was hanged for murdering his daughter, but a few weeks afterwards a suicide note, written by his daughter, was found, which proved his innocence. In 1727, James Crowe was hanged at York. Later in Ireland a felon was arrested who, strangely enough, was identical in appearance to Crowe, and it was proved that the conviction was based on a case of mistaken identity. In 1736, Jonathan Bradford was executed for committing a murder to which someone else confessed a year later. In 1742, John Jennings was hanged at York; later a criminal named Brunel confessed to the crime, and it was proved that he had committed it.

In 1815, Eliza Fenning was hanged for a triple murder, and it was later proved conclusively that she was guiltless. In 1831, Richard Lewis was hanged for murder, and it was found years afterwards that he was completely innocent. In 1869, Priscilla Biggadyke was hanged for poisoning her husband, but later it was proved that she was innocent. In 1876, William Hebron was convicted of murder, but was reprieved because he was only 18 years of age. Later it was proved, by the confession of Charles Peace, that Hebron was innocent. In 1909, Oscar Slater was convicted of murder but, because of public agitation, he was reprieved and sentenced to life imprisonment. After serving 18 years, he was proved innocent, but I do not hesitate to say that 18 years in prison but keeping his life was preferable to him than being hanged for a murder he had not committed.

I could cite a long list of similar cases, but possibly I have given sufficient to get the record straight, to use the words of the member for Mitcham. All the people I have mentioned were proved innocent but most of them were too dead to benefit from that proof! Surely those cases prove that, however numerous the safeguards and however vigorous the search for the truth, it is possible for an innocent person to be convicted and executed. As the member for Mitcham said, the system is only human, just as we are only human. However, some members may be saying, and indeed the member who preceded me implied, that no person charged with a capital offence now is executed unless evidence of his guilt is thought to be perfectly clear and unmistakeable. That, of course, is so, but let us remember that in the cases that I have quoted, in which it was found subsequently that the persons convicted were innocent, the proof of guilt at the time of execution was thought to be just as clear and unmistakeable as in the cases tried now. I am reminded that at the time of the American War of Independence Marshall Lafayette, who was not an admirable person in many ways, summed up the ideas that should be uppermost in all our minds by saying:—

I shall ask for the abolition of the penalty of death until I have the infallibility of human judgment demonstrated to me.

And so shall I! Unfortunately, we are all human and our system is human and, therefore, fallible. My next point is the crux of the whole matter. Can we honestly and sincerely regard the death penalty as a deterrent? I do not think we can, and I believe it is the only real excuse for the retention of capital punishment. I do not for a moment believe that because this is a foul crime, a foul crime should therefore be committed against the person who committed it, as mentioned by the member for Mitcham. The only excuse we have for executing a man by hanging or execution is the deterrent effect on other potential criminals.

Mr. Quirke—Do you think execution by the State is a crime?

Mr. CLARK—No.

Mr. Quirke—You said that.

Mr. CLARK—If I said that, my words were ill chosen. I said earlier that I believed the State had the right to take a life. Perhaps I should say it is a foul deed.

Mr. Quirke—That is a distinction without much difference.

Mr. CLARK—No-one has yet proved that it is a deterrent, but there is much evidence to prove that it is not. It has not been shown in any country that the abolition of the death penalty has led to a permanent increase in the murder rate. We are told that abolition of capital punishment would weaken and harm the position of the police force, cause criminals to carry and use firearms, and that the police would be forced to do the same. A great deal has been quoted from the report of the British Royal Commission and I had decided not to quote from it because, after all, its conclusions were reached by men just as fallible as we are. However, I should like to quote the Commission's conclusion based on evidence supplied by representatives of foreign countries where the death penalty had been abolished. The report stated:—

> In experience, we have had no evidence put before us that, after the abolition of capital punishment in other countries, there has been an increase in the number of burglars arming themselves, or in the carrying of lethal weapons.

In one of his books, Warden Lewis E. Lawes, for many years Warden of Sing Sing Prison, said:—

> Capital punishment in the U.S.A. may be regarded as practically abolished through indifferent enforcement. But by retaining the death penalty in its penal codes, it necessarily goes through the theatricals of the threat of enforcement. These very theatricals lend glamour to the accused fighting for his life. The offence no matter how heinous is frequently disregarded in the new drama portrayed in the courtroom where prosecutors demand death for the prisoner and counsel pleads for mercy. These theatricals reach out beyond the courtroom and weaken law enforcement all along the line.

Fear of capital punishment has not prevented the shooting of policemen, so is it likely that its abolition will increase it? Indeed, the fear of capital punishment under our existing law could lead to murderers shooting people to prevent identification, and we could be faced with multiple murders, because one can hang only once. We must remember the menace of the proved "unsuccessful murderer" who sets out to do murder and is detected, and therefore fails in his attempt. Is there much difference between that type of offender and the man who succeeds in his deed? If one is found out before he does it, he is not hanged. I cannot believe that the death penalty is a deterrent to other murderers. I shall quote from the *Annals of the American Academy of Political Science* for November, 1952. After exhaustive figure groups are given it says:—

> A comparison of the States that provide the death penalty for murder with those that do not show the homicide rate to be two to three times as large in the former States as in the latter.

That is an astonishing statement. If we study the figures in Norway, Sweden, Holland and other places, they show remarkably little difference. Apparently arguments based upon other countries, no matter how valid they are, are distasteful to some members. Argument based upon logical facts should be followed, whether the murders happened in Australia or Timbuktu. Another statement in the same journal says:—

> The result of careful analysis of figures proves that the death penalty has little if anything to do with the relative occurrence of murder.

That may be well if we try to imagine the events preceding a murder. Surely the murderer is usually so preoccupied with other considerations that reflection on consequences is virtually impossible. The fear of future death is relative to the present situation Heightened emotions in a crisis interfere with an objective assessment of future consequences. No doubt human behaviour is influenced by fear, but I think we must also remember that many murderers feel that they are too clever to be caught, and never envisage being caught. We must ask ourselves, "Do individuals think of the death penalty before they kill, or do events bring it home to them after they have been apprehended and sentenced?" I feel that

most people do not regulate their lives in the terms of the pleasure or pain resulting from their acts. It is not as simple as that. That is particularly so when a crime is motivated by a particular passion, not only by fear, but by love, loyalty, ambition, jealousy, greed, lust, envy, anger, resentment or other emotions.

I believe that most people who premeditate crime are so worked up by their emotions that there is no room in their minds for the fear of consequences, but the only thing present in their mind is to do the horrible deed. They do not realize the possibilities of punishment, although they are forced to do so afterwards. I suggest that in certain circumstances all those emotions that I have quoted are much stronger than fear. I should not like honourable members to think that I am trying to say that fear of death is not a very real emotion. I believe there is an enormous difference in the quality of this fear before the crime is committed when the punishment is only potential and abstract, and the quality of the fear after the murderer is apprehended, when the fear is then imminent and concrete. Then, the convicted murderer certainly fears and dreads death; it is the fear of the irrevocable death mercilessly closing in.

Events of the past have proved that hanging for crime was not a deterrent. Let me refer to the time of Henry VIII. It is recorded that 72,000 thieves and murderers were sent to the gallows.

Mr. Quirke—They were not all thieves and murderers.

Mr. CLARK—That is so. Some of them were probably put to death because they opposed the king. Every one of them was hanged for an offence for which he knew the punishment was death, and yet he was willing to take the risk. In the reign of Elizabeth I 19,000 were executed. The fear of hanging did not stop them. Most of them were hanged for premeditated thefts and the like, and they knew they would be hanged if caught. At these public executions thousands gathered to watch and enjoy the spectacle, and probably 50 per cent of those present were pick-pockets who were running the risk of the same penalty. Surely it would have less effect on unpremeditated crime, which most murders surely are. Most murders are due to sudden impulse. No-one who kills in a fit of over-mastering passion, anger or hatred, is likely to be influenced by the fear of hanging. It would be far from his mind. What do the criminal classes think of the efficacy of capital sentences as a deterrent? I shall quote two cases described by Lewis E. Lawes in *Twenty Thousand Years in Sing Sing.* One relates to a conversation with a condemned man on the eve of his execution and the quotation is as follows:—

In taking leave of this prisoner, I put a final question. "Tell me, Harry, what made you do it? Didn't you realize what it would mean?" and he replied "I didn't give it a thought, Warden. Just wanted to get my man."

That is a true story. Another quotation from another book by the same author, quotes a prisoner, Morris Wasser, a famous American criminal, as saying immediately before his execution:—

All right, Warden. It doesn't make much difference what I say now, but I want to set you straight on something. This electrocution business is the bunk. It don't do no good. I tell you, and I know because I never thought of the chair when I plugged that old guy. And I'd probably do it again if he had me on the wrong end of a rod. I tell you the hot seat will never stop a guy from pulling the trigger.

I do not know that such evidence is the best to bring before this House, but it indicates the feelings of some criminals who did commit murder. The following quotation is taken from the American *Annals*:—

Statistical findings and case studies converge to disprove the claim that the death penalty has any special deterrent value. The belief in the death penalty as a deterrent is repudiated by statistical studies. The fact that men continue to argue in favour of the death penalty on deterrent grounds may only demonstrate man's ability to confuse tradition with proof.

We live in so-called modern enlightened times. We all like to regard ourselves as more humane than the people of the past. That is partly true, for in some 30 countries the death penalty has been abolished completely, either by law or tradition. We have made some advancement. Under the old Mosaic law there were 33 capital offences. We have only to remember some of the former methods by which people were put to death to realize that we are more humane. Those methods included burning at the stake, crucifixion, boiling in oil, drawing and quartering, shooting, poisoning, stoning, drowning, and the like. I ask leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT.

At 5.58 p.m. the House adjourned until Thursday, September 24, at 2 p.m.