HOUSE OF ASSEMBLY.

Wednesday, October 14, 1959.

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

QUESTIONS.

WHYALLA TOWN EXTENSIONS.

Mr. LOVEDAY—Has the Minister of Lands a reply to my recent question regarding extensions to the town of Whyalla?

The Hon. C. S. HINCKS—As the honourable member knows, there are two proposed subdivisions. One involves the purchase of the aerodrome site. That area will not be used for a considerable time, but this morning I arranged with the Assistant Director of Lands to send to the Whyalla Town Commission some time this month a plan of the proposed subdivision of this site, setting out the areas for homes, industry, recreation purposes and schools. Regarding the other proposed subdivision, I take it that the honourable member is referring to the large subdivision?

Mr. Loveday—I am referring to that of 34 allotments.

The Hon. C. S. HINCKS—As the honourable member knows, that has been surveyed and subdivided into building blocks. Only last week the Premier spoke to the Whyalla Town Commissioner about this matter, pointing out the urgency to proceed with the building of homes at the request of the B.H.P., and the Commission agreed, because of the urgency, that it should proceed. Concerning the extension south of Broadbent Terrace, I have a very lengthy report, and I ask your permission, Mr. Speaker, and the concurrence of the House to have it inserted in *Hansard* without its being read.

Leave granted.

The report was as follows:—

WHYALLA EXTENSION.

In regard to the extension of the town of Whyalla published in the *Government Gazette* of September 24, 1959, and the gazettal of 34 allotments open to application with a footnote that an application from Broken Hill Proprietary Company Limited would receive favourable consideration, the following details are supplied:—

(*a*) The allotments comprise the subdivisions of the area added to the town.

(*b*) The company in support of its application to the department for the area to be made available to enable it to proceed with its building programme stated that its existing allotments would shortly be taken up and it was not in a position to proceed with buildings on the portion of the old aerodrome being retained by the company, until finality had been reached as regards the area being retained by the company, method of subdivision, provision of sewers, etc.

(*c*) The area was required by the company for the provision of housing in connection with the construction or operation of steelworks of the company, and in accordance with clause 14 (2) of the Broken Hill Proprietary Company's Steel Works Indenture Act of 1958—where the company requires the fee simple of or any rights over any Crown lands in connection with the construction or operation of steel works the State will sell to the company at such reasonable price as may be agreed the fee simple of that land or the other rights required by the company over that land.

(*d*) The land could have been granted in accordance with clause 14 (2) of the Act of 1958, but as the land was desired for housing it was considered more desirable to deal with it in a similar manner to other town lands at Whyalla and first add the area to the town, subdivide it into allotments and in accordance with the provisions of the Crown Lands Act offer the allotments and allot them in accordance with the usual procedure.

The Act authorizes the allotment of blocks to an employer where the Land Board is satisfied that the employer intends in good faith to erect dwelling houses on the blocks and to sell, lease or rent the houses to his employees.

The subdivision and offer of allotments in Government towns is a matter for the Minister of Lands.

POSTS ON MOUNT BARKER ROAD.

Mr. SHANNON—In remaking and widening the Mount Barker Road, the posts marking the sides of the road have been painted white, although it has been the practice to put a black mark on these posts on the approach side so that in a fog motorists would have an opportunity to know which side of the road they were on. I have also noticed that the Highways Department has been experimenting with small sticks marked with luminous paint on what is known as Measday's Hill, which is a bad spot for fog. These sticks are very effective, and I suggest to the Minister of Roads, through the Minister of Works, that a stripe of luminous paint placed on the side posts on the roadside would be more effective than even the black mark for people who use this road during a fog and I do not think it would be more costly.

The Hon. G. G. PEARSON—I shall be pleased to refer this matter to the Minister of Roads.

FRUIT FLY.

Mr. DUNNAGE—Will the Minister of Agriculture state whether, because of the possibility of fruit fly, there is a prohibition on the importing of apples from all other States, or whether they are permitted to come in from Tasmania without restriction?

The Hon. D. N. BROOKMAN—I will obtain a full statement for the honourable member but, broadly speaking, fruit is either prohibited from coming into this State in certain instances or it is rigidly inspected. I do not know of any complete blanket on the import of fruit from Tasmania for fruit fly reasons, but such fruit would be rigidly examined even though Tasmania has no fruit fly.

Mr. KING—Will the Minister of Agriculture ascertain what steps are taken regarding the importation of watermelon from Queensland, as it has been rumoured that fruit fly has been introduced in watermelon brought here from Queensland before our season? Will the Minister ascertain what tonnage of watermelon would be imported from Queensland, and what other fruit is imported from that State?

The Hon. D. N. BROOKMAN—All fruit is inspected at road blocks, and that carried in big interstate transports is also inspected at depots. I will see if there are any records of the tonnage that comes to this State, but I assure the honourable member that all means of bringing in watermelon from Queensland are watched.

LINCOLN AND EYRE HIGHWAYS.

Mr. BOCKELBERG—Can the Minister of Works, representing the Minister of Roads, say when preliminary work will commence on Eyre Highway, and what plans have been made for improving Flinders Highway?

The Hon. G. G. PEARSON—I think the honourable member is aware that the programme of the department was to complete the work on the Lincoln Highway first. This work is proceeding satisfactorily, and I think that it will be completed by the estimated date. That being so, it will be possible for the department to make progress with the Eyre Highway, which is the next major job on Eyre Peninsula. However, I will refer the matter to the Minister of Roads for fuller information.

RAIL GAUGE STANDARDIZATION.

Mr. HEASLIP—Last week, in reply to the Leader of the Opposition, the Premier said that the Commonwealth Government was prepared at this stage only to standardize the Broken Hill to Port Pirie line. This would mean at Gladstone gauges of 3ft. 6in., 4ft. 8½in., and 5ft. 3in. Can the Premier say whether the Government intends to do anything regarding the 3ft. 6in. gauge, which is the gauge on the Wilmington-Gladstone line?

The Hon. Sir THOMAS PLAYFORD—The reply I gave the honourable the Leader last week was the result of a very brief glance at a communication from the Commonwealth Government, which was going then to the South Australian Railways Commissioner for a detailed analysis. That analysis is not yet available. Many computations are involved and much checking has to be done to see whether or not we agree with the conclusions Mr. Hannaberry has arrived at, and I have not yet received the report back. I am, therefore, not in a position to confirm what I told the Leader last week, nor can I take the matter any further at this juncture, except to say that since that time I have received from very large business interests a very important communication that shows that there would be tremendous advantage to South Australia through the standardization of the line.

ENCOUNTER BAY WATER SCHEME.

Mr. JENKINS—Provision is made on the Loan Estimates for the sum of £101,000 towards the cost of the proposed new water scheme for the Encounter Bay water district. Can the Minister of Works say when that work is likely to commence, or give any further information on this scheme?

The Hon. G. G. PEARSON—I discussed this matter with the Engineer-in-Chief this morning, and he told me that most of the smaller diameter pipes required for the extension have been delivered and that a start on the laying of these pipes would be made within the next month. Some of the larger diameter pipes have also been delivered, and orders for the remainder have been placed. It is expected that the larger pipes will be forth-coming very shortly, in time to continue with the work as the programme requires it. I will advise the honourable member of other details of the scheme when further information is available.

NUMBER 1 POLICE COURT.

Mr. MILLHOUSE—In the last few months I have often had the misfortune to appear in No. 1 Police Court in Adelaide. I say "misfortune" not because I have been there as a defendant—it was in a professional capacity—but because it is an extremely cold courtroom

and a dreary enough place at the best of times. Because of the defective heating system in the courtroom for the magistrate, the other officers of the court, the solicitors, and the defendants, will the Minister of Works see whether the heating system can be improved?

The Hon. G. G. PEARSON—I will call for a report on that question.

INTERSTATE MOVEMENT OF EGGS.

Mr. LAUCKE—Has the Minister of Agriculture a reply to my recent question concerning the movement of eggs from this State to New South Wales following certain alterations to legislation in that State?

The Hon. D. N. BROOKMAN—The honourable member asked me some time ago about a comment in the press that New South Wales was to control the interstate marketing of eggs with certain regulations as to storage, packing, and display. A report from the chairman of the South Australian Egg Board on this subject states:—

With regard to the proposed move on interstate eggs in New South Wales it is not considered that this will have any effect on the sale of South Australian eggs in that State. South Australia will be able to comply with any reasonable regulations necessary on storage, packing and display.

PUBLIC ACCOUNTS COMMITTEE.

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

That in the opinion of this House it is desirable that a Public Accounts Committee be established to—

(*a*) examine the accounts of the receipts and expenditure of the State and each statement and report transmitted to the Houses of Parliament by the Auditor-General pursuant to the Audit Act, 1921-1957;

(*b*) report to both Houses of Parliament, with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Parliament should be directed;

(*c*) report to both Houses of Parliament any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys; and

(*d*) inquire into any question in connection with the public accounts which is referred to it by either House of Parliament, and to report to that House upon that question.

I have made the motion very embracing because I desire that in establishing a Public Accounts Committee for this Parliament we should follow the well-established precedent that has proved entirely successful in the Commonwealth Parliament. The terms of my motion are identical with the principles set out in the legislation that constitutes the Commonwealth Public Accounts Committee in the Commonwealth Parliament.

I do not think there is any great reason to debate this matter at length, but there are some broad general principles that I desire to refer to as they affect not only the functions of Constitutional Government but also the control of the purse by Parliament. We, in South Australia, have adopted the system of Parliamentary Government on the British pattern, and no Australian would question the wisdom of this. What does this entail? First and fundamentally it means that Parliament is supreme within its allotted sphere. One aspect of this Parliamentary supremacy is expressed in the Constitutional maxim of Parliamentary control of the purse. Indeed, historically, it is through this power of financial control that the British Parliament gains its supremacy. We have the responsibility of interpreting and applying the maxim in South Australia. One can spend much time in discussing the long struggle between the Crown and the Parliament in England which eventually resulted in the establishment of Parliamentary supremacy over the Privy purse and control of the funds of the nation by Parliament. It is well known that Parliamentary control of finance under the British system is based upon methods of annual accounting. There is an annual Budget and annual Estimates of Expenditure and Parliament appropriates the funds needed for a financial year. The Treasurer makes an annual financial statement setting out the completed accounts of the Government at the close of each financial year. The Auditor-General scrutinizes these accounts and the Treasurer's statement and makes his annual report to Parliament.

In South Australia this is as far as the financial system has developed. A vital link is missing in the chain of financial control. The deficiency is obvious: it lies in the response Parliament makes to the Auditor-General's report. The contents of the report may be mentioned in a debate on the Estimates in Committee of Supply or formal arrangements may be made for a debate on the report as a whole, but both these methods have obvious limitations. There is no formal

arrangement whereby the report may be studied intensively by a committee which could follow up points made, call witnesses and get explanations on accounting discrepancies, accounting deficiencies and accounting inefficiency.

What use is the financial watchdog—the Auditor-General—if we do not heed his bark? We are called upon to discuss the Loan Estimates without having access to the Auditor-General's report for the previous year and are therefore deprived of the help that an examination of that report would give in assessing the wisdom or otherwise of the proposed Loan expenditure. We have, too, the position I have complained about on a number of occasions whereby the Leader of the Opposition is forced to discuss the general points of the Budget without having an opportunity of considering the Auditor-General's report. Last Tuesday week, typical of experiences in past years, the Auditor-General's report was tabled at almost the time I was to commence my general discussion of the Budget. If we had a Public Accounts Committee it could at least consider these matters in due course during the financial year for which the amounts have been provided and make its report to Parliament for the guidance of members during the coming financial year, whatever period that might cover.

The Parliament of South Australia has a responsibility to ensure that the Government gets 20s. worth of goods and services for every pound of public money it spends. This responsibility cannot be met satisfactorily without a Public Accounts Committee. When the famed W. E. Gladstone moved for the establishment of the House of Commons Select Committee on Public Accounts in 1861—almost a century ago—he said:—

> The last portion of the circle, namely the circle of financial control, remains incomplete until the Public Accounts Committee has done its duty.

The House of Commons has found this medium of financial control a necessity for 98 years, yet in South Australia we pretend to be able to get along satisfactorily without it. The circle of Parliamentary financial control in South Australia remains incomplete until a Public Accounts Committee is established. It would be folly to assume that as we have functioned for many years without this organ of financial control there is no need for its creation at present. The fast-growing importance of public finance in our everyday lives throws increased financial responsibility upon the State Parliament and we should take action to meet this challenge. The first act is to establish a Public Accounts Committee. This point is emphasized by the great increase in the sums of public money Parliament is called upon to vote for disbursement each year. In 1948-49 revenue expenditure was £22,129,381 and gross Loan expenditure, not allowing for recoups, was £7,750,865, a total of £29,880,246, or in round figures £30,000,000. The Estimates of Expenditure this year from revenue and Loan total £109,000,000, an increase of almost £80,000,000 in 10 years. Those figures bring out in bold relief the necessity for some better scrutiny of our public accounts than is provided at present.

What would a Public Accounts Committee aim to do? As its name implies it would look into accounts of public departments. It would have nothing to do with current policy of the Government. I emphasize that because it has been suggested, in debates on similar proposals, that a Public Accounts Committee would unduly impede the Government of the day in giving effect to its policy. It would have nothing to do with the moulding of Government policy, but would ensure that if a Government decided that money should be spent upon a certain item the money was spent as wisely and judiciously as possible. It would look back into financial aspects of policy performed. That is to say, it would look back into what was done with public money, not forward into what the Government plans to do. Why should any Government wish to hide what it has done with public money from Parliamentary inquiry? In the United Kingdom throughout the last 98 years successive Governments, recognizing the value of the Public Accounts Committee, have from time to time, seen fit to permit a member of Her Majesty's Opposition to be its chairman. This emphasizes how essential it is that a full and exhaustive inquiry should be undertaken.

In South Australia, on the other hand, we are apparently not prepared even to have a committee. I use that expression advisedly because in the past the Opposition has made several attempts here and in the Legislative Council to have a Public Accounts Committee appointed. I am hopeful on this occasion that, because of the growing importance of our public accounts—as shown by the vastly increased sums we are called upon to vote from year to year and the greater complexity of the items of expenditure—the necessity to appoint a Public Accounts Committee will be recognized by the majority of members. It may be claimed by some that the accounts of the South Australian Government compared

with those of larger national Governments, like the United Kingdom or Commonwealth of Australia Governments, are so small as not to warrant a public accounts committee. In opposition to that, it may be argued that the Parliaments of New South Wales, Victoria and Tasmania all have their public accounts committees. Wherever there are public accounts some form of public inquiry is necessary to ensure rectitude and prudent accounting.

I want for a moment or two to refer to some of the work of public accounts committees in the other States, and particularly that of the Commonwealth Public Accounts Committee. As honourable members probably know, this committee has been in existence for many years and has been a tower of strength to the Commonwealth Parliament in correcting many things that had developed down the years and had intruded themselves into the keeping of the accounts. I should like to recall a few things that occurred in the Parliament with which I was associated. For instance, many years ago, not long after the seat of the Parliament was moved to Canberra, a contract was let to pour the foundations for a very large block of Government offices. Those things, of course, remained a pious hope for the future, as many other things did. I may say, advisedly, that, like some of the grand schemes of the Premier in respect of which he makes a pronouncement over the air on Wednesday night and news of them is published in the *Advertiser* on Thursday morning, they belong to the future. But this one did not even belong to the future because, after the Public Works Standing Committee had investigated the proposal and then recommended that the work be done, a contract was let for the foundations, and that was as far as the job went until a then member of the Public Accounts Committee, who was also a builder by trade, in the course of one of his morning walks examined these foundations. He thought there was something suspicious about them and decided to have an analysis made. The analysis revealed that the foundations were mostly sand, and the very large sum of money that had been paid by the Government for the laying of these foundations, on a subsequent inquiry inaugurated by the Public Accounts Committee, was found to be entirely wasted.

In more recent years, when the Government did get around to building this block of offices, it saw the state of these foundations, which had to be cleared away before proper foundations could be laid and the building proceeded with. That is only one illustration: there are many others. Even the format of public accounts was examined by the Public Accounts Committee and, as a result, a procedure was set out that made it easier for the ordinary member of Parliament to study the various accounts of the Commonwealth. I should like to say, in praise of our own Treasury officials, that when the Public Accounts Committee was examining this matter, it adopted the method of accounting that then operated in South Australia as a guide in its recommendations to improve the format of the accounts in Parliament. Many other important inquiries, too, were conducted at that time. Of course, in recent years honourable members will have seen various references from time to time to the work of the present Commonwealth Public Accounts Committee, under the chairmanship of Professor Bland.

In New South Wales, Victoria and Tasmania a similar story can be told. It is certain that the amount involved in the Commonwealth accounts, in the New South Wales accounts and in the Victorian accounts is considerably greater than that involved in our accounts. On the other hand, of course, the amount involved in the Tasmanian accounts is considerably less than we have to deal with in South Australia. It means that a State like Tasmania, with a comparatively small expenditure, realizes the necessity and value of a public accounts committee. That, I suggest, is a strong argument in favour of establishing one here.

Mr. Shannon—I am informed that the committee very rarely issues a report in Tasmania.

Mr. O'HALLORAN—Maybe, but the very fact that it is there acting as a watchdog probably renders it unnecessary for many investigations to be conducted; but, if investigations are found necessary, then the committee is ready, and no doubt willing and competent, to conduct such investigations.

I have dealt more or less in broad general principles with the reasons why I think a public accounts committee is necessary. I now want to get down to some actual examples which, I think, merit an investigation, which should have been investigated but which, unfortunately, because we have no public accounts committee, have not been investigated in South Australia. For this purpose, I have compiled some figures on some of the public works which were investigated by the Parliamentary Standing Committee on Public Works during 1948 and which are now nearing completion. They do not reveal a very satisfactory state of

affairs when the following table is examined. The following table gives a comparison of the original estimated cost as submitted to the Parliamentary Standing Committee on Public Works; this cost adjusted for price increases bearing in mind the proportion of the works completed over the preceding years; the actual cost of the works to June 30, 1959; the difference between these last two figures gives us the unexplained difference to June 30, 1959, shown in column four. The percentage that the unexplained difference bears to the adjusted estimate shows us how much more these works are costing us over and above normal cost of living increases. The table is as follows:—

	1948.	To JUNE 30, 1959.			
Project.	Estimated cost. £	Adjusted estimate. £	Actual cost. £	Unexplained difference. £	Unexplained difference to adjusted estimate. Per cent.
Mannum-Adelaide Pipeline	3,085,000*	6,000,000	10,500,000	+ 4,500,000	+ 75
Yorke Peninsula Water Scheme ..	2,685,000	5,500,000	5,300,000	— 200,000	— 4
South Para Reservoir	1,578,000*	3,000,000	3,740,000	+ 740,000	+ 25
Queen Elizabeth Hospital	1,370,000	2,900,000	7,050,000	+ 4,150,000	+ 143
Total	8,718,000	17,400,000	26,590,000	+ 9,190,000	+ 41

* Excludes 10 per cent contingencies line allowed in the original estimate.

One of these works cost 75 per cent more than the estimated cost, after due adjustments had been made, and another similar work cost 4 per cent less. That is a remarkable state of affairs. The Queen Elizabeth hospital is the daddy of them all! I point out that the last figure I have given for it may not be the final cost. I do not cast any aspersions on the Public Works Committee because, as I was a member of that committee for some years, I know how thorough it is in its examination of the cost of projects submitted to it. However, once the committee has examined the original estimate, the report has been submitted to Parliament and the work has been authorized by Parliament, there is no further check. As I have pointed out, there is a tremendous unexplained difference in the figures I have given. There may be a proper explanation: I do not know, and I seek the appointment of a Public Accounts Committee so that Parliament may know the reason for these huge differences in the cost of works between their original planning and their completion.

The figures I have given show that, even after making adjustments for huge cost of living increases, the work is costing 75 per cent more than it should for the Mannum-Adelaide pipeline, 25 per cent more than it should for the South Para reservoir and 143 per cent more than it should for the Queen Elizabeth Hospital. The Opposition has been protesting for years on what appears to be colossal and wasteful Government expenditure. This type of expenditure is one of the main reasons why members on this side of the House seek the appointment of a public accounts committee to inquire into cases such as these to ascertain whether there are valid reasons for these colossal increases in expenditure over and above the normal cost of living increases. I know personally that, in the early stages of the Mannum-Adelaide pipeline, imported steel plate had to be used at very much higher prices than the local plate, but even at these prices there would be only a valid explanation for £1,000,000. This would still leave £3,500,000 on this project which needs to be explained.

To my mind, when there is an unexplained difference of more than £9,000,000, representing 41 per cent of the adjusted estimated cost, there can be no grounds for refusing the appointment of a public accounts committee unless the present Government has something to hide. I could quote other instances where there has been a large unexplained difference between the estimated cost of schemes and the ultimate cost, but I do not desire to weary the House. I think that on broad general principles and on the factual statements of unexplained differences between estimated cost and actual cost I have made

out an unanswerable case for the establishment of a public accounts committee in South Australia.

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

DIFFERENTIAL FUEL CHARGES.

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

That in the opinion of this House a Select Committee should be appointed to inquire into the effect on the community of differential charges for petrol and motor fuels, and to recommend any action deemed necessary or desirable to ensure a more equitable apportionment of distribution and other costs.

Labor members have been perturbed for a considerable time at the price differential for various types of fuel and oil in various parts of South Australia.

Mr. Bywaters—So have all country people.

Mr. O'HALLORAN—Yes. I desire to discuss four main points: first, the various charges in various towns; secondly, I want a Select Committee set up to inquire into the reasons for the difference in prices; thirdly, according to our information there should be no difference in the landed cost of petrol at Port Pirie, Port Lincoln or Port Adelaide; and fourthly, attention has been drawn to the difference in charges at centres situated at similar distances from ports, and some investigation should be made to find reasons for the difference. The charges in the hinterland served by the various ports I have mentioned should be governed by the charge at the port, but we find that this is not so, and that the charge is governed by the Port Adelaide price, plus rail freight charges.

We should appoint an authoritative committee to investigate all the circumstances leading up to the different charges. We believe that motor fuel costs represent a most important factor in transportation charges and in the economic life of the community. I think that is recognized by all members and all people, because motor spirit today is essential to all forms of transport, both public and private. The other forms of transport that we knew in days gone by—bullocks and horses—have gone. The electric trams have almost gone from Adelaide, and the railways that were formerly powered by steam engines burning coal are now mainly powered with locomotives and other engines using oil fuel.

It will be necessary to take steps to have outports rated differently by the Federal authorities, so that Port Pirie and Port Lincoln could be regarded as freight-free ports similar to Portland, in Victoria, and Port Adelaide. That is one important point that should be the subject of the investigation. Why is it that Portland in Victoria and Port Adelaide in South Australia are rated differently from Port Lincoln and Port Pirie? Of course, the effect is to penalize fuel users in the areas served by the ports of Port Lincoln and Port Pirie. There is a difference of 2½d. a gallon between Port Pirie and the free ports of Portland and Port Adelaide, and a relative difference in all centres supplied from Port Pirie, and this has an important bearing on any move towards decentralization of industries. It has been suggested that the differential freight price has been based on rail freights between Port Adelaide and Port Pirie, but since petrol is not delivered by rail it is urged that this 2½d. impost should not be imposed. The difference between Port Lincoln and the free ports is even worse because the freight differential is 3d. a gallon. For many years local government associations on Eyre Peninsula have been urging the desirability of equalizing petrol charges, or steps being taken to reduce the heavy freight differential charge for delivery on various parts of Eyre Peninsula. A Select Committee could conduct an inquiry into the efficacy of this claim and bring recommendations to Parliament accordingly.

In addition to the local governing bodies on Eyre Peninsula, as recently as this year a combined meeting of the councils of Hawker, Wilmington, Quorn, Kanyaka, and Port Augusta was held at Quorn. In June this year those councils unanimously asked for an investigation into the differential freight charges on petrol operating in the northern areas of the State. To amplify the figures I have just quoted, I will submit two more to the House. Port Wakefield is 60 miles from Adelaide, and the prices of petrol there are 3s. 7d. and 3s. 11d. for standard and super grade respectively. Port Augusta is 60 miles from Port Pirie, but standard petrol there costs 3s. 9½d. a gallon and super grade petrol 4s. 1½d. a gallon. That is one of the modern mysteries that the Opposition wants a Select Committee to investigate. Why is it that those two centres, both situated the same distance from the port where fuel is landed, should have a differential rate of 2½d. a gallon?

Mr. Bywaters—I think all country members would welcome this motion.

Mr. O'HALLORAN—I certainly hope they will, because it is most important and very necessary.

Mr. Shannon—Apparently the member for Murray thinks he has picked a winner. It is about time he did; he has been battling for a long time to find one.

Mr. O'HALLORAN—The member for Murray is a very good judge, and if there were any betting going on he certainly would not back the member for Onkaparinga.

Mr. Shannon—That is why he has lost his money up till now.

Mr. O'HALLORAN—I think the very wise remark of the member for Murray deserves much more consideration than the levity of the member for Onkaparinga would have us believe. I think that levity is forced, and that it is an attempt to sidetrack the argument.

Mr. Shannon—I think it is so obvious we don't need to sidetrack it.

Mr. O'HALLORAN—If the member for Onkaparinga assures me that he will vote for the appointment of a Select Committee, my task is made much easier, because I feel that he will have the weight and influence, at least among the country members on his side, that will cause them to do the right thing in this regard. We heard some talk only yesterday concerning remarks made by the Deputy Leader (Mr. Walsh) about some criticism he made of primary producers using vehicles registered at half rates and running in competition with the railways on a commercial basis. The members who spoke said that the primary producer was entitled to all the concessions he could get, and in fact that if we gave him concessions we benefited the rest of the community whom he feeds with his produce, because it keeps the cost of production down. I agree entirely with the member for Rocky River. Anything we can do to keep the cost of production down should be done.

Mr. Shannon—It is the first time in history I have heard you say that.

Mr. O'HALLORAN—Here is an opportunity for the member for Rocky River to match words with deeds and vote for this motion. After all, this freight differential of 2½d. or 3d. a gallon is very important to primary producers, many of whom have to use large quantities of liquid fuel in the course of their production.

We are not at this stage alleging that anyone is making undue profits but we submit that a case has been established that warrants an inquiry. We believe that the best inquiry could be conducted by a committee composed of members of this House who would be instructed to report back to this House. The committee could also inquire into the building of service stations to which exception has been taken by sections of the trade, and whether the large increase in expenditure in this regard is not drawn from the petrol consumer. In some country towns where formerly three petrol stations adequately and efficiently served the public there are now seven or eight. Buildings have been erected at considerable cost.

Mr. Shannon—There are a lot more motors on the road.

Mr. O'HALLORAN—In one town, with which I am particularly familiar, for many years three petrol resellers comfortably handled the demands and there were rarely delays in securing service. Now there are seven service stations and another in the course of erection. We are concerned as to whether the cost of the additional and unnecessary service being given in that town is going to come out of the consumers. People who have been in the business for many years and who have employed competent mechanics or who were themselves competent mechanics and not only served petrol, oil and tyres, but could also effect all necessary mechanical repairs that were required, are being starved out by these huge organizations that only sell fuel, tyres and accessories. Consequently some people are losing an essential service. This is a serious matter that merits a complete inquiry.

The freight differential on petrol that is sold at Mount Gambier in the South-East is 4½d. a gallon on standard petrol, and super petrol is dearer than it is in Adelaide. As standard petrol is at a controlled price we must consider this as the base petrol to discuss. This variation of 4½d. a gallon differential is the rail freight cost from Birkenhead to Mount Gambier but little or no petrol comes from Birkenhead. The petrol that is sold in Mount Gambier and the lower South-East all comes from Portland on which the freight cost would not exceed 2½d. a gallon and probably 2d. would be sufficient to cover the actual freight cost incurred. A typical example to prove the absurdity of what is happening is that petrol which is landed at Portland in Victoria and brought to Mount Gambier and transferred to a tanker and sold at Naracoorte, a further 60 miles away, is sold ½d. a gallon cheaper than it is at Mount Gambier. Obviously differentials of this type warrant an inquiry by a Select Committee to determine why these things are occurring. Attempts to obtain

information from other sources have been completely unsatisfactory. No satisfactory explanation has been given to Parliament on the issue although for some years members from both sides have been seeking information about the variation in prices as it affected their respective electorates. The only way to get it is for the House to appoint a Select Committee to make a full inquiry.

The Hon. C. S. HINCKS secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (No. 2).

Second reading.

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

That this Bill be now read a second time.

In moving the second reading of this Bill I am keeping a promise I made to Parliament earlier in the year. Members will recall that when a previous Constitutional Bill was before the House legalizing the position of the lady member of the Legislative Council I suggested a commonsense amendment that would provide for a great improvement in our Constitution and I sought for an instruction to move in Committee an amendment with that object in view, but, to my surprise, the Government opposed my motion for an instruction and revealed conclusively that it was afraid to have the matter discussed because it feared, having a number of new members it had not had a proper chance to put the station brand on, that they might develop a conscience and vote for the amendment. However, this Bill gives effect to my promise. Its title is "An Act to amend the Constitution Act, 1934-1955." I have not altered the title because when the Bill was printed the other Bill had not received the Governor's assent. However, the title can be altered later.

Mr. Shannon—If required.

Mr. O'HALLORAN—For years we have boasted about the democracy of our British system of government and lauded ourselves to the skies about our acceptance of the principle that all men are equal and that all men should be equal in the eyes of the law, but, of course, we have contradicted equality in the eyes of the law by refusing to make all men equal in the making of the law. We have two Houses of Parliament, one of which is elected on a restricted franchise. Only a fortnight ago we had a visit from a large and influential number of members of various Parliaments of the British Commonwealth who were on their way to a conference of the Commonwealth Parliamentary Association at Canberra. I was amazed, in discussions with many of the members representing various self-governing countries, particularly those from Parliaments not so long established, to discover that they either had equality of franchise where they had two Houses, or in many instances they functioned well with only one Parliament.

Mr. Clark—Most of the new Parliaments have only one House.

Mr. O'HALLORAN—That is so.

Mr. Shannon—Which would they be?

Mr. O'HALLORAN—Ghana, Sierra Leone, Trinidad, Ceylon, and Pakistan.

Mr. Shannon—Not India?

Mr. O'HALLORAN—The point is that they recently received their Parliaments from the Mother of Parliaments and their Constitution from the Crown as advised by the Mother of Parliaments. If they can get along with only one House—and evidently the people in England who granted them their constitutional rights and gave them single-chamber Parliaments are satisfied that they can—surely we could manage with the same type of franchise for both Houses of Parliament?

Mr. Quirke—This is grandfather's Parliament, not Mother's.

Mr. O'HALLORAN—That was significantly pointed out recently by the member for Gouger (Mr. Hall) when he opposed the abolition of the Legislative Council and said that the people who had the franchise for that Chamber were the heads of the family and were therefore the appropriate people to have that franchise. That was quite all right about two thousand years ago when the tribes enjoyed self-government through the elders of the tribe, but I point out that we have progressed somewhat since then.

Mr. Millhouse—Do you think it likely that the House of Lords will be abolished?

Mr. O'HALLORAN—I do not think it makes a scrap of difference whether the House of Lords is abolished or not, because the House of Lords has no power to frustrate the Government. At present all it can do is to delay the passing of a measure for 12 months.

Mr. Millhouse—Would you be happy with the same system here?

Mr. O'HALLORAN—Yes, but I am not so optimistic at the moment as to be urging that. All I want now is to get the real reform—the establishment of democracy that is known the world over—namely, that all men and women who are over the prescribed age of 21

years can have the right to vote for both Houses of Parliament which make the laws under which they have to live.

Mr. Millhouse—Would you care to comment on the position in Canada with regard to the Canadian Senate?

Mr. O'HALLORAN—I understand the Canadian Senate is a House with very little power to which people who have rendered service to somebody—usually to some influential member of the Government—are appointed for life. It is a nice Chamber to be a member of. They can play around and do no harm to anybody or anything. The real government of Canada is based in the lower House. That is where laws are made or vetoed and the Senate serves no great purpose, although it evidently has some ornamental value.

Mr. Loveday—It is a matter of opinion whether it is an ornament.

Mr. O'HALLORAN—It depends on the type of embellishment. The member for Gawler (Mr. Clark) assures me that some very worthy people in Canada are straining to keep out of the Senate.

Mr. Millhouse—They must be mad.

Mr. O'HALLORAN—In South Australia only little more than one-third of the electors for the House of Assembly vote for the Legislative Council. I know there is merit in some of the qualifications. For instance, service men and women are given the vote for the other place. It is something for which they have fought; they have helped to defend democracy and very properly we gave them the franchise, the opportunity to vote, for both Houses of Parliament. But I object to the general basis of other qualifications. In the very early days South Australia had no Parliament. We were a Crown Colony, governed from Whitehall. Then we were granted a form of government, a Legislative Council. I think the first Legislative Council was entirely nominee. Subsequently, it was half elected and half nominee, but it was the basis of self-government in South Australia. Then we got the House of Assembly and adult suffrage. We got womanhood suffrage. We were the first of the Australian States to grant women the right to vote, but we deny most women the right to vote for the Legislative Council.

Mr. Millhouse—The Leader is not going to oblige people to vote under his Bill?

Mr. O'HALLORAN—No. I am in an amiable frame of mind in presenting this Bill to the House. I believe that we should go as far as we can see and then see how far we can go. I am not quite sure that I am going as far as I can see at the moment.

Mr. Millhouse—A bit further, I think.

Mr. O'HALLORAN—On the broad general principles of the Bill I suggest there is no argument. I examined the position in the other States. The member for Gawler (Mr. Clark) mentioned New Zealand a moment ago. In New Zealand the Legislative Council was abolished by the Legislative Council Abolition Act, 1950, which was assented to on August 18, 1950, and operated from January 1, 1951. The Right Honourable Sir Sidney George Holland was Prime Minister of New Zealand at the time. He was later a very illustrious conservative member of what is called the National Party in New Zealand. That party remained in power for a considerable period after 1950 but no effort was made to restore the Legislative Council.

Mr. Millhouse—The Leader is not suggesting that this matter of the Legislative Council was a political matter, is he?

Mr. O'HALLORAN—How naive is the young gentleman! Another interesting piece of history concerns Victoria. The Legislative Council Reform Act, 1950, came into operation on November 1, 1951. It introduced adult suffrage for the Legislative Council. This was achieved in Victoria in 1951 under a Liberal Government. I see no reason why a Liberal Government in South Australia in 1959 should not follow the excellent example of its counterpart in Victoria in 1951.

Mr. Millhouse—Not to mention New South Wales.

Mr. O'HALLORAN—I understand that the Labor Government in New South Wales is proceeding apace with the abolition of the Legislative Council.

Mr. Millhouse—It has been pretty slow to get on with it.

Mr. O'HALLORAN—It is taking all proper Constitutional steps. First, it will consult the people. I would not mind if the honourable member agreed to an amendment to my Bill for a referendum of the people of South Australia on this issue—and not only the very best people, those who can vote for the Legislative Council. I come next to Queensland, which has a single-chamber Parliament. In March, 1922, the Legislative Council was abolished by the Constitution Amendment Act, 1922—a long time ago. From 1929 to 1932 Queensland had

a Government that was the counterpart of the present South Australian Government, and was known as the Moore Government. It had a majority in the House and could have restored the Legislative Council had it wished; but it did not. Now for the last two years Queensland has had the Nicklin Government, another counterpart of the present South Australian Government. It too has taken no steps to restore the Legislative Council: apparently it is quite happy with a single-chamber Parliament. The people of Victoria are quite happy with adult franchise for the Legislative Council and I suggest that the people of South Australia would be very happy if they had adult franchise for their Legislative Council, because they would know that at last, within the limits of the unequal distribution of electorates here known as the gerrymander, they had some say in the government of the State.

I will refer to the two major provisions in this Bill. At present before a person can be elected to the Legislative Council he must be more than 30 years of age. I seek to abolish that qualification and to provide:—

Any person qualified and entitled to be registered as an elector in and for any Council district shall be qualified and entitled to be elected a member of the Legislative Council for any Council district.

The other provision is that any person who is at least 21 years of age, who is a British subject and who has lived continuously in the Commonwealth for at least six months and in a Council district for at least one month immediately preceding the date of registration of his electoral claim, shall be qualified to enrol and vote for the Legislative Council. Those are the two proposals—the right of every adult, male or female, to be enrolled and have the opportunity of voting for the Legislative Council, and the right of every person who is entitled to be enrolled to be entitled to be elected to the Legislative Council. The honourable member for Mitcham (Mr. Millhouse) a few minutes ago asked whether the Bill would oblige people to vote for the Legislative Council. As a lawyer he knows that the question of voting is dealt with by another Act altogether—the Electoral Act. After I have got this Constitution Bill passed I shall be happy to accommodate the honourable member by moving to amend the Electoral Act to provide for compulsory voting for the Legislative Council. I move the second reading of the Bill in all confidence.

The Hon. C. S. HINCKS secured the adjournment of the debate.

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 October 7. Page 949.)

Mr. TAPPING (Semaphore)—I support the motion and express my pleasure at the trend of the debate so far. The Leader and others who have supported the motion have put forward such a sound and watertight case that I find it hard to build up my own arguments because what has already been said covers most of the ground. This motion deals with a matter that will serve the interests of the State and should therefore be divorced from Party politics.

Some Government members have supported the second phase of the motion for an increased number of members in the House of Assembly, which I believe is essential in view of population increases in the last 20 years. By the end of 1962 the population of this State will be about 1,000,000 and, as this will increase further because of natural population increases and immigration schemes, it behoves us to have more members to deal with the many problems these people will bring forward. Because of increases in population since 1938, members are asked to assist electors on many more occasions. They are asked to approach the authorities on housing matters, and to attend more functions than in the past. Also, State members, irrespective of Party, play a big part in such Federal matters as pensions, telephones and taxation. Although I do not desire to reflect upon the ability of Federal members, they are often in Canberra whereas State members are near the people, and jobs therefore fall on their shoulders. Surely this is sufficient evidence that it is desirable to increase the numbers in this House.

The member for Torrens asked, in effect, whether members could be expected to support a move that could mean their annihilation. As I said earlier, it is wrong to look at this matter from an individual point of view: it should be considered from a State angle because it affects the State, so this point is

not worth considering. If any change in boundaries occurred and an increase in members resulted, those who were disappointed would have a chance to participate in the new seats that would be created. When the last Federal redistribution took place, some members lost their seats because their districts ceased to exist. With the last redistribution in South Australia, the district of Newcastle became extinct and, as the late Sir George Jenkins retired, the Liberal Party endorsed Mr. McCauley who, after doing a certain amount of canvassing, found that the seat no longer existed. The State must prevail above petty grievances.

The member for Torrens also claimed that the success of this motion would be the negation of decentralization. That is strange reasoning, as is borne out by the results over the last 20 years. Since 1938 there has been a ratio of two country members to every metropolitan member, yet the drift to the city has continued with much crescendo until 62 per cent of the population now lives in the metropolitan area. This has been caused by a lack of jobs in the country and, although I do not blame country members for the position, I feel that the Government should make greater efforts to stop this drift. The country has not made any progress even though there are two country members for every city member, so if we had an equal distribution throughout the State the country would be no worse off.

In the other House, Central No. 1 and Central No. 2 are metropolitan districts and the other three are country districts. That House has 12 country members and eight metropolitan members, so the disparity predominates in both Houses of Parliament. It has often been said by members on both sides of this House that no attempt is made here to discriminate between country and city people, and we all hope that this position will prevail indefinitely. One illustration of this attitude is in the functioning of the Public Works Committee, which consists of Liberal and Labor members and one Independent member. This committee considers projects that often have a value of between £4,000,000 and £5,000,000 a year, and these works are for both country and city areas. No reference is made by any member to whether a project is for the country or the city; the only consideration is whether it is for the benefit of the State and whether it can be afforded. That type of atmosphere is most desirable in this House. Whether a matter concerns the metropolitan area or the country does not enter into the consideration of the Loan Estimates or Budget; so long as something is for the good of the State, it is supported by all members.

The member for Onkaparinga (Mr. Shannon) made certain statements that I feel assisted our case. He referred to the number of uncontested seats at the last State election, and quoted figures of seven electorates held by Liberal members who represent 47,000 electors. If we add to that total the electors of the district of Hindmarsh, which is held by Labor and was not contested at that election, we find that 72,000 people were, in a sense, disenfranchised. I think this position, rather than helping the honourable member's argument, supported the motion. It must also be remembered that in several districts there was only a token opposition. In the district of Semaphore I secured about 20,000 votes compared with 1,250 cast for my opponent, so there was only token opposition in this district, and that applied in others.

Under the present electoral set up a lack of interest by the people is developing and, unless this Parliament does something about it I cannot see how that interest will be regained. The situation could be likened to a football match, one side having 18 players and the other 14, which would mean that the latter side would have no hope of success. The position that has developed over the years has had a psychological effect on some leading Government servants. Although they are courteous to members, they have an indifferent attitude because they know that under this electoral system the present Government will retain the Treasury benches. In the Federal sphere, however, either Party could be returned, as a democratic system obtains there, and officers of the Taxation and Social Services Departments are sincere, helpful and courteous.

Mr. Hutchens—And unbiased.

Mr. TAPPING—Most unbiased. Whilst I believe they are genuine, they realize there could be a change of Government in three years and that their position may become invidious, but that is not the position in South Australia. This afternoon the Leader referred to the Mother of Parliaments; if we were to emulate that Parliament we would be on a more democratic footing. In the election held in England in 1955 democracy worked as it was intended to work, in contrast to the position in South Australia. All seats were contested in that election; the Conservatives polled 49.8 per cent, the Labor Party 46.3 per cent

and others, including Liberals and Sinn Feiners, 3.9 per cent. The Conservative Party was returned to office and nobody had any complaint, as the majority of people preferred a Conservative Government. The member for Light (Mr. Hambour) challenged the member for Murray (Mr. Bywaters) regarding one-vote one-value, and said, in effect, that he did not make his position clear from the Party angle when he spoke at meetings in the Murray district. I assisted Mr. Bywaters in the last two elections and I can assure the member for Light that on every occasion when he spoke at Murray Bridge, Tailem Bend and Callington, that part of our policy was expounded, and on no occasion was exception taken by any member of the audience.

Members of the Government are entirely wrong when they say that the Opposition is reluctant to express at meetings the policy in which it firmly believes. The members of my Party are prepared at any time to stand up for the principles they believe in. Government members who have spoken in similar debates in previous years have referred to the gerrymander in Queensland, but we on this side of the House have not felt that any such gerrymander has existed there. A few years ago Labor was defeated in Queensland because of unusual circumstances, but it was only recently that the Queensland Liberal Government decided to bring down legislation to seek a redistribution of seats. One of that Government's suggestions was to increase the House strength from 75 to 78 members. A commission has been appointed there, and I have every faith in that commission to bring down a recommendation to the Government based on democratic ideals. I do not subscribe to the contention of our friends opposite that the set-up in Queensland was of a gerrymandered nature.

I appeal to members to give this motion mature consideration. The case made out by the Opposition is one based on sincerity and reality, on the Welfare State and the principle of treating everybody in the same manner. I am quite convinced in my own heart that under the present system Labor can never win, because of its disadvantage under the electoral system. This Parliament must do its utmost to regain the interest of the people of South Australia. Apathy has developed, and has been accentuated from year to year because the people say it is a one horse race. Members find when they address meetings outside that there is not much interest, but if the meeting concerns Federal politics there is a big interest because the people say that under the Federal electoral system both sides have equal chances, whereas that is not so in South Australian State elections. I support the motion.

Mr. QUIRKE (Burra)—It is an extraordinary thing to hear anybody address the House as the member for Semaphore (Mr. Tapping) has just done. I know he thoroughly believes what he said, that Labor can never win under the present system, but I do not believe anything of the sort.

Mr. Tapping—It has been so for many years.

Mr. QUIRKE—If the Labor Party wants to win it has to apply itself more to winning than it has done, by contesting seats in the country and the city which it does not contest now. For a Party to speak along such lines is a defeatist policy.

Mr. Tapping—No, it is realistic.

Mr. QUIRKE—It is not realistic. It is bad for Parliament, for Her Majesty's Government and Her Majesty's Opposition for a Party to say "We can't win," and then to put up something that it is not going to win with either. The Labor Party cannot win this motion; it knew that before it brought the motion forward. I agree that it is imperative to have more members in this House. We are far too short of members in this House, and I think upon that there is fairly general agreement. However, I do not agree that there should be equal representation and that the country should not have an advantage. I say it should, and there are very good reasons why it should, too, but the two to one ratio that we have today is too great and too far on one side, though the country, because of its shortage of numbers compared with the numerical strength of the city, must have a bigger ratio, because it has a minority of the people producing most of the production of this State.

Mr. Dunstan—That is not true.

Mr. QUIRKE—It is true. According to the very latest figures, even on the reduced prices for wool, the production of South Australia's primary industries beats that of the secondary industries, and when it comes to exports it amounts to £90,000,000 compared with £3,500,000.

Mr. Hambour—The bulk of it.

Mr. QUIRKE—The 40 per cent of the population that reside in the country make a vast contribution to this State; they are a scattered community, and therefore they must have greater representation. I concede that

the two to one ratio is too great, and I think any fair-minded person can concede that, quite apart altogether from political affiliations.

A Royal Commission has been advocated in this motion, and although the Opposition does not expect that a Commission will be appointed it has as great an expectation of that as anything else. I do not like Royal Commissions messing around with the Parliamentary institution. I have said on other occasions that I would make Parliament a separate entity to order its own destiny. I would even remove its officers and everybody else connected with it from the Public Service, and run it as a separate entity that orders its own destiny in relation to every single phase of it. The salaries of everyone connected with the institution, including members, would be ordered by Parliament. I am tired of this business of asking somebody else to do the job, and I have always opposed handing our powers over to somebody else. On one occasion we placed our destiny in the hands of a gentleman who was so bright and knew so much about the duties of members of Parliament that he said the difference between the actual cost to a city member and a country member was £50 in some cases and £75 in others. We all know that many members have to travel vast distances. For instance, the member for Frome (the Leader of the Opposition) has to travel 1,000 miles to get to the far side of his electorate. This is what we get for taking that course, and it serves us right, for if we cannot do better than that we deserve what is coming to us.

I can prove that it costs me £500 a year to run my motor vehicle—a Zephyr car. I do 20,000 miles a year, and at 6d. a mile—and it cannot be run for less—it costs £500 a year, yet this bright individual said that the differentiation between somebody that uses that car and somebody that rides a bicycle is £50 a year. Now we are asking for a Royal Commission to make recommendations about the electoral system. What virtue is there in the suggestion? I cannot support this motion, but I support the move for an increase in the numerical strength of the House and for some difference in the two to one ratio in order to bring a better balance into this House in relation to the opportunities for the Liberal Party and the Labor Party to win seats. I would alter the Legislative Council boundaries of Central No. 1 and Central No. 2, and if I had an opportunity of doing that I could make a good job of it. I would put Goodwood and the Thebarton district in with Mitcham, and in that way we would have contests. We could also perhaps draw a diagonal line through the metropolitan area and group Port Adelaide with Mitcham, and in that way the metropolitan area would be divided equally. As it is now the Labor Party says "You can give Central No. 2 away; we cannot win that, but we always win Central No. 1." The Liberal Party concedes that Labor always wins Central No. 1.

Mr. Hutchens—If they were divided equally we would win the lot.

Mr. QUIRKE—I would not care if they were divided equally; I want to see elections in these places. We would get life into the Parliament if every seat were vigorously contested and there was not this business of trying to appease one section of the electors. The Leader of the Opposition today commented on the lack of virtue of the Upper House, and I agree with him entirely on that point. The system there belongs to a by-gone age, as it perpetuates the idea that if a man has property he must be a more virtuous and capable individual than the man who has not, notwithstanding the fact that he may have inherited that property from his great grandfather and now has less than his great grandfather left him.

Mr. Hall—It is not essential to own property to become a voter in the Upper House.

Mr. QUIRKE—No, a returned soldier has a vote.

Mr. Hall—And a householder.

Mr. QUIRKE—Yes, that is so. But let us consider the case of a soldier who went away and left a wife and family behind. While he was away his wife maintained the family and kept the house together, but she is not entitled to a vote, yet hasn't she earned it as much as any other person?

Mr. Shannon—If she were paying the rent for the house she would have a vote.

Mr. QUIRKE—Of course, but if she does not pay the rent she does not have a vote. I know all the catches in it. If a property is in the husband's name only the husband has a vote, which shows how the system is stacked on the idea of male supremacy. I do not know how a woman can sit back and take this position complacently. If the wife owns the house she has a vote, and the husband gets a vote as an occupier, and that is where the property idea comes in. In order to get a vote at all the wife has to own the property or be paying the rent. These things are entirely wrong and belong to a past age.

A man named Simpson invented chloroform, and the greatest opposition to Simpson was the suggestion, "We must not stop pain because Genesis says women shall bring forth their children in pain, and therefore you must not use chloroform." The same attitude is perpetuated today with the system of voting for the Upper House. It is a House of privilege that has no right to function today, and most of the States of the Commonwealth have seen the light and discarded it.

Mr. Hall—The privilege of being the head of the family.

Mr. QUIRKE—Yes, in your house you would not get a vote. I do not agree with the present electoral set-up in South Australia. If we have two Houses then all people should have a vote for both. If one House has a restricted vote and 10 members of it can negative a unanimous vote of the other House, then we should abolish the restricted House. If this matter were submitted to the people today the Legislative Council would not last five minutes.

The SPEAKER—I think the honourable member's remarks relating to the other place would be more pertinent to the Constitution Act Amendment Bill rather than to this motion.

Mr. QUIRKE—I agree entirely.

Mr. Riches—Have you considered amending the motion?

Mr. QUIRKE—No. It is not my practice to put up straw men for others to knock down. With those few pertinent, and perhaps some impertinent, remarks I regret that I cannot support the motion as it is now presented.

Mr. O'HALLORAN (Leader of the Opposition)—Members who have opposed the motion have used a mass of words to conceal their lack of arguments. They have attacked my suggestions on two premises so far as I can ascertain from the gleanings of commonsense in their remarks. Firstly, they suggest that the motion has been wrongly constructed—that I put the cart before the horse—and that the second paragraph relating to increasing the number of members of Parliament should have been the first term of reference to the Royal Commission and that the proposal relating to the voting question should have been second. It does not matter two hoots in what order those matters are submitted to a Royal Commission, so long as a Royal Commission is appointed to investigate them. The Premier made great play on this point—indeed, it was the only point he endeavoured to make. I have never heard him worse in debate than he was on this occasion.

Mr. Fred Walsh—He had a very weak case.

Mr. O'HALLORAN—Yes, but sometimes he can make a reasonable job with a very weak case, although this time he made a weaker job of a weak case. Almost every member who opposed the motion said that the Opposition did not oppose the Constitution Act Amendment Bill of 1955. Of course we did not oppose it because, bad as it was, it did slightly improve the Constitution. What they completely ignored was that the amendments to the Constitution propounded in that Bill were the result of the Electoral Districts Redivision Bill of 1954, which set up the Royal Commission to provide for the redivision of electorates and which maintained the iniquitous two-for-one principle that is condemned by the member for Burra, although he will vote against the motion. When that Bill was before the House in 1954 the Opposition fought it all the way. We divided on the second reading, tried to amend it in Committee, and divided on the third reading because we realized that no matter how fair the Royal Commission desired to be it was impossible for it to give electoral justice under the cock-eyed terms of reference provided in the Bill. If members opposite are prepared to allow this matter to be subjected to a fair and impartial inquiry they must support the motion. However, I fear that they will not, because they are afraid of the consequences of such an inquiry. They are sheltering behind the gerrymander that has kept their Party in office for 21 years. However, as time passes even that will wear out and there will be a change of Government soon. All this motion seeks is a proper investigation so that when the change of Government comes it will be the result of the real will of the people. I hope the motion will be carried.

The House divided on the motion:—

Ayes (16).—Messrs. Bywaters, Clark, Corcoran, Dunstan, Hughes, Hutchens, Lawn, Loveday, McKee, O'Halloran (teller), Ralston, Riches, Ryan, Tapping, Frank Walsh and Fred Walsh.

Noes (19).—Messrs. Bockelberg, Brookman, Coumbe, Dunnage, Hall, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Nankivell, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Shannon and Mrs. Steele.

Pairs.—Ayes—Mr. Jennings. Noes—Mr. Millhouse.

Majority of 3 for the Noes.

Motion thus negatived.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 7. Page 957.)

Mr. FRED WALSH (West Torrens)—I support the Bill. I am today in a position different from that which I have been in for many years, in fact for as long as I can remember. I have always based my attitude on the question of capital punishment on the views I personally hold but while holding them I have always given effect to the decisions of my Party's policy on this question. I have at all times when I have spoken in the councils of the Party opposed the principles embodied in the Bill and I find myself now, after giving the matter serious thought in the last year or two, with views considerably changed from those I previously held. I feel I can now conscientiously support the Bill and I take this opportunity of expressing those views because, as I say, I have in council expressed a contrary view while upholding the views of the Party outside.

It is unfortunate that we should find ourselves debating such an important issue as this at a time like this. I feel that the atmosphere is not the best and that we would get a better expressed view from the members if we were debating the question at some other time. We have heard of people living in the shadow of the gallows but at this time we are virtually debating the matter in the shadow of the gallows; certainly, until the Government saw fit to commute the death sentence on Rupert Max Stuart that was the position. I am not introducing that aspect into the debate. I want to exclude it from the debate and I hope all members of the House will do the same thing when they determine how they will vote on this issue. I do not know whether it is the determined policy of the Liberal Party to support capital punishment, but I have never heard that it is. I believe it is a matter of discretion with them and they can individually decide how they will vote on the question. It is because I understand that to be the case that I appeal to members of the Government Party to look at it in an atmosphere entirely dissociated from that which we have been going through in the last two or three months. If we do that we may be able to come to a conclusion that would be in the best interests of the people of this State.

I believe, and I have always believed (even while I subscribed personally to the principle of capital punishment), that there should be degrees of murder—that a person who deliberately contemplates, premeditates and plans a murder and who gives effect to his plans is a cold-blooded killer of the worst type and should be punished according to the law. However, I believe that there are people who indulge in killings that are brought about in a moment of emotional instability when they are unable to control themselves. I believe if they had been in their right senses they would not have committed the murders for which they have been convicted. Because of that, I believe there should be degrees of charges of murder—first, second and third. In many respects I subscribed to the views expressed by Mr. Millhouse, who has declared his opposition to the Bill. His views are similar to mine on the question of degrees of murder. He gave numerous quotations, and particularly quoted from a speech by the Home Secretary in the House of Commons in February, 1956, when dealing with the question of the death penalty. Major Lloyd George, the then Home Secretary, speaking in support of the retention of the death penalty, 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 say it after full consideration of the cases of Rowlands and Evans.

I know nothing of the case of Rowlands, but I remember the case of Evans. I agree with Mr. Dunstan and others on this side who favour the Bill that mistakes have happened and that we are not justified in retaining the death penalty because the wrong man may be hanged. Evans was found guilty of the murder of his own child, but Christie was found guilty of the murder of a number of women, including Evans' wife, whose bodies were found in a London house in which Evans had lived. Christie lived there too. He used the premises as a burial ground, bodies having been found in cupboards, in the chimney, and in the backyard. I have seen the house. Although it was the wife of Evans whom Christie was ultimately found guilty of killing, this case was wrapped up in a series of crimes. It could well have been that Evans was innocent of the murder of his child. However, it was too late to raise the question then, because he had already been hanged. Possibly he could have been innocent of the murder for which he was convicted.

Let us consider another case. In the United States of America during the first world war there was much activity by an organization

known as the I.W.W. A number of its supporters in Australia were arrested for certain actions and in America two were arrested for subversive activities. Their names were, I think, Rossi and Vanzetti. They were found guilty and it was only because of the attitude of the public and the fact that the feeling against this organization had died down after the war that the death sentences were commuted to life sentences. Twenty years after their conviction they were proved innocent of the crime with which they had been charged. It was proved that there had been a frame-up by the police. That is an instance where, if the death penalty had been implemented, there would have been no chance of redress. That possibility always remains, and that is the thing that concerns me most. Once a man has been hanged, there is no possible redress available if later he should be found to have been innocent.

Under our law a man has a just trial before a jury, which determines the issue on the evidence submitted. Assuming that the evidence is genuine, he may be found guilty. Then the judge has no alternative but to pass the death sentence. It is true that the judge may make certain recommendations for mercy to the Government, which in turn is called upon to determine the issue. One can appreciate the feelings of members of our Ministry during recent months. They must have gone through some troublesome hours in determining whether a man's life had to be taken or not. I should not like to have been in their position. I offer them my sympathy in their desire to act conscientiously and give effect to the law.

In 1944 I remember meeting the British Home Secretary, Mr. Herbert Morrison, and among other things we discussed the question of his duty to determine whether seven people were to be hanged or not. I know what his feelings were because he told me. That responsibility was far heavier than that placed on our Ministry in recent months, and he would have avoided it if that were possible. I ask honourable members to put themselves in the position of Ministers who have to determine such a matter. Let us consider what their feelings would be if events subsequently showed that a man who had been hanged was innocent. It may be said that I am putting forward a hypothetical case but I refer to those two men in America who, having been imprisoned for 20 years, were released in the middle forties. I suppose they were compensated but their lives were wrecked by their long incarceration.

People have differed about this matter through the years. The views of the most well-meaning people have been expressed but even amongst those associated with prison reform there is a difference of opinion about capital punishment. Some favour capital punishment as a deterrent, though not many: the great majority are against capital punishment. Everything points to the line of thinking that a person who has committed some offence against society can be reformed and, if possible, returned to society able to behave himself as a proper citizen.

Recently, the members of the Public Works Committee visited Yatala Prison. It was my first venture inside. I got the surprise of my life when I discovered the methods they were adopting there with men who had served long terms of imprisonment and were about to be discharged. Instead of leaving them in their ordinary prison environment, as has been the practice through the years, they now have there what is known as C Division, which is a block actually outside the prison itself and entered by going through the gates of the prison. It is easy for any of them to escape if they want to. The dormitory is of a prefabricated kind comparable to wards of similar construction in some of our hospitals. It is a credit to the authorities responsible for Yatala Prison administration, among whom must be included the Comptroller of Prisons. They must be commended for what they are doing for those men, the whole object being to fit them for a return to ordinary life, to enable them to take their place in society as good living citizens.

I discussed this question with a friend of mine who is a minister of religion. I was trying to get other views for it was a long time before I could make up my own mind. He said to me, in a few simple words, "Mr. Walsh, who gave man authority to take human life?" I do not know. The laws of the State prescribe that it can be done, it is true, but beyond that nobody can say that anybody has the right to take the life of another human being. Certain experiments have been conducted in other States and countries. Later in this debate someone may raise the point that in Ceylon they had suspended the death penalty but there is now a move to return to it because of the considerable number of killings that have taken place.

Mr. Millhouse—And also the outrageous death of the Prime Minister there.

Mr. FRED WALSH—The honourable member for Norwood (Mr. Dunstan) says that the number is no larger than it was before, but there has been a considerable number in the last 12 months or so. Even though that may be true, in the main those killings there were more or less political. People have been selected to commit a particular crime and have been worked up to a pitch to carry it out. In another sense they may be good, honest, reliable citizens, and we should always have at the back of our minds that even though a person has committed some violent offence against society there is always the possibility of reform. We should always remember too that there is a possibility of our hanging the wrong person. It is on that note that I finish and it is that point that made me a convert to the abolition of capital punishment.

Mr. SHANNON (Onkaparinga)—I want to address myself to this distasteful problem, which is being discussed, I think, in a rather confused atmosphere. I agree with the honourable member for West Torrens (Mr. Fred Walsh) that the time for this debate is hardly appropriate in view of certain happenings outside the Chamber. That is obvious to us all, but there are other aspects of confusion within the Chamber. Some speakers in this debate have said, in so many words, "Had my family been the sufferers, he would never have reached a court; I would have dealt with him on the spot." In other words, they are saying, "I would have been the law." They support this measure for the abolition of capital punishment yet they themselves would apply capital punishment had the crime happened within their own household.

To me, that is a strange approach. I cannot understand the reasoning that leads a person along that line. I can understand a person being opposed to capital punishment if he is opposed to it in every sphere. Many feel that way about it. Others who have spoken in this Chamber have said that there should be degrees of murder, that there are certain types of murderers "outside the pale." Honourable members supporting this measure have said, in effect, "Such a crime merits hanging." They were referring to a crime that I do not intend to mention. I do not intend to quote anybody.

Many members have spoken about the barbarity of the death sentence and have given historical reviews of the way people were hanged or killed by other methods throughout the ages. However, I do not think that is germane to the present discussion, and I am not deterred in my approach by what happened 100 or 200 years ago. If a man kills another citizen, and is apprehended by the police and brought before a Supreme Court judge and jury of 12 men, he is always granted legal aid under the arrangements that exist in this State even if he is not able to pay for it. His lawyer has the privilege of challenging any of the jurors if he feels they will not be fair and just and give his client a fair hearing, and he has to do nothing more than challenge a person to have him rejected. The accused is given every protection under the law to see that not only is justice done, but that it seems to be done, which is very important on a capital charge. Having heard the case, the judge sums up to the jury the law relating to the case; the actual facts are for the jury to decide. The 12 jurymen are then given the onerous task of deciding whether on the facts presented the accused is guilty or innocent. If the jury feels that there was provocation or that there were other circumstances meriting it, it recommends mercy in practically every case, and I do not know of any case in which a recommendation of mercy has been made and the person has been hanged.

I did not intend to mention names, but as the member for West Torrens has just resumed his seat and his statements are fresh in my mind, I remind members that he said that some crimes are committed by people who shoot their political opponents for political reasons. Does that condone these crimes? Is it, in other words, not so severe or so reprehensible to shoot your political opponents as it is to shoot somebody for an entirely different reason—because you do not like his face or something else? Is is a less heinous crime because he is your political opponent?

Mr. Hutchens—That is done when there is a war.

Mr. SHANNON—I suppose the honourable member will justify his support of the Bill because one can kill people with a gun in a war and not suffer the penalty for murder. I did not think we dealt with other than civil matters under our criminal law, so a red herring of that nature will not influence anyone. The member for West Torrens was not talking about war, but about the recent unhappy incident in Ceylon, and he may be wrong. Even if the spate of killings there are political, I do not think that justifies them. After all, they are still killings, and if these people went before a jury in our country and

the murder was premeditated, they would have difficulty in obtaining a recommendation for mercy. I would think they would fall in the category some members mentioned for which the most severe penalty is provided.

The State Government, and particularly the Premier, has been charged most unjustly and unfairly, mainly by the press, and unfortunately that section of the press most guilty is not at the moment represented in the usual place in the gallery. I am referring to the *News*, which has charged the Premier with being a hanging Premier and this State with being a hanging State. A more savage and unjust charge could not be levelled against the Premier or his Cabinet. I thank the member for West Torrens for the sympathy he extended to the present Executive in the difficult task it has had, particularly in the last few months; it was a well-merited gesture on his part. The press came in when the pressure was right on and made these charges and, in my opinion, should be dealt with. I would deal with them in a court of law for making such shocking charges. The press could have obtained the figures I will give of the actual record during the Playford administration. I will not go right back, because I do not think that is warranted, and the war and the years immediately following may have had an influence on crime, but I will give figures since 1950, which I think will be of interest to members. These figures, relating to murders reported, attempted murders, and arrests, are:—

Year.	Murders reported.	Attempted murders.	Arrests.
1950	11	1	10
1951	6	2	3
1952	12	2	10
1953	13	—	11
1954	7	1	6
1955	8	—	6
1956	8	1	7
1957	11	3	11
1958	15	1	12
1959	9	3	12
Totals	100	14	88

How many do members think were hanged? Not many people know, and the newspapers certainly did not know. If the newspapers had known the answer they certainly would not have charged the Playford administration with being a hanging administration. That is the last thing they would have said. Members have said during this debate that there are certain types of crime for which a man should be dealt with in this way, and even those who support this Bill have said during the debate that there are certain types of crime beyond the pale. I will relate a history of some of the crimes for which people have been hanged in South Australia in the period we are dealing with. In all, five people were hanged.

Mr. Clark—Would you tell us who said what you are claiming they said?

Mr. SHANNON—It is on record in *Hansard*. I do not want to go through personal squabbles, as I do not think there is any advantage in that, and I do not want to offend anybody, but the members who said it will remember saying it. I am not saying anything that has not been said, and members will find that it is on record in *Hansard*.

Mr. Clark—I do not think it was said.

Mr. SHANNON—I am not going to name the honourable members, as I do not think it is an argument that has any weight. I repeat that honourable members have said that there are types of crime beyond the pale, and in fact they have said that had it been them personally, or one of their family who had suffered, the culprit would never have reached the hangman because they would have dealt with him themselves. They spoke of crimes being committed in the heat of the moment, and of the cold-blooded act involved in the punishment meted out. I say that no man has the right to act as judge, jury and hangman in a democratic society.

Mr. Quirke—He has the right to defend.

Mr. SHANNON—Yes, he has the right to defend himself against attack, but he has no right to take the law into his own hands. It has happened that a man has felt that he would like to take life, and has actually done so, when a member of his family has been violated, but in nearly every instance these people are not dealt with in the way we are worrying about, namely, by hanging. The administration run by Sir Thomas Playford has been more than humane. The answer the Premier gave the member or Norwood yesterday regarding the background to the commutation of the sentence on Stuart indicated that this administration realized that the Royal Commission, through no fault of its own but through the intolerable delays brought about by the tactics—and I say this advisedly—of Stuart's advisers, was in an unenviable position. The Ministry was left in this position: this man had been led up to the door time after time and respites had been granted because of the tactics adopted before the Commission in this inquiry, and the Premier, in his genuine approach to the sufferings of man, said, "This

fellow has had enough; he has been threatened with death so often we are not going to do any more to him and will commute his sentence.''

Mr. Lawn—Will you tell me how many commutations there have been in the last 10 years or so?

Mr. SHANNON—I have told you the number of hangings. The number of commutations is involved with the number of people found guilty of murder and those that were hanged.

Mr. Lawn—Have you any figures on that?

Mr. SHANNON—I have given figures. The men who have been hanged cannot be injured by what I say, so I will now give some details of the type of crimes for which the extreme penalty has been applied in this State in the period I have been discussing. The first case concerns a murder committed by Alfred Coates Griffen, 36 years, carrier, of No. 28 Adam Street, Hindmarsh. The facts are as follows:—

Griffen appeared before the City Coroner on January 10, 1950, charged with the murder of Elsie May Wheeler at Adelaide on December 26, 1949. He was committed for trial. He appeared before the Supreme Court, Adelaide, found guilty of murder and was sentenced to death on February 22, 1950; later hanged for this offence. Brief particulars of the offence are that he was friendly with the woman Wheeler who later left him. Griffen resented this and went to her place of abode during her absence, hid under the bed until she returned. He waited until she retired and was asleep. He then cut her throat with a boot knife.

He was hanged—and fair enough, I would say. The next case concerned a murder committed by William Henry Feast, 42 years, wharf labourer, the facts of which were as follows:—

Feast was charged before the Port Adelaide police court on January 17, 1956, that on December 22, 1955, he murdered Minee Flora Gwynne. He was committed for trial at the next sitting of the Supreme Court. Feast appeared before the Supreme Court, Adelaide, charged with murder. He was found guilty of that offence on February 24, 1956, and hanged at the Adelaide gaol on March 24, 1956. Particulars of the offence briefly are that Feast enticed an elderly woman named Gwynne away in his car and she was later found drowned at Wingfield in the swamps. A post-mortem examination revealed that she had been raped, had a fractured jawbone, two black eyes, cut over the left eye, also two fractured ribs.

The woman suffered certain other injuries which are unprintable. Feast was hanged, and I think that was just retribution. The next case concerns murders committed by Raymond John Bailey, 25 years, carpenter. The facts of that case are as follows:—

On February 24, 1958, Raymond John Bailey was charged before Mr. Clarke, P.M., in the Adelaide police court with the murder of Thyra Bowman, near Sundown Station, South Australia, on December 5, 1957, and was committed for trial. On May 25, 1958, he was found guilty in the Supreme Court, Adelaide, and sentenced to death. He was hanged on June 24, 1958. Two other persons, namely Wendy Bowman and Thomas Whelan, were also murdered under the same circumstances by this offender. The particulars in respect to this offence are briefly as follows:—Mrs. Bowman, her daughter Wendy and Thomas Whelan left Alice Springs on December 4, 1957, by car to travel to Adelaide. However, when they had not arrived at the expected time a search was organized and their bodies were found 12 days' later hidden in scrub near the South Australian-Northern Territory border. All of the murdered persons had been shot and battered about the head. The vehicle they had been travelling in was also found concealed in the scrub several miles from where their bodies were hidden. Raymond John Bailey was arrested at Mount Isa on January 21, 1958 and escorted to Adelaide.

Bailey was hanged. The next case concerns a murder committed by Charles Patrick O'Leary, the facts of which are as follows:—

Charles Patrick O'Leary was tried at the Circuit Court, Mount Gambier, for the murder of Walter Edward Ballard, on July 7, 1946. He was found guilty of murder and was sentenced to death. He appealed to the Court of Criminal Appeal, which appeal was dismissed. He was hanged. He had previously been charged at Newcastle, New South Wales, on October 12, 1943, with murder, but this was reduced to manslaughter for which he received three years' imprisonment.

There was a case of a murderer who was released after three years because the charge had been reduced from murder to manslaughter. Obviously, it was a case of murder, because he came over to South Australia and . . .

Mr. Dunstan—Oh, no! You cannot possibly say that.

Mr. SHANNON—I can say it; the facts speak for themselves.

Mr. Corcoran—He was a bad man.

Mr. SHANNON—Yes, obviously a bad man. The member for Millicent will know the case well. Further facts relating to the case are as follows:—

Both O'Leary and Ballard were employed in the Forestry Department. O'Leary bashed Ballard's head in with a bottle, and then set alight to him. Post-mortem could not disclose whether Ballard was dead when set alight.

It is a pity the authorities did not get him in New South Wales, which they would have done had they pressed a charge of murder instead of manslaughter. I feel he was the type of fellow likely to have been guilty of murder in the first instance. The last case concerns murders committed by Joan Balaban, 29 years, industrial chemist. The facts relating to those murders are as follows:—

This subject was charged before Mr. Clarke, P.M., in the Adelaide Police Court that he murdered Zora Kusic at Torrensville on December 5, 1952. It was found that there was insufficient evidence to send him for trial and he was discharged. He was arrested again on April 12, 1953, when his wife Thelma Joyce Balaban and his mother-in-law, Mrs. Ackland, were found murdered in the Sunshine Cafe in Gouger Street, Adelaide. His stepson, Phillip Cadd, aged 6 years was also seriously injured on the same occasion and subsequently died in the Royal Adelaide Hospital. Another girl, named Verna Mattie, was also seriously injured when beaten by a hammer wielded by this defendant on the same occasion. When arrested on this occasion he admitted that he had murdered Zora Kusic for which he had been previously charged, and also a woman in France named Hynva Kwas. This latter admission was checked with the French police and found to have happened on February 2, 1948. He was subsequently charged again with the murder of Zora Kusic and was found guilty and later hanged for this offence.

Does any member want those murderers back? Does anybody suggest that justice was not done in those cases?

Mr. Tapping—What about the Kiker case?

Mr. SHANNON—I do not know the facts of that case. Executive has commuted the sentence and I have perfect faith in members of the Executive. When a man is convicted of murder he is not immediately handed over to the hangman for execution. If there is a scintilla of doubt about the case or there are extenuating circumstances it is the duty of Executive to examine the matter. If a doubt arises after his conviction about the man's mental condition then the assistance of a psychiatrist can be obtained. Convicted persons are not automatically hanged as is obvious from the fact that only five of almost 100 convicted murderers in the last 10 years have been hanged. The present method of the Executive reviewing capital charges is good and I cannot visualize any improvement to that method. I agree that it would be an intolerable burden for any one man to decide the fate of every convicted murderer. I sympathize with the eight members of the Executive who have to determine whether or not a murderer shall hang, but at least those men are amenable to Parliament, which is the highest court in the land. If they do not mete out justice they have to answer to the elected members of Parliament.

My attitude to the present method of execution may be at variance with the opinions of some of my colleagues. Science has not advanced rapidly in this particular sphere, but we have known of euthanasia for many years and there are means of disposing of unwanted members of society other than by hanging, which is somewhat distasteful—as, to me, is the electric chair. A convicted murderer could be put to sleep and then passed out of this world by an appropriate dose administered by a doctor or a panel of doctors, if the latter is more desirable. After all, we are dealing with a person who has been through the processes of law and who has been found guilty of such a heinous crime as to be unfit to remain any longer in our society.

Mr. Quirke—The doctors would be executioners and you may have difficulty in getting them to perform the deed.

Mr. SHANNON—I think it would be easier to get a medical practitioner to perform such an operation than it would be to get a hangman.

Mr. Quirke—Srangely enough, hangmen are easier to get.

Mr. SHANNON—If I were forced into the position of performing the execution and were permitted the choice of means I would not hang a man. A man can be put to sleep and passed out painlessly: indeed, it can be done without his knowledge. I do not think that there is any deterrent value in the method by which a man is disposed of. Hanging, itself, is not a deterrent. It is not open to the public gaze and it is done in the precincts of the prison itself with only the professional personnel required including a doctor—and I ask members to note that—who has to be there to witness and testify and to perform a postmortem. I do not know whether that is more repugnant to a medical man than if he were required to administer some form of pain-killing dope to the prisoner.

I am not saying that the penal code should be vindictive. That is the last thing I would ask or expect of a civilized society. I do not think that vindictiveness would lead to justice but rather that the reverse would result. I oppose the Bill although my opposition to it is tinged with regret that we cannot have a more suitable method of disposing of the

criminal. I do not know whether we can or cannot have a more suitable method, but I have offered my suggestions. I point out that this punishment is only for the most heinous crimes and there is only one way to safeguard society against such cases. I ask members to note—if they do not already know—that a petition for the release of a prisoner serving a life sentence may be made at any time and may be repeated as often as desired. There is no time factor involved. That process can start almost immediately after sentence if there are factors that the prisoner's legal advisers suggest warrant his release, and the petition can be presented forthwith. Upon the petition being granted the prisoner is released.

Some of these prisoners are in their 20's or 30's when convicted and they may still prove to be a menace to society on release because they will be comparatively young men, many of them about 50. I think that if the death sentence is to be abolished, sentence for the term of a prisoner's natural life should be substituted. Do honourable members know that O'Meally, probably the most noted criminal in Victoria, known to be a killer and violent on any provocation, is in gaol never to be released? Those are the terms under which he is incarcerated.

Mr. Lawn—There's nothing wrong with that, is there?

Mr. SHANNON—No, I think that is right. There have been cases where the police or warders have been murdered by a prisoner serving a gaol sentence. If the two convicts who escaped in New South Wales were proved to be guilty of murder they would not be the first offenders who had killed their gaolers or warders knowing that they would immediately be put back into gaol to suffer no more serious punishment than they were suffering before they committed murder.

Mr. Dunstan—Where are the cases you mentioned?

Mr. SHANNON—If the honourable member does not remember any cases I will refresh his memory and give him case histories of trials where police officers have been murdered so that the convicted man may have a chance to regain his freedom. There is some point in the argument that, where a man is incarcerated for murder and sees an opportunity to get freedom by committing another murder knowing he will only go back to gaol, life imprisonment is not a very great deterrent or safeguard for our law officers required to look after these people while they are in gaol. I cannot support the Bill and I hope it will be defeated. I do not think it merits the amount of time in debate that has been given to it.

Mr. LAUCKE (Barossa)—I, too, oppose this Bill. I strongly favour the retention of capital punishment. The extreme degree of retribution which our system demands is the only degree commensurate with the crime of wilful murder. I think it is basic that the punishment should be in keeping with the crime and this principle should apply through the whole gamut of transgression against civil authority and order. A minor transgression calls for a minor penalty, but a major breach calls for a major penalty. Without this basic principle how can human values be kept in their right perspective? Law abiding citizens have the right to expect the maintenance of an orderly society with human values fully respected. Governments have a major responsibility to ensure that there is such legislation on our Statute Books as will directly and indirectly be conducive to such orderly society in which unsocial practices are met with adequate penalties and deterrents. To place things in their right perspective the preservation of human life must be the law's first obligation, then the protection of life and limb and property from violence and evidence of unsound activity within the community. In all we should seek to preserve a law-abiding and respectable society. The peace of mind of ordinary law-abiding citizens should not be clouded or shattered by any feeling that a minute number of people who would coldly and deliberately take life have not meted out to them the severest and most salutary penalty possible.

I have no doubt that the greatest possible crime is the wilful taking of a God-given life. Its heinousness is emphasized by the very nature of the human being. Human life is sacred and its retention is man's first instinct. There is implanted in every human breast an instinctive desire to retain life. Life is indeed man's most precious possession and it must be preserved. Could any greater penalty or any more effective deterrent be devised than that the taker of this most precious possession should suffer forfeiture of his own equally precious being as a retribution for taking the life of another? The State has God-given authority and responsibility to exercise and enforce this penalty, and I firmly believe that there should be no departure from an immutable law of God in this matter.

It is said that capital punishment deprives the guilty person of an opportunity to fit himself for that to which all Christians aspire. This is not so, as the means of grace are always present for a contrite, repentant person who knows full well of his impending removal from this earth. Is it not that the guilty person has imposed upon perhaps an unprepared being an infinitely greater harm in not allowing that person the necessary time for contrition of which the murderer himself has the opportunity of availing himself? Far too often do we hear sympathy expressed for the perpetrator of the greatest of all crimes in civilian life, with little thought for the victim or the anguish occasioned to the relatives of the victim.

I believe that the interests of a wholesome, law-abiding society are best served by the retention of capital punishment. The figures quoted by the Premier in respect of the numbers of murders, attempted murders and manslaughter in each Australian State for the 10 year period ended 1958 prove to me that the provision of capital punishment on the Statute Book is a deterrent to murder. Whereas in this State we have a figure of 1.44 per 100,000 of the population, in other States the figure is almost double. Having in mind that Australia is socially one unit, with a common background of economic life and welfare, we have here a clear and uniform ground for comparison; and in this State, which has retained capital punishment, we have the lowest incidence of wilful murder in Australia. This proves to me that there is within the capital punishment system a very great deterrent to the wilful taking of human life.

Mr. Dunstan—Since manslaughter is in those figures and capital punishment is nowhere inflicted for manslaughter, what is the value of them?

Mr. LAUCKE—The overall figures indicate a greater respect for the law in this State than in any other part of the Commonwealth as regards acts of physical violence and murder. My interpretation and assessment of capital punishment are in accord with the immutable divine law of God. I know it is a deterrent, therefore I oppose the Bill.

Mr. LAWN secured the adjournment of the debate.

MILLICENT AND BEACHPORT RAILWAY DISCONTINUANCE BILL.

Received from the Legislative Council and read a first time.

ADJOURNMENT.

At 5.28 p.m. the House adjourned until Thursday, October 15, at 2 p.m.