HOUSE OF ASSEMBLY.

Wednesday, August 31, 1960.

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

QUESTIONS.

GENERAL MOTORS-HOLDENS EXPANSION.

Mr. O'HALLORAN—I think that all members were gratified to learn from yesterday's press of the great expansion proposed by General Motors-Holdens in South Australia. Associated with the report was a statement indicating that £6,000,000 would be distributed amongst manufacturers and contractors in this State. Can the Premier say whether representations have been made to the management of G.M.-H. to see if any of the subsidiary work associated with this great enterprise could be distributed among country areas where there might be industries that could play some part in supplying this organization?

The Hon. Sir THOMAS PLAYFORD—I naturally share the gratification of members opposite at the knowledge that this company has allotted such a large proportion of its expansion work to this State. Some months ago when senior executive members of G.M.-H. came to this State I was naturally concerned that they should go away with a good opinion of it, because it means a tremendous amount to this State that we continue to take a major part in the motor vehicle industry. On the second question, I did not at that time make any representations along the lines indicated by the Leader. However, I will have the Leader's question forwarded for examination.

HARD OF HEARING CHILDREN.

Mr. COUMBE—Some months ago the Minister of Education distributed a copy of a report prepared by officers of his department concerning hard of hearing children and the part the department would play in teaching them. I believe that the report was subsequently forwarded to the British Medical Association for its opinion. Can the Minister say whether that report has been returned by the B.M.A. with its comments, and what steps are being taken to implement its proposals?

The Hon. B. PATTINSON—The report was received by me and studied, and then circulated not only to the B.M.A., but to Townsend House, the South Australian Oral School, the Adult Deaf and Dumb Society, and many other interested bodies and people. I received replies from some of those bodies, many of which agreed with some recommendations but disagreed with others. However, I could not get any unanimity from any of the bodies on any one aspect of the report. I received two or three letters from the B.M.A., which finally made an appointment to see me, but owing to the indisposition of one of its members it cancelled the appointment and has not made another. I have since received requests from the advisory panel and also from the committee of Townsend House to have a conference, and during the Parliamentary recess I intend to have such a conference of the advisory panel, the committees of Townsend House and of the Oral School, and all other interested parties to see if we can arrive at some degree of unanimity concerning the future training of these hard of hearing people.

MINISTER OF WORKS' REPORTS.

Mr. HUTCHENS—From research I have carried out it appears that for more than 50 years the Department of Public Works published an annual report, but there does not appear to have been one published since 1953. What I have read of these reports indicates that they made available much valuable information to the public, and particularly to their representatives in this House. Can the Minister of Works say whether the printing of these reports has been discontinued for all time or whether members can expect a report soon?

The Hon. G. G. PEARSON—This matter has been brought to my attention previously. The reports have not been discontinued for all time, and indeed I had hoped that I would have been able to present one by now. However, the work in my office has been extremely heavy and my secretary has been unable to complete and bring the reports up-to-date. A few weeks ago I asked my senior clerk (Mr. Botting) if he would personally take up the matter and he is preparing a report, which I hope I can present for perusal soon.

LAMEROO AREA SCHOOL.

Mr. NANKIVELL—Has the Minister of Works a reply to my recent question concerning the completion of the contract for the paving of the Lameroo area school yard?

The Hon. G. G. PEARSON—I regret that the work undertaken to pave the Lameroo area school yard was not completed satisfactorily, and steps are being taken to remedy the defects. The department advised me this morning that it would send an officer to

Lameroo early in September to inspect the area and to take remedial action to have the necessary repairs made.

WILLSDEN PRIMARY SCHOOL.

Mr. RICHES—At the Willsden primary school at Port Augusta the only drinking water available is from taps connected to the Morgan-Whyalla pipeline. Following the policy set down by the department, an application was made for rainwater tanks, but the request was met with the statement that it was not the department's policy to provide rainwater tanks where reticulated services were available. I point out that special circumstances exist at Port Augusta, as the storage tanks for the pipeline are situated 20 to 25 miles out of the town; the pipeline is above the ground, and the water is of such a temperature that it is undrinkable during the summer months. Other schools have been forced to have rainwater tanks installed. The Department of Education recognizes the necessity and has passed the matter on to the Public Buildings Department for a decision. Will the Minister of Works take these representations to his department and assist the local people in seeing that rainwater is available for those school children?

The Hon. G. G. PEARSON—The policy to which the honourable member refers—namely, that rainwater tanks are not provided at schools or other places where reticulated supplies are available—is based on the very good assumption that the water provided in the reticulated system is of a satisfactory quality and that therefore, generally speaking, rainwater tanks would be redundant. The reasons for that policy are that the water in the Morgan-Whyalla pipeline is of a very high quality; it is all chlorinated at the Morgan pumping station and there is no reason, on the ground of quality, why a rainwater tank should be provided. The water is acceptable from a health point of view. However, as the honourable member raises the question of the temperature of the water, a circumstance that may cause the department to reconsider its previously announced decision on the provision of rainwater tanks at Willsden, if the water temperature is, as he states, too high for drinking, that factor may be reconsidered. I will ask the department to report to me on that matter.

TARPEENA SCHOOL.

Mr. HARDING—Has the Minister of Education a reply to my recent question regarding the electrical wiring of the school houses and the school at Tarpeena?

The Hon. B. PATTINSON—I have been advised by the Director of the Public Buildings Department that drawings and specifications for the installation of electricity at the Tarpeena school and residence have been prepared and that an application for electric supply has been made to the Electricity Trust. I have been further informed that tenders will be called on September 12, and, provided the services of a satisfactory contractor are obtained, it is anticipated that work on the site will commence towards the end of October, 1960.

STUDENTS' ALLOWANCES.

Mr. CLARK—Recently in reply to my question about student teachers' allowances, after detailing Teachers College students' yearly allowances, the Minister informed me that students required to live away from home to attend the teachers' colleges receive a boarding allowance of £100 a year. These students do not receive travelling allowances except that a return fare to their home, or to the border if their home is outside the State, is paid if their home is at least 100 miles from the college. Students, however, who do not receive such a boarding allowance are paid the excess over 2s. a day of daily travel from their homes. As I am informed, most reliably, that most boarding students pay over £4 a week, which means of course that country parents heavily subsidize the £100 a year allowed, will the Minister consider reviewing these allowances to see if it is possible for boarding students also to receive the excess over 2s. daily travelling allowance?

The Hon. B. PATTINSON—Yes. I shall be pleased to examine that. In fact, I have already had discussions with the Superintendent of Recruiting and Training on this matter, and he is submitting a report and recommendation to the Director. No doubt, it will come to me in due course, and I shall discuss the whole matter with the Director.

ACTIVITIES OF LICENSED BAILIFF.

Mr. LAWN—This morning a widow of 57 who lives in my district called on me. She had a court order to which she had agreed in ignorance. She thought the agent would find another house, so she agreed to it. The order against her was to vacate her premises by August 8. The order was made for possession only; there are no arrears of rent and no costs. On Monday, when she went home, she received

a note in the letter-box which, with the permission of the House, I shall read. I point out it is a blank sheet of paper with this writing on it: it is not addressed to anyone. It has at the top "Final Notice" and states:—

Dear Madam,

We have instructions to remove your goods from the premises at 10 a.m. Tuesday as per court order action No. 17480. If you are not out with your goods by then, we shall be compelled to take possession of them to pay expenses.

Yours faithfully,
G. A. Abbott, Licensed Bailiff,
7 Pirie Street, Adelaide, for
Ernest Saunders and Coy.
Limited.

29/8/60.

That was in the letter-box of the lady, Mrs. Birch, of 26 North Street, Adelaide. I have inquired of the court and certain people as to the right of the bailiff to take possession of her furniture to pay his expenses, and I find he has no right to do so. While discussing this with honourable members here in the House, some suggested to me that it might be a hoax because there was no letterhead and it was not even addressed to anyone. So, I rang Mr. Abbott and told him my name was Lawn and that I was acting for Mrs. Birch. He said, "Oh, yes?" I said, "I have a note that you are going to put her goods out into the street." He said, "Yes." I said, "It purports to be written by yourself." He said, "That's right. I put that note in Mrs. Birch's letter-box." I said, "This afternoon I intend to raise this with the Premier and to question your right to take her goods to pay your expenses." He questioned it and said, "That is not in the note." I then read the full note to Mr. Abbott. He said, "That second paragraph about taking her goods is not in the note; I did not write that." A handwriting expert could tell whether or not Mr. Abbott did write it. He admitted to me that he wrote it until I questioned his right to take the goods. Will the Premier have this matter investigated if I give him the note and, if the facts are as I have stated, that Mr. Abbott has no right to take those goods for expenses, but that he has threatened to do so, will the Premier also consider cancelling the right of Mr. Abbott to practise as a licensed bailiff?

The Hon. Sir THOMAS PLAYFORD—If the honourable member will let me have the letter I will submit it to the Crown Solicitor to ascertain the rights and wrongs of the matter and see that appropriate action is taken.

COOBER PEDY WATER SUPPLY.

Mr. LOVEDAY—I understand that officers of the Engineering and Water Supply Department and Mines Department have made investigations at Coober Pedy for the best site for a bore and for another underground tank. Will the Minister of Works provide me with a report of those investigations and recommendations and of the possible cost of both proposals?

The Hon. G. G. PEARSON—Yes, I will, if such a request was made of the department. I accept the honourable member's statement that a request was made that a bore site should be obtained. When I was at Coober Pedy recently I inspected the water supply and the tank and heard complaints about one or two matters from local residents: one that there was some difficulty in getting water from the underground tank, another that the pipe was leaking, and a few of a minor nature. It was requested that some mechanical means be provided for pumping water into an overhead tank so that water could be obtained more readily. Quite frankly, I was not keen on that proposal because, as the honourable member is aware, the supply is limited and there was evidence of some carelessness in getting the water, some of which was going to waste under the existing arrangement, and I feared that if water were supplied in an overhead tank and could be obtained by merely turning on a tap there would be wastages of what is a valuable commodity in that area. The honourable member would probably agree with my view on that matter. I am aware of the difficulty of the water supply, although I do not think it has ever actually failed. It has been close to running out on a number of occasions. Those circumstances, in my opinion, do not justify a costly scheme for additional water supplies. It would be wise insurance possibly to have some alternative in mind and available should the present supply run out. I will pursue the matter, as the honourable member suggests, and let him have a reply.

MAIN NORTH ROAD.

Mr. HALL—It is evident to users of the Main North Road that that road from Enfield to the city restricts peak hour traffic. It is too narrow for the traffic then carried. It is also evident to the public that many new buildings are being erected close to that road. The only way to improve its efficiency to meet the traffic density would be to widen it. In conjunction with that suggestion it has been

proposed by some authorities that a free-way be established through North Adelaide near Churchill Road, utilizing vacant land now occupied by the sewage farm. This would meet the Main North Road slightly north of the city. Does the Acting Minister of Roads know of any such plans that are being studied at present and, if so, does he foresee their implementation in the future?

The Hon. Sir THOMAS PLAYFORD—Some alternative roads could be made available to serve the area mentioned. For instance, I have no doubt that in future much traffic on the Gawler Road will be diverted past the Northfield hospital where there is a wide road, and there would then be no need for motorists to use the road through Enfield. That matter is being examined at present by the Town Planner and a special committee that has been appointed by Parliament to draw up specific plans to meet this type of problem in future expansion. I do not know how far the planning has proceeded but I understand substantial progress has been made. I do not think the plan will be ready for ratification by Parliament this session, but it will probably be available next session.

BALL POINT PEN-KNIFE.

Mr. McKEE—According to last night's *News* a highly dangerous knife, disguised as a ball point pen, is on sale in Sydney. The knife is sold as a combination pen and letter opener. The pen can be pulled in half, one end having a 6-inch razor sharp knife attached to it. The fact that the knife is disguised as a ball point pen makes it easy to carry and conceal, and it could be used for purposes other than opening letters. In view of the dangerous nature of these pens (although there has been no evidence of their sale in South Australia) can the Premier say whether it would be possible to place a ban on them if they were offered for sale here?

The Hon. Sir THOMAS PLAYFORD—As the honourable member knows, there are laws relating to concealed weapons and if these pens are, in point of fact, concealed weapons, they would no doubt come under the provisions of that legislation, which has been exercised on occasions over a long period. I have no knowledge of these pens, so I would not express an opinion whether they come within the definition of concealed weapons. That is a matter the court would no doubt quickly determine.

STUD ROOSTERS.

Mr. LAUCKE—Has the Minister of Agriculture a reply to a question I asked on August 17 concerning the specialized activities at the Parafield poultry station?

The Hon. D. N. BROOKMAN—The honourable member asked if there was a possibility of the station producing stud roosters for poultrymen. I have a rather long reply from the Deputy Director of Agriculture on which I will speak briefly to outline the fourfold function of the research station. Its functions are, firstly, to demonstrate modern poultry methods; secondly, to carry out research on practical nutrition; thirdly, housing and management research; and fourthly, genetic research and training. The honourable member is interested in genetic research, which is being done by the random sample test. Some outstanding strains are being produced. The best so far has been the White Leghorn strain, which is a cross between Parafield whites and the Commonwealth Scientific and Industrial Research Organization "M" line whites. This strain is particularly good and it is believed that its performance is about two dozen eggs a year better than that of average strains. As the report is interesting enough to have in print but is too long to read, I ask leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

SUPPLY OF STUD ROOSTERS.

Considerable changes have been made at the Parafield poultry station in the last two years to enable it to function as a modern poultry research centre. The following functions are carried out:—

(1) Demonstration of modern poultry farming methods; for example, feeding systems (labour-saving), rearing and housing suitable for both "sideline" and specialist poultry farmers.
(2) Practical nutrition research.
(3) Housing and management research.
(4) Genetic research and testing.

The question raised is being tackled in two ways:—

(1) By measuring the egg production of stud breeders under uniform conditions to assess the progress made by a breeder. A true random sample of eggs is collected from each of 26 breeders. These are hatched, reared and tested for egg production under uniform conditions each year. This test is known as the random sample test, and has been well received. It offers the only way of proving which strains are the best. It is proposed to accredit breeders who perform well or to at least publish the names of the above average performance.

(2) For the past five years an intensive selection by proven modern genetic methods has been in operation at Parafield on White Leghorns.

The original Parafield whites have been improved but not yet released as a special strain. The outstanding strain is a cross between Parafield whites and C.S.I.R.O. "M" line whites. This was released last year in limited numbers to stud breeders only. We believe that its performance is about two dozen eggs a year better than average strain. This year 20 stud breeders will receive 40 to 50 day-old cockerels from the strain. Supplies have of necessity been restricted. This new strain has been very well received. A new line (C.S.I.R.O. "M" line) will be established at Parafield this season by hatching 300 eggs. The egg size in this line is a little small. Any surplus cockerels from this year's hatching will be available to interested stud breeders and bigger supplies will be available in the future.

Family selection work has been started on the Australorp but no releases as a special strain have been made. Adult cockerels and hens of proven family lines which become surplus are available to stud breeders. Surplus cockerels of the general station stock as day-olds are available to any breeder as commercial stock. The function of the stud breeder is to supply the industry with breeding stock; he is the multiplier of stud stock. The function at Parafield is to assist and foster the stud breeder.

Summary—The present policy is to go ahead with available facilities to improve egg laying strains. This means that we are dealing with small numbers. The stud breeders then take over and multiply the stock for commercial use if they satisfy themselves it is superior to their own existing stock. The major difficulty is in the testing of strains to determine their real worth. For the stud breeder this is being done in the random sample test conducted annually at Parafield. A superior strain of White Leghorn is being distributed widely to 20 studs this year as day-old cockerels. Further releases of other strains will follow when a superior standard has been reached. The normal distribution method will be followed—from Parafield to the studs and then to commercial industry. The question by Mr. Laucke almost suggests that the Parafield poultry station should take over all the stud activities. This is neither practical nor desirable. Parafield will concentrate on breeding but any releases and expansion of stock must come through the stud industry. At the moment we are planning an expansion of the stud breeding programme to have new strains coming forward at regular intervals in the future.

PLYMPTON PRIMARY SCHOOL.

Mr. FRED WALSH—During the week before last I visited the Plympton primary school and was struck by the bad state of repair of the buildings generally, and the portable wooden classrooms in particular. I suppose this school is one of the oldest in the State but the condition of both wooden and solid classrooms is unsatisfactory, and the buildings are far from attractive. Because of this there is no incentive to the children to be tidy and clean. Although a new school would solve the problem, I appreciate the difficulties involved; however, a coat of paint would enhance the appearance of the school considerably. Will the Minister of Education through his department draw the attention of the Public Buildings Department to the condition of this school with a view to having it renovated and made more attractive?

The Hon. B. PATTINSON—I know this school very well; it is in the district that I once had the honour to represent. It is one of the very old type of school of which I, as Minister, am not particularly proud. We have a fine solid construction Plympton infant school, but some of the very old type of prefabricated classroom are in the primary school and I would very much like to see considerable improvement made to this school. I should be only too pleased to take up this matter with the Director of Education and, through him, with the Director of Public Buildings to see whether some modified improvements could be made until a solid construction building is erected.

LOCK AND MINNIPA SCHOOLS.

Mr. BOCKELBERG—Can the Minister of Education state whether the Lock school will be raised to higher primary standard and whether the Minnipa school will be reinstated to that standard?

The Hon. B. PATTINSON—Applications concerning both these schools have been made and the responsible officers are investigating them. As soon as I am able, I shall be only too pleased to advise the honourable member and other interested parties of the decisions.

PORT ADELAIDE GIRLS TECHNICAL HIGH SCHOOL.

Mr. RYAN—In the early part of this year I was advised in reply to a question that tenders would be called by June 6 for the erection of the Port Adelaide girls technical high school, but these tenders have not yet been called. Can the Minister of Education say when tenders will be called?

The Hon. B. PATTINSON—At the moment I cannot, but I understand they are almost ready to be called. Perhaps by next week I shall be able to obtain definite information.

MOUNT BURR SEWERAGE.

Mr. CORCORAN—Has the Minister of Forests a reply to a question I asked on August 16 relating to the insanitary conditions at the Mount Burr settlement?

The Hon. D. N. BROOKMAN—The Conservator of Forests reports:—

In connection with the question raised by Mr. Corcoran, M.P., concerning Mount Burr I can only state that the sanitary arrangements at Mount Burr are on exactly the same basis as most other South-Eastern towns. I have no knowledge of any promise by the department to install septic tanks generally at Mount Burr. In fact, the Mines Department and the Engineering and Water Supply Department have strongly opposed this method of disposal on the ground of the consequential risk to local water supplies. It is hoped that the installation of the sewerage scheme recently approved will obviate any further complaint from this area.

NANGWARRY POST OFFICE.

Mr. HARDING—Has the Minister of Forests a reply to a question I asked on August 11 relating to the establishment of a new post office at Nangwarry?

The Hon. D. N. BROOKMAN—It is correct that an inquiry was received from the District Postal Inspector at Murray Bridge, who wrote on August 2 to the Conservator of Forests, mentioning that Dr. Forbes M.H.R., had made representations about the Nangwarry post office premises being located near the new shopping site. The District Postal Inspector asked if this were possible. The letter written by the Conservator of Forests, which explains the department's attitude in the matter, states:—

I think, however, that there must be some misunderstanding in this matter, as the Commonwealth Government holds a 99 year lease commencing on December 1, 1954, on an area of land which was set aside at Nangwarry for the purpose of establishing, maintaining and operating thereon a post and telegraph office and telephone exchange. This particular allotment is in an ideal position in relation to the new shopping site. I might state further that discussions we had with your department at the time of the issue of this lease indicated that you would erect a post office on this block before 1960. I note, however, that your letter states that the early erection of a building is unlikely. In view of the present somewhat unsatisfactory position, I would urge that in the interests of the settlement the decision as expressed in your letter be reviewed as a matter of some urgency.

The Director of Posts and Telegraphs replied to this letter on August 29, saying that there was very little likelihood of the office qualifying for official status for some considerable time, and regretting that there was some misunderstanding in the matter. He asked that the question be further considered, and that the Woods and Forests Department provide postal accommodation in or near the shopping centre on the eastern side of the road for rental by the Postmaster-General's Department. In view of that letter, the department will have another look at the problem to see whether anything can be done. I read the Conservator's letter because it indicates that from previous discussions in this matter the department believed that the Postmaster-General was preparing to erect, before 1960, a post office on the block on which he has a 99 years' lease.

SCAFFOLDING INSPECTION ACT AMENDMENT BILL.

Mr. O'HALLORAN (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Scaffolding Inspection Act, 1934-1957. Read a first time.

ASSEMBLY ELECTORATES.

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

That in the opinion of this House the Government should take steps to readjust the House of Assembly electoral zones and the boundaries of electorates to provide a more just system for electing the House.

Members will recall that in 1958 I introduced a similar motion when a very vigorous debate took place, and the matter was decided by the Premier mainly on the ground that time did not permit the necessary inquiry to be held and the result or report of an inquiry to be implemented before the 1959 elections. At the time I did not think there was much validity in that argument, but, unfortunately, the majority of members thought otherwise and the motion was therefore defeated. In order to overcome that objection I introduced a similar motion last year, but again met with objection from the Premier. His objection that time was mainly that he did not agree with the sequence of the points of my motion and therefore he could not consider any of them. This criticism was most unjust, and I would have been prepared to consider any amendment to the sequence of presentation, but it was soon quite evident that the Government members intended to object to my motion. I have therefore made my motion on this occasion quite general in order that all members may constructively consider it with the object of achieving a democratically elected Parliament in South Australia.

The Opposition believes in democracy, democratic government and in the control of Parliament by democratic methods. A New English dictionary edited by Dr. James Murray defines "democracy" as:—

Government by the people; that form of Government in which the sovereign power resides in the people as a whole, and is exercised either directly by them (as in small republics of antiquity) or by officers elected by them. In modern use often more vaguely denoting a social state in which all have equal rights, without hereditary or arbitrary differences of rank or privilege.

We say that the system of having alleged quotas on the two to one basis fails on every count. For instance, members cannot argue that it is democratic to have 13 members of this House in the metropolitan area, irrespective of the electoral population of that area. The present system, evolved in 1936 by an amendment of the Constitution, provides that the metropolitan area should be regarded as having 13 electoral districts, with the rest of the State having the country districts, that is, 26 in a House of 39. I have some figures to show enrolments. I have started with the 1938 election because that was the first held under the newly created single electorate system. In 1938 the enrolments in the metropolitan area were 212,000, which represented 58 per cent of the total number of electors in the State. The quota, that is, the average enrolment for each metropolitan electorate, if a proper average can be achieved that way, was 16,300. Country enrolments totalled 153,000, or 42 per cent of the total State enrolments. The quota was 5,900. In 1959, metropolitan area enrolments had increased to 313,000, representing 63 per cent of the State enrolments. The quota was 24,100.

I ask honourable members to take particular notice of those figures which show that the metropolitan enrolments had increased from 58 per cent in 1938, when the system was first evolved, to 63 per cent in 1959. The 26 electorates had an enrolment of 185,000, after including the district of Gawler, which is only a country electorate in name. Gawler and its environs are rapidly becoming a northern suburb of the metropolitan area. The country quota in that year was 7,100. The enrolments in the metropolitan area between 1938 and 1959 increased by 101,000, or 48.00 per cent. The metropolitan quota increased by 7,800. Country enrolments, including Gawler—

Mr. Clark—If they hadn't got Gawler in, what would the country electorate be like?

Mr. O'HALLORAN—If they hadn't got Gawler in, they would have to call for the bridle and then they might not pull the weight. As I was saying, country enrolments, including Gawler, increased by only 32,000, an increase of 21.00 per cent. The country quota increased by 1,200. In 1938 the country vote was worth 2.77 metropolitan votes, whereas in 1959 it was 3.38. On the basis of the metropolitan quota being twice the country quota, the metropolitan area could have had 18 members with a quota of 17,500, and the country 21 members with a quota of 8,750: that is, if we based the quota on the number of electors in each electorate in the respective zones instead of the rule of thumb method, which gives the metropolitan area 12 members and the country 26, irrespective of the electoral population in the two zones.

One fundamental principle of democracy is that people should be able to change the Government if they want to. In fact, they should be able to elect the Government they want, and defeat the Government they do not want, but that is not possible in South Australia. Take the figures for the last three State elections, and if I desired to do so I could quote similar figures for previous elections. In 1953 the Australian Labor Party polled 167,000 votes and the Liberal and Country League 119,000. There were some odd units but I will not mention them. The Australian Labor Party had a majority of 48,000 votes. In 1956 the Australian Labor Party polled 129,000 and the Liberal and Country League 100,000, a majority of 29,000. I pause here to point out the reason why the votes cast on behalf of both Parties had diminished between 1953 and 1956, the sole reason being that there were many uncontested seats at this election and therefore the votes in those seats were not available for inclusion in the total. In the 1959 election the Australian Labor Party polled 192,000 and the Liberal and Country League 150,000, a majority of 42,000. In these three elections the Australian Labor Party had majorities of 48,000, 29,000 and 42,000, yet it was not enough to change the Government. The Australian Labor Party won each of them, but not by enough. One is tempted to ask just how much a Party has to win by, under the Playford rule of Parliamentary elections, before the Government can be changed. We have had the system for 21 years—

Mr. Clark—And have we had it!

Mr. O'HALLORAN—Certainly we have had it—that is, those of us who believe in

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

Another point that merits the serious consideration of the House is that since the 1955 redistribution, which resulted from the recommendations in 1954 of an Electoral Commission that was instructed to redivide the districts but to maintain the quota of 13 metropolitan and 26 country electorates, we observe—I am not going to cite all the electorates but even in that brief period some have got very much out of alignment—that, for instance, the electorate of Enfield, on the redivision, had 21,925 electors. At the first election under the new system it had 22,700. At the election in March last year it had 28,000.

Mr. Jennings—It has many more now.

Mr. O'HALLORAN—Yes. Glenelg had 22,690 electors in 1955, on the redivision. It had 23,400 in 1956 at the first elections held under the new electorates, and in 1959 it had 28,700. One country electorate that has got seriously out of alignment is Gawler, so worthily represented by Mr. Clark. The redivision in 1955 shows that Gawler had an electoral population of 7,490, but at the first election held under the new system in 1956 that number had increased to 8,300, and in 1959 it had increased to 13,200. As the quota for country electorates was supposed to be 7,100, Gawler has nearly twice the country quota.

Mr. Clark—It has about 16,000 now.

Mr. O'HALLORAN—Yes, and it is still growing. One wonders by how much the electoral population of this alleged country electorate has to increase before there will be a redistribution to bring about a better balance of voting strength. These are matters that we contend should be remedied. I could go on citing any number of electorates but I do not desire to take up the time of the House. If honourable members care to go through the rolls, they will find all kinds of discrepancies, that some country electorates have lost electors since the redivision in 1955 while others have increased enormously, and will continue to increase. That might well be said of the electorates represented by Mr. Loveday, the honourable member for Whyalla, and Mr. Ralston, the honourable member for Mount Gambier. Of course, as I pointed out a moment or two ago, there are others in the same category.

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

I have the report of the Joint Committee on Constitutional Review, which conducted a full inquiry into certain aspects of, and recommended changes in, the Federal Constitution. That committee was equally representative of the Opposition and the Government but it produced a unanimous report on all except three items. Reservations were made by Mr. Downer of South Australia about the recommendations dealing with industrial conditions, and Senator Wright of Tasmania dissociated himself from the committee's observations about the Commonwealth legislative machinery. But apart from that the committee was unanimous. On page 193 the committee says:—

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

It went on to say:—

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

That is precisely what we are saying here, and that is what a committee, representative equally of Opposition and Government in the Commonwealth Parliament said as late as last year. Last year the Premier used one specious argument when replying to a similar motion. The Premier said (*vide Hansard* page 605, 1959):—

I cannot accept the words 'the principle of one vote one value' because I cannot find a principle along these lines ever having been established.

Members of the Opposition quoted numerous authorities for our contention, but without avail, and therefore I should like to add one more, namely the 1959 report from the Joint Committee of Constitutional Review, page 46:—

The committee feels constrained to say, however, that the one-fifth margin on either side of the quota for a State which the Act allows may disturb quite seriously a principle which the committee believes to be beyond question in the election of members of the national Parliament of a Federation, namely, that the votes of the electors should, as far as possible, be accorded equal value. The full application of the margin each way to two divisions in a State could result in the number of electors in one division totalling 50 per cent more than the number of electors in the other division. Such a possible disparity in the value of votes is inconsistent with the full realization of democracy.

In dealing with allowable variations from the quota, the committee also said (*vide* page 48):—

Whilst appreciating that complete uniformity in numbers upon redistribution is not practicable, the committee considers that a permissible margin of one-tenth on either side of the quota for a State should allow sufficient flexibility in determining the electoral divisions for the election of members of the House of Representatives of the Federal Parliament. The adoption of a maximum margin of one-tenth would make a very material contribution towards preventing possible manipulation of the divisional structure of a State for political purposes.

Another point which the Premier made in opposing my motion last year, and which was not correct, was that members of the Labor Party did not oppose the Constitution Act Amendment Bill of 1955. In effect, he was saying that we did not oppose it then so why should we wish to change it now. I should like to clarify that.

The amendment referred to by the Premier was the result of the Electoral Districts Redivision Bill of 1954, which set up the Royal Commission to provide for the redivision of the electorates and which maintained the iniquitous principle of two country seats for every metropolitan seat. We fought this latter Bill all the way 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 restricted terms of reference provided in the Bill. The consistent attitude of L.C.L. members in this State in voting against any attempt to make our Parliament more democratic shows cynicism and lack of respect for the democratically expressed wishes of the people and must, if persisted in, bring our Parliamentary institution into disrepute. The member for Burra when speaking on the similar motion last year said (*vide Hansard,* page 1069):—

I support the move . . . 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.

The matters on which he was in disagreement have been removed from my motion this year and therefore I confidently look forward to his support on this occasion, and I also look forward to the support of all members who are interested in the establishment of a democratic electoral system in South Australia. Surely no matter how we may attempt to conceal it by excuses that will not bear analysis, all members deep down must believe in a democratic system. I submit that I have proved my case up to the hilt, and that even accepting the principle established in 1938, (the quota system with this two for one and its average number of electors in each area) the balance of electoral population has been so disturbed since then that that principle (if it can be called such, and it is stretching the terminology of the word unless it is a principle based on the instinct of self-preservation) should be changed now. It is unjust, as the figures I have quoted prove, both so far as the zones and the electorates are concerned. I suggest that country people do not want their metropolitan brothers to be classified as second-class citizens, yet that is precisely what our present electoral system does. It classifies a metropolitan voter as being a second-class citizen compared with a country voter. The Opposition has been accused of changing its ground on this issue and no doubt I shall be accused of changing ground again.

The Hon. Sir Thomas Playford—I thought you were always in favour of proportional representation.

Mr. O'HALLORAN—In fact, what I have suggested in bygone days and what I am suggesting now are much nearer proportional representation than anything the Premier has ever suggested or defended.

The Hon. Sir Thomas Playford—Is this proposal for proportional representation?

Mr. O'HALLORAN—No, but it is a closer approach to proportional representation than anything that has evolved from the Government's side of the House or out of the present system of electoral zones and electorates.

The Hon. Sir Thomas Playford—Don't you believe in proportional representation?

Mr. O'HALLORAN—If the Premier will hold his patience for a moment or two I will deal with that. The Opposition has always stood firm on the view that our electoral system should be so devised, as far as is humanly possible, to give an equality of representation to voters: in other words, that there should not be first and second-class citizens in this State. We are all first-class citizens and we are entitled to be treated as such in our electoral system. We are entitled to the privilege, in voting, of defeating the Government we do not want and of electing the Government we do want. In the course of time I have moved many similar motions and one or two Bills that have been aimed at securing our primary objective—a democratically elected House of Assembly. The Premier referred to Labor's advocacy of proportional representation. We did advocate proportional representation and we supported a measure in this House to bring it about.

The Hon. Sir Thomas Playford—You have supported it on numerous occasions.

Mr. O'HALLORAN—Yes, but the Premier would not have a bar of it.

The Hon. Sir Thomas Playford—You are coming around to my way of thinking.

Mr. O'HALLORAN—I should hope it was the other way about and that the Premier was coming around to my way of thinking, as he did on another important motion only last week.

Mr. Clark—He will be prepared to meet you halfway, I think.

Mr. O'HALLORAN—If he will meet me anywhere along the track I shall be happy to accept it as an improvement of the present iniquitous undemocratic system. The Premier seems to be interested in what we are advocating in the way of electoral and constitutional reform at present, so I will inform him. The constitutional and electoral policy of the Australian Labor Party is the reduction of the number of members of the State Parliament by three.

The Hon. Sir Thomas Playford—Reduction?

Mr. O'HALLORAN—Yes, and it is to be achieved by the abolition of the Legislative Council. The Upper Houses were abolished in Queensland and New Zealand years ago. Anti-Labor Governments could have restored them, but have not done so.

Mr. Jennings—An anti-Labor Government abolished the Upper House in New Zealand.

Mr. O'HALLORAN—Yes. There has been an anti-Labor Government in Queensland on two occasions since the abolition of the Legislative Council there in 1920, and the present Queensland Government has survived an election and has had four years in which to restore it, but it has taken no steps to do so. Indeed, it does not intend to do so.

Mr. Hutchens—They know wisdom when they see it.

Mr. O'HALLORAN—Yes. Because of the growth of population that has taken place in South Australia since 1938, when the present House of 39 members was constituted, there is abundant cause for more members in the House of Assembly. We therefore suggest that the House of Assembly should comprise 56 members representing single electorates, and that boundaries should be determined by an independent body with a tolerance of one-tenth over or under the average. That, of course, is the principle adopted in the Commonwealth and recommended by the All-Party Constitutional Review Committee as late as last year in the Commonwealth. I mention that only to inform the Premier and his colleagues. We do not hope at this stage to secure the true measure of electoral reform we have on our platform, but we hope, in view of all that has transpired in the past, to obtain some consideration in the establishment of a better system. That is why I did not include a "cut and shut" proposal in my motion: I wanted to give the House the fullest opportunity for consideration, reason and amendment.

I repeat that after this motion is carried it will be the responsibility of the Government to abolish the iniquitous zone system and bring about something more approximating democracy so far as electoral districts are concerned. My final point is that all men are equal, or supposed to be equal, under the law. That is a principle, of course, that is accepted by my Party; we believe in the rule of law and in the processes of justice. If we are to have a proper appreciation of the value of the rule

of law and if we are to have a complete confidence in the processes of justice, is it not obvious that all men should have an equal opportunity in making the law? I suggest that is the only way that fundamental electoral justice can be achieved, and I move the motion with confidence.

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

ART GALLERY ACT AMENDMENT BILL.

The Hon. B. PATTINSON (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Art Gallery Act, 1939. Read a first time.

The Hon. B. PATTINSON—I move—

That this Bill be now read a second time.

Its object is to increase the number of members of the Art Gallery Board from five to seven. The present members of the board are Sir Lloyd Dumas (Chairman), Sir Hans Heysen, the Honourable A. R. Downer, M.H.R., Mrs. E. W. Hayward and Mr. Ivor Hele—persons of the highest reputation and prestige in their respective fields. They are persons who travel widely, have varied interests and are fully informed as to the national and international trends in art. Their wide knowledge and experience are most willingly placed at the disposal of the board without remuneration. There are inevitably occasions when the other interests of members clash with meetings of the board, at each of which three members are required to constitute a quorum. The Government recognizes that this fact places a considerable strain on the members whose services to the board necessarily make heavy demands on their time.

The Government feels that an increase in the number of members would relieve the strain placed on the existing members and at the same time would facilitate the presence of a quorum at each meeting of the board. Clause 3 repeals section 5 of the principal Act and enacts in its place a new section under which the board (of five members) as presently constituted is continued until January 10, 1961, when the number of members is increased to seven. January 10, 1961, has been selected as the day on which the change is to take effect as that day is the most convenient for administrative reasons.

Mr. CLARK secured the adjournment of the debate.

SALARIES ADJUSTMENT (PUBLIC SERVICE AND TEACHERS) BILL.

His Excellency the Lieutenant-Governor, by message, recommended to the House of Assembly the appropriation of such amounts of the general revenue of the State as were required for the purposes mentioned in the Bill.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to make provision for the adjustment of the salaries of officers of the Public Service and teachers in certain circumstances.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

Its object is to authorize the payment to officers of the Public Service or teachers of increases in salary in such cases where such increases are made retrospective and an officer or teacher has retired betwen the date when the increase becomes effective and the date of **publication of the classification**, return or award.

From time to time the Public Service Board or the Teachers Salaries Board awards an increase of salary dating the increase back to an earlier date sometimes covering a period of some weeks or months. Before the award actually comes into operation an officer or teacher may have reached the retiring age and thus is not an officer of the Public Service or a teacher at the time the award comes into operation. The Government has been advised that in such a case the retired officers or teachers cannot legally be paid the increase in respect of the period which elapsed before their retirement. The Government believes that such officers should receive such increases which they would have received in any event had they not reached the retiring age. Such officers have in fact been on duty during the period to which the increase was applicable. The Government is therefore introducing this Bill to cover such cases.

Clause 3 is the operative clause. It covers, by subclause (*a*), the ordinary case of retirement. Subclauses (*b*) and (*c*) cover the case

where an officer or teacher has retired or died between the date when the increase became applicable and the date of publication of the award. In these cases the officer or teacher or his personal representatives are granted a cash payment in lieu of long service leave not taken. The amount payable is calculated at the rate at which the officer was being paid at the time of his retirement or death. A separate subclause (*c*) is required to cover the case of death of an officer because the provisions of the Public Service Act in relation to death occur in a different section, while in the case of the Education Act the same section covers cash payments on retirement and on death.

Provisions on similar lines to those in clause 3 were included in an Appropriation Act in 1955 but were, of course, limited to one particular increase. To avoid the necessity of making special provision in Appropriation Acts from time to time the Government is introducing this Bill so that the provision will apply automatically in all future cases. Clause 4 makes the appropriate provision to cover the case of persons on long service leave of absence who reach the retiring age at or before the expiration of such leave. Clause 5 contains the necessary appropriation, and clause 2 of the Bill gives it a retrospective operation to March 6 of this year, the day before the most recent general increase became operative. This will cover any cases arising out of increases which were awarded with effect as from March 7.

Mr. FRANK WALSH secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL.

His Excellency the Lieutenant-Governor, by message, recommended to the House of Assembly the appropriation of such amounts of the general revenue of the State as were required for the purposes mentioned in the Bill.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to amend the Supreme Court Act, 1935-1958.

Motion carried.

Resolution agreed to in Committee and adopted by the House.

PRICES ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Prices Act, 1959. Read a first time.

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

Its purpose is to extend the prices legislation in this State for another year. As I have noticed that there has recently been some discussion on whether it is necessary to continue price control in this State, I think that on this occasion it may be advisable to go further than in recent years, when a rather short discussion has taken place on this measure. I wish to correct one or two often made assertions regarding prices legislation in this State. I frequently see and hear it stated that this legislation was brought in as a wartime measure, and that as the war has now been over for many years, and there is no justification for it in everyday affairs, it is about time we got rid of it. Let me say that this legislation was not brought in as a wartime measure: it was brought in after the war, after the High Court had held that the Commonwealth legislation, which was applicable during the war, could no longer operate because the war was over. The legislation was brought in after the war to deal particularly with circumstances arising immediately from the war, some of which, incidentally, are still with us.

I frequently hear the argument that it is unusual and that it is detrimental to business activity generally. My mind goes back to previous occasions when that argument has been advanced. I have done some small amount of research in the matter and find that prices legislation is not only not unusual but is legislation which goes back as far as Magna Carta, which provided for legislation dealing with two specific commodities that were evidently considered important in those days—bread and beer. I think the price of beer was fixed at 1d. a gallon.

Mr. Lawn—The price of labor is still controlled.

The Hon. Sir THOMAS PLAYFORD—It is not true to say that price control is an unusual type of legislation. There is scarcely any country in the western group of countries today—I cannot speak with assurance about Communist countries—which does not in some way effectively control certain business activities, whether it be in the form of a control

of monopolies or a control of prices. In some 52 countries the control takes the direct form of control of prices. America has a Federal Act, probably the most stringent Act on the Statute Book of any country, which deals specifically with the question of monopolies and has a very wide ambit covered by the definition of "monopolies".

Mr. O'Halloran—It is much more restrictive than anything we have here.

The Hon. Sir THOMAS PLAYFORD—Yes. I therefore at the outset refute the two arguments most frequently used regarding price control: firstly, that it was adopted as a wartime measure, and secondly, that it is unusual legislation. It is frequently stated that other States have abandoned price control. Again, I point out that what has so frequently happened in other States is that the legislation has been left on the Statute Book but commodities have been decontrolled on the express condition that if excesses take place the operation of the Act will immediately be resumed. For example, the Premier of Victoria has frequently stated that if the wholesale price of petrol in Victoria exceeds the wholesale price in South Australia he will immediately take action in the matter. Recently, an attempt was made in New South Wales to raise the price of petrol, and the Premier of that State said that if that happened he would immediately reintroduce control to reduce the price again. It is therefore not in accordance with fact to say that price control has been abandoned by the other States. I admit that the other States have rather leaned upon the investigations that have taken place in this State for the decisions that they make, but the fact remains that they have not abandoned price control.

Mr. O'Halloran—They have relied on the threat rather than the action.

The Hon. Sir THOMAS PLAYFORD—It is frequently stated that in these times it is no longer necessary to continue price control; that price control is necessary when there is a shortage of goods or when there is no free competition, but otherwise price control is no longer necessary. We frequently hear that stated as a reason for getting rid of price control. I accept that as being a reasonable statement: provided there is real competition and a reasonable supply of goods, there is, in my opinion, no necessity at all for the State to take any action in the matter. However, I point out that competition today is not, in all cases, free competition.

That is the very point I emphasized: that competition is not free competition. I know from personal experience that all sorts of arrangements are made between various organizations regarding business activity. Many of those arrangements are not detrimental to the public and many have a stabilizing influence upon prices; they do control prices. So the people who so frequently say that they do not favour price control do not really say what they mean. They mean that they do not favour Government price control, which is something different.

Mr. Lawn—That's right.

The Hon. Sir THOMAS PLAYFORD—Some associations do in fact control prices effectively and in many instances they do not control them to the detriment of the consumer. Price control can be used either to the advantage or to the detriment of the consumer.

In those circumstances, I do not believe there is any harm in the Prices Commissioner having the authority merely to check and see what is the position regarding these activities. In my opinion, some of them tend to inflate the prices of commodities. In those circumstances, there is ample justification for the continuance of the Prices Commissioner's operations. Be that as it may, in the case of many commodities, some of them of tremendous importance to this community, at present there are tacit agreements between sections of the organizations controlling the prices that may be charged for those commodities. How frequently have groups of people come to me as a deputation asking for a commodity to be decontrolled! They may represent, for example, the wholesalers or the manufacturers of that particular commodity. They say, "We can give you an assurance, Mr. Premier, that, if you decontrol these items, it will save us all the trouble of conforming with the Act, and the consumer will not be in any way detrimentally affected." I say to them, "That's all right from your angle; you are the manufacturers, but how about the retailers?" They can say, "Mr. Premier, we have absolute control over the retailers", showing immediately that they have in fact established a control over them. It may not be detrimental but the fact still remains that they show it conclusively, and they even give an undertaking in writing that they can control the end price of the product.

So I say without hesitation that the price control we are exercising in South Australia is, in my opinion, detrimental to no-one. For many years the Prices Commissioner has given determinations. Often I have had occasion to

check on them, and I have never yet found his price determinations not to be reasonable and just. If there had been any suggestion that the Prices Commissioner through any advice at all had not given a just decision, I am sure we should have had in one or other of the two Houses a question on that. But Parliament goes on from day to day, both sides of politics being represented, and the community as a whole has learnt to respect the operations of the Prices Commissioner and his officers who, I believe, are officers of integrity who have exercised their functions with great fairness.

Another argument used on price control is that it has battened down on business activity, and the fact that this State has price control has meant that other enterprises that would have established here have not done so because we have the "Playford Government". That is an argument used by various people from time to time, but that argument disproves itself. No argument immediately becomes so apparently ridiculous as that one, because let it not be said by anybody that any State has more business activities coming to it than has South Australia. At present, we are bursting at our seams with new business activity coming into this State—and, I might add, for the benefit of the Leader of the Opposition, not all in the metropolitan area, either! At present new enterprises with a capital value of not less than £100,000,000 have announced their intention of establishing works in South Australia. There is not one State that percentagewise can show any figures to approach that.

Mr. O'Halloran—There is hope for the country yet!

The Hon. Sir THOMAS PLAYFORD—Yes, and even for the Leader of the Opposition! No-one for one moment suggests that South Australia is not forging ahead. No-one for one moment suggests that percentagewise we are not increasing in population more quickly than any other State. In a very short time Adelaide will have overtaken Brisbane and become the third city in size in the Commonwealth.

Mr. Lawn—Who is responsible for that?

The Hon. Sir THOMAS PLAYFORD—If I may take up that interjection, again in spite of the honourable member for Adelaide!

Mr. Lawn—No, he is not responsible! He does not claim the responsibility.

The Hon. Sir THOMAS PLAYFORD—If there is any argument that apparently falls down under its own weight, it is this one because, fortunately, the Commonwealth Statistician has done some research in this matter. He has issued figures about business activity in South Australia, comparing it with that of the other Australian States. These are not my figures but those of the Commonwealth Statistician. They prove conclusively that, far from business activity being adversely affected in South Australia, the fact that we have had reasonable prices and that the commodities have been available under reasonable conditions in South Australia has helped business activity expand.

Let me give honourable members some figures. They are the comparative percentage increases in the value of retail sales in all States for the four quarters ended March, 1960, over the corresponding quarters for the previous year, as taken from the Commonwealth Statistician's figures. I ask honourable members who question this matter to listen to them. They are as follows:—

	Increase for quarter ended—			
	June 1959. Per cent.	September 1959. Per cent.	December 1959. Per cent.	March 1960. Per cent.
South Australia	9.8	11.0	11.9	13.1
Victoria	5.5	4.3	6.3	5.4
New South Wales	4.0	6.0	5.6	8.4
Queensland	6.9	8.0	8.5	8.8
Western Australia	3.2	7.1	7.6	13.0
Tasmania	6.9	1.7	3.9	3.4

I have given those figures in full so that they may be included in *Hansard* for honourable members to analyse. If they analyse them, they will see that in South Australia, notwithstanding the worst drought in our history, we had had the most progressive figures of any State for every quarter.

Mr. O'Halloran—Can the Treasurer explain the wide disparity in the Western Australian figures as between one quarter and another?

The Hon. Sir THOMAS PLAYFORD—No, but all sorts of factors enter into it. These figures have to be analysed intelligently and they cannot all be taken merely as a complete

indication of that much increase in business activity, because adjustments in prices would have to be taken into account though that factor would be fairly uniform in all States. Still, these figures of themselves surely refute, as nothing else can refute, the suggestion that business activity in South Australia has been affected detrimentally because we have had price control.

The fact that we have had stability in our economy to a greater extent than any other State in the Commonwealth has been the determining factor in so many industries coming here. Can anybody imagine for one moment that it is any advantage to us here to take off the controls that we have exercised, particularly over the cost of housing, and to allow the cost of housing, as it would immediately, to assume a level probably £500 higher for each house than at present? What advantage is that to anyone? Obviously, it would be detrimental to industry and to commerce because that increase would have to be met by weekly rentals, and everything taken out for weekly rentals means so much less for the business activity of the community. I refute completely the suggestion that price control—and I have studied this matter and have all sorts of documents here that I could make available to honourable members—has in any way impeded business activity in South Australia. In fact, we see on every hand business activity being accelerated by the very fact that in South Australia we have been able to maintain an equilibrium and more stable conditions than are possible in some other States.

Another argument for the abolition of price control is that the C series figures do not indicate that we gained a material advantage by maintaining price control last year. It is said that our figures were up by 7s. last quarter. That is true. I shall not go into the C series calculations, because criticism can be levelled against them. However, beef, unfortunately, has a high rating in the C series index (about four times the actual consumption of beef in the community). Government housing is completely eliminated from the C series index, which does not take into account any house ownership figures. Let us examine the 7s. increase last quarter. Of that amount, 5s. 10d. was directly attributable to meat. If we took meat out, the cost of living increase in South Australia was the lowest in the Commonwealth. Meat is an uncontrolled item and last year it was subject to most difficult conditions because of the drought. America was buying beef at high prices and it was virtually impossible for the producers to provide beef for local consumption.

Country members know that at present the primary producer, in the main, is getting reduced returns from his activities and that every day the margin between what he receives and what the consumer pays widens. This Parliament has a duty to see that both the consumer and producer are adequately protected. Milk producers have welcomed the fact that the Milk Board has been established to examine the prices to be paid for milk and the costs of production. That has meant the preservation of our dairying industry which was in a deplorable condition.

I believe there is a strong case for the continuance of price control. I control this department and can speak with complete knowledge of it. I frequently ask the Prices Commissioner to justify his reasons for continuing price control on articles and if he cannot show clearly that some public advantage will be served by continuing the control I immediately take up with Cabinet the question of having the articles decontrolled. Price control is retained not merely because we want control, but because some advantage is to accrue from it.

From time to time a most undesirable business activity, designed in the main for the exploitation of old people, crops up. If one thing has justified the continued existence of the Prices Commissioner more than any other, it is that he has been able to move these activities on to another State. He has protected the old people and has rid this community of an unscrupulous type of exploitation. I have a docket containing many cases of this nature. I do not propose to quote them, but as an example I shall read the first letter in the file. It states:—

> I am writing to let you know how pleased I am for the services rendered on my behalf by the members of your staff. I approached the price control about three weeks ago, seeking advice in the matter of a hearing aid, and was given prompt and courteous attention by the gentleman I saw. Owing to the intervention of ——— I was able to get satisfaction, which I am sure would not have been forthcoming otherwise. I am now getting the aid for £20 less than the original price of £69 10s. plus no terms charge and low monthly repayments. I couldn't get a fairer offer anywhere else, I don't think. This is just a short note to let you know how grateful I am and if you need any particulars about the case I will be glad to supply them to you.

Another case in my file reveals a refund of £297, and another £98.

Mr. Ryan—Were there any prosecutions in those cases?

The Hon. Sir THOMAS PLAYFORD—In the main these items were not under price control. Hearing aids are not controlled. However, when officers of the Prices Branch take up a case they have fairly strong powers and they are able to see that justice is done.

Mr. Ryan—What was the £297 refund on?

The Hon. Sir THOMAS PLAYFORD—I do not know offhand, but it would probably be on some building contract. Most members have approached me with some case and on investigation substantial rebates have been paid. Price control has not been detrimental to the business activity of this State. Our economy has never been stronger nor have we ever had better prospects of increasing our industrial activity. We have never had a higher level of development, not only in secondary industry, but in country areas. These factors have arisen because of our stable economic conditions. We have industrial stability and our industrial record compares favourably with the records of other States. We cannot have industrial peace unless we try to protect the wage earners just as we have protected other sections of the community. I hope members will support this Bill to enable the legislation to continue for another year.

Mr. O'HALLORAN secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL.

Read a third time and passed.

HIRE-PURCHASE AGREEMENTS BILL.

Returned from the Legislative Council with amendments.

KIDNAPPING BILL.

Adjourned debate on second reading.

(Continued from August 30. Page 835.)

Mr. DUNSTAN (Norwood)—I support the second reading of this Bill, although I do so with serious misgivings. At this stage I indicate that, unless certain fairly substantial amendments to the proposal before the House are carried in Committee, I shall be constrained to vote against the third reading. Every member must have felt shocked by the Thorne case in Sydney, horrified that this previously American-type crime should have shown itself within our shores, and seized with the necessity to provide substantial deterrents for persons likely in the future to go in for this sort of thing. We all must have felt great sympathy for the father and mother of the unfortunate child and realized how we would have felt in their place had something like this happened to us, but I think the proposal before the House is a fairly good example for members of the unwisdom of rushing into an amendment to the law without giving adequate consideration to all its implications.

The Bill is an extremely wide one indeed: it not only deals with matters of kidnapping, but substantially alters the common law in numbers of regards to the considerable detriment of cases relating to custody. It limits the possibilities of the Supreme Court acting, as it normally does, in cases of what is called *parens patriae*—the right to see that custody is exercised in the best interests of the child concerned. It completely alters the common law on the right of a person under 21 to determine his own custody. At the moment a boy over the age of 14 years or a girl over 16 years is prima facie able to determine what his or her custody shall be; no writ of *habeas corpus* can be issued by the parent, and the court will not entertain such a writ if the child determines that custody shall be other than by the parents, which has happened when parents have tried to exercise custody improperly. This Bill completely alters that, however, under the guise of intending to deal with cases of kidnapping. Clause 2 (1) provides:—

> Any person who, whether for ransom, reward, service or for any other purpose whatsoever, unlawfully leads, takes, decoys, inveigles or entices away, abducts, seizes, carries off or detains any person without his consent or with his consent obtained by fraud or duress to the intent that or whereby such person may be or is held, confined or imprisoned or prevented from returning to his normal place of abode or sent or taken out of the State shall be guilty of felony and liable to be imprisoned for life and may be whipped.

That is in substitution, apparently, for section 80 of the Criminal Law Consolidation Act. It does not repeal that section, which will remain on the Statute Books, but as this clause is a so much wider provision we may now presume that section 80 will be superseded. Section 80 of the Criminal Law Consolidation Act provides:—

> (1) Any person who—
>
> (*a*) unlawfully, either by force or fraud, leads, takes, decoys, or entices away or detains any child under the age of fourteen years;
>
> (*b*) harbours or receives any such child, knowing him or her to have been by force or fraud led, taken, decoyed, enticed away or detained,

with intent—

(i) to deprive any parent, guardian, or other person having the lawful care of such child of the possession of such child; or

(ii) to steal any article upon or about the person of such child to whomsoever such article may belong,

shall be guilty of a felony, and liable to be imprisoned for any term not exceeding seven years.

However, a protection is given in subsection (2), which provides:—

This section shall not render liable to prosecution any person who, in the exercise of any bona fide claim to the right to possession of any child, whether as the mother or father of a child which is illegitimate, or otherwise, obtains possession of any child or takes such child out of the possesion of any person having the lawful charge thereof.

If any person, without any right granted to him by law or order of the court, nevertheless on a *bona fide* claim of right, takes a child away he is not to be prosecuted. However, that protection is not given in this Bill.

Mr. Riches—Doesn't it say "unlawful"?

Mr. DUNSTAN—I know it does, but it may be without lawful authority. This might easily happen. Custody cases come before the courts all the time where, in fact, the person who is exercising a *bona fide* claim to possession of the child is a complete stranger in blood, and the court upholds the right of that person to have custody and refuses to grant the parents *habeas corpus*. I have had some cases this year; I have one currently.

Mr. Riches—Wouldn't that be lawful?

Mr. DUNSTAN—No, it is not lawful, because it has no basis in law until an order is made.

Mr. Millhouse—Could you give an example?

Mr. DUNSTAN—Yes. In many cases at some stage of the proceedings a child has been in the custody of a stranger in blood. The parent, who prima facie in law has the right to the custody of the child (and this is what the law presumes until an order is made to the contrary), gets the custody of that child by force or by some other means. The child goes to the strangers in blood who at some time have had its custody. Since, under this proposal, no child can be deemed to consent to being led away, if that person were to harbour the child or see him in the street and take him away—as happens quite commonly—that person would be guilty of an offence under this clause.

Mr. Riches—Would that be unlawful?

Mr. DUNSTAN—Yes, because there is prima facie no lawful right until an order has been made or the court has refused a writ of *habeas corpus*.

Mr. Millhouse—Is it necessarily a bad thing that it should be an offence under this clause?

Mr. DUNSTAN—I think it is a very bad thing. What is the position at the moment? It is that where there is a custody question, if the child is legitimate, the parents may apply to the court under the Guardianship of Infants Act. Where the child is illegitimate, the parent may obtain a writ of *habeas corpus* or apply for an order to show cause why a writ of *habeas corpus* should not issue. The court then goes into the whole matter and awards the custody to where the child's best interests lie. That is the thing that exercises the court. I had a case earlier this year where the mother of an illegitimate child had placed the child with people who were complete strangers in blood. In due course the mother married, having seen the child from time to time, but the child has not been told that she was his mother.

Mr. Jenkins—It was not legally adopted?

Mr. DUNSTAN—No. There was no legal right. When the mother was married—not to the father of the child but to a complete stranger—she took the custody of the child physically. The people with whom the child had been living moved away and the child went with them. Under this clause those people could very well be charged with an offence.

Mr. Millhouse—I asked whether that was a bad thing.

Mr. DUNSTAN—Of course it is a bad thing. In that case the mother issued proceedings for *habeas corpus*. The matter came before Mr. Justice Reed who, after an exhaustive inquiry, decided that it would have been a very bad thing and that there could have been detriment to the child had that child remained with the mother. He refused to uphold the application for *habeas corpus* and left the child with the people who were complete strangers in blood to him. There is one way in which we could cope with that, and that is to write in "without any *bona fide* claim to custody" after the word "unlawful". If those words are inserted I think we will have something like the protection there is in the Criminal Law Consolidation Act, but otherwise we will be completely altering the normal administration of justice which the common law and Chancery courts have built up over a period of years, and which has been found to work well for the benefit of children. By this process we are depriving the court of its normal methods of investigating what is best for a child, and that is something

that we ought not to do: it is a very important jurisdiction exercised by our courts today. I now turn to my second objection in relation to clause 2. Subclause (2) provides:—

A person under the age of eighteen years shall be deemed incapable of consenting to being led, taken, decoyed, inveigled or enticed away, abducted, seized, carried off, detained, held, confined or imprisoned.

I believe that is wrong. It completely alters our common law. At the moment when a boy reaches the age of 14 years, or a girl 16 years, he or she is deemed to be able to decide for himself or herself where the custody ought to be, in the absence of some evidence to the contrary. If, of course, they are acting foolishly or improperly, or they have fallen into bad company or the like, the court on investigation may decide that they have not reached the years of discretion and may make an order, but otherwise it will take into account the wishes of the children in relation to custody. This has been a long-established practice in the courts of Chancery and time and time again they have said that they will concern themselves with the wishes of children. Prima facie, *habeas corpus* will not be granted where a boy of the age of 14 years or a girl of the age of 16 years wishes to remain in their present custody. The Bill alters that and says that no-one under the age of 18 years can consent to going into some custody other than that of the parent or guardian. I think that is wrong, that it can work a grievous hardship, and that it can completely alter the previous course of the law. I agree that we can say that a person under the age of 14 years shall be deemed incapable of consenting: that is, he cannot consent willy-nilly in law to this inveigling or enticing away but, after that, I believe it should be a question of fact—whether they did or did not agree to go. If there is force or fraud, of course, no consent is involved, but, where they have freely consented and are of years of discretion to consent, we should not interfere with the already established practice of the law.

My third objection to clause 2—and this also applies to clause 3—is the provision for a whipping. Members on this side of the House are irrevocably and bitterly opposed to floggings. We believe that they are a complete relic of barbarism, that they serve no useful purpose, that the punishment of life imprisonment is as grave a punishment as one could get and is completely sufficient to act as an adequate deterrent. I think that imprisonment for the term of a man's natural life is as grave a punishment as one could get, and I do not believe that the State should involve itself in types of punishment that are normally abhorrent. Punishment is not a matter of revenge. It is not something that should arise out of a person's perhaps not unnatural feelings that he should do to the perpetrator of a crime what that person has done to someone else, or something like it. If that is to be the basis of our penal system we might as well go in for hanging, drawing, and quartering. If punishment is to be on the basis of exercising deterrents and of imposing grave punishments for grave crimes—and I believe they are the two bases apart from reformation—then imprisonment for life is as grave a punishment as one could get, because it wreaks retribution on the offender and exercises a considerable deterrent effect. From time to time I have heard statements made by prison authorities in this State that if a man is whipped he does not come back a second time.

Mr. Millhouse—You have had an answer on that.

Mr. DUNSTAN—Yes, and in fact it has shown that on occasions they do come back a second time. It cannot be shown that whipping has an extraordinary deterrent effect. It has no greater deterrent effect to recidivism than has life imprisonment. Indeed, it is unlikely to have anything like as deterrent an effect as imprisonment for the term of one's natural life, because in those circumstances he is in there for good until and unless the Government decides, on the recommendation of the Sheriff, that he is so far a reformed character that he can be safely released. So far we do not have any evidence to show that imprisonment for life has a less deterrent effect than a whipping, and if it is an adequate deterrent then we ought not to go in for forms of punishment which most countries, and certainly all members on this side of the House, find medieval. I have a further objection to the clauses of the Bill as they stand. Clause 3 (2) states:—

Any person who directly or indirectly and whether by letter, writing, word of mouth or any other medium whatsoever threatens the life, health, safety, security or well-being of any other person or of any relative or friend of that person or of any member of that person's family or the safety or security of the property real or personal of any such person, relative, friend or member of family, shall be guilty of felony and liable to be imprisoned for life and may be whipped.

I find that proposal completely extraordinary, and I do not know what it aims to do. According to the explanation of the Bill, it is to

cover oral threats, but oral threats for the purposes of the kidnapping are covered in clause 3 (1) which states:—

Any person who directly or indirectly and whether by letter, writing, word of mouth or any other medium whatsoever demands any property, chattel, money, valuable security or other valuable thing of any person with menaces or threats in relation to the life, health, safety, security or well-being of the person from whom the demand is made, or of any other person or to the safety or security of the property real or personal of either such person shall be guilty of felony and liable to be imprisoned for life and may be whipped.

What, then, is subclause (2) for? It states that anybody who makes any threat to any other person or to his property is likely to be imprisoned for life and may be whipped. We had an example of this type of thing in the House this afternoon: the member for Adelaide (Mr. Lawn) cited to the Premier a letter from an inquiry agent who said that he was going to seize certain property without a warrant, or at least not under the terms of a warrant. It was a poor show that an inquiry agent should make a suggestion of this kind, and I have no doubt, knowing that particular inquiry agent, that it was made by mistake. The member for Mitcham knows the inquiry agent involved; he is very well regarded, and I am sure that his suggestion would have been made by mistake. However, under this provision this man would be liable for life imprisonment and a whipping.

Take the case of a man who has somebody next door who in mistake builds a tank stand and puts a tank slightly encroaching on his property. He may write to the man next door and say "Unless within seven days you remove the tank stand and tank I will remove it; I will do what I can, but if it gets a little damaged in the process I will not be responsible for the security of the property." He may face a prosecution under this provision. We are going much too far with such a proposal. If clause 3 (2) of this Bill is designed to catch people who are aiding or abetting kidnappers, I point out that that is already provided for in our law. Any accessory can be punished the same as a principal, so there is not the slightest reason for this sub-clause for that purpose. The Premier, in his explanation said:—

A person might telephone a parent suggesting that if a sum of money were not paid something might happen to a child or a relative or that something might happen to certain property. The object of clause 3 is to cover possible cases of this kind.

Subclause (1) covers cases of this kind, whereas subclause (2) covers not only threats, whether accompanied by a demand of property or not, but all sorts of other threats relating not only to kidnapping but to everything, and they may be not abnormal things at all. In the ordinary course of one's business one may say, "If you don't do something I intend to take some action in relation to your property." If a matter is connected with kidnapping it is covered by subclause (1) in any event. I cannot see the purpose of subclause (2); I think it is far too wide and goes much too far. I think that instead of leaving those sections as they are and providing a completely new set of sections which are so much wider that it leaves people with alternatives as to what they are to come under, it would have been far better had a Bill been introduced to amend the relevant provisions of the Criminal Law Consolidation Act which already deal with such matters as child stealing and obtaining money by menaces or threats. Apparently, the provisions of the Criminal Law Consolidation Act are to remain on the Statute Book but become virtually redundant. I do not think that is a satisfactory way to legislate. I feel it would have been far better to have amended the Criminal Law Consolidation Act by going specifically to those provisions which would need amending to provide for greater penalties, by extending it to any cases of possible kidnapping which are not covered, and by leaving there all provisions that have been placed in there by the time-honoured tests of the law over the years. That is not being done, and I feel that the result can only be that we should make substantial amendments to this Bill. I have drafted amendments that I shall move in Committee. I believe the House should take some time to consider this matter. I had hoped that time would be given me to allow the amendments to be printed and to allow honourable members to examine them at leisure In consequence, I ask leave to continue my remarks.

Mr. Shannon—No, give us all a chance to speak.

Mr. DUNSTAN—If the honourable member wants to take on the thing at this stage I am quite happy.

Mr. SHANNON (Onkaparinga)—I am surprised at the suggestion that members should be denied the opportunity to speak on this matter today. I think the honourable member who has just resumed his seat is under some misapprehension regarding this legislation,

which has no bearing on the Criminal Law Consolidation Act, but is an entirely new law introduced specifically for a set of circumstances, which, fortunately for us in this country, are new to us. We had the first example, unhappy as it was, in New South Wales, and we fear that such a thing could extend into other States. We are, therefore, taking steps, very wisely in my opinion, to make it known to those who might enter this field of crime that it will not be a very profitable venture. That is the answer, first of all, to the member for Norwood in his criticism of this law as it relates to the existing law. We do not want to alter the existing law, nor is that the Government's intention.

Mr. Dunstan—Of course the Bill alters the existing law.

Mr. SHANNON—It does not. The member for Norwood mentioned various offences for which a penalty of whipping is prescribed. Whipping is apparently anathema to the member for Norwood. However, the offences he listed would be under the Criminal Law Consolidation Act and not under this law at all.

Mr. Dunstan—You apparently don't know how the courts interpret laws: those headings are not taken into account.

Mr. SHANNON—Thank goodness the member for Norwood does not interpret my law for me. After his explanation this afternoon, if he sought my custom I would not offer it to him.

Mr. Dunstan—I assure you I would not seek it.

Mr. SHANNON—The honourable member would be looking at a very barren field for labour. Obviously, to the lay mind, there is no mention here of any other Statute: this is a separate Act. If passed, it will become part of our Statute law and have no bearing on existing law at all. I think the member for Norwood seeks what I call an obtuse angle to attack this law. He does not like certain aspects of it. I do not complain about that, for he is entitled to his views regarding corporal punishment. In my opinion, we are dealing with the sub-human type of criminal. The Graeme Thorne murder was the worst thing that has happened in the criminal history of Australia. I do not think even the animal kingdom could give us an example of anything so savage as what happened to that small boy. It is almost beyond human belief that that sort of thing could occur in any sort of society, civilized or otherwise. I do not believe for a moment that it would occur in what we classify as uncivilized society. Their tribal law would see to things such as that. In the Thorne case the unfortunate parents were unlucky enough to have received a windfall. I suppose it was the unluckiest thing that ever happened to them. One does not have to have a windfall for this kind of thing to happen. In other parts of the world, all that has to happen is for one to have plenty of this world's goods.

As to the complaints of Mr. Dunstan concerning the list of offences for which a man can be apprehended and receive imprisonment and a whipping, which are so obviously necessary in this field of felony, I should not think that anyone would complain. Under the criminal law I understand that no such thing as oral evidence is permissible. One cannot say, "A man said to me . . . " and prove that he said, "I will do certain things to your property if you do not give me so much money." I may be wrong.

Mr. Dunstan—Yes, one can. The Criminal Law Consolidation Act at the moment deals only with written menaces, but could be amended to include oral menaces.

Mr. SHANNON—One can make an oral menace. In other words, one can ring up an unfortunate parent and say, "Unless I receive a certain sum in a specified time at a given point I intend to do something to your property, or kidnap one of your children." That is not an offence at law at the moment, but it is under the Bill, and very desirably so. It is very difficult to prove such an offence, and I admit the difficulties in the way of getting the evidence that would satisfy the court that such oral threats were made. However, if the court were satisfied that an oral threat was made, in my opinion it has some force, and it is intended to have the same force upon the intended victim as a written threat.

Mr. Dunstan—No-one disagrees with that.

Mr. SHANNON—As it is so intended, it appears to me that it is the same evidence and the offender should receive the same punishment, and under the Bill it will be the same punishment. A section of the public is opposed to any form of corporal punishment. Unhappily they do not take account of certain types of people. I call them subnormals, a rather euphonious name; I could call them worse, but it would be unparliamentary. There are brutal types who will stop at nothing. I refer to those who threaten their fellow men with some type of weapon—it may be a gun or a knife. They will stop at nothing to gain

their goal. Those who enter the kidnapping field are even of a worse type, and would not stop even at murder. Poor little Graeme Thorne was murdered for one reason: to prevent his giving a description of the offender to his parents or to the authorities. Had a little more astuteness been used by certain people in handling this case, and I refer to a wide section of the public, I believe the boy would still be alive.

I do not want to be unnecessarily harsh in condemning any one section of the public, but grave mistakes were made. Perhaps there are some factors about it which require that we should forgive these people for making errors, because it was the first case of its kind in Australia. I am convinced that a method could have been adopted whereby the life of this child could have been saved, even if a certain sum of ready cash was lost and even if the person responsible could not have been apprehended. I still say that it would have been cheap to save the boy's life, even at the cost of thousands of pounds. I do not suppose that the parents think that the £100,000 won is compensation for their present sadness.

I believe that this case could have been handled in such a way that the criminal would have had a very uneasy time when he got his swag, and I would have been willing to give it to him. He would have had an uneasy time in holding his swag and hiding it from the authorities. That is when the hue and cry should have been raised: when the authorities got the boy back in his own home. Any father or mother would be frightened to think that such a thing could happen, and that some criminal could threaten them. In my opinion property is a secondary consideration, unless there was a threat to put a bomb in one's home and blow up the family on one dark night. That brings murder into it. If it is a matter of stealing something unless "you give me a certain sum at a certain time", I do not think that such a threat would be looked upon as a thing we should concern ourselves as being so cruel, but when it comes to the question of the lives of children, I am vitally concerned. The member for Norwood made great play on certain aspects of the position provided in clause 2 (1) and referred to the words—

> Any person who, whether for ransom or reward, service or for any other purpose whatsoever, unlawfully leads, takes, decoys, inveigles or entices away, abducts, seizes, carries off or detains any person without his consent . . .

They are the words he should have regard to. The cases he brought before this Chamber were not of that nature. When he was asked for an example the honourable member quoted the case of a child who ran away from his home and went back to the person, no relation, with whom he had been living for some time.

Mr. Dunstan—Have you read clause 2 (2)? Have a look at it.

Mr. SHANNON—I was very patient with the honourable member when he was speaking. I want to explain my view of what the Bill intends to do. We are only dealing with cases where the criminal seeks to take from the parents' custody without consent, not only of the parents, but of the child concerned. The child has to be under 18 years.

Mr. Dunstan—No, he does not.

Mr. SHANNON—The clause says "without his consent".

Mr. Dunstan—This applies to anyone, whether he is a child or not.

Mr. SHANNON—Maybe. If the person alleged to have been abducted in actual fact was a consenting party and said, "I am coming with you"—

Mr. Dunstan—That is only for those over 18.

Mr. SHANNON—Under 18 applies to the child I was talking about. One can expect a grown person to be able to look after himself. This applies to a child who has not reached the age of discretion. This is what worries Mr. Dunstan, but does not worry me—

> A person under the age of 18 years shall be deemed incapable of consenting to being led, taken, decoyed, inveigled or enticed away . . .

I see great value in this subclause in this type of legislation when we are dealing with the question of special evidence. Obviously, any person apprehended and anxious to defend his case may seek by payment or threat to get the acquiescence of the allegedly abducted person that he was not abducted but went freely and voluntarily with the kidnapper. To prevent that collusion, I am certain that the court would try to elicit what went on between the criminal charged with the offence and the person concerned if he were approaching 17 or 18 years. He would probably have an acquisitive sense by that time. If a man faced life-time imprisonment with a whipping, he would consider it worth buying off the other person. He might be willing to pay even half the ransom to save himself from being found guilty by the court by getting the abducted person to agree that he was a willing party. I think that is why the clause was included. This criminal offence, which does not occur very often, is a source of concern to honourable

members when they are called upon to give an intelligent vote.

I realize there will be legal argument as to meanings. I am happy to listen to my legal luminaries in this Chamber, but I want to get the record straight on this Bill. I see no mention in it of any other law on our Statute Book. I do not think we repeal anything, but we propose to do something about the law as we hope it will be enacted in relation to kidnapping. Kidnapping is a crime that is new to us and is so abhorrent to the community as to merit all the punishment that this Bill lays down, including whipping.

Under our Criminal Code a whipping cannot be given to a criminal without due regard to his physical state. That precaution is always taken. We are not going to whip a man to death, as was the custom in the old, dark days. My view is that whipping is the one thing that will make a man remember. In these days going to gaol is like living the life of a secluded gentleman. I pay a tribute to the authorities at the Yatala Labor Prison, where everything is as comfortable as a gaol could possibly be. Certain things at Yatala are singular.

Mr. Quirke—What about Cadell?

Mr. SHANNON—There is a branch at Cadell, where the prisoners get into a field of punishment that enables some of them to come back into society as useful citizens. The Government should be praised for its approach to our penal laws. In the matter under review I do not think a court would order a whipping unless it felt that it was a justifiable penalty.

Mr. LAWN (Adelaide)—I support the Bill, but deplore the criticism of the member for Norwood (Mr. Dunstan) by the member for Onkaparinga (Mr. Shannon), who like me commends the Government for introducing the measure. It is our task to draw attention to any anomalies that we see in the Bill. Mr. Shannon may be a bigwig in legal matters, but I assure him that I have no great knowledge of the law. However, my experience in the courts of industrial law proves that the intention of the Legislature does not interest the court one iota. The court goes on what the Act says and any legal practitioner will agree that that is so. The *Hansard* report of the debate is of no value. It is useless to produce *Hansard* and point out what the Minister intended when he introduced the Bill, or what members intended when they debated it. The court is guided solely by the wording of the Act. In principle Mr. Dunstan supports the Bill, and so do I and Mr. Shannon, so there was no need for Mr. Shannon to attack Mr. Dunstan as he did.

I regard kidnapping the same as I regard murder. When it was suggested that legislation would be introduced to deal with kidnapping cases I wondered what the Government had in mind. Previously in this place I have condemned hanging. I have said that I do not condone murder. Life imprisonment (and I mean life imprisonment, not just a few years' confinement before release) should be the penalty for murder. Although the Government has consistently refused to accept suggestions in this Chamber to delete from our laws the penalty of hanging for murder, the Government has not included in this Bill such a penalty for kidnapping. I remember what has happened over the last 12 months in connection with various murder cases. In all instances where there has been a sentence of death it has been commuted to life imprisonment. No-one has been hanged in this State since the inquiry began into the Thevenard killing. I have no doubt that the Government has deliberately omitted hanging from this Bill, although I believe that it regards kidnapping in the same light as it regards murder. I take that omission to be an admission by the Government that it no longer believes in hanging as a penalty. If that is the attitude I commend it for including life imprisonment in this Bill. If I am right in my belief, the Government should be consistent and alter other legislation by substituting life imprisonment for hanging in murder cases. I disagree with the portion of the Bill that relates to whipping, because that is barbaric.

Mr. Jenkins—It is at the discretion of the magistrate.

Mr. LAWN—I am not too sure that Mr. Shannon was right when he said that a defendant was subject to a medical examination before being whipped. Nobody likes carrying out a whipping. I think those who carry out the sentence regard it with less favour than those who carry out the death sentence. I have had discussions with people who have actually seen what happens at a whipping. I have not seen a whipping and I can only visualize what happens. The Labor Party can only visualize the position, but it disagrees with the principle. I believe that nothing is too severe as a punishment to be inflicted on the kidnappers of Graeme Thorne, but I could not bring myself to agree to their being hanged or whipped, because those things are barbaric. They are not in accordance with

Christian principles. The offenders should be penalized and I would make them spend the rest of their lives in gaol.

Mr. Bockelberg—And a bonus for doing it.

Mr. LAWN—We have a sense of responsibility to the community and I am trying to put my views on this matter.

Mr. King—Do you object to the application of the birch by parents at the direction of the magistrate?

Mr. LAWN—Only children are concerned in those cases. The father is sometimes asked if he will chastise the child with a birch, but that is entirely different from a whipping. I do not know whether they use the cane in schools now, but they did when I went to school. I was caned and I saw other boys caned. But that is not what I am speaking about: that is not what this Bill provides. A caning is nothing. You just hold out your hand, and it all depends what the pupils are like and what the teacher is like. Sometimes we pulled our hand away. Sometimes one cut was enough; at other times we were made to put it back again and have another cut. It did not hurt, but a whipping does. It is a totally different thing. In a civilized community, we should be past those two penalties of hanging and whipping.

Mr. Hutchens—The Education Department administered by a Liberal Government abolished caning, except by headmasters, in the schools.

Mr. LAWN—As the honourable member for Hindmarsh reminds me—and I see the Minister of Education sitting opposite me now—a Liberal Government, not a Labor Government, through either the Cabinet or the Ministry of Education decided that the caning to which I was subjected when I went to school was so barbarous that it went out and has been discontinued for some years. Today, there is no caning in the schools. So one can only believe that the reason why caning is not carried out in the schools today is that the department feels that it is so barbarous that it has discontinued its use. Anyway, I did not rise to introduce that matter into the debate. I do not know whether or not the member for Chaffey (Mr. King) was being a little facetious in raising that, but it is not contained in the Bill.

Whipping is a totally different thing and the people who have to administer it regard it wholeheartedly as distasteful. The person whipped is then subject to a medical examination. We have seen photographs of what used to happen 100 or 200 years ago when whipping was carried out on board ship. It was carried out in the days when they brought convicts out here, but surely we have got past that.

Mr. Millhouse—I think we have, actually.

Mr. LAWN—I appreciate the interjection of the honourable member for Mitcham and hope that as a result of this debate we shall carry the second reading of the Bill and in Committee amend it—I am not going to say entirely along the lines suggested by the honourable members for Norwood and Adelaide, but I hope we can agree, as apparently the honourable member for Mitcham does, that whipping is barbarous and should be deleted from the Bill.

Mr. Millhouse—Don't jump to conclusions!

Mr. LAWN—Kidnapping can carry a penalty such as life imprisonment. Other matters were discussed by the honourable member for Norwood (Mr. Dunstan) and elaborated by the big legal wig, the honourable member for Onkaparinga (Mr. Shannon) who at the same time said he knew nothing about law and did nothing but contradict himself from start to finish. He commenced by attacking the honourable member for Norwood in his first few words. It will appear in the first few lines of the print in *Hansard*. He said that this Bill was in no way concerned with the Criminal Law Consolidation Act. The Premier introduced this Bill and no doubt he has had the advice of the Crown Law Department and the Parliamentary Draftsman's staff. In his second reading explanation he said:—

> The common law does, of course, make some provisions for the offence of kidnapping; that is, the carrying off of a person against his will or against the will of his parents, and the offence is punishable by fine and imprisonment. Our own Criminal Law Consolidation Act also provides by section 80 for the punishment of child stealing which carries a term of imprisonment for up to seven years.

This Bill and the Criminal Law Consolidation Act must be considered together. The Premier considered them together in his second reading speech. So, the honourable member for Norwood or any other honourable member must be perfectly in order in referring, in the one case, to the Bill now before the House, and, in the other case, to the Criminal Law Consolidation Act. That is the Act the Government will have to rely upon if this House and the Legislative Council do not pass this Bill. So, in order to secure a harsher penalty for kidnapping, the present Bill is submitted to the House; but we cannot say that there is no relation whatsoever between the Bill and the Criminal Law Consolidation Act, for the Premier himself referred to the matter in his second reading explanation.

Mr. Dunstan—Indeed, some sections are in similar terms.

Mr. LAWN—If it were not for the Criminal Law Consolidation Act, we should have a much longer Bill to cover this position. The Premier said yesterday that section 80 of the Criminal Law Consolidation Act provided so and so, and no doubt other sections of that Act provide for other matters which, were it not for that Act, would have to be included in this Bill. I think those matters are more or less minor, and there should not enter into this debate, as it did, criticism by one honourable member of another for referring to these things. We want only to be helpful and place a Statute on our books that will deal adequately with kidnapping. I assure all honourable members opposite that that is the position of members on this side.

When I heard what happened in New South Wales, I was perturbed to think what might be the position here, and the matter was raised in a question by the honourable member for Rocky River (Mr. Heaslip), who asked the Premier what the position was in our law, because we did read in the newspapers that the Government of New South Wales was going to amend its law. I was perturbed as to whether or not our law was adequate. No doubt the honourable member for Rocky River was too, and that is why he raised the question. We all feel the same. So there is no need to take the view that, just because someone is a lawyer or expresses some views, he should be condemned for it in that he is not trying to help. I assure all honourable members that we are endeavouring to help. I think the honourable member for Norwood pointed out some ways in which the Bill might be applied when it was not meant to.

Mr. Dunstan—Exactly.

Mr. LAWN—For instance, if this Bill could be applied in any way outside the actual case of kidnapping.

Mr. Dunstan—That's just it. It can interfere with the ordinary course of the law in custody disputes.

Mr. LAWN—I might go so far as to say that it could be used in the case of our gerrymandered electoral laws.

Mr. Fred Walsh—You would not object to that, would you?

Mr. LAWN—I do not know that I would object to its being used in that regard.

Mr. Quirke—Whom would you whip?

Mr. LAWN—I would not whip anyone. This Bill is pretty wide. It says:—

Any person who, whether for ransom, reward, service or for any other purpose whatsoever—

It does not matter whether it is for ransom, reward, service or any other purpose whatsoever—

unlawfully leads, takes, decoys, inveigles or entices away, abducts, seizes, carries off or detains any person without his consent

or if he should endanger the "life, health, safety, security" . . . My word, there is no doubt that the gerrymandered electoral laws of this State endanger the security, happiness, life and health of the people of this State! If any member doubts that, I can speak for the next hour or two in proving it.

The SPEAKER—The honourable member would be out of order.

Mr. LAWN—I do not know that I would. This afternoon the members for Onkaparinga and Norwood argued about how far this Bill went, and I am suggesting that it could probably go further than either of them visualized. However, this Bill is designed to deal with kidnapping. Throughout the police investigation of the Graeme Thorne kidnapping the kidnapper or kidnappers must have known every movement of the police. Until the boy's body was found every move was being broadcast and subsequently publicized in the newspapers. All the kidnappers had to do was to sit by the wireless or read the newspapers to have known exactly what information the police had and where the police were searching for them. I heard radio broadcasts concerning the sighting of cars in the Northern Territory, Queensland, Victoria, and even in our Upper Murray district.

Mr. Quirke—They could have been red herrings.

Mr. LAWN—It could have been false information purposely put out by the police and, if so, my criticism is of no weight, but I am inclined to think that that was not the case because a senior police officer in New South Wales, Superintendent Walden, said that he knew Detective Jones and that he would have every faith in his report when he received it from the South Australian authorities. If, however, misleading information was publicized I would support the police in doing everything they could to apprehend the culprits. If the information were accurate then the culprits knew every move of the police. We were able to hear and read that the child's case had been found in a certain locality at a certain time and that a big search was taking place within a specified area. The report of the finding of the body indicated that it was discovered within a few yards of where the child's case had been picked up, so it does not look as though those bulletins

were false. Many people to whom I spoke during the investigation said, "Whoever the guilty people are, they know every move of the police," and I agreed with them.

I express these views so that they might be passed on to the proper authorities. Something similar happened in the Thevenard murder. Until Stuart was arrested, information that somebody had been seen going to Thevenard in a taxi and so on was released to the press and broadcast. The person concerned had only to listen to the radio or read the newspaper to know exactly how to meet the situation: whether to lie low or to get away. I suggest that in future this information be withheld by the police and only information that would not be of assistance to the guilty person be released. Deliberately misleading information could also be publicized. I support the second reading, but hope that some of my doubts are cleared up in Committee, otherwise it may happen in future that when our deplorable electoral laws are removed I may be a member of the Cabinet that has to use any Statute to deal with members opposite who have inflicted upon the people of South Australia the gerrymandered electoral laws for so long.

Mr. MILLHOUSE secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 30. Page 840.)

Mr. O'HALLORAN (Leader of the Opposition)—I support the Bill, although there is one point I am not happy about. However, because of an important deputation this afternoon, I have not been able to consider it fully and I ask leave to continue my remarks.

Leave granted; debate adjourned.

MOTOR VEHICLES ACT AMENDMENT BILL.

Consideration in Committee of the Legislative Council's amendments:—

No. 1. Page 1, line 17, clause 4—Before the word "subsection" insert "(1)".

No. 2. Page 1, clause 4—At the end of the clause add the following new subclause (2):—

(2) Notwithstanding the repeal effected by subsection (1) of this section and notwithstanding section 105 of the principal Act, the liability of an approved insurer under Part IV of the principal Act arising out of the use of a motor vehicle prior to the commencement of this Act, shall be subject to any limitations prescribed by the policy of insurance as to the amount in respect of which the insured was indemnified at the time of such use.

No. 3. Page 2—After clause 5 insert new clause 6 as follows:—

6. Amendment of Second Schedule—(1) Paragraph (9) of Part A of the second schedule of the principal Act is amended by inserting at the end thereof the following sentence:—

"Provided however that nothing in Part IV of this Act shall be construed so as to impose any liability upon an approved insurer arising out of the use of a motor vehicle before the coming into operation of this Act in excess of the liability of that insurer at the time of such use."

(2) The amendment effected by subsection (1) of this section shall be deemed to take effect as from the passing of the principal Act.

No. 4. Page 2—After new clause 6 insert new clause 7 as follows—

7. Amendment of principal Act, s. 141—Section 141 of the principal Act is amended by striking out paragraph (*g*) thereof and inserting in lieu thereof the following paragraph:—

(*g*) That a person therein described had not, within a time or period therein specified, made or delivered an application to the Registrar under a specified provision of this Act, or had not given the Registrar notice under a specified provision of this Act:

Amendment No. 1.

The Hon. G. G. PEARSON (Minister of Works)—Speaking generally, the amendments to clause 4 deal with the retrospectivity of the operation of the Bill in order to provide that the new provisions do not overlap the old provisions.

Amendment agreed to.

Amendment No. 2.

The Hon. G. G. PEARSON—This amendment is to make it clear that the liability of approved insurers under the principal Act arising out of the use of a motor vehicle before this Bill becomes law will still be limited to £4,000 in respect of passengers. The amendment is intended only to clarify the position in this respect. Although the matter is not free from doubt it could be argued that the limit of £4,000 a passenger, while it will be removed completely in regard to accidents occurring after the passage of the Bill, will not apply in regard to accidents that have occurred prior to the passage of the Bill. I understand the amendment is acceptable to the House, and I move that it be agreed to.

Amendment agreed to.

Amendments Nos. 3 and 4 agreed to.

ADJOURNMENT.

At 5.34 p.m. the House adjourned until Thursday, September 1, at 2 p.m.